

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2004 MAR 22 PM 4 09

**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** ) **Subcase 43-02472**  
 ) **(Sun Valley Agribusiness Partnership,**  
**Case No. 39576** ) **LLC)**  
 )  
 ) **SPECIAL MASTER REPORT**

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**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims, Domestic and Stockwater and Irrigation and Other Water Rights, Reporting Areas 1, 2, 3, 5, 6, 7, 8, & 15, IDWR Basins 31, 34, 35, 36, 41, 43, 57, 61, 65, Part I* on February 18, 2003. The Director recommended 43-02472 to Sun Valley Agribusiness Partnership, LLC, P.O. Box 2169, Sun Valley, Idaho, 83353, for 7 cfs from groundwater to irrigate 360 acres in Cassia County from March 15 to November 15 with a priority date of July 7, 1959, based on a license.

The claimant filed an *Objection* on April 18, 2003, objecting to quantity and place of use. On February 18, 2004, the claimant, with IDWR's concurrence, filed a *Standard Form 5* agreeing to amended remarks under quantity and place of use.

**Conclusions of Law**

Sun Valley Agribusiness Partnership, LLC, is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02472*.

DATED March 22, 2004.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_  
2004 MAR 22 PM 4 09

PAGE 1  
Mar-12-2004

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

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.

MAR 22 2004

\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
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

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 43-2472  
Date Received: 7/13/1989  
Receipt No: C008236  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUN VALLEY AGRIBUSINESS PARTNERS LLC Phone: 208-725-0888  
PO BOX 2169  
SUN VALLEY ID USA 83353

**AMENDED**

2. Date of Priority: 07/07/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County | Type |
|----------|-------|---------|-----------------------|----|----|--------|------|
| 11S      | 26E   | 1       | SW                    | NE | SE | CASSIA |      |

5. Description of diverting works:

WELL, PUMP AND COMMON MAINLINE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 7      | 1440       |

7. Total Quantity Appropriated is:

7 C.F.S. and/or 1440 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 11S      | 26E   | 1       | NE  | SE     |     | IRRIGATION    | 40    |
|          |       |         | SE  | SE     |     | IRRIGATION    | 40    |
|          |       |         |     |        |     | Section Acres | 80    |
| 11S      | 27E   | 6       | NE  | NW     |     | IRRIGATION    | 40    |
|          |       |         | NW  | NW     |     | IRRIGATION    | 40    |
|          |       |         | SW  | NW     |     | IRRIGATION    | 40    |
|          |       |         | NE  | SW     |     | IRRIGATION    | 40    |
|          |       |         | NW  | SW     |     | IRRIGATION    | 40    |
|          |       |         | SW  | SW     |     | IRRIGATION    | 40    |
|          |       |         | SE  | SW     |     | IRRIGATION    | 40    |
|          |       |         |     |        |     | Section Acres | 280   |
|          |       |         |     |        |     | Total Acres   | 360   |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

5/1/2000 TF; OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEEDS RECD 3/13/2000.

Claim amended on 9-6-01 kkc

5/1/2000 TF; OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEEDS REC'D 3/13/2000.

15. Basis of Claim: License

COPY

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 43-2472

Date Received

Receipt Number

**AMENDED NOTICE OF CLAIM**  
**TO A**  
**WATER RIGHT**  
**AQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) Sun Valley Agribusiness Partners, L.L.C.

Phone (800) 397-1712

Mailing Address P.O. Box 2169, Sun Valley, Idaho

Zip 83353

2. Date of Priority (Only one (1) per claim) 7/7/1959

3. Source of water supply (a) Ground water

Which is tributary to (b) \_\_\_\_\_

4. a. Location of point of diversion is: Township 11S Range 26E Section 1, SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., County of Cassia

Additional points of diversion if any: \_\_\_\_\_

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

township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$ , 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.

Well and pump with open discharge to ditches.

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 7.00 or 1,440.0

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 7.00 (cfs) and/or (b) 1,440.0 (acre feet)

8. Total consumptive use claimed is 1,080.0 acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) None

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 ¼ |    |    |    | NW ¼      |           |           |    | SW ¼ |           |           |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|-----------|-----------|-----------|----|------|-----------|-----------|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE        | NW        | SW        | SE | NE   | NW        | SW        | SE | NE   | NW | SW | SE |        |
|     |     |     | ¼    | ¼  | ¼  | ¼  | ¼         | ¼         | ¼         | ¼  | ¼    | ¼         | ¼         | ¼  | ¼    | ¼  | ¼  | ¼  |        |
| 11S | 26E | 1   |      |    |    |    |           |           |           |    |      |           |           |    | 40   |    |    | 40 | 80     |
| 11S | 27E | 6   |      |    |    |    | Lt3<br>40 | Lt4<br>40 | Lt5<br>40 |    | 40   | Lt6<br>40 | Lt7<br>40 | 40 |      |    |    |    | 280    |
|     |     |     |      |    |    |    |           |           |           |    |      |           |           |    |      |    |    |    |        |
|     |     |     |      |    |    |    |           |           |           |    |      |           |           |    |      |    |    |    |        |
|     |     |     |      |    |    |    |           |           |           |    |      |           |           |    |      |    |    |    |        |
|     |     |     |      |    |    |    |           |           |           |    |      |           |           |    |      |    |    |    |        |
|     |     |     |      |    |    |    |           |           |           |    |      |           |           |    |      |    |    |    |        |

Total number of acres irrigated 360

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

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

43-2569 \_\_\_\_\_ or None ( )

14. Remarks:

Last Name \_\_\_\_\_ Ident. Number 43-2472

15. Basis of Claim (Check One) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License XX Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_  
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." 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) \_\_\_\_\_ Date 9-4-01  
\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am PRINCIPAL Title \_\_\_\_\_

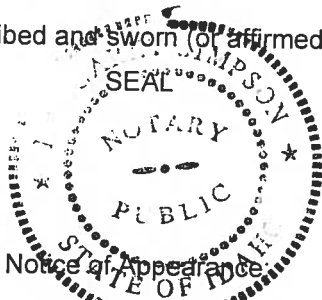
of SUN VALLEY AGRIBUSINESS PARTNERS LLC Organization \_\_\_\_\_ that I have signed the foregoing document in the space below as PRINCIPAL Title \_\_\_\_\_ of SUN VALLEY AGRIBUSINESS Organization PARTNER

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

Signature of Authorized Agent \_\_\_\_\_  
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 4th day of September 20 01



Notary Public Margaret Dwyer  
Residing at Ketchikan, Alaska  
My Commission Expires 4-6-2005

17. Notice of Appearance

Please Print Name

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 \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number 43-2472

RECEIVED

JUL - 3 2001

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Department of Water Resources  
 Southern 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <u>43-02471</u>       | <u>A43-02471</u>             |       | <u>43-02519</u>       | <u>A43-02519</u>             |       |
| <u>43-02472</u>       | <u>A43-02472</u>             |       | <u>43-02569</u>       | <u>A43-02569</u>             |       |
| <u>43-02473</u>       | <u>A43-02473</u>             |       | <u>43-02575</u>       | <u>A43-02575</u>             |       |
| <u>43-02475</u>       | <u>A43-02475</u>             |       | <u>43-04194</u>       | <u>A43-04194</u>             |       |
| <u>43-02488</u>       | <u>A43-02488</u>             |       | <u>43-04199</u>       | <u>A43-04199</u>             |       |
| <u>43-02489</u>       | <u>A43-02489</u>             |       | <u>43-07056</u>       | <u>A43-07056</u>             |       |
| <u>43-02504</u>       | <u>A43-02504</u>             |       | <u>43-07068</u>       | <u>A43-07068</u>             |       |
| <u>43-02505</u>       | <u>A43-02505</u>             |       | <u>43-07145</u>       | <u>A43-07145</u>             |       |
| <u>43-02516</u>       | <u>A43-02516</u>             |       |                       | <u>A43-10578</u>             |       |
| <u>43-02517</u>       | <u>A43-02517</u>             |       |                       | <u>A43-10579</u>             |       |

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. None

B. A copy of the most recent **DEED, TITLE POLICY**, or other document indicating your ownership of the property **WITH ATTACHED LEGAL DESCRIPTION**. or other legal description in question,

C. Either of the following (if necessary to clarify division descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** showing point(s) of diversion and place of use of your water right usually attached to your deed or on file with the county). or other legal description of the property location of the water right claim(s) (these are

*Ownership  
Updated  
7-5-01  
KKC*

**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**. IDWR Analysis

3. Name and Address of Former Owner/Claimant(s) Ronald A. Achs and/or Amy E. Achs and/or Clair D. Bosen and/or Viola L. Bosen  
P.O. Box 2169  
Sun Valley, ID 83353
4. New Owner/Claimant(s) Sun Valley Agribusiness Partners, L.L.C.  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
P.O. Box 2169  
Sun Valley, ID 83353  
(208) 725-0888
5. Date you acquired the property November 2000

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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                | _____                                                                      | _____                                                         |
| Stock                                                                     | _____                                                                      | _____                                                         |
| Domestic                                                                  | _____                                                                      | _____                                                         |
| Other _____                                                               | _____                                                                      | _____                                                         |
| <b>Total</b> _____                                                        |                                                                            |                                                               |

| 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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                | _____                                                                      | _____                                                         |
| Stock                                                                     | _____                                                                      | _____                                                         |
| Domestic                                                                  | _____                                                                      | _____                                                         |
| Other _____                                                               | _____                                                                      | _____                                                         |
| <b>Total</b> _____                                                        |                                                                            |                                                               |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

Snake River Basin Adjudication Claims, LLC By \_\_\_\_\_  
MARGIE MUMFORD

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 \_\_\_\_\_

43-02472

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED

WATER RESOURCES  
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED  
MAR 13 2000  
Department of Water Resources  
Southern Region

1. Water Right Number(s) See Attachment A  
Adjudication Claim Number(s) See Attachment A
2. The following **REQUIRED** information must be submitted with this form.
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) J.R. Simplot Company, a Nevada corporation (successor by merger to Simplot Industries, Inc., a Utah corporation)  
P.O. Box 27, Boise, Idaho 83707
4. New Owner/Claimant(s) Ronald A. Achs and Amy E. Achs, husband and wife, and Claire D. Bosen  
New Mailing Address P.O. Box 2169 Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR and Viola L. Bosen, husband and wife, as Tenants-in-Common  
City, State and ZIP Code Sun Valley, Idaho 83353  
New Telephone Number ( 800 ) 397-1712
5. Date you acquired the property February 11, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
Diversion rate in CFS cubic feet per second \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  
Ronald A. Achs Amy E. Achs Date 2/25/2000  
Claire D. Bosen Viola L. Bosen Date 2/29/2000
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

## ATTACHMENT A

| <b>Water Right Numbers</b> | <b>Snake River Basin Adjudication<br/>Claim Numbers</b> |
|----------------------------|---------------------------------------------------------|
| 43-02471                   | A43-02471                                               |
| 43-02472                   | A43-02472                                               |
| 43-02473                   | A43-02473                                               |
| 43-02475                   | A43-02475                                               |
| 43-02488                   | A43-02488                                               |
| 43-02489                   | A43-02489                                               |
| 43-02504                   | A43-02504                                               |
| 43-02505                   | A43-02505                                               |
| 43-02516                   | A43-02516                                               |
| 43-02517                   | A43-02517                                               |
| 43-02519                   | A43-02519                                               |
| 43-02569                   | A43-02569                                               |
| 43-02575                   | A43-02575                                               |
| 43-04194                   | A43-04194                                               |
| 43-04199                   | A43-04199                                               |
| 43-07056                   | A43-07056                                               |

267355

WARRANTY DEED

FOR VALUE RECEIVED, J. R. SIMPLOT COMPANY, a Nevada corporation, of 999 Main Street, Suite 1300, Boise, Idaho, 83702, successor by merger to SIMPLOT INDUSTRIES, INC., a Utah corporation, the Grantor, does hereby grant, bargain, sell, and convey unto SUN VALLEY AGRIBUSINESS PARTNERS, L.L.C., the Grantee, whose current address is P. O. Box 2169, Sun Valley, Idaho 83353 the following described premises to-wit:

See attached EXHIBIT A

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Except for and subject to those matters listed on EXHIBIT B and attached hereto and incorporated herein by this reference, and such rights, easements, restrictions, zoning restrictions, land use regulations and other applicable rules and regulations as appear of record or by use upon the premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that it will warrant and defend the same from all lawful claims whatsoever.

