

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 MAR 22 PM 4 10

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 43-02471
Case No. 39576) (Sun Valley Agribusiness Partnership,
) LLC)
)
) SPECIAL MASTER REPORT

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 43-02471 to Sun Valley Agribusiness Partnership, LLC, P.O. Box 2169, Sun Valley, Idaho, 83353, for 6 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 43-02471*.

DATED March 22, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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QUANTITY: 6.00 CFS

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

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 43-2471
Date Received: 7/13/1989
Receipt No: C008236
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

*Amended
9-4-2001*

1. Name of Claimant(s)

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

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	SE NW SW	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	6	1440

7. Total Quantity Appropriated is:
6 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 NE	IRRIGATION	40
			NW NE	IRRIGATION	40

SW	NE	IRRIGATION	40
SE	NE	IRRIGATION	40
NE	NW	IRRIGATION	40
NW	NW	IRRIGATION	40
SW	NW	IRRIGATION	40
SE	NW	IRRIGATION	40
NE	SW	IRRIGATION	40

Section Acres 360

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:

This claim was amended on 9-4-2001 to correct the place of use. kkc

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

Claim amended 9-6-01 kkc

5/1/2000 TF; OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEEDS RECD 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 43-2471

Date Received

Receipt Number

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED 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, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, 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 6.00 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) 6.00 (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	Lt1 40	Lt2 40	40	40	Lt3 40	Lt4 40	40	40	40								360

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:

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 9-4-2001
_____ 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 PARTNERS Organization _____
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 Simpson
Residing at Ketchikan, Id
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 _____

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

RECEIVED**JUL - 3 2001**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
<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, 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. 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
 City, State and ZIP Code Sun Valley, ID 83353
 New Telephone Number (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total _____		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total _____		

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

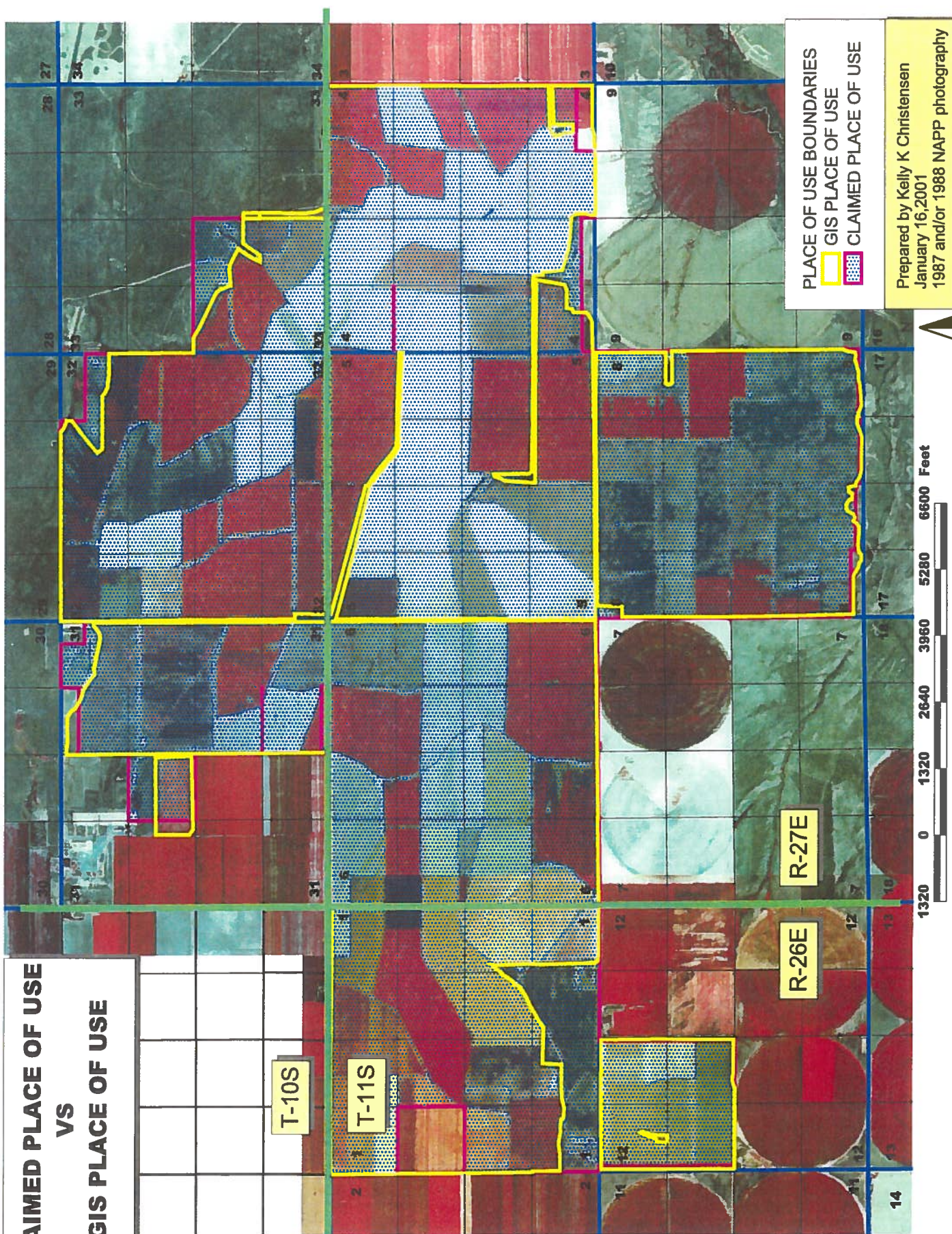
Snake River Basin Adjudication, LLC by
Matthew Mendenhall

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.

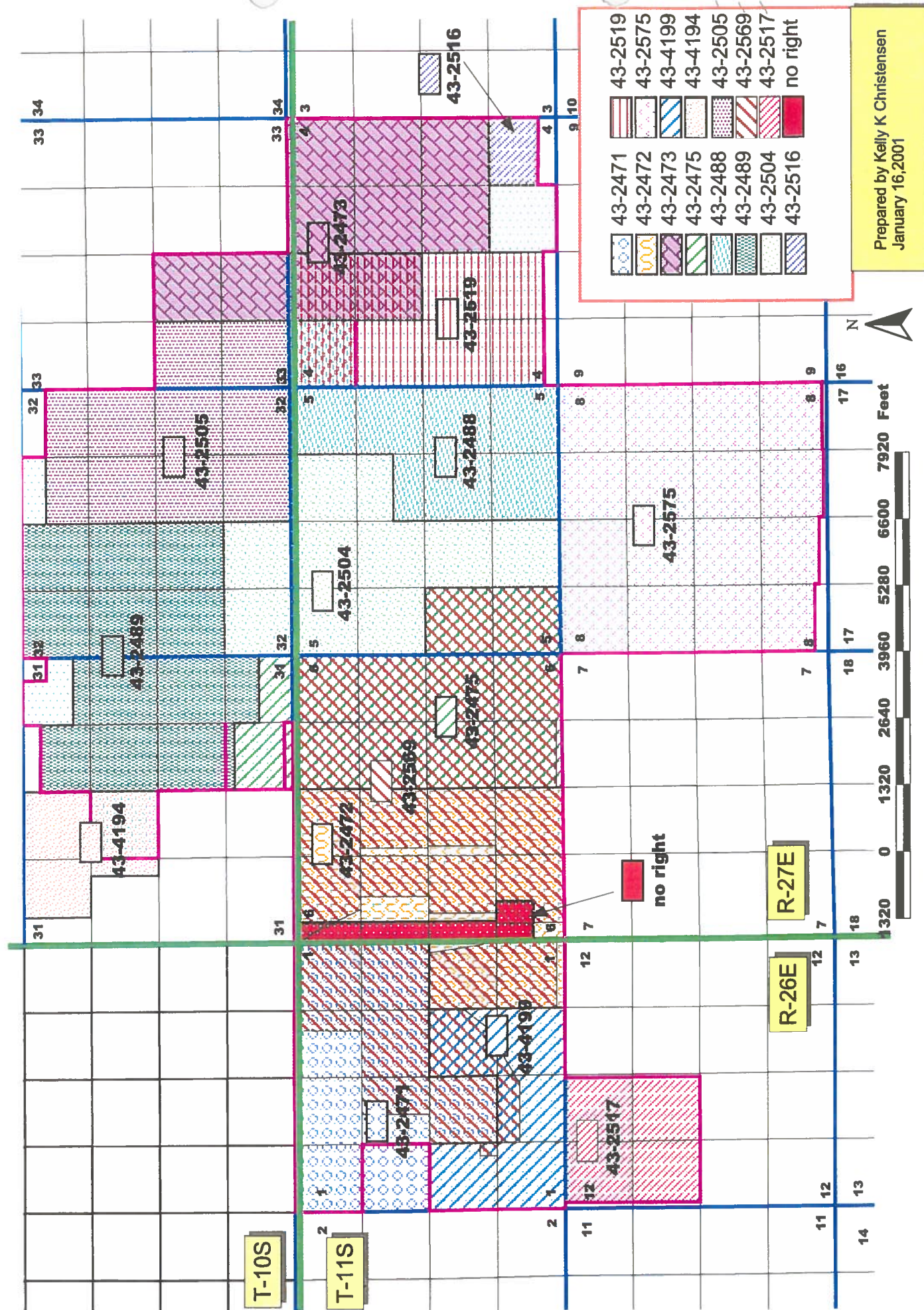
For Office Use Only

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

CLAIMED PLACE OF USE VS GIS PLACE OF USE



LICENSED RIGHTS OVERLAP COMPARISON



26735

ATTACHMENT "B"

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.

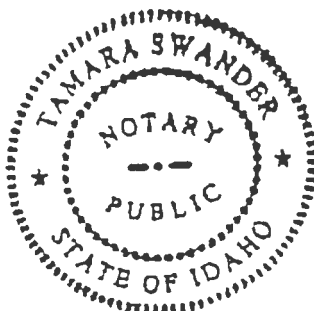
J. R. SIMPLOT COMPANY,
successor by merger to
SIMPLOT INDUSTRIES, INC.

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 26th 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: 4/9/00

EXHIBIT A

The land referred to is described as follows:

PARCEL #1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, 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 $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #2:

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

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #3:

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

Section 31: SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL #5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 32: N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 32: S $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 33: N $\frac{1}{4}$ N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 33: SW $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #9:

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

Section 1: ALL EXCEPT NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL #10:

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

Section 12: NW $\frac{1}{4}$

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 NW $\frac{1}{4}$ 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #11:

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

Section 4: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #12:

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

Section 5: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: E½

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: W½

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 9: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

ALL PARCELS SUBJECT TO County Road Rights-of-Way, and any other Easements or Right-of-Ways of record.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

EXHIBIT B

Special Exceptions:

1. General taxes for the year 1999 of which the first half is paid and the second half is due and payable, but not yet delinquent. ALL PARCELS.
2. General taxes for the year 2000, an accruing lien, but not yet due or payable. ALL PARCELS.
3. AGREEMENT FOR PURCHASE OF POWER between the Raft River Rural Electric Cooperative, Inc., and Cottarel Farms Company, dated September 7, 1960 and recorded January 3, 1962 as Instrument No. 4701 on Film No. 10, records of Cassia County, Idaho. (NW $\frac{1}{4}$, Sec. 5, Twp. 11 S., Rge. 27, E.B.M.). Part of PARCEL #12.
4. AGREEMENT FOR PURCHASE OF POWER between the Raft River Rural Electric Cooperative, Inc., and the Cottarel Farms Company, dated March 15, 1961 and recorded January 3, 1962 as Instrument No. 4702 on Film No. 10, records of Cassia County, Idaho. (NE $\frac{1}{4}$, Sec. 5, Twp. 11 S., Rge. 27, E.B.M.). Part of PARCEL #12.
5. EASEMENT AND RIGHT-OF-WAY CONTRACT, dated March 31, 1962, between Grigg and Anderson Farms, a Partnership, and Intermountain Gas Company, recorded May 4, 1962 as Instrument No. 6730 on Film No. 13, records of Cassia County, Idaho. In the N $\frac{1}{4}$ and the SE $\frac{1}{4}$, Sec. 8, Twp. 11 S., Rge. 27, E.B.M. Part of PARCEL #15.
6. EASEMENT AND RIGHT-OF-WAY CONTRACT to the Intermountain Gas Company, dated June 23, 1962, executed by Yale Farms Inc., and recorded July 27, 1962 as Instrument No. 8133 on Film No. 15, records of Cassia County, Idaho. (S $\frac{1}{4}$ S $\frac{1}{4}$, Sec. 6, Twp. 11 S., Rge. 27, E.B.M. S $\frac{1}{4}$ S $\frac{1}{4}$ Sec. 1, Twp. 11 S., Rge. 26, E.B.M.). Part of PARCELS #9, #13 & #14.
7. PERMIT TO USE RIGHT-OF-WAY, dated July 11, 1962, executed by Raft River Highway District to Intermountain Gas Company, an Idaho Corporation, recorded August 24, 1962 as Instrument No. 8605 on Film No. 15, records of Cassia County, Idaho, as to that certain road or highway and right-of-way for the same commencing at the SW corner of Sec. 5, Twp. 11 S., Rge. 27, E.B.M., thence West 2 miles, thence South 1 mile, thence West 1 $\frac{1}{2}$ miles more or less, at the intersection of said road or highway with U.S. Highway 30 South. Part of PARCELS #12, #13 & #14.
8. RIGHT OF WAY from Clyde E. Smith and Bonnie M. Smith, husband and wife, and Salt Lake Pipe Line Company, a Nevada Corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument 15366 on Film No. 23, records of Cassia County, Idaho. Part of PARCEL #10.

(Continued)

SPECIAL EXCEPTIONS-Continued:

9. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15567 on Film No. 23, records of Cassia County, Idaho. Part of PARCELS #7, #9 & #14.
10. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15568 on Film No. 23, records of Cassia County, Idaho. Part of PARCELS #3, #5 & #6.
11. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15569 on Film No. 23, records of Cassia County, Idaho. Part of PARCEL #12.
12. EASEMENT AND RIGHT-OF-WAY from Pawitt-Thompson Inc., to Intermountain Gas Company, dated May 7, 1964, and recorded July 22, 1964 as Instrument No. 19659 on Film No. 28, records of Cassia County, Idaho. Part of PARCEL #11.
13. AGREEMENT FOR PURCHASE OF POWER, dated April 23, 1964, between Raft River Rural Electric Cooperative, Inc., and The Ruby Company Farms, recorded December 23, 1965 as Instrument No. 27477 on Film No. 38, records of Cassia County, Idaho. Part of PARCEL #11.
14. AGREEMENT FOR PURCHASE OF POWER, dated March 18, 1968, between the Raft River Rural Electric Cooperative, Inc., and Simplot C & Y, recorded June 11, 1968 as Instrument No. 46685 on Film No. 61, records of Cassia County, Idaho. Part of PARCELS #7 & #8.
15. AGREEMENT FOR PURCHASE OF POWER, dated June 7, 1963, between the Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Co., C & Y Farms, recorded June 19, 1970 as Instrument No. 51655 on Film No. 65, records of Cassia County, Idaho. Part of PARCELS #13 & #14.
16. AGREEMENT FOR PURCHASE OF POWER, dated December 30, 1970, between the Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company, recorded September 1, 1972 as Instrument No. 64984 on Film No. 78, records of Cassia County, Idaho. Part of PARCEL #15.
17. AGREEMENT FOR PURCHASE OF POWER, dated May 1, 1972, between the Raft River Rural Electric Cooperative, Inc., and Simplot Industries, recorded September 1, 1972 as Instrument No. 64986 on Film No. 78, records of Cassia County, Idaho. Part of PARCEL #15.

(Continued)

SPECIAL EXCEPTIONS-Continued:

18. OFFER TO LEASE AND LEASE FOR OIL AND GAS, dated April 8, 1982, between United States Department of the Interior, Bureau of Land Management and Petrolic Corporation, recorded May 24, 1982 as Instrument No. 143533 on Film No. 149, records of Cassia County, Idaho. Part of PARCEL #9.
19. AGREEMENT FOR ELECTRIC SERVICE, dated April 25, 1984, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company, C & Y Farms, recorded May 14, 1985 as Instrument No. 169430 on Film No. 172, records of Cassia County, Idaho. Part of PARCEL #10.
20. AGREEMENT FOR ELECTRIC SERVICE, dated April 17, 1986, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company d/b/a C & Y, recorded May 15, 1986 as Instrument No. 178404 on Film No. 180, records of Cassia County, Idaho. Part of PARCEL #12.
21. LANDOWNER'S WAIVER, dated July 11, 1988, by and between Simplot C & Y Dairy, and Idaho Bank & Trust, recorded July 25, 1988 as Instrument No. 196720 on Film No. 200, records of Cassia County, Idaho. Part of PARCELS #4 & #9.
22. CATHODIC PROTECTION SYSTEM RIGHT-OF-WAY, dated September 9, 1988, between Chevron Pipe Line Company, a Delaware Corporation, and J. R. Simplot Inc., recorded October 7, 1988 as Instrument No. 198224 on Film No. 202, records of Cassia County, Idaho. Part of PARCEL #7.