DATED: January 26, 2000.

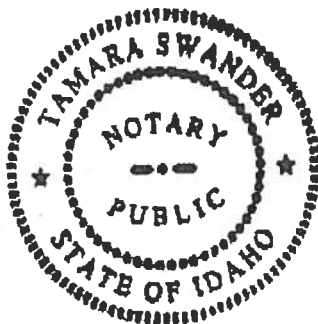
J. R. SIMPLOT COMPANY,  
successor by merger to  
SIMPLOT INDUSTRIES, INC.

By Stephen A. Beebe  
Stephen A. Beebe, President & CEO

By Ronald N. Graves  
Ronald N. Graves, Secretary

STATE OF IDAHO )  
County of Adm ) ss.

On this 26<sup>th</sup> day of January, 2000, before me a Notary Public for said State, personally appeared STEPHEN A. BEEBE and RONALD N. GRAVES, known or identified to me to be the President & CEO and Secretary of the corporation who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Tamara Swander  
Notary Public for Idaho  
Residing at Emmett  
My Commission Expires: 4/4/00

267356

**SPECIAL WARRANTY DEED**

This Indenture made this 11th day of February, 2000, between Sun Valley Agribusiness Partners, LLC, an Idaho limited liability company, the "Grantor" and Ronald A. Achs and Amy E. Achs, husband and wife, and Clair D. Bosen and Viola L. Bosen, husband and wife, collectively as Tenants in Common, the "Grantee" whose complete mailing address is P.O. Box 2169, Sun Valley, Idaho 83353.

**WITNESSETH:**

For valuable consideration the Grantor does hereby sell, transfer and convey to the Grantee the following described real property situate in the County of Cassia, State of Idaho, to-wit:

Described on attached Exhibit A, attached hereto and incorporated herein by this reference;

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining (collectively the "Premises")

TO HAVE AND TO HOLD said Premises unto the Grantee its successors and assigns forever.

The Grantor hereby covenants with the Grantee that the Premises are free from all encumbrances made by the Grantor and that it will warrant and defend said Premises against the lawful claims of all persons claiming by, through and under the Grantor.

RECORDED AND INDEXED  
CASSIA COUNTY ABSTRACT

00 FEB 11 PM 4 20

CASSIA COUNTY, IDAHO  
DANIEL H. ROSKELLEY  
RECORDER  
FEE \$1.00 DEPUTY *[Signature]*

267356

IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by the Grantor as of the day and year herein first above written.

SUN VALLEY AGRIBUSINESS PARTNERS, LLC,  
an Idaho limited Liability Company

By [Signature]  
Ronald A. Achs  
-Managing Member

STATE OF IDAHO            )  
                                  ) ss.  
County of Cassia         )

On this 11th day of February, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Ronald A. Achs, known or identified to me to be the managing member of the limited liability company of Sun Valley Agribusiness Partners, LLC, an Idaho limited liability company, and the member who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

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

[Signature]  
Notary Public for Idaho

Residing at Burley, Idaho

My commission expires 8/2/00

**EXHIBIT "A" - LEGAL DESCRIPTION**  
**Real Estate Purchase and Sale Agreement dated January 11, 2000**  
**Sun Valley Agri Business Partners, LLC, as Buyer**  
**Simplot Agriculture Group, as Seller**

**Township 10 South, Range 27 East of the Boise Meridian**

Section 30: Lots 2, 3 & Part of Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
SW $\frac{1}{4}$ E $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$  311.49 Acres

Section 31: Lots 1 & 2 less Tract 3770; NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; SE $\frac{1}{4}$  446.56 Acres

Section 32: All 635.47 Acres

Section 33: N $\frac{1}{2}$ N $\frac{1}{2}$ ; SW $\frac{1}{4}$  316.21 Acres

**Township 11 South, Range 26 East of the Boise Meridian**

Section 1: All 630.74 Acres

Section 12: Part of the NW $\frac{1}{4}$  155.76 Acres

**Township 11 South, Range 27 East of the Boise Meridian**

Section 4: All 637.52 Acres

Section 5: All 635.58 Acres

Section 6: All 682.81 Acres

Section 8: All 637.00 Acres

Approximate Total from Tax Notices 5,089.14 Acres

**NOTE: The actual Legal Description shall be determined by Cassia County Abstract Company.**

 1-11-2000  
Buyer's Initials Date

 1-11-2000  
Seller's Initials Date

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-02472  
Date Received: 7/13/89  
Receipt No: C008236  
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY  
Address: P.O. BOX 27  
BOISE, ID 83707
2. Date of Priority: JUL 07, 1959
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot             | County |
|----------|-------|---------|--------|--------|-----|-----------------|--------|
| 10S      | 27E   | 31      |        | NE     | SE  |                 | CASSIA |
|          |       | 32      |        | NW     | SE  |                 | CASSIA |
| 11S      | 26E   | 1       |        | NW     | SW  |                 | CASSIA |
|          |       |         |        | NE     | SE  | ✓ not on other? | CASSIA |
|          |       |         |        | NW     | SE  |                 | CASSIA |
|          |       | 12      |        | SE     | NW  |                 | CASSIA |
|          | 27E   | 4       |        | NW     | SE  |                 | CASSIA |
|          |       |         |        | SE     | SE  |                 | CASSIA |
|          |       | 5       |        | SW     | NE  |                 | CASSIA |
|          |       |         |        | SE     | NE  |                 | CASSIA |
|          |       |         |        | NE     | NW  |                 | CASSIA |
|          |       | 6       |        | NW     | NE  |                 | CASSIA |
|          |       |         |        | SW     | NW  |                 | CASSIA |
|          |       | 8       |        | NW     | NW  |                 | CASSIA |
|          |       |         |        | NE     | SE  |                 | CASSIA |

5. Description of diverting works:  
14 WELLS, PUMPS AND COMMON MAINLINE
6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 7.000 |      |        |

7. Total Quantity Appropriated is:  
7.000 C.F.S. (and/or)  
A43-02472 Page 1 Date: 07/05/89

MICROFILMED  
MAR 03 1993

8. Total consumptive use is 1080.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 11S      | 26E   | 1       | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 80.0  |
|          | 27E   | 6       | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 280.0 |
|          |       |         |     |    |     |     | Total Acres   | 360.0 |

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 28025

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: One Map

For Organizations:

I do solemnly swear or affirm that I am \_\_\_\_\_ Secretary \_\_\_\_\_ of \_\_\_\_\_ Title \_\_\_\_\_

J. R. Simplot Company, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ Secretary \_\_\_\_\_ of \_\_\_\_\_ Title \_\_\_\_\_

J. R. Simplot Company and that the statements contained in the  
Organization  
foregoing document are true and correct.

*Russell L. Haven*  
Signature of Authorized Agent  
Secretary, J. R. Simplot Company  
Title and Organization

July 10, 1989  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 10th day  
of July 19 89

*Vicki L. Lowe*  
Notary Public

Seal

Residing at \_\_\_\_\_ Meridian \_\_\_\_\_

My Commission Expires 11-06-91

C & Y FARMS WELLS

| <u>Well #</u> | <u>Location</u>                       |
|---------------|---------------------------------------|
| 2             | T 11 S, R 27 E, Sec 4, NW 1/4 SE 1/4  |
| 10            | T 11 S, R 27 E, Sec 4, SE 1/4 SE 1/4  |
| 6             | T 11 S, R 27 E, Sec 5, NE 1/4 NW 1/4  |
| 7             | T 11 S, R 27 E, Sec 5, SW 1/4 NE 1/4  |
| 9             | T 11 S, R 27 E, Sec 5, SE 1/4 NE 1/4  |
| 1             | T 11 S, R 27 E, Sec 6, NW 1/4 NE 1/4  |
| 11            | T 11 S, R 27 E, Sec 6, SW 1/4 NW 1/4  |
| 12            | T 11 S, R 27 E, Sec 8, NW 1/4 NW 1/4  |
| 13            | T 11 S, R 27 E, Sec 8, NE 1/4 SE 1/4  |
| 5             | T 10 S, R 27 E, Sec 31, NE 1/4 SE 1/4 |
| 8             | T 10 S, R 27 E, Sec 32, NW 1/4 SE 1/4 |
| 3             | T 11 S, R 26 E, Sec 1, NW 1/4 SW 1/4  |
| 4             | T 11 S, R 26 E, Sec 1, NW 1/4 SE 1/4  |
| 14            | T 11 S, R 26 E, Sec 12, SE 1/4 NW 1/4 |