SUPPLEMENTAL RIGHT-OF-WAY AGREEMENT, dated May 19, 1989, and recorded June 9, 1989 as Instrument No. 202337 on Film No. 207, records of Cassia County, Idaho.
23. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200373 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #11.
24. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200374 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #12.
25. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200375 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #11.
26. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200376 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #15.

(Continued)

SPECIAL EXCEPTIONS-Continued:

27. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 22, 1989 as Instrument No. 200407 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #6.
28. AGREEMENT FOR ELECTRIC SERVICE, dated April 10, 1992, between Raft River Rural Electric Cooperative, Inc., and Simplot C & Y Farms, recorded November 24, 1992 as Instrument No. 222011 on Film No. 239, records of Cassia County, Idaho. Part of PARCEL #13.
29. CASSIA COUNTY ORDINANCE NO. 99-10-02, recorded October 27, 1999, as Instrument No. 265642, records of Cassia County, Idaho. Covers Other Land.

* * * * *

267355
CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY
RECORDER
FEE \$7.00 DEPUTY CLERK
00 FEB 11 PM 4 18
RECEIVED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT.

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.

267356

CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY
RECORDER

FEE \$1.00 DEPUTY *[Signature]*

00 FEB 11 PM 4 20

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

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

The land referred to is described as follows:

PARCEL #1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, 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 $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING
Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral
oil and gas, and mineral, oil, and gas rights, in, to and under said lands
which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and
Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #2:

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

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral
oil and gas, and mineral, oil, and gas rights, in, to and under said lands,
which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and
Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #3:

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

Section 31: SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral
oil and gas, and mineral, oil and gas rights, in, to and under said lands,
which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and
Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #4:

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

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL #5:

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

Section 32: N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #6:

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

Section 32: S $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #7:

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

Section 33: N $\frac{1}{4}$ N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #8:

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

Section 33: SW $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #9:

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

Section 1: All EXCEPT NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$.

PARCEL #10:

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

Section 12: NW $\frac{1}{4}$

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 NW $\frac{1}{4}$ 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #11:

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

Section 4: All

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #12:

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

Section 3: All

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: E $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knadler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: W $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knadler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 8: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knadler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

ALL PARCELS SUBJECT TO County Road Rights-of-Way, and any other Easements or Right-of-Ways of record.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

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.



Buyer's Initials 1-11-2000
Date



Seller's Initials 1-11-2000
Date

SPECIAL WARRANTY DEED

THIS INDENTURE made this 7 day of November, 2000, between 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 "Grantor" and SUN VALLEY AGRIBUSINESS PARTNERS L.L.C., an Idaho limited liability company, the "Grantee" whose mailing address is P.O. Box 2169, Sun Valley, Idaho 83353.

WITNESSETH:

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

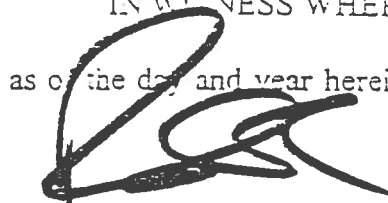
Described on attached EXHIBIT A.

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

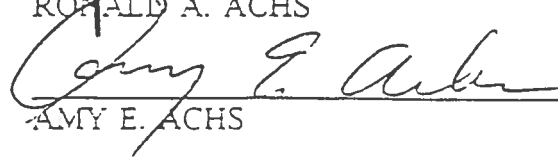
TO HAVE AND TO HOLD said Premises unto Grantee its successors and assigns forever.

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

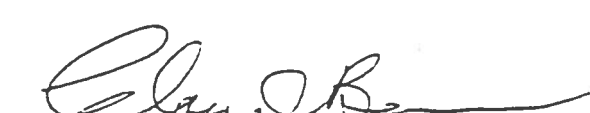
IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by Grantor as of the day and year herein first above written.



RONALD A. ACHS



AMY E. ACHS



CLAIR D. BOSEN

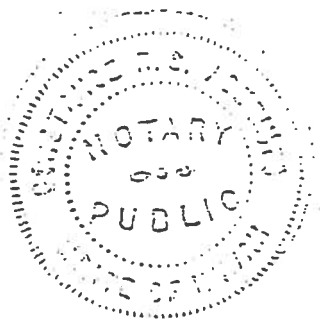


VIOLA L. BOSEN

STATE OF HAWAII)
County of Hawaii) ss.

On this 7th day of November, 2000, before me, Constance R.S. Adair
a Notary Public in and for said state, personally appeared RONALD A. ACHS and AMY E.
ACHS, husband and wife, known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they executed the same.

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

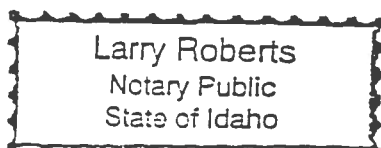


Constance R.S. Adair
Notary Public for Hawaii
Residing at Kailua-Kona, Hawaii
My commission expires 7-12-02

STATE OF IDAHO)
County of Cassia) ss.

On this 9th day of November, 2000, before me, Larry Roberts
a Notary Public in and for said state, personally appeared CLAIR D. BOSEN and VIOLA L.
BOSEN, husband and wife, known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Larry Roberts
Notary Public for Idaho
Residing at Blue Jay, Idaho
My commission expires 6-30-03

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.

PARCEL NO. 2:

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

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, 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.

PARCEL NO. 3:

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

Section 31: SE $\frac{1}{4}$

Continued

Continuation

PARCEL NO. 4:

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

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 5:

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

Section 32: N $\frac{1}{2}$

PARCEL NO. 6:

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

Section 32: S $\frac{1}{2}$

PARCEL NO. 7:

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

Section 33: N $\frac{1}{2}$ N $\frac{1}{2}$

PARCEL NO. 8:

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

Section 33: SW $\frac{1}{4}$

Continued

Continuation

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

Continued

Continuation

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

272117

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

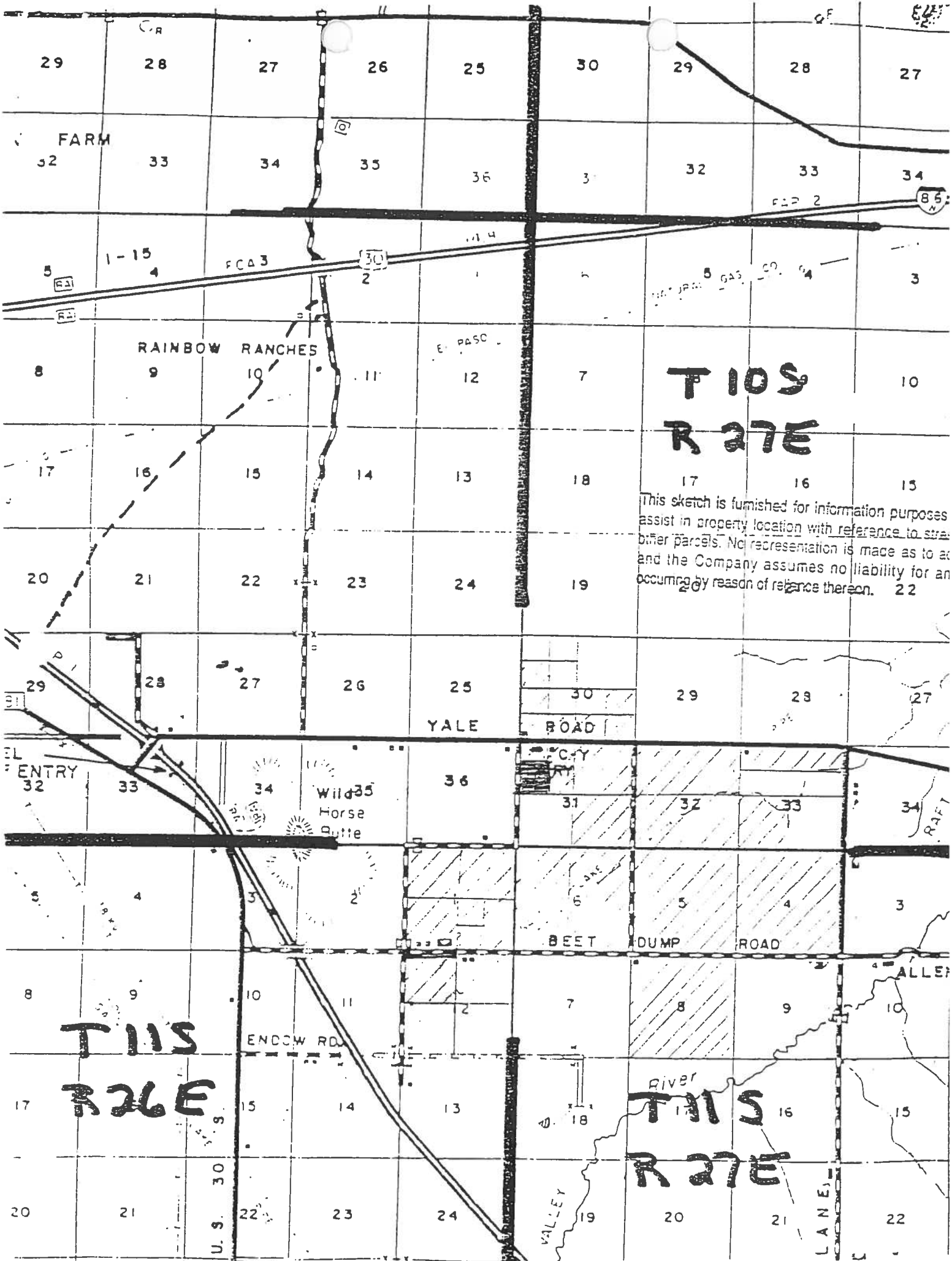
FEE \$8.00 DEPUTY *[Signature]*

NOV 13 PM 2 46

RECORDED AT THE REQUEST OF

LAND TITLE & ESCROW

Continuation



**T10S
R27E**

This sketch is furnished for information purposes
assist in property location with reference to street
better parcels. No representation is made as to ac
and the Company assumes no liability for an
occurring by reason of reliance thereon.

**T11S
R26E**

**T11S
R27E**

43-02471

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 _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
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
(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

ATTACHMENT A

Water Right Numbers	Snake River Basin Adjudication Claim Numbers
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

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.

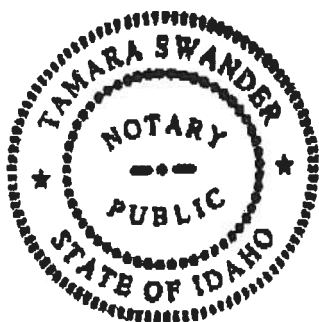
J. R. SIMPLOT COMPANY,
successor by merger to
SIMPLOT INDUSTRIES, INC.

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

By Ronald N. Graves
Ronald N. Graves, Secretary

STATE OF IDAHO)
County of Ada) ss.

On this 26th 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

EXHIBIT A

The land referred to is described as follows:

PARCEL #1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, 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 $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING
Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #2:

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

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #3:

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

Section 31: SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL #5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 32: N $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 32: S $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 33: N $\frac{1}{2}$ N $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 33: SW $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #9:

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

Section 1: All EXCEPT NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL #10:

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

Section 12: NW $\frac{1}{4}$

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 NW $\frac{1}{4}$ 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #11:

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

Section 4: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #12:

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

Section 5: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: E $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: W $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 8: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson, Lewis, deceased

ALL PARCELS SUBJECT TO County Road Rights-of-Way, and any other Easements or Right-of-Ways of record.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

EXHIBIT B

Special Exceptions:

1. General taxes for the year 1999 of which the first half is paid and the second half is due and payable, but not yet delinquent. ALL PARCELS.
2. General taxes for the year 2000, an accruing lien, but not yet due or payable. ALL PARCELS.
3. AGREEMENT FOR PURCHASE OF POWER between the Raft River Rural Electric Cooperative, Inc., and Cottarel Farms Company, dated September 7, 1960 and recorded January 3, 1962 as Instrument No. 4701 on Film No. 10, records of Cassia County, Idaho. (NW $\frac{1}{4}$, Sec. 5, Twp. 11 S., Rge. 27, E.B.M.). Part of PARCEL #12.
4. AGREEMENT FOR PURCHASE OF POWER between the Raft River Rural Electric Cooperative, Inc., and the Cottarel Farms Company, dated March 15, 1961 and recorded January 3, 1962 as Instrument No. 4702 on Film No. 10, records of Cassia County, Idaho. (NE $\frac{1}{4}$, Sec. 5, Twp. 11 S., Rge. 27, E.B.M.). Part of PARCEL #12.
5. EASEMENT AND RIGHT-OF-WAY CONTRACT, dated March 31, 1962, between Grigg and Anderson Farms, a Partnership, and Intermountain Gas Company, recorded May 4, 1962 as Instrument No. 6730 on Film No. 13, records of Cassia County, Idaho. In the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$, Sec. 8, Twp. 11 S., Rge. 27, E.B.M. Part of PARCEL #15.
6. EASEMENT AND RIGHT-OF-WAY CONTRACT to the Intermountain Gas Company, dated June 23, 1962, executed by Yale Farms Inc., and recorded July 27, 1962 as Instrument No. 8133 on Film No. 15, records of Cassia County, Idaho. (S $\frac{1}{4}$ S $\frac{1}{4}$, Sec. 6, Twp. 11 S., Rge. 27, E.B.M. S $\frac{1}{4}$ S $\frac{1}{4}$ Sec. 1, Twp. 11 S., Rge. 26, E.B.M.). Part of PARCELS #9, #13 & #14.
7. PERMIT TO USE RIGHT-OF-WAY, dated July 11, 1962, executed by Raft River Highway District to Intermountain Gas Company, an Idaho Corporation, recorded August 24, 1962 as Instrument No. 8605 on Film No. 15, records of Cassia County, Idaho, as to that certain road or highway and right-of-way for the same commencing at the SW corner of Sec. 5, Twp. 11 S., Rge. 27, E.B.M., thence West 2 miles, thence South 1 mile, thence West 1 $\frac{1}{4}$ miles more or less, at the intersection of said road or highway with U.S. Highway 30 South. Part of PARCELS #12, #13 & #14.
8. RIGHT OF WAY from Clyde E. Smith and Bonnie M. Smith, husband and wife, and Salt Lake Pipe Line Company, a Nevada Corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument 15566 on Film No. 23, records of Cassia County, Idaho. Part of PARCEL #10.

(Continued)

SPECIAL EXCEPTIONS-Continued:

9. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15567 on Film No. 23, records of Cassia County, Idaho. Part of PARCELS #7, #9 & #14.
10. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15568 on Film No. 23, records of Cassia County, Idaho. Part of PARCELS #3, #5 & #6.
11. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15569 on Film No. 23, records of Cassia County, Idaho. Part of PARCEL #12.
12. EASEMENT AND RIGHT-OF-WAY from Pawitt-Thompson Inc., to Intermountain Gas Company, dated May 7, 1964, and recorded July 22, 1964 as Instrument No. 19639 on Film No. 28, records of Cassia County, Idaho. Part of PARCEL #11.
13. AGREEMENT FOR PURCHASE OF POWER, dated April 23, 1964, between Raft River Rural Electric Cooperative, Inc., and The Ruby Company Farms, recorded December 23, 1965 as Instrument No. 27477 on Film No. 38, records of Cassia County, Idaho. Part of PARCEL #11.
14. AGREEMENT FOR PURCHASE OF POWER, dated March 18, 1968, between the Raft River Rural Electric Cooperative, Inc., and Simplot C & Y, recorded June 11, 1968 as Instrument No. 46685 on Film No. 61, records of Cassia County, Idaho. Part of PARCELS #7 & #8.
15. AGREEMENT FOR PURCHASE OF POWER, dated June 7, 1963, between the Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Co., C & Y Farms, recorded June 19, 1970 as Instrument No. 51655 on Film No. 65, records of Cassia County, Idaho. Part of PARCELS #13 & #14.
16. AGREEMENT FOR PURCHASE OF POWER, dated December 30, 1970, between the Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company, recorded September 1, 1972 as Instrument No. 64984 on Film No. 78, records of Cassia County, Idaho. Part of PARCEL #15.
17. AGREEMENT FOR PURCHASE OF POWER, dated May 1, 1972, between the Raft River Rural Electric Cooperative, Inc., and Simplot Industries, recorded September 1, 1972 as Instrument No. 64986 on Film No. 78, records of Cassia County, Idaho. Part of PARCEL #15.