0535R

MICROFILMED

MAR 03 1993

T.10S. 27E

VLR# A43-02472



= point of Diversion



= place of Use

PIPELINE

CASSIA COUNTY,  
IDAHO

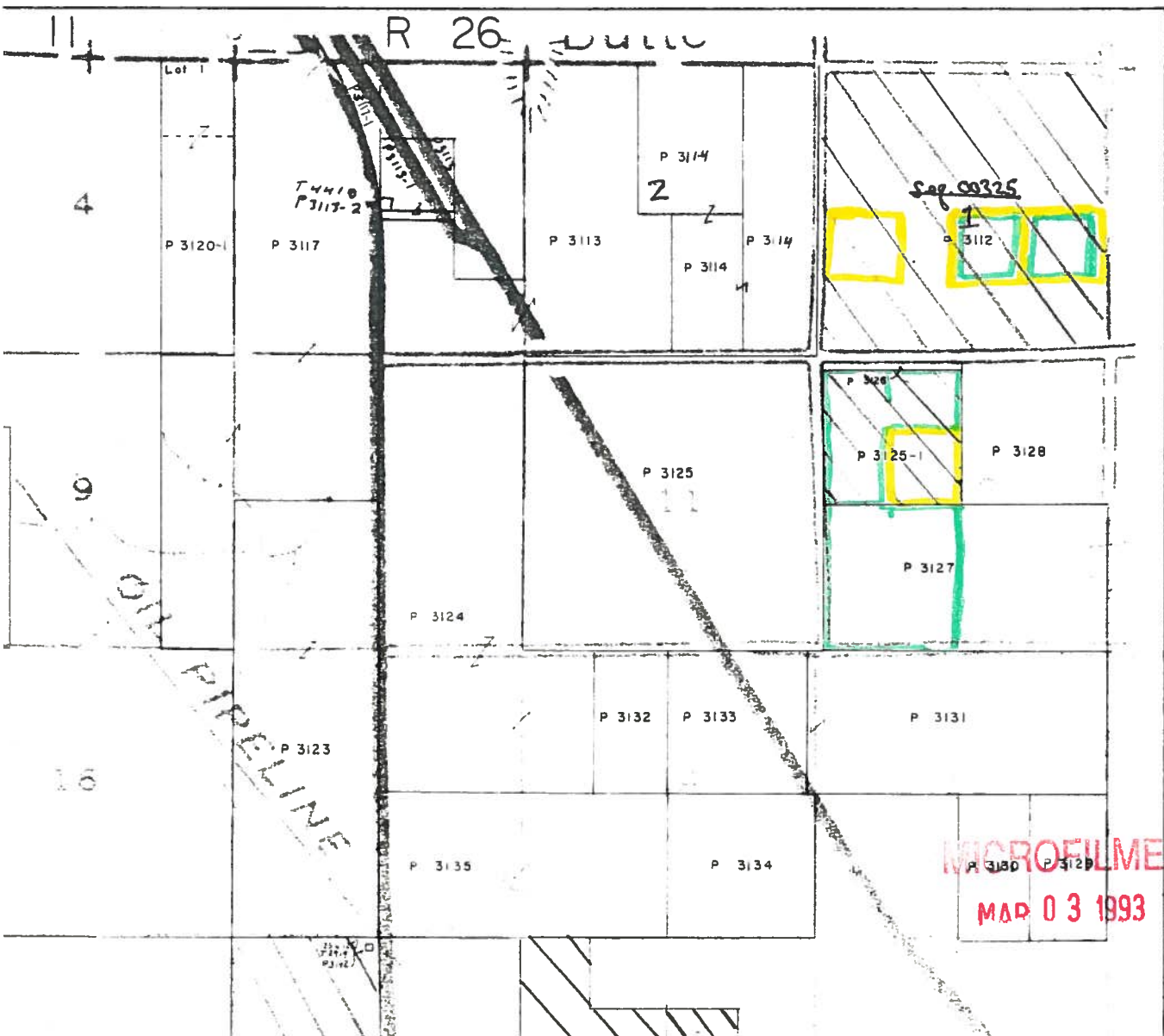
### LEGEND

- TOWNSHIP LINE
- RANGE LINE
- SECTION CORNER
- QUARTER CORNER
- PAVED HIGHWAY
- SUBDIVISION BOUNDARY
- ARBITRARY SUBDIVISION
- UNPAVED HIGHWAY
- QUARTER CORNER
- PAVED HIGHWAY
- STATE HIGHWAYS
- NATURAL BOUNDARY
- COUNTRY ROAD

TOWNSHIP NO. 10 S  
RANGE NO. 27 E  
SECTION NO. 31  
SUBDIVISION NO. 1  
BLOCK NO. 1  
OWNER'S NAME  
DATE



T. 11S R. 26E



T. 11S R. 27E



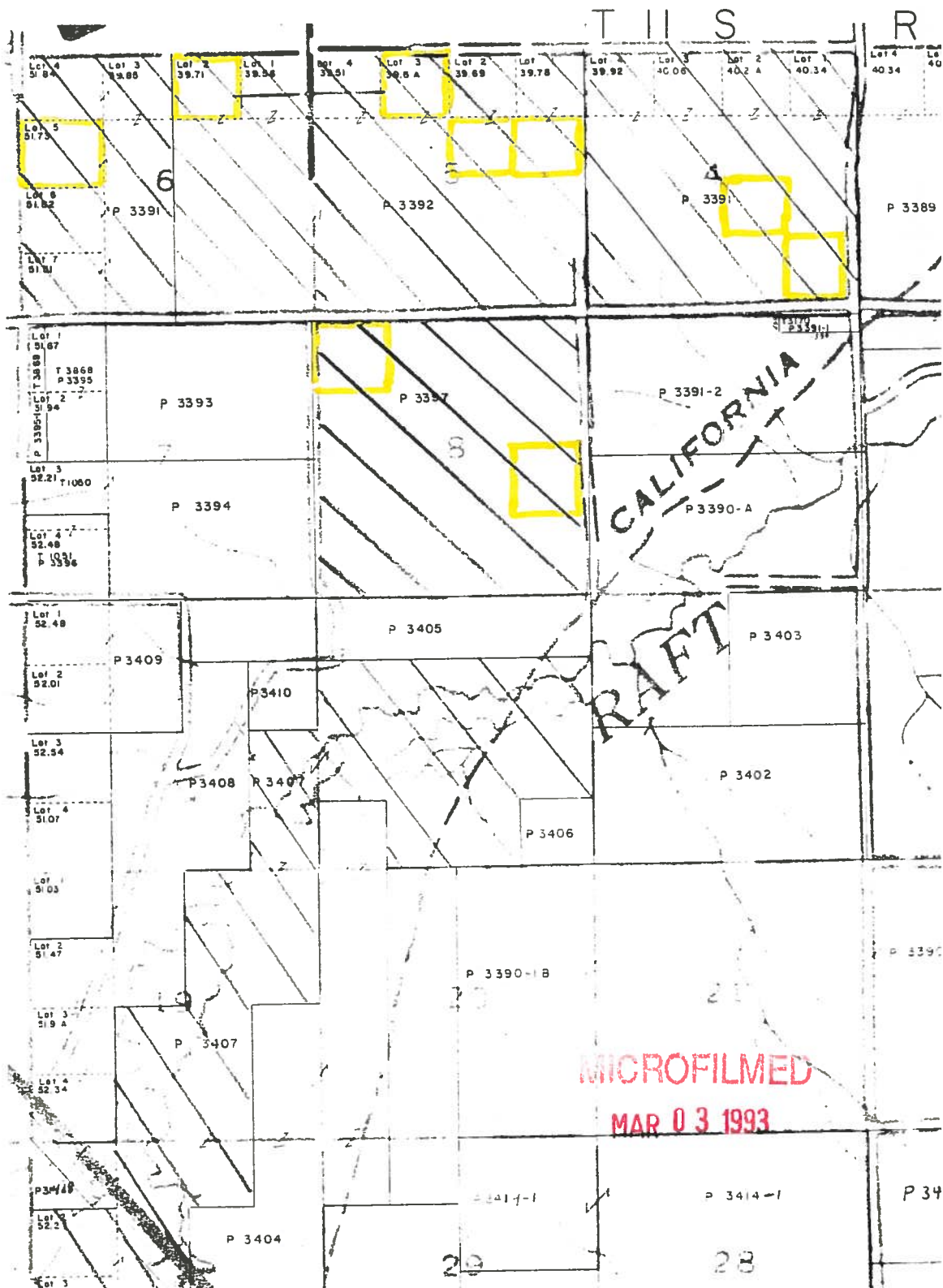
| TOWNSHIP |    |    |    |    |    |
|----------|----|----|----|----|----|
| 6        | 5  | 4  | 3  | 2  | 1  |
| 7        | 8  | 9  | 10 | 11 | 12 |
| 18       | 17 | 16 | 15 | 14 | 13 |
| 9        | 20 | 21 | 22 | 23 | 24 |
| 30       | 29 | 28 | 27 | 26 | 25 |
| 31       | 32 | 33 | 34 | 35 | 36 |

ASSIA COUNTY,  
IDAHO

### LEGEND

- TOWNSHIP LINES
- SECTION LINES
- SECTION CORNER
- QUARTER CORNER
- PARCEL BOUNDARY
- SUBDIVISION BOUNDARY
- ARBITRARY SUBDIVISION
- ARBITRARY BLOCK NO.
- ARBITRARY PARCEL NO.
- ADJACENT PARCEL TIE LINE
- RAILROADS
- U.S. HIGHWAYS
- STATE HIGHWAYS
- INTERSTATE HIGHWAYS
- COUNTRY ROADS

| SECTION   | QUARTER | 1/4th DIST. | SUBDIVISION | BLOCK NO. | LAST TIE | OWNERSHIP |
|-----------|---------|-------------|-------------|-----------|----------|-----------|
| 5th & 6th |         |             |             |           |          |           |



INPUT: AJ\_SELECTION:FRAZEE-NAME-SIMPILOT.SEL

ADJUDICATION ATTORNEY NAME ADD/UPDATE

TIME: 23:15:44.0  
PAGE: 3

TYPE OF ACTION: ADD  
MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER  
ADDRESS LINE 1: J R SIMPILOT CO LEGAL DEPT  
ADDRESS LINE 3: PO BOX 27  
CITY: BOISE

FIRST NAME:  
ADDRESS LINE 2: 999 MAIN ST STE 1300  
STATE: ID ZIP: 837070027  
PHONE NUMBER: (208) 389-7318

|            |               |                                 |
|------------|---------------|---------------------------------|
| A36-04180  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-04181  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-04182  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-04256  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-07333  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-07636  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-08154  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-13319  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A36-13320  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-00141  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-00142  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-00143  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-00465  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-00692A | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-00692B | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-11907  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A37-11908  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00099C | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00100C | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00101C | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00102C | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00103C | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00104B | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00105  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00106  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00107  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00256  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00257  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00258  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00275  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00276  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00277  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00317  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00318  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-00481  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02010  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02045  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02115A | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02115B | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02313A | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02329  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02378  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02382  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02471  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02472  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02473  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02475  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02483  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02484  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |

GRAY YOUNG  
BRUCE BELZER  
Attorneys at Law  
J. R. Simplot Company Legal Department  
999 Main Street, Suite 1300  
P.O. Box 27  
Boise, ID 83707  
(208) 389-7318  
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED  
JAN 21 1992

Department of Water Resources

RECEIVED

APR 06 1993

Department of Water Resources  
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication  
of Rights to the Use of Water  
From the Snake River Drainage  
Basin Water System.

The State of Idaho, ex rel.  
R. Keith Higginson in his  
official capacity as Director  
of the Idaho Department of  
Water Resources,

Petitioner,

vs.