(Continued)

SPECIAL EXCEPTIONS-Continued:

18. OFFER TO LEASE AND LEASE FOR OIL AND GAS, dated April 8, 1982, between United States Department of the Interior, Bureau of Land Management and Petrolic Corporation, recorded May 24, 1982 as Instrument No. 143533 on Film No. 149, records of Cassia County, Idaho. Part of PARCEL #9.
19. AGREEMENT FOR ELECTRIC SERVICE, dated April 25, 1984, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company, C & Y Farms, recorded May 14, 1985 as Instrument No. 169430 on Film No. 172, records of Cassia County, Idaho. Part of PARCEL #10.
20. AGREEMENT FOR ELECTRIC SERVICE, dated April 17, 1986, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company d/b/a C & Y, recorded May 15, 1986 as Instrument No. 178404 on Film No. 180, records of Cassia County, Idaho. Part of PARCEL #12.
21. LANDOWNER'S WAIVER, dated July 11, 1988, by and between Simplot C & Y Dairy, and Idaho Bank & Trust, recorded July 25, 1988 as Instrument No. 196720 on Film No. 200, records of Cassia County, Idaho. Part of PARCELS #4 & #9.
22. CATHODIC PROTECTION SYSTEM RIGHT-OF-WAY, dated September 9, 1988, between Chevron Pipe Line Company, a Delaware Corporation, and J. R. Simplot Inc., recorded October 7, 1988 as Instrument No. 198224 on Film No. 202, records of Cassia County, Idaho. Part of PARCEL #7.

SUPPLEMENTAL RIGHT-OF-WAY AGREEMENT, dated May 19, 1989, and recorded June 9, 1989 as Instrument No. 202337 on Film No. 207, records of Cassia County, Idaho.
23. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200373 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #11.
24. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200374 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #12.
25. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200375 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #11.
26. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200376 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #15.

(Continued)

SPECIAL EXCEPTIONS-Continued:

27. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 22, 1989 as Instrument No. 200407 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #6.
28. AGREEMENT FOR ELECTRIC SERVICE, dated April 10, 1992, between Raft River Rural Electric Cooperative, Inc., and Simplot C & Y Farms, recorded November 24, 1992 as Instrument No. 222011 on Film No. 239, records of Cassia County, Idaho. Part of PARCEL #13.
29. CASSIA COUNTY ORDINANCE NO. 99-10-02, recorded October 27, 1999, as Instrument No. 265642, records of Cassia County, Idaho. Covers Other Land.

* * * * *

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

00 FEB 11 PM 4 18

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$7.00 REPUTED

267355

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 ... REQUEST OF
CASSIA COUNTY ABSTRACT
00 FEB 11 PM 4 20

CASSIA COUNTY, IDAHO
DARRELL M. 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 _____

Ronald A. Achs
-Managing Member

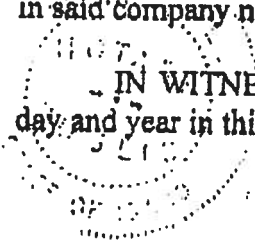
STATE OF IDAHO)

) 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.



Notary Public for Idaho

Residing at Burley, Idaho

My commission expires 8/2/00

EXHIBIT A

The land referred to is described as follows:

PARCEL #1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, 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 $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING
Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #2:

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

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #3:

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

Section 31: SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #4:

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

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL #5:

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

Section 32: N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #6:

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

Section 32: S $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #7:

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

Section 33: N $\frac{1}{4}$ N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #8:

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

Section 33: SW $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #9:

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

Section 1: ALL EXCEPT NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL #10:

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

Section 12: NW $\frac{1}{4}$

LESS commencing at the Northwest corner of said Section 12, running Thence South 30 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 NW $\frac{1}{4}$ 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.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #11:

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

Section 4: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #12:

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

Section 3: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: E $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, decease

PARCEL #14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: W $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, decease

PARCEL #15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 8: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson, Lewis, decease

ALL PARCELS SUBJECT TO County Road Rights-of-Way, and any other Easements or Right-of-Ways of record.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

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; SE¼SW¼; SW¼EW; SE¼SE¼	311.49 Acres
Section 31: Lots 1 & 2 less Tract 3770; NE¼; NE¼NW¼ SE¼NW¼; SE¼	446.56 Acres
Section 32: All	635.47 Acres
Section 33: N½N½; SW¼	316.21 Acres

Township 11 South, Range 26 East of the Boise Meridian

Section 1: All	630.74 Acres
Section 12: Part of the NW¼	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.

 Buyer's Initials	1-11-2000 Date
---	-------------------

 Seller's Initials	1-11-2000 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: A43-02471

Date Received: 7/13/89

Receipt No: C008236

Received By: 9

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
				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	6.000		

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

A.F.A.

A43-02471

Page 1

Date: 07/05/89

MICROFILMED

MAR U 3 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		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SE		IRR	40.0

Section Acres 360.0

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: 28024

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 D. Howe
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 D. 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



WR# A43-02471

= point of Diversion

= place of Use

CASSIA COUNTY,
IDAHO

LEGEND

[illegible]

UNRECORDED PAGE NO
AS THREE DIGITS
BLOCK NO
IN A TEN DIGITS
SURVIVOR NO
IN A TEN DIGITS
IN A TEN DIGITS
IN A TEN DIGITS
IN A TEN DIGITS

Date:

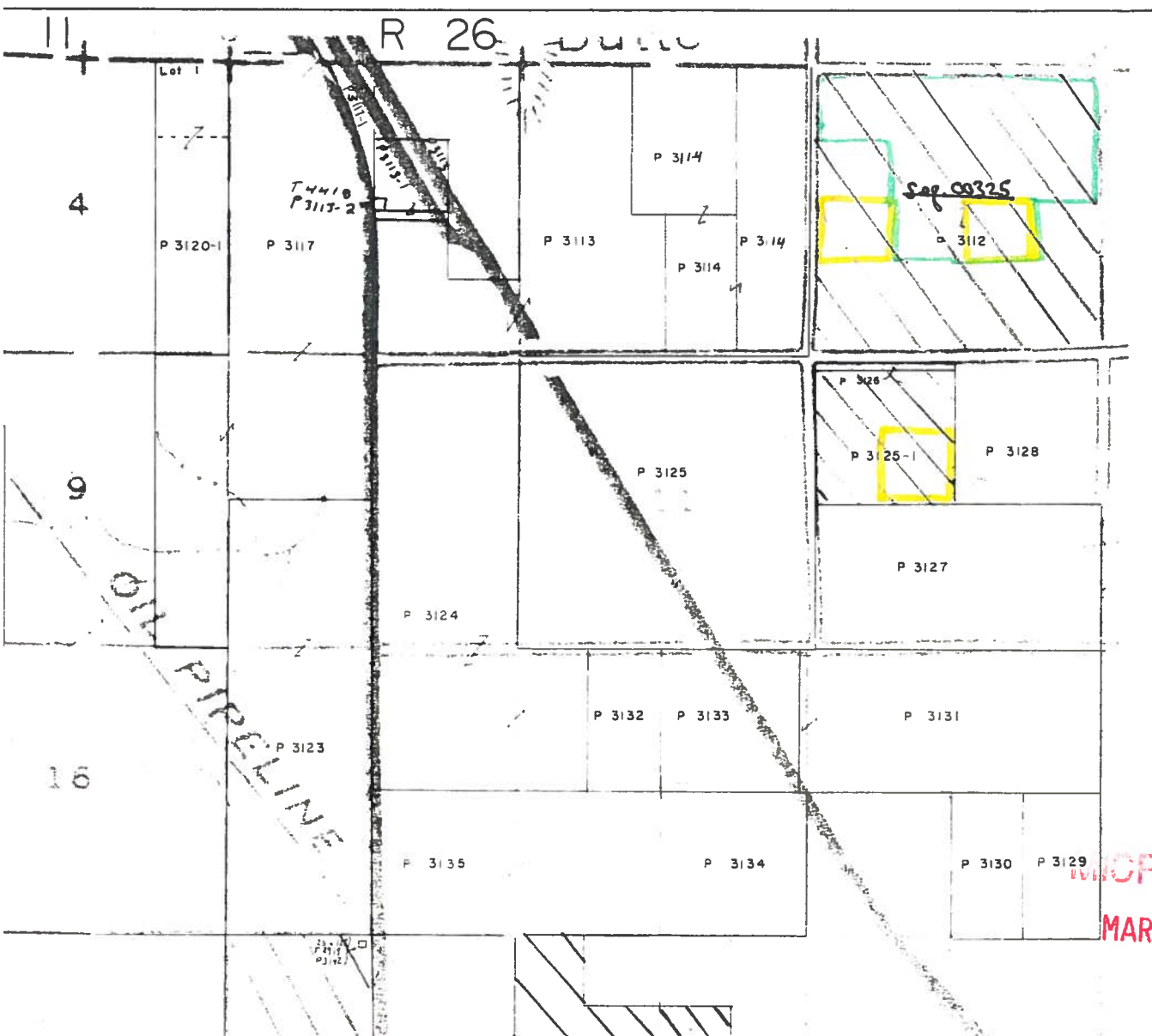
MICROFILMED
 MAR 03 1993

P 338

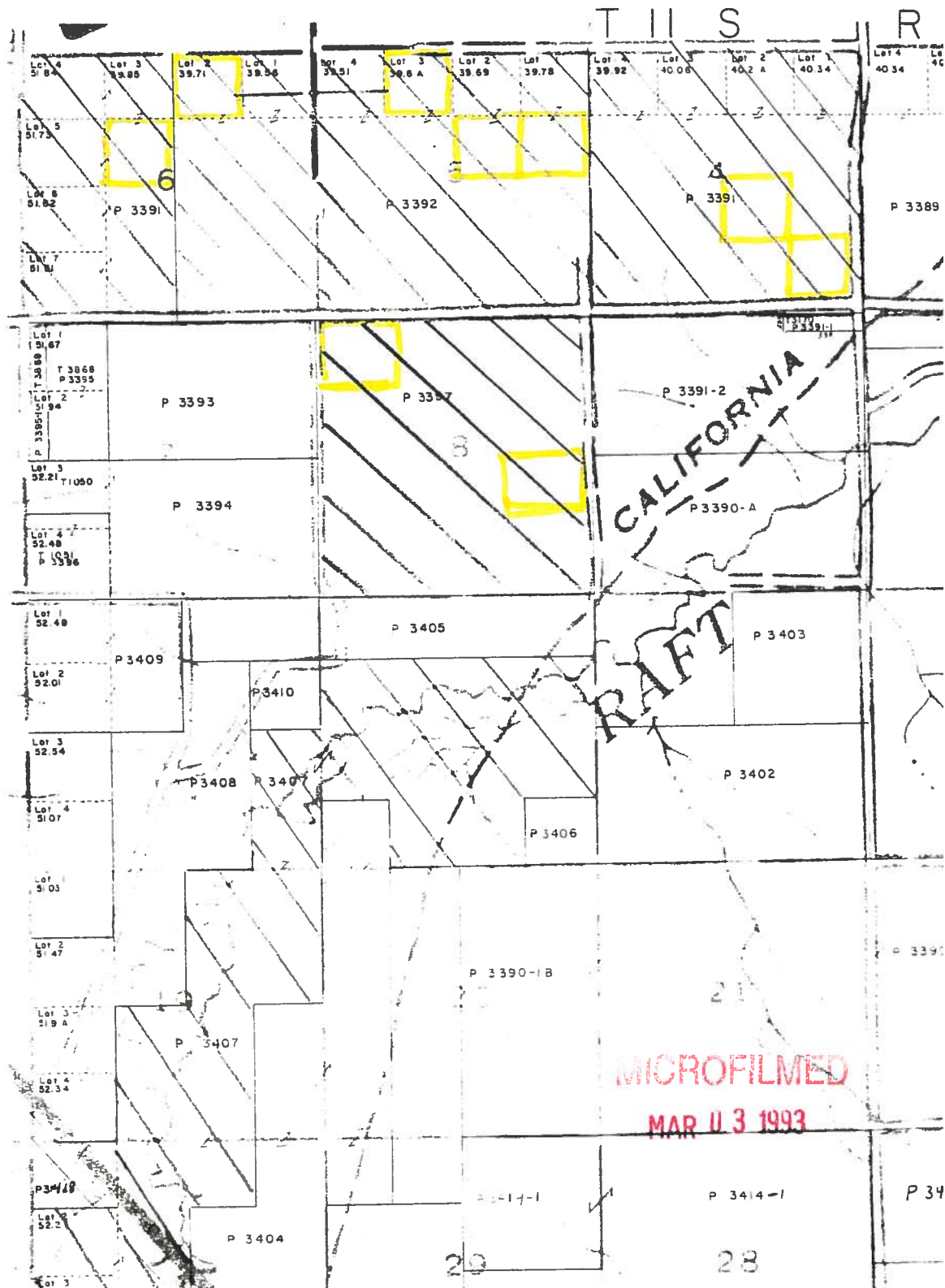
3381-2

218

T. 11S R. 26E



 = point of Diversion
 = place of Use



INPUT: AJ_SELECTION: FRAZEE-NAME-SIMPLET.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 SIMPLOT 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
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A43-00481	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
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A43-02045	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
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A43-02115B	ATTORNEY NAME	SUCCESSFULLY ADDED TO NAME FILE
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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
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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
- Jf*

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.)

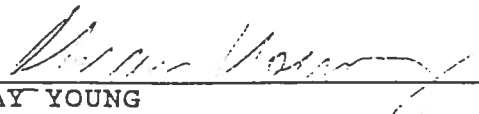
TO ALL PARTIES:

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

4507vrl-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 & Hanni
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 RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2471

NAME AND ADDRESS:

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

VERSION 2

SOURCE:

Source:
GROUND WATER

Tributary:

VERIFIED BY KKC

QUANTITY:

6.000 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
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 SENWSW
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	6.000 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 NENE Lot 1 40.0
T11S R26E S01 NWNE Lot 2 40.0
T11S R26E S01 SWNE 40.0
T11S R26E S01 SENE 40.0
T11S R26E S01 NENW Lot 3 40.0
T11S R26E S01 NWNW Lot 4 40.0
T11S R26E S01 SWNW 40.0
T11S R26E S01 SENW 40.0
T11S R26E S01 NESW 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 1055 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-2471 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

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR
43-2471

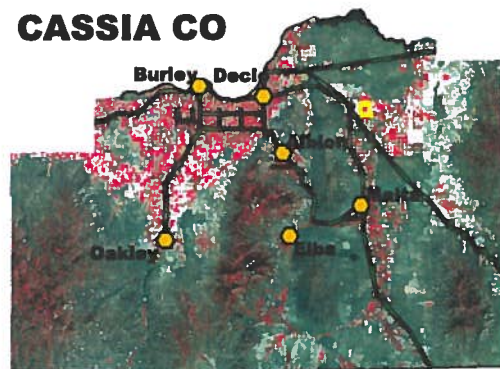


PLACE OF USE
TWP 11S, RNG 26E, SEC 1
Data entry on February 2, 2004

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES

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

CASSIA CO



02/11/2003

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

RIGHT NUMBER: 43-2471

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

VERIFIED BY *KKC*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.000 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 SENWSW 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	6.000 CFS 1,440.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R26E S01 Lot 1 NENE	40.0	T11S R26E S01 Lot 2 NWNE	40.0		
T11S R26E S01	SWNE	40.0	T11S R26E S01	SENE	40.0
T11S R26E S01 Lot 3 NENW	40.0	T11S R26E S01 Lot 4 NWNW	40.0		
T11S R26E S01	SWNW	40.0	T11S R26E S01	SENW	40.0
T11S R26E S01	NESW	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 1055 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-2471 AND 43-2569