The United States;  
The State of Idaho;  
and All Claimants to the Use  
of Water from the Snake River  
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and  
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the  
Department of Water Resources  
of the State of Idaho,

Twin Falls County  
Civil Case No. 39576

and

Cassia County  
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru  
C.A.N. program.*

*4-1-93  
-Af*

Defendants. )

IN THE MATTER OF THE GENERAL )  
DETERMINATION OF RIGHTS TO THE )  
USE OF GROUNDWATER DIVERTED )  
FROM SECTIONS 19, 20, 21, 28, 29, )  
30, 31, 32, AND 33, T. 11 S., )  
R. 27 E., B.M. )

A. KENNETH DUNN, Director of the )  
Department of Water Resources )  
of the State of Idaho, )

Counterplaintiff, )

vs. )

ALICE FOSHA, HELEN FLINT, and )  
BEVERLY ADAMS, individuals, )

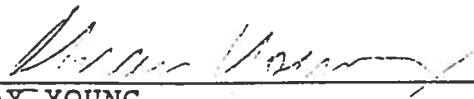
Counterdefendants. )

TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot  
Company, hereby enters his appearance as co-counsel on behalf  
of J. R. Simplot Company in this action. All notices to  
J. R. Simplot Company should be delivered to the following  
address:

Gray Young  
Bruce Belzer  
J. R. Simplot Company  
Legal Department  
999 Main Street, Suite 1300  
P.O. Box 27  
Boise, ID 83707

DATED this 20th day of January, 1992.

By   
GRAY YOUNG  
Assistant General Counsel

4507v/1-20-92/1:42

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.  
1925 Oakley Avenue  
Burley, ID 83318

Dennis Jay Harper  
Star Route  
Declo, ID 83323

Roland Allen Land &  
Livestock  
Star Route  
Malta, ID 83342

Mark J. Taylor  
Strong & Manni  
5th Floor, Boston Building  
Salt Lake City, UT 84111  
Attorney for Fosha, et al.

Leo A. Jardine  
Jardine, Linebaugh,  
Brown & Dunn  
Suite 400  
370 East South Temple  
Salt Lake City, UT 84111  
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe  
Deputy Attorney General  
Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706-2237

  
VICKI SPANGLER

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 43-2472 V2

WATER RIGHT NUMBER: 43-2472 V2

| <u>Owner Type</u>      | <u>Name and Address</u>                                                                                   |
|------------------------|-----------------------------------------------------------------------------------------------------------|
| Current Owner          | CASSIA CREEK FARMS LLC<br>PO BOX 580<br>DANVILLE, CA 94526<br>(925)837-1450                               |
| Original Owner         | J R SIMPLOT CO<br>C/O RON GRAVES<br>999 MAIN ST STE 1300<br>PO BOX 27<br>BOISE, ID 83707<br>(208)336-2110 |
| Directors Report Owner | SUN VALLEY AGRIBUSINESS PARTNERS LLC<br>PO BOX 2169<br>SUN VALLEY, ID 83353<br>(208)725-0888              |

Priority Date: 07/07/1959

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 03/15 to 11/15        | 7.000 CFS             | 1,440.00 AF          |
| <u>Total Diversion:</u> |                       | 7.000 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                    |
|---------------|-----------------|------------------------------------|
| GROUND WATER  | SW1/4NE1/4SE1/4 | Sec. 1,   Twp 11S,   Rge 26E, B.M. |
| CASSIA County |                 |                                    |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW   |      |      |      | SW   |      |      |    | SE   |    |    |      | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|----|------|----|----|------|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE | NE   | NW | SW | SE   |        |
| 11S | 26E | 1   |    |    |    |    |      |      |      |      |      |      |      |    | 38.0 |    |    | 35.0 | 73.0   |
| 11S | 27E | 6   |    |    |    |    | 40.0 | 40.0 | 40.0 | 40.0 | 44.0 | 43.0 | 40.0 |    |      |    |    |      | 287.0  |
|     |     |     |    |    |    |    | L 3  | L 4  | L 5  |      | L 6  | L 7  |      |    |      |    |    |      |        |

Total Acres: 360

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2472 V2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1364 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2471, 43-2472, 43-2475, 43-2569, & 43-4199
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.00 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3312 AF. COMBINED RIGHT NOS.: 43-2471, 43-2472, & 43-4199.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 25.75 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5456 AF. COMBINED RIGHT NOS. 43-2471, 43-2472, 43-2475, 43-2569, and 43-4199

Comments:



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 2, 2004

CASSIA CREEK FARMS LLC  
PO BOX 580  
DANVILLE CA 94526

RE: Decreed Water Right 43-2471, 43-2472, 43-2473,  
43-2475, 43-2488, 43-2489, 43-2504, 43-2505, 43-2516,  
43-2517, 43-2519, 43-2569, 43-2575, 43-4199, 43-13351,  
43-13352

Gentlemen:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Enc.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED

AUG 23 2004

Department of Water Resources  
Southern 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 |
|--------------------|---------------------------|-------|--------------------|---------------------------|-------|
| 43-13351           |                           |       | 43-02504           |                           |       |
| 43-13352           |                           |       | 43-02489           |                           |       |
| 43-04199           |                           |       | 43-02488           |                           |       |
| 43-02569           |                           |       | 43-02475           |                           |       |
| 43-02519           |                           |       | 43-02473           |                           |       |

See Attached →

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)

Sun Valley Agribusiness Partners, LLC

Ronald Achs PO Box 2169 Sun Valley IL 831

4. New Owner/Claimant(s)

Wood River Investments LLC DBA Cassia Creek Farms, LLC

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

PO Box 580

City, State and ZIP Code

Danville CA 94526

New Telephone Number

925 837-1450

5. Date you acquired the property

April 30, 2004

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 43-02472              |                              |       | 43-02575              |                              |       |
| 43-02471              |                              |       |                       |                              |       |
| 43-02505              |                              |       |                       |                              |       |
| 43-02516              |                              |       |                       |                              |       |
| 43-02517              |                              |       |                       |                              |       |

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) \_\_\_\_\_  
 \_\_\_\_\_
4. New Owner/Claimant(s) \_\_\_\_\_  
 Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address \_\_\_\_\_  
 City, State and ZIP Code \_\_\_\_\_  
 New Telephone Number ( ) \_\_\_\_\_
5. Date you acquired the property \_\_\_\_\_

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(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) Manager

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**  
 Received by [Signature] Date 8/23/04 Fee 400.00  
 Received by [Signature] Date 8/23/04 Receipt No. 5026989  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

#38770

235421

## WARRANTY DEED

For Value Received, Sun Valley Agribusiness Partners, LLC, the grantor, does hereby grant, bargain, sell and convey unto Wood River Investments, LLC, the grantee, whose current address is 3237 Danville Blvd., Alamo, CA, 94507, the premises located in Cassia County, Idaho, and described on Exhibit A together with all appurtenances thereto, all water rights, and all fixtures, equipment, tools, and intangibles associated with and/or used in connection with the operation of the real property and all other property, if any, identified in the Mortgage described below.

This deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust conveyance, or security of any kind. The consideration therefor is the full release of all debts and obligations heretofore existing on account of the mortgage on said land, dated November 7, 2000, and recorded as Instrument No. 272118, records of said county and any Modification thereof. This deed completely satisfies said mortgage and the note secured thereby and any effect thereof in all respects.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 6th day of September, 2002.

Sun Valley Agribusiness Partners, LLC

By

Ronald A. Achs, Manager

STATE OF IDAHO )  
 ) ss.  
County of BLAINE )

On this 9<sup>th</sup> day of September, 2002, before me, the undersigned, a notary public in and for said county and state, personally appeared Ronald Achs, known or identified to me (or proved to me on his/her oath) to be the sole managing member of Sun Valley Agribusiness Partners, LLC, the limited liability company that executed the above instrument, or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.



[Signature]  
Notary Public in and for the State of Idaho  
Residing at Blaine Co.  
My Commission Expires: 10-11-2002

295422

ESTOPPEL AFFIDAVIT

STATE OF IDAHO )  
 ) ss.  
County of BLAINE )

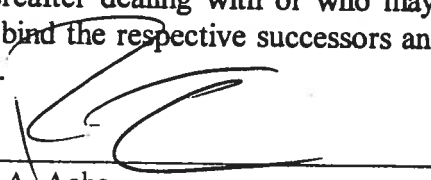
Ronald Achs, being first duly sworn, deposes and says:

That I am the sole managing member of Sun Valley Agribusiness Partners, LLC and the person who made, executed and delivered that certain warranty deed to Wood River Investments, LLC dated September 9, 2002, conveying the property described on Exhibit A.

That the aforesaid deed was an absolute conveyance of the title to said land to the grantee named therein in effect as well as in form, and was not and is not now intended as a Mortgage or security of any kind; that the consideration is the full cancellation of all debts, obligations, costs and charges heretofore existing under and by virtue of the terms of a Mortgage heretofore existing on the property therein, dated November 7, 2000, and recorded as Instrument No. 272118, of the records of Cassia County, State of Idaho, as modified, and the cancellation of record by said grantee of said mortgage.

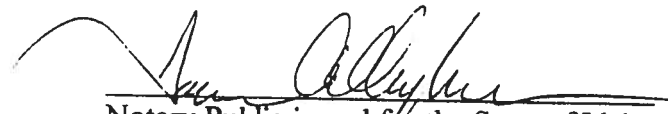
The aforesaid deed and conveyance were made by me as the result of my request that the grantee accept such deed and was my free and voluntary act; that at the time of making said deed I felt and still feel that the mortgage indebtedness above mentioned exceeds the fair value of the property so deeded; and that in offering to execute the aforesaid deed to the grantee therein, and in executing same, I am not acting under any misapprehension as to the effect thereof, nor under any duress, undue influence, or misrepresentation by the grantee or the agent or attorney of the grantee in said deed, and it is my intention as grantor to convey and by said deed do convey to the grantee therein all of the grantor's right, title and interest absolutely in and to the land described in said Mortgage.

This affidavit is made for the protection and benefit of the aforesaid grantee in said deed, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property described therein, and shall bind the respective successors and assigns of the grantor - Sun Valley Agribusiness Partners, LLC.

  
Ronald A. Achs

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of September, 2002.



  
Notary Public in and for the State of Idaho  
Residing at Blaine, ID  
My Commission Expires: 10-11-2002

#387  
FEE 308 RECORDER  
LARRY A. MICKELSEN  
DEPUTY DB

2001 APR 30 PM 1 39  
RECORDED AT THE REQUEST OF  
LAND TITLE & ESCROW

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 30:                Lots 2, 3, and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ , EXCEPTING Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of said Section 30, which shall be the True Point of Beginning;  
Thence North 0°01' West for 208.71 feet along the Section line to a point;  
Thence South 89°55' East for 208.71 feet to a point;  
Thence South 0°01' East for 208.71 feet to a point on the Section line;  
Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 30, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project center line; thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 63.505 meters (208.35 feet), Station 62+31.217, 2.108 meters (6.92 feet) right of said Project centerline and being the True Point of Beginning;  
Thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 862.684 meters (2830.32 feet) to the S $\frac{1}{4}$  corner of said Section 30, Station 70+93.909, 3.699 meters (12.14 feet) right of said Project centerline;  
Thence North 89°35'47" East along the South boundary of said Section 30 for a distance of 807.070 meters (2647.86 feet) to the Southeast corner of said Section 30, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;  
Thence North 00°28'50" West along the East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 30 for a distance of 14.946 meters (49.04 feet), Station 79+00.941, 12.192 meters (40.00 feet) left of said Project centerline;  
Thence South 89°39'48" West and being parallel with the centerline of said Project for a distance of 807.063 meters (2647.84 feet) to a point on the West boundary of the SE $\frac{1}{4}$  of said Section 30, Station 70+93.910, 12.192 (40.00 feet) left of said Project centerline;  
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.910 meters (1817.29 feet), Station 65+40.000, 12.192 (40.00 feet) left of said Project centerline;  
Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station 65+40.000, 13.716 (45.00 feet) left of said Project centerline;  
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 308.773 meters (1013.03 feet), Station 62+31.227, 13.716 (45.00 feet) left of said Project centerline;  
Thence South 00°26'47" East for a distance of 15.824 meters (51.92 feet) to the True Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 31: NE¼, NE¼NW¼, Lots 1 and 2

LESS, part of Lot 1 and Lot 2 of said Section 31, described as follows:

Beginning at the Southwest corner of Lot 2 of said Section 31, which shall be the True Point of Beginning;

Thence North 0°01' West along section line for 1617.50 feet to a point;

Thence South 89°54' East for 1394.28 feet to a point;

Thence South 0°01'30" East for 1617.50 feet to a point on the South line of Lot 2;

Thence North 89°54'30" West along said South line for 1395.0 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of said Section 31, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project centerline;

Thence North 89°37'26" East along the North boundary of said Section 31 for a distance of 926.189 meters (3038.67 feet) to the N¼ corner of said Section 31, Station 70+93.909, 3.699 meters (12.14 feet) right of said Project centerline;

Thence North 89°35'47" East along the North boundary of said Section 31 for a distance of 807.070 meters (2647.86 feet) to the Northeast corner of said Section 31, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;

Thence South 00°32'10" East along the East boundary of the NE¼ of said Section for a distance of 9.438 meters (30.97 feet), Station 79+01.011, 12.192 meters (40.00 feet) right of said Project centerline;

Thence South 89°39'48" West and being parallel with the centerline of said Project for a distance of 807.105 meters (2647.98 feet) to a point on the West boundary of the NE¼ of said Section 31, Station 70+93.876, 12.192 (40.00 feet) right of said Project centerline;

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.876 meters (1817.17 feet), Station 65+40.000, 12.192 (40.00 feet) right of said Project centerline;

Thence South 00°28'55" East for a distance of 1.524 meters (5.00 feet), Station 65+40.000, 13.716 (45.00 feet) right of said Project centerline;

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 280.000 meters (918.63 feet), Station 62+60.000, 13.716 (45.00 feet) right of said Project centerline;

Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station 62+60.000, 12.192 (40.00 feet) right of said Project centerline;

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 92.290 meters (302.79 feet) to a point on the West boundary of Government Lot 1 of said Section 31, Station

61+67.714, 12.192 (40.00 feet) right of said Project centerline;  
Thence North 00°28'14" West along the West boundary of Government Lot 1 for  
a distance of 10.202 meters (33.47 feet) to the Northwest corner of said  
Section 31 and being the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 31: SE¼

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 31: SE¼NW¼

PARCEL NO. 5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 32: N½

EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of said Section 32, Station 79+00.978, 2.754  
meters (9.04 feet) right of said Project centerline;  
Thence North 89°45'08" East along the North boundary of said Section 32 for a  
distance of 808.396 meters (2652.22 feet) to the N¼ corner of said  
Section 32, Station 87+09.374, 4.006 meters (13.14 feet) right of said  
Project centerline;  
Thence North 89°37'03" East along the North boundary of said Section 32 for a  
distance of 493.668 meters (1619.64 feet), Station 92+03.095, 0.628  
meters (2.06 feet) left of said Project centerline;  
Thence South 00°20'12" East for a distance of 13.201 meters (43.31 feet),  
Station 92+03.095, 12.573 (41.25 feet) right of said Project centerline;  
Thence South 89°39'48" West for a distance of 163.383 meters (536.03 feet),  
Station 90+40.000, 16.165 (53.03 feet) right of said Project centerline;  
Thence North 00°51'22" East for a distance of 4.620 meters (15.16 feet), Station  
90+40.00, 11.545 (37.88 feet) right of said Project centerline;  
Thence South 89°39'48" West for a distance of 330.355 meters (1083.84 feet) to  
a point on the West boundary of the NE¼ of said Section 32, Station  
87+09.400, 12.192 (40.00 feet) right of said Project centerline;  
Thence South 89°39'48" West and being parallel with the centerline of said  
Project for a distance of 808.389 meters (2652.19 feet) to a point on the  
West boundary of the NW¼ of said Section 32, Station 79+01.011,  
12.192 (40.00 feet) right of said Project centerline;

Thence North 00°32'10" West along the West boundary of NW¼ of said Section 32 for a distance of 9.438 meters (30.97 feet) to the Northwest corner of said Section 32 and being the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 32: S½

PARCEL NO. 7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 33: N½N½

PARCEL NO. 8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 33: SW¼

PARCEL NO. 9:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 1: ALL

PARCEL NO. 10:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 12: NW¼

LESS, commencing at the Northwest corner of said Section 12, running  
Thence South 50 feet;

Thence East on a line parallel with the North boundary line of the said Section 12 and 50 feet South therefrom to the East boundary line of the NW¼ of said Section 12;

Thence North 50 feet to the North boundary line of said Section 12;

Thence West 2640 feet along the North boundary line of said Section 12 to the Point of Beginning.

PARCEL NO. 11:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 4: ALL

PARCEL NO. 12:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 5: ALL

PARCEL NO. 13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 6: E½

PARCEL NO. 14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 6: W½

PARCEL NO. 15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 8: ALL

29542.1

CASSIA COUNTY, IDAHO  
LARRY A. MICKELSEN

FEE 18.25 RECORDER DB  
DEPUTY

2001 APR 30 PM 1 36

RECORDED AT THE REQUEST OF  
LAND TITLE & ESCROW

RECEIVED

OCT 22 2003

Department of Water Resources

Angela Schaer Kaufmann, ISB No. 5436  
MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED  
101 S. Capitol Blvd., 10th Floor  
Post Office Box 829  
Boise, Idaho 83701  
Telephone (208) 345-2000  
Facsimile (208) 385-5384  
ask@moffatt.com

Attorneys for Sun Valley Agribusiness Partners LLC

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

Subcase No. 43-02472

SUBSTITUTION OF COUNSEL

NOTICE IS HEREBY given, that Angela Schaer Kaufmann of the firm  
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHARTERED, P.O. Box 829, Boise, Idaho 83701-  
0829, will proceed as counsel of record for Sun Valley Agribusiness Partners LLC, in the place  
of Don E. Knickrehm in the subcase above referenced.

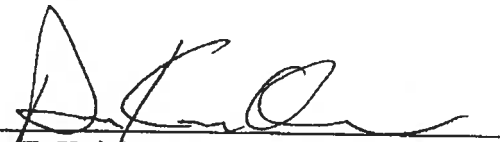
DATED this 16<sup>th</sup> day of October 2003.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By Angela Schaer Kaufmann  
Angela Schaer Kaufmann – Of the Firm  
Attorneys for Sun Valley Agribusiness  
Partners LLC

DATED this 21<sup>st</sup> day of October 2003.

HAWLEY TROXELL ENNIS & HAWLEY

By   
Don E. Knickrehm - Of the Firm

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21<sup>st</sup> day of October 2003, I caused a true and correct copy of the foregoing **SUBSTITUTION OF COUNSEL** to be served by the method indicated below, and addressed to the following:

Director  
Idaho Department of Water Resources  
1301 N. Orchard  
P.O. Box 83720  
Boise, ID 83720  
Fax: 327-7866

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Don E. Knickrehm  
Hawley Troxell Ennis & Hawley  
P.O. Box 1617  
Boise, ID 83701

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

  
Angela Schaer Kaufmann

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

RIGHT NUMBER: 43-2472

NAME AND ADDRESS:

SUN VALLEY AGRIBUSINESS PARTNERS  
LLC  
PO BOX 2169  
SUN VALLEY ID 83353

VERSION 2

VERIFIED BY KKC

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

7.000 CFS

0.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 13.00 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3312 AF. COMBINED RIGHT NOS.: 43-2471, 43-2472, &  
43-4199.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 25.75 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 5456 AF. COMBINED RIGHT NOS. 43-2471, 43-2472,  
43-2475, 43-2569, and 43-4199

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 4668 AF. COMBINED RIGHT NOS.: 43-2471,  
43-2472, 43-2475, 43-2569, & 43-4199

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 13.00 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3312 AF. COMBINED RIGHT NOS.: 43-2471, 43-2472, &  
43-4199.

PRIORITY DATE:

07/07/1959

POINT OF DIVERSION:

T11S R26E S1 SWNESE  
Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

7.000 CFS

1,440.00 AFY

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

**PLACE OF USE:** IRRIGATION within CASSIA County

T11S R26E S01 NESE 38.0  
T11S R26E S01 SESE 35.0  
T11S R27E S06 NENW Lot 3 40.0  
T11S R27E S06 NWNW Lot 4 40.0  
T11S R27E S06 SWNW Lot 5 40.0  
T11S R27E S06 NESW 40.0  
T11S R27E S06 NWSW Lot 6 44.0  
T11S R27E S06 SWSW Lot 7 43.0  
T11S R27E S06 SESW 40.0

360 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1364 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-2471, 43-2472, 43-2475, 43-2569, & 43-4199  
~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1167 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-2471, 43-2472, 43-2475, 43-2569, & 43-4199~~

~~USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1008 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-2472 AND 43-2569~~