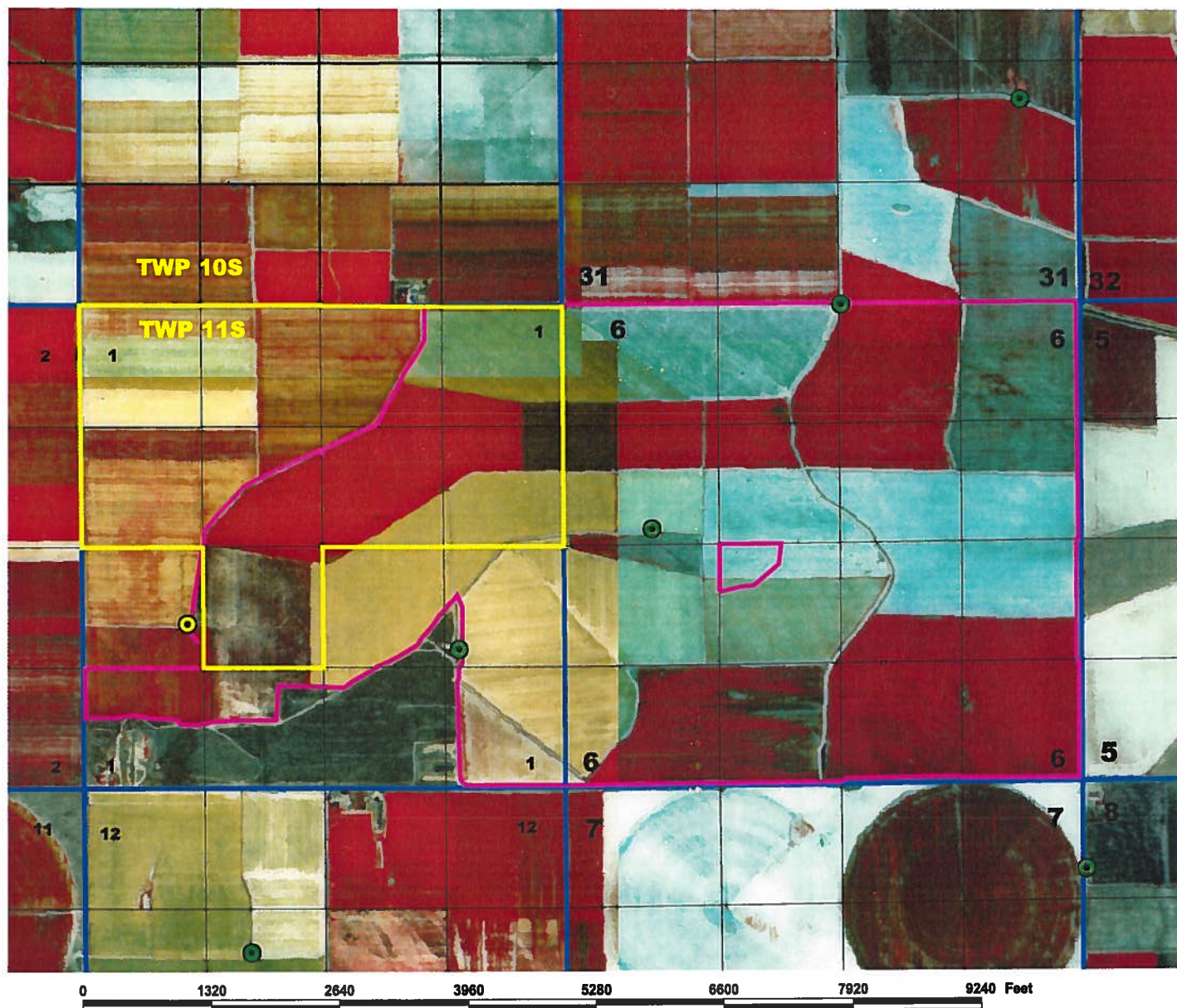
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
43-2471**



PLACE OF USE

TWP 11S, RNG 26E, SEC 1

Data entry on February 10, 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

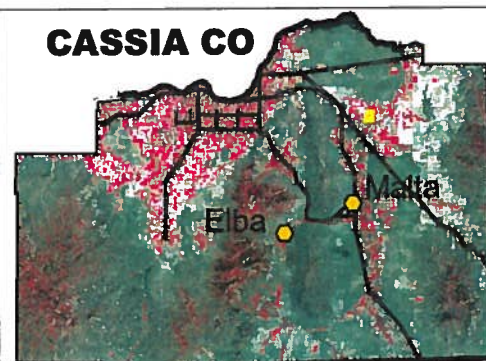
SECTION LINES

QUARTER/QUARTER LINES

PU BOUNDARY FOR 43-2569



CASSIA CO



43-2471

2610-03

HOMESTEAD ENTRY NO.

360ac

CLAIMED ACRE TOTAL

360

GEOGRAPHIC INFO ACRES

[illegible]

P/D OL with 43-4199 sys capacity = 6.00 cfs

43-4199 also overlaps 43-2472's P/O with a capacity = 7,000cfs

When the 3 rights are combined limit to 13.00 CFS, Vol 3312aF

(see 43-4199 for add'l.)

P/R of. I found 313 acres overlapping with 43-2569 and 47 acres independently irrigated therefore when the two rights are combined, they are limited to $1008 + 47ac = \underline{1055ac}$

NOTICE OF ERROR
REPLY

RECEIVED

05/07/2001

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: 43-2471

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

RONALD A 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

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 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: 43-2471

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: 6 CFS
1440 AFY

PRIORITY DATE: 07/07/1959

POINT OF DIVERSION: T11S R26E S1 SENWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	6.00 CFS 1,440.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>							
T11S R26E S1	LOT 1	NENE	40	T11S R26E S1	LOT 2	NWNE	40
T11S R26E S1		SWNE	40	T11S R26E S1		SENE	40
T11S R26E S1	LOT 3	NENW	40	T11S R26E S1	LOT 4	NWNW	40
T11S R26E S1		SENW	40	T11S R26E S1		NESW	40
T11S R26E S1		NWSE	40				

360 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 1179 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-2471 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: 43-2471

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: 6 CFS
1440 AFY

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	NWNENW	Within CASSIA County
T11S R27E S6	NWNWNE	Within CASSIA County
T11S R27E S6	SWSWNW	Within CASSIA County
T11S R27E S8	SWNWNW	Within CASSIA County
T11S R27E S8	SWNESE	Within CASSIA County

4P/D's

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	6.00 CFS 1,440.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T11S R26E S1	LOT 1	NENE	40	T11S R26E S1	LOT 2	NWNE	40
T11S R26E S1		SWNE	40	T11S R26E S1		SENE	40
T11S R26E S1	LOT 3	NENW	40	T11S R26E S1	LOT 4	NWNW	40
T11S R26E S1		SENW	40	T11S R26E S1		NESW	40
T11S R26E S1		NWSE	40				

360 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 1179 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2471
AND 43-2569

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

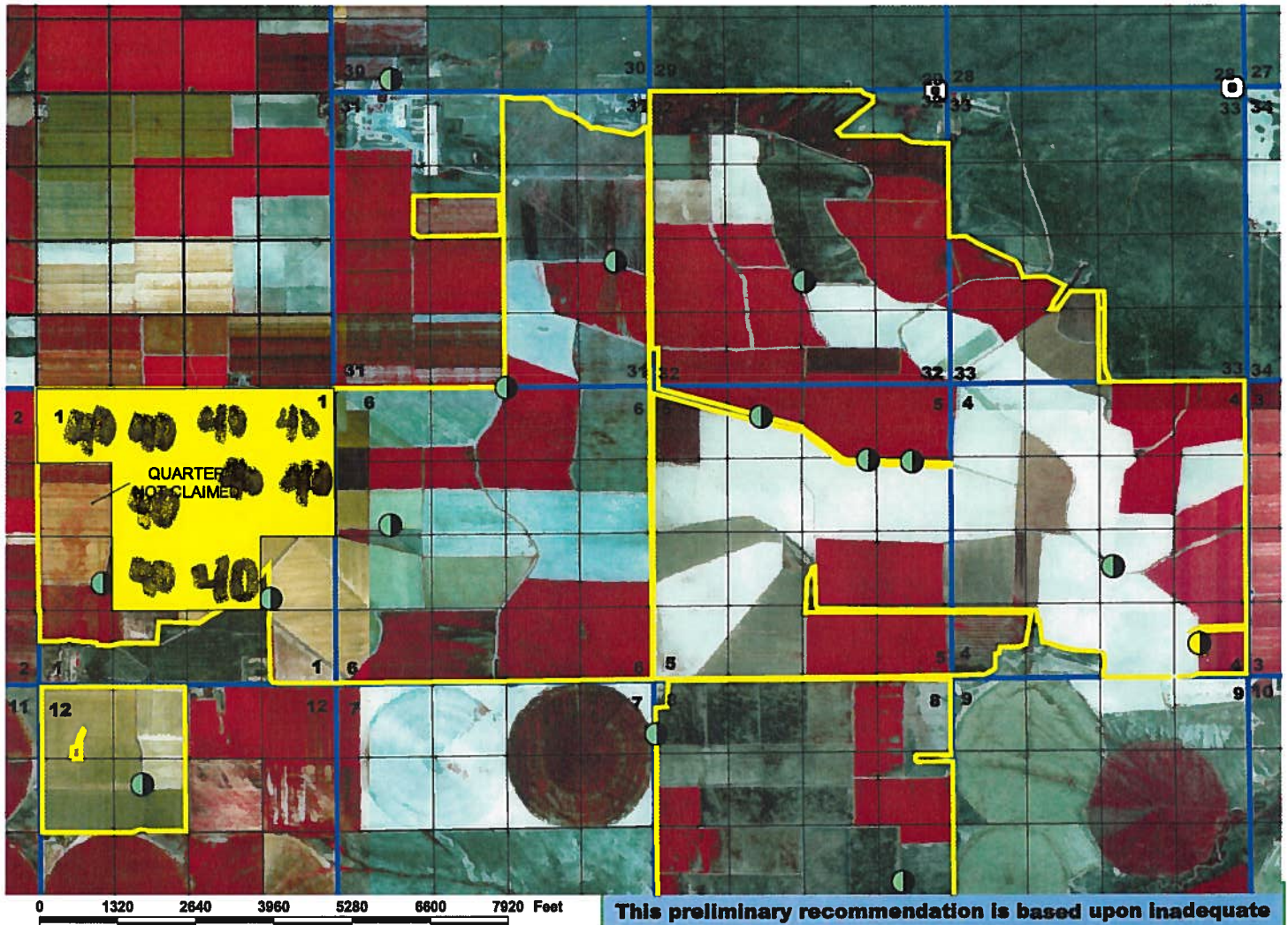
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE
DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS
AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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
43-2471**