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

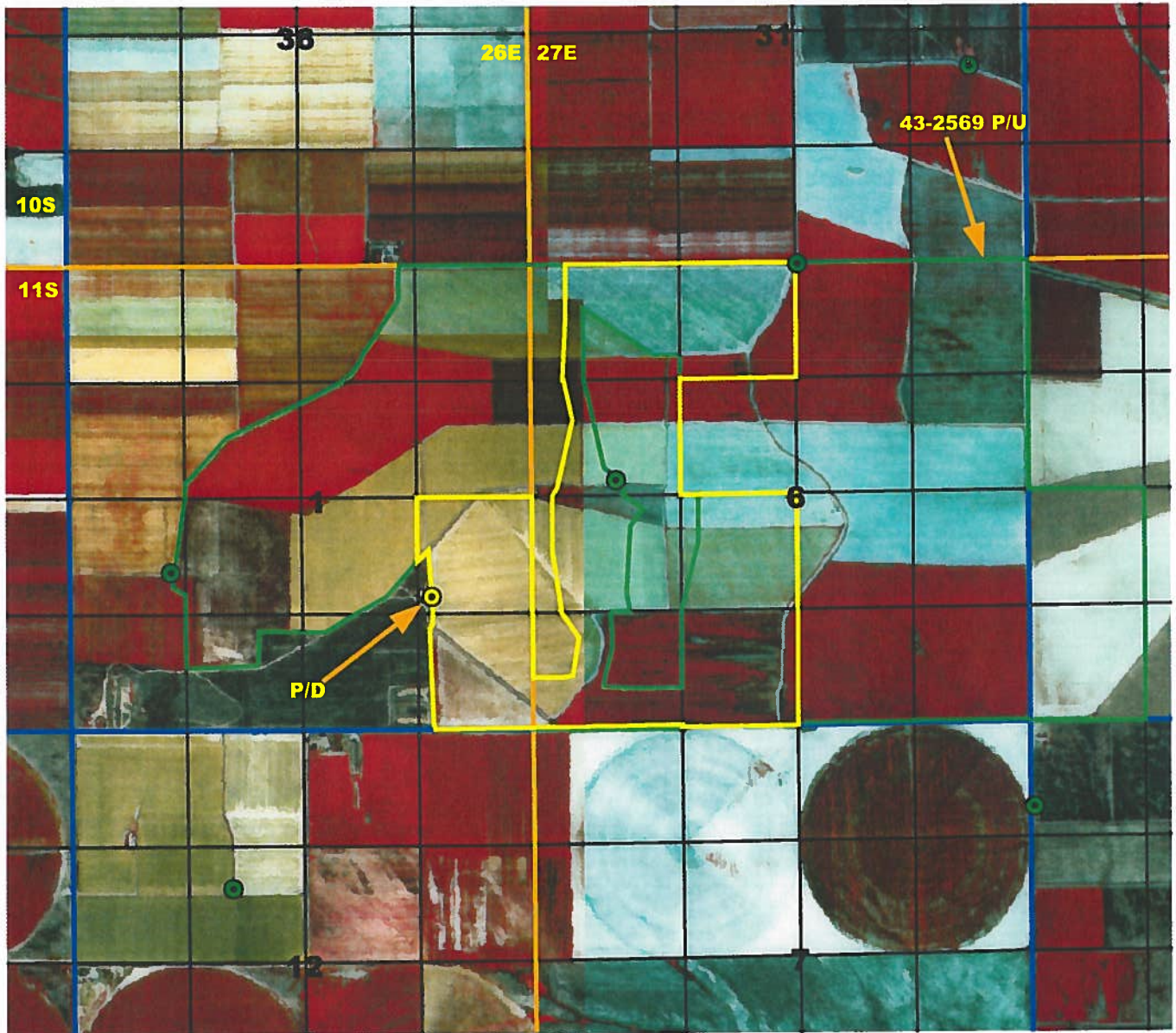
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**EXPLANATORY MATERIAL:** BASIS OF CLAIM - License

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR  
43-2472**



**PLACE OF USE**

**TWP 11S, RNG 26E, SEC 1**

**TWP 11S, RNG 27E, SEC 6**

**Data entry on February 2, 2004**

**CASSIA CO**



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

TOWNSHIP LINES

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION  
1987/1988 NAAPP AERIAL PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN

02/11/2003

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

RIGHT NUMBER: 43-2472

NAME AND ADDRESS: SUN VALLEY AGRIBUSINESS PARTNERS LLC  
PO BOX 2169  
SUN VALLEY ID 83353

VERIFIED BY *KKC*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.000 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 13.00 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3312 AF. COMBINED RIGHT NOS.: 43-2471, 43-2472,  
& 43-4199.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 4668 AF. COMBINED RIGHT NOS.: 43-2471,  
43-2472, 43-2475, 43-2569, & 43-4199

PRIORITY DATE: 07/07/1959

POINT OF DIVERSION:

T11S R26E S1 SWNESE Within CASSIA County Source: GROUND WATER

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 11/15          | 7.000 CFS<br>1,440.00 AFY |

PLACE OF USE: IRRIGATION Within CASSIA County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T11S R26E S01       | NESE | 38.0 | T11S R26E S01       | SESE | 35.0 |
| T11S R27E S06 Lot 3 | NENW | 40.0 | T11S R27E S06 Lot 4 | NWNW | 40.0 |
| T11S R27E S06 Lot 5 | SWNW | 40.0 | T11S R27E S06       | NESW | 40.0 |
| T11S R27E S06 Lot 6 | NWSW | 44.0 | T11S R27E S06 Lot 7 | SWSW | 43.0 |
| T11S R27E S06       | SESW | 40.0 |                     |      |      |

360 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1167 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-2471, 43-2472, 43-2475, 43-2569, & 43-4199

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1008 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-2472 AND 43-2569

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

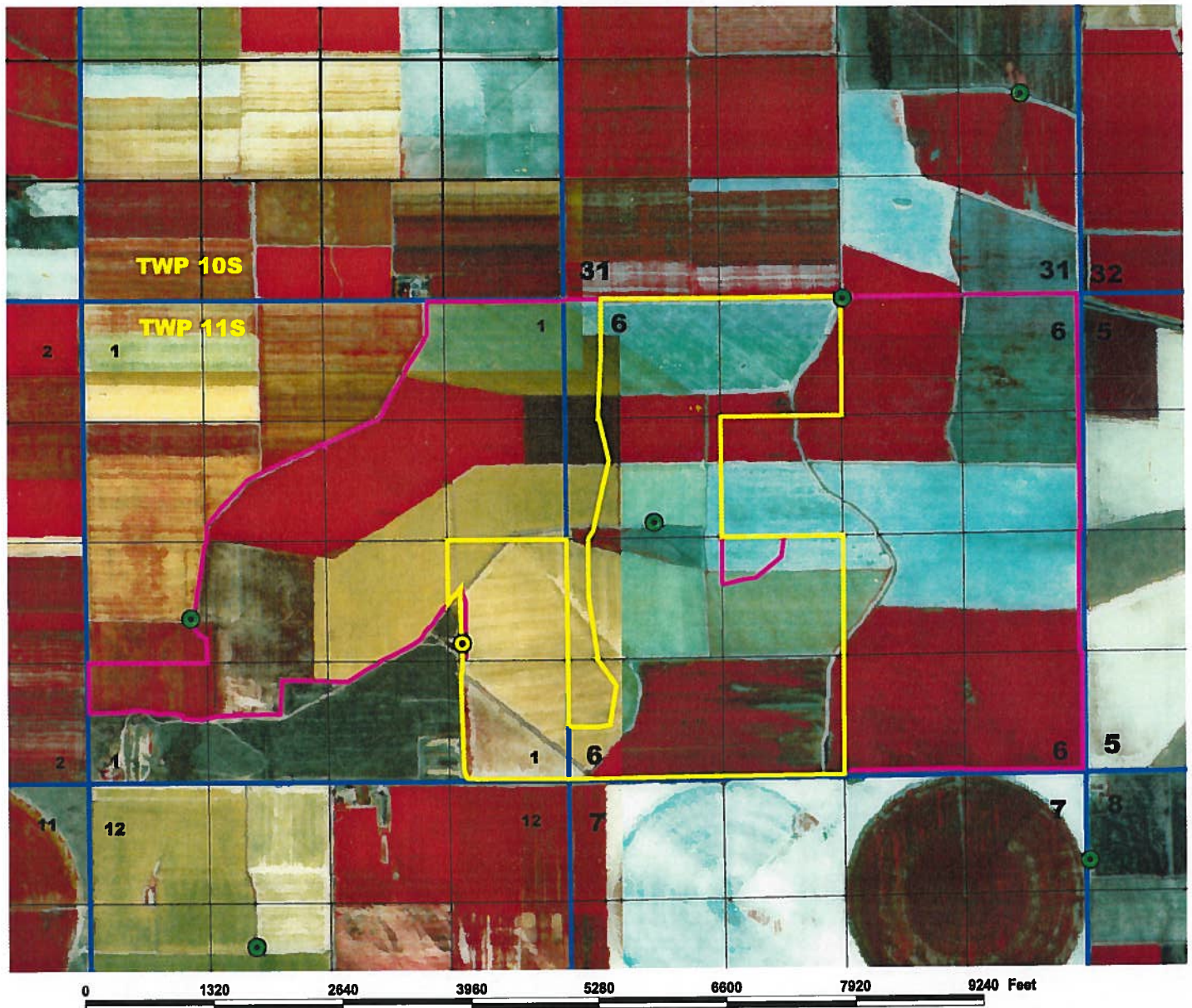
This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho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

EXPLANATORY MATERIAL: License

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR  
43-2472**



**PLACE OF USE**

**TWP 11S, RNG 26E, SEC 1**

**TWP 11S, RNG 27E, SEC 6**

**Data entry on February 11, 2003**

**GIS PLACE OF USE PRESENTATION**

**1987/1988 NAPP AERIAL PHOTOGRAPHY**

**DATA ENTRY BY KELLY K CHRISTENSEN**

**RECOMMENDED POINT OF DIVERSION**

**RECOMMENDED PLACE OF USE**

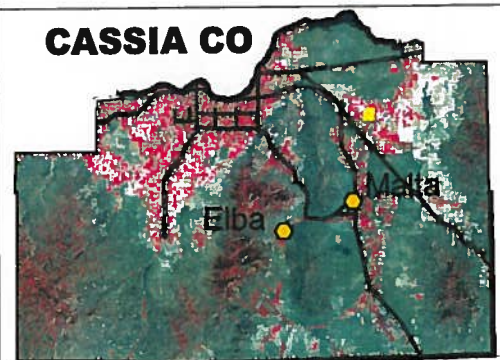
**SECTION LINES**

**QUARTER/QUARTER LINES**

**PU BOUNDARY FOR 43-2569**



**CASSIA CO**



CLAIM NUMBERS

43-2472

DATE 2-10-03

AGENT

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

360 ac

CLAIMED ACRE TOTAL

GEOGRAPHIC INFO ACRES

|           |     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |
|-----------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
|           | TNS | RNG | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |    |
| License   | 11S | 26E | 1   |    |    |    |    |    |    |    |    |    |    |    |    | 40 |    |    | 40 | 80 |
| Claim     |     |     | 1   |    |    |    |    |    |    |    |    |    |    |    |    | 40 |    |    | 40 | 80 |
| Found     |     |     | 1   |    |    |    |    |    |    |    |    |    |    |    |    | 38 |    |    | 35 | 73 |
| O/L       |     |     | 1   |    |    |    |    |    |    |    |    |    |    |    |    | 38 |    |    | 35 |    |
| Recommend |     |     | 1   |    |    |    |    |    |    |    |    |    |    |    |    | 38 |    |    | 35 |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| License   | 11S | 27E | 6   |    |    |    |    | 40 | 40 | 40 |    | 40 | 40 | 40 | 40 |    |    |    |    | 28 |
| Claim     |     |     | 6   |    |    |    |    | 40 | 40 | 40 |    | 40 | 40 | 40 | 40 |    |    |    |    | 28 |
| Found     |     |     | 6   |    |    |    |    | 40 | 52 | 52 |    | 40 | 52 | 51 | 40 |    |    |    |    |    |
| O/L       |     |     | 6   |    |    |    |    | 40 | 52 | 52 |    | 40 | 52 | 51 | 40 |    |    |    |    |    |
| Recommend |     |     |     |    |    |    |    | 40 | 40 | 40 |    | 40 | 44 | 43 | 40 |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|           |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

Found complete overlap with 43-2569.

When the 2 rights are combined they are limited to 1008 ac

No P/U overlap with any other rights.

Licensed PID = Sec 1 NE SE system capacity from license indicates 7.00CFS, therefore when this right & 43-4199 are combined they are limited to 7.00CFS

CK Vol <sup>comb</sup> limit -

Recommendation includes shifting 7 acres from Sec 1 E 1/2 SE to Sec 6 W 1/2 SW 1/4. Recognize as an unrecorded transfer.

05/08/2001

**NOTICE OF ERROR  
REPLY**

**RECEIVED**

**SEP 05 2001**

Department of Water Resources  
Southern Region

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: June 15, 2001**

Water right number: 43-2472

CLAIR D BOSEN  
PO BOX 2169  
SUN VALLEY ID 83353  
Telephone Number: (800) 397-1712

AMY E ACHS  
PO BOX 2169  
SUN VALLEY ID 83353  
Telephone Number: (800) 397-1712

VIOLA L BOSEN  
PO BOX 2169  
SUN VALLEY ID 83353  
Telephone Number: (800) 397-1712

RONALD A ACHS  
PO BOX 2169  
SUN VALLEY ID 83353  
Telephone Number: (800) 397-1712

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

Place of use

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

As shown on the attached Amended Notice of Claim

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

The attached claim is a more accurate description of the actual place of use of this water right.

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

DATE: 9-4-01

SIGNATURE: [Signature]

Please print your name: RONALD ACHS

IDWR Regional Office, 1341 Fillmore St., Suite 200, Twin Falls, ID 83301-2087363033

02/28/2001

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

RIGHT NUMBER: 43-2472

NAME AND ADDRESS: AMY E ACHS  
RONALD A ACHS  
CLAIR D BOSEN  
VIOLA L BOSEN  
PO BOX 2169  
SUN VALLEY, ID 83353

SOURCE: GROUND WATER

QUANTITY: 7 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 4228 AF. COMBINED RIGHT  
NOS.: 43-2472 AND 43-2569

PRIORITY DATE: 07/07/1959

POINT OF DIVERSION: T11S R26E S1 SWNESE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03-15 11-15          | 7.00 CFS        |
|                       |                      | 1,440.00 AFY    |

PLACE OF USE:

| <u>IRRIGATION Within CASSIA County</u> |       |      |    |              |       |      |    |
|----------------------------------------|-------|------|----|--------------|-------|------|----|
| T11S R26E S1                           |       | NESE | 40 | T11S R26E S1 |       | SESE | 40 |
| T11S R27E S6                           | LOT 3 | NENW | 40 | T11S R27E S6 | LOT 4 | NWNW | 27 |
| T11S R27E S6                           | LOT 5 | SWNW | 25 | T11S R27E S6 |       | SENE | 40 |
| T11S R27E S6                           |       | NESW | 40 | T11S R27E S6 | LOT 6 | NWSW | 30 |
| T11S R27E S6                           | LOT 7 | SWSW | 38 | T11S R27E S6 |       | SESW | 40 |

360 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 1057 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS. 43-2472 AND 43-2569

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

This preliminary recommendation is based upon inadequate  
information and does not reflect the expected final  
recommendation for this right and any other overlapping  
rights. Communication between the claimant and the department  
is required to resolve the outstanding issues.

02/13/2001

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

RIGHT NUMBER: 43-2472

NAME AND ADDRESS: AMY E ACHS  
RONALD A ACHS  
CLAIR D BOSEN  
VIOLA L BOSEN  
PO BOX 2169  
SUN VALLEY, ID 83353

ROUGH RECOM

VERIFIED BY KRC

SOURCE: GROUND WATER

QUANTITY: 7 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 4228 AF. COMBINED RIGHT NOS.: 43-2472 AND 43-2569

PRIORITY DATE: 07/07/1959

| POINT OF DIVERSION: |       |        |  |                      |
|---------------------|-------|--------|--|----------------------|
| T10S R27E S31       |       | NENESE |  | Within CASSIA County |
| T10S R27E S32       |       | SWNWSE |  | Within CASSIA County |
| T11S R26E S1        |       | SENWSW |  | Within CASSIA County |
| T11S R26E S1        |       | SWNESE |  | Within CASSIA County |
| T11S R26E S12       |       | NWSENW |  | Within CASSIA County |
| T11S R27E S4        |       | SWNWSE |  | Within CASSIA County |
| T11S R27E S4        |       | SWSESE |  | Within CASSIA County |
| T11S R27E S5        |       | NESWNE |  | Within CASSIA County |
| T11S R27E S5        |       | NWSENE |  | Within CASSIA County |
| T11S R27E S5        | LOT 3 | NWNENW |  | Within CASSIA County |
| T11S R27E S6        | LOT 2 | NWNWNE |  | Within CASSIA County |
| T11S R27E S6        | LOT 5 | SWSWNW |  | Within CASSIA County |
| T11S R27E S8        |       | SWNWNW |  | Within CASSIA County |
| T11S R27E S8        |       | SWNESE |  | Within CASSIA County |

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY     |
|----------------|---------------|--------------|
| IRRIGATION     | 03-15 11-15   | 7.00 CFS     |
|                |               | 1,440.00 AFY |

PLACE OF USE:

| <u>IRRIGATION Within CASSIA County</u> |       |      |    |              |               |
|----------------------------------------|-------|------|----|--------------|---------------|
| T11S R26E S1                           |       | NESE | 40 | T11S R26E S1 | SESE 40       |
| T11S R27E S6                           | LOT 3 | NENW | 40 | T11S R27E S6 | LOT 4 NWNW 27 |
| T11S R27E S6                           | LOT 5 | SWNW | 25 | T11S R27E S6 | SENW 40       |
| T11S R27E S6                           |       | NESW | 40 | T11S R27E S6 | LOT 6 NWSW 30 |
| T11S R27E S6                           | LOT 7 | SWSW | 38 | T11S R27E S6 | SESW 40       |

360 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED  
TOTAL OF 1057 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2472  
AND 43-2569

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.

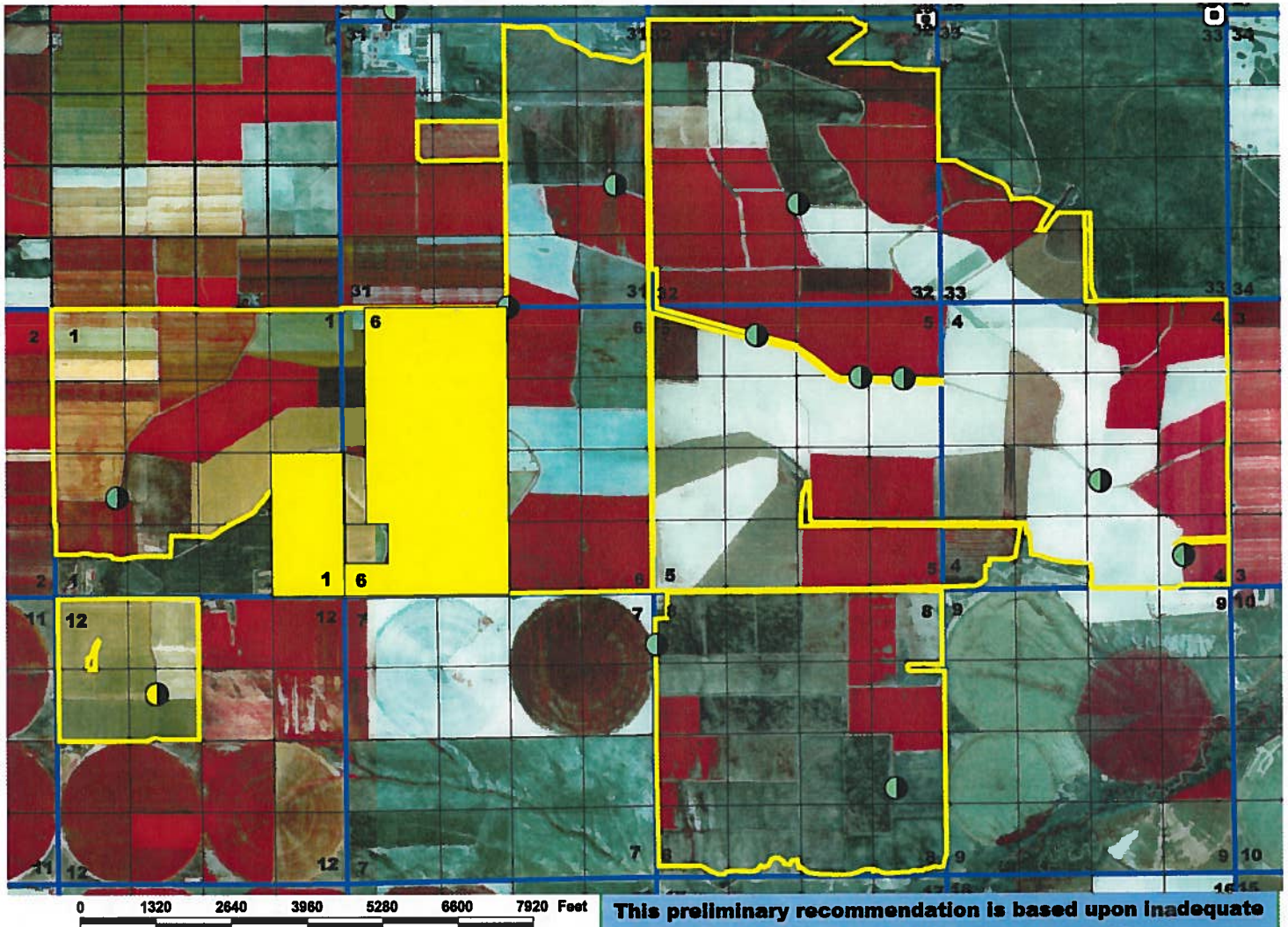
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This preliminary recommendation is based upon inadequate information and does  
not reflect the expected final recommendation for this right and any other  
overlapping rights. Communication between the claimant and the department is  
required to resolve the outstanding issues.

**Idaho Department of Water Resources**

**RECOMMENDED PLACE OF USE FOR**

**43-2472**

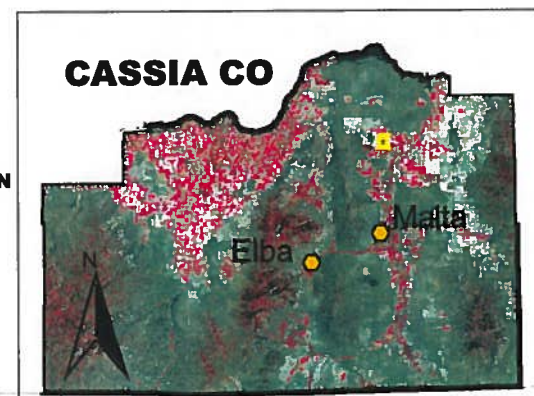


**This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.**

**PLACE OF USE**  
**TWP 11S, RNG 26E, SEC 1**  
**TWP 11S, RNG 27E, SEC 6**  
 Data entry on February 13, 2001

**GIS PLACE OF USE PRESENTATION**  
**1987/1988 NAPP AERIAL PHOTOGRAPHY**  
**DATA ENTRY BY KELLY K CHRISTENSEN**

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **OVERALL PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



# State of Idaho License and Certificate of Water Right

Water License No. G-28025

Amount 7.0 c.f.s.

Water District No. \_\_\_\_\_

Priority July 7, 1959

THIS IS TO CERTIFY that

YALE FARMS CO.

of Malta, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated July 7, 19 59; that Permit No. G-28025 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 7.0 second feet, was issued thereunder on November 30, 19 61, showing that said works were completed on the 7th day of April, 19 61; and that on the 7th day of April, 19 61,

YALE FARMS CO.

of Malta

State of Idaho

State Reclamation Engineer

made proof to the satisfaction of the of Idaho, of the right to use the waters of a well

a tributary of subterranean flow for the purpose of irrigation & domestic use, under Use Permit No. G-28025 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7216, on the 30 day of November, 19 61;

The right hereby confirmed dates from July 7, 19 59

The Point of Diversion is located

in the NE 14 SE 14, Sec. 1, Tp. 11 S, R. 26 E, B. M. Gowen County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 7.0 cubic feet per second.

Description and location of use:

| Twp.                                   | Range       | Sec.     | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|----------------------------------------|-------------|----------|------------------|-------------------------------|------------------------------|
| <u>11 S</u>                            | <u>26 E</u> | <u>1</u> | <u>NE SE</u>     | <u>40</u>                     | <u>40</u>                    |
|                                        |             |          | <u>SE SE</u>     | <u>40</u>                     | <u>40</u>                    |
|                                        |             |          | <u>NE NW</u>     | <u>40</u>                     | <u>40</u>                    |
|                                        |             |          | <u>NW NW</u>     | <u>40</u>                     | <u>40</u>                    |
|                                        |             |          | <u>SE NW</u>     | <u>40</u>                     | <u>40</u>                    |
|                                        |             |          | <u>SW NW</u>     | <u>40</u>                     | <u>40</u>                    |
|                                        |             |          |                  | <u>160</u>                    | <u>160</u>                   |
| Total number of acres to be irrigated: |             |          |                  |                               | <u>360</u>                   |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 30th day of November, 19 61.

/s/ RALPH W. THOMAS  
Deputy State Reclamation Engineer.

(SEAL)

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF ENGINEER

Permit No. G-28025

This proof is for Completion of Works &amp; Beneficial Use In Water District No.

1. Name of applicant Yale Farm Company

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE 1/4 of Section 1

T. 11 S. R. 26 E. B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 150 HP GE

Motor "RTJ 440000" Layne-Baker Pump "22098 (300 GPM @ 145 PSI @ 175 RPM)

5. Water is used for: Irrigation and domestic

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W 1/2 Sec. 6, Twp. 11 S., Rge. 27 E. B.M. E 1/2 Sec. 1, Twp. 11 S., Rge. 26 E. B.M.  
Making a total of 400 acres.

(Submit map on attached plat, showing location and details of above description.)

A. What large stream would the water here appropriated finally reach?

Remarks: Mr. Wilford Lundberg along

Orifice measurement 12" diam. pipe with 10" orifice =  $41.2' = 3160 \text{ GPM}$ This examination was made on the 24<sup>th</sup> day of October 1961

(Signed)

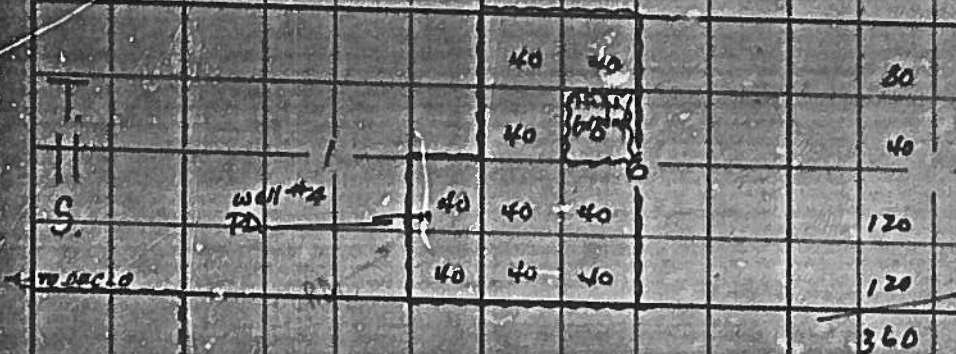
Layne-Baker

Examiner

28025

R-26E

R-27E.



Subdivisions 9

Area 360 acres

Q 7.0 = 360 inches

Malvin J. McElroy, President  
Yale Farm Company  
Malta, Idaho  
Permit No. 9-25075

Examination for Completion of Work on A. Paramountal. Use

County: Cassia  
Sec. 1, T. 11 S. R. 26 E. M.

Quantity: 8.0 cfs.

Source: Well

P.D.: NE SE, Sec. 1, T. 11 S. R. 26 E. BM

Use: Irrigation & Domestic

Filed: July 7, 1959

Date: July 9, 1964

Extensions: —

Completion of Work: —

Other Rights: none  
Driller: Ralph Denton

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plot same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plot same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
NOV 1 1961

Department of Reclamation

CLAIM NUMBER A43-02472 DATE \_\_\_\_\_  
AGENT \_\_\_\_\_

TRANSFER NUMBER \_\_\_\_\_  
CLAIMED ACRE TOTAL 36  
GIS ACRE TOTAL 40

|       | TWP | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| CLAIM | 11S | 26E | 01  |    |    |    |    |    |    |    |    |    |    |    |    | 40 |    |    | 40 |
| GIS   | 11S | 26E | 01  |    |    |    |    |    |    |    |    |    |    |    |    | 38 |    |    |    |
| RECOM | 11S | 26E | 01  |    |    |    |    |    |    |    |    |    |    |    |    | 38 |    |    | 35 |
| CLAIM | 11S | 27E | 06  |    |    |    |    | 40 | 40 | 40 |    | 40 | 40 | 40 | 40 |    |    |    |    |
| GIS   | 11S | 27E | 06  |    |    |    |    | 40 | 52 | 52 |    | 40 | 52 | 51 | 40 |    |    |    |    |
| RECOM | 11S | 27E | 06  |    |    |    |    | 40 | 52 | 52 |    | 40 | 52 | 51 | 40 |    |    |    |    |
| CLAIM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

B43-POU.SHP \_\_\_\_\_

SHAPE NOS. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B43-POD.SHP \_\_\_\_\_

NOS. DESCRIPTION \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

DBF TABLES UPDATED \_\_\_\_\_

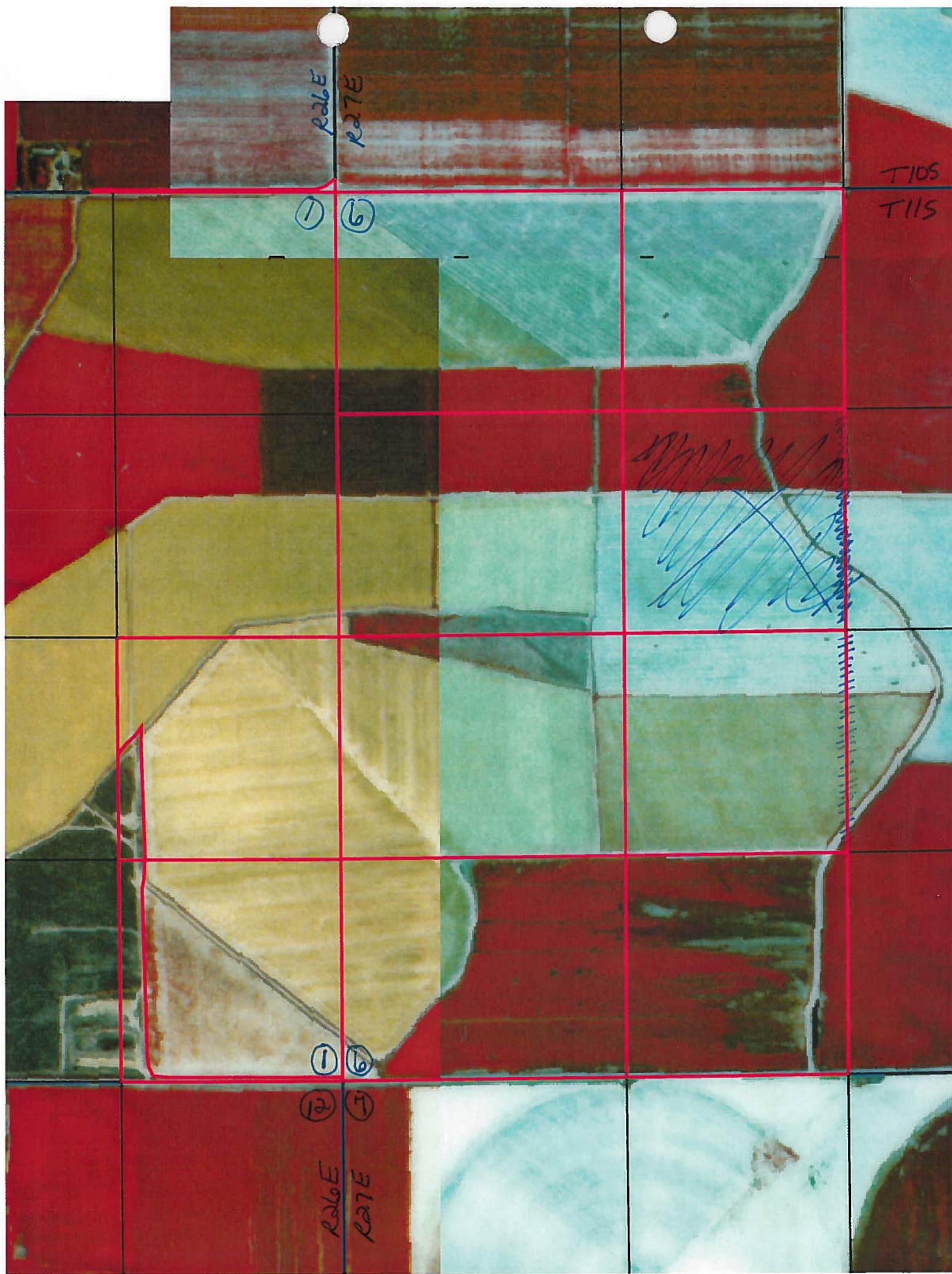
B43-DBPOU.DBF \_\_\_\_\_

B43-DBPOD.DBF \_\_\_\_\_

JPEG LAYOUT \_\_\_\_\_

A43-02472





R26E  
R27E

T10S  
T11S

① ⑥

① ⑥  
⑦ ⑫

R26E  
R27E