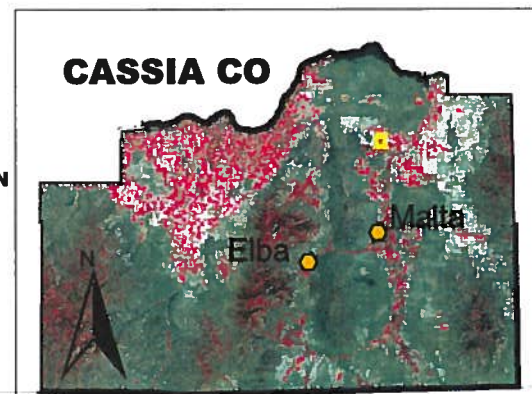


This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

PLACE OF USE
TWP 11S, RNG 26E, SEC 1
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

43-2471

Water License No. Q-28024

Amount 6.0 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. Q-28024 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.0 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, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation and domestic use, under Use Permit No. Q-28024 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 7215, on the 30th day of November, 19 61;

The right hereby confirmed dates from July 7, 19 59;

The Point of Diversion is located

in the NW 1/4 SW 1/4 Sec. 1, Tp. 11 S, R. 26 E, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 6.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	26 E	1	NE 1/4	160	160
			NW 1/4	160	160
			NE 1/4 SW 1/4	40	40
			Total number of acres to be irrigated:		360

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.

(SEAL)

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

43

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

Permit No. G-24024

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

1. Name of applicant: Yale Farms Company
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the NW 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. US Motor P 1146214, Winthrecht Pump # 9032
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):

NE 1/4, N 1/2 and SW 1/4 SE 1/4 Sec. 1, Twp. 11 S., Rgs. 26 E.B.M.

Making a total of 520 acres.

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

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

Remarks: Mr. Wilford Lundberg along

Office Measurement 12" ditch pipe in office 30' 2680.00m

This examination was made on the 24th day of October, 1961(Signed) *Logan Johnson*

Examiner

27004

R-26E

T
H
S
15 50' 00" 00"

Waterway
PD

40 40 40 40

160

40 40 40 40

160

40

40

360

Subdivision

9

Area

160 acres

Q

6.0 cfs or 300 inches

Scale: 2 inches equals 1 mile. Draw Map in Ink.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat 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.

Edwin J. Bailey, President
 Yale Furms Company
 Malts, Idaho
 Permit No. 9-28024

Examination for Completion of Works & Beneficial Use

County Cassia

Sec. 1 T. 21 S. R. 26 E. M.

Quantity: 8.4

Source: Well

P.D.: M. S. S. S. 7.11.3 - R. 26 E. M.

Use: Irrigation & Beneficial

Filed: July 7 1934

Due: July 24 1934

Extension: -

Completion of Works: -

Other Rights: None
 Driller Ralph A. Denton
 Photo. None

RECEIVED
 NOV 14 1934
 DEPARTMENT OF RECLAMATION

CLAIM NUMBER

A43-02471

DATE

AGENT

TRANSFER NUMBER

CLAIMED ACRE TOTAL 36

GIS ACRE TOTAL

39

				NE				NW				SW				SE			
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	11S	26E	01	40	40	40	40	40	40		40	40					40		
GIS	11S	26E	01	39.7	39.9	40	40	40	40	40	40	40					35.9		
RECOM	11S	26E	01	40	40	40	40	40	40	?	40	40					36		
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

43-02471

11S, 26E, 01 NE 1/4 160 Ac.

NW 1/4 160 Ac.

NESW 40 Ac.

360 Ac.

40 Acres in
- SWNW never
claimed or fees
paid

(Lic. 43-02471 covered them)

115 26E

Simplot

A43-02471

A43-02471

①

40

40

40

40

①

2
not claimed
2

40

40

40

40

36

①

Simplot

A43-02471
T115, R26E

①

①

not claimed

①

①

SD-0604-1

Idaho Department of Water Resources
Adjudication Claims Place of Use Query

Date:
Time:

07/25/00
11:09:18

STATE

Township: 11S

Range : 26E

Section : 01

Tract : SWNW

Lot : —

NO RECORDS FOUND...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE

(Enter=Run)

(Menu

_____)

(Enter=Continue) (GOLD 7=This Query) (Menu)

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

APR 11 1965

**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 1-30-2004

File: recommendation analysis for settlement 2004

Prepared by Kelly K Christensen

**SUN VALLEY AGRIBUSINESS PARTNERS LLC
SETTLEMENT AGREEMENT ANALYSIS
For VERSION 2 RECOMMENDATIONS**

43-2471 There is a partial P/U overlap with 43-2569. This overlap is addressed through the system overlap between the 5 rights. 43-2569 is a supplemental right adding an additional well and rate to be used on ground also covered by 43-2471, 43-2472, 43-2475, 43-2569, and 43-4199 and is identified as the 5 rights system.

Section	acres	Overlap
Sec 1	541	43-2471, 43-2472, 43-2569, and 43-4199
Sec 5	80	43-2475 and 43-2569
Sec 6	688	43-2472, 43-2475, and 43-2569
Sec 31	55	43-2475 only
Total	1364 ac	PP/U combined place of use limit.

Rate **5 right** combined rate analysis;

43-2471	6.00 cfs	} shared with 43-4199
43-2472	7.00 cfs	
43-2475	8.50 cfs	
43-2569	4.25 cfs	
Total	25.75 cfs	combined rate limit

Combined volume calculation for the five right:
 $1364 \text{ ac} * 4 \text{ af} = \mathbf{5456 \text{ af combined volume limit.}}$

Rate **3 right** combined rate analysis; (43-2471, 43-2472, and 43-4199)

43-4199 is recommended for two points of diversion. One point is shared with 43-2471 and the other is shared with 43-2472. There is no place of use overlap between the three rights but there is a rate and volume limit for this system. The wells were measured for the licenses for the two licensed rights as follows.

43-2471	6.00 cfs	} shared with 43-4199
43-2472	7.00 cfs	
Total	13.00 cfs	combined rate limit

Combined volume calculation for the three rights.
 $828 \text{ ac} * 4 \text{ af} = \mathbf{3312 \text{ afa combined volume limit.}}$

43-2472 The P/U for this right also overlaps with 43-2569. This overlap is incorporated within the 5 right place of use limitation remark. The overlap is not 100%. See above for the 3 right system and the 5 right system combined rights remarks.

43-2475 This is the third right that overlaps with 43-2569. This overlap is unique in that there is a series of Gvt Lots (4 thru 7) in Sec 6 that total 52 acres each that were evaluated during licensing at 40 ac each. Based upon 1962 aerial photography and the physical location of those lots in relation to the overall irrigated place of use it is reasonable to assume that the entire 52 acres of each Gvt Lot was irrigated. I am recognizing that for each of those lots, each right independent of the other covers part of the ground and both rights cover the balance as overlapping acres.

See above for the 5 right system combined rights remarks.

This right was licensed on 455 ac and 8.5 cfs therefore the volume limit is **455 * 4 af = 1820 af**

The system overlap for 43-2475 and 43-2569 is as follows;

Claim No	Section	acres	Overlap
43-2569	Sec 1	319	No overlap with 43-2475
43-2569	Sec 6	609	Complete overlap
43-2569	Sec 5	80	Complete overlap
43-2475	Sec 31	55	No overlap with 43-2569
Total		1063 ac	PP/U combined place of use limit

Combined volume calculation for the two rights
1063 ac * 4 af = 4252 afa combined volume limit.

The combined volume limit for 43-2475 and 43-2569 = **1820 afa + 2070 afa = 3890 afa**

43-2569 This right represents a new well that was drilled to provide supplemental water to the rights previously discussed (43-2471, 43-2472, 43-2475 and 43-4199). This right was licensed at 4.25 cfs. As this rate cannot supply the legal limit at 4 afa ($1008 * 4 = 4032$ af) the rate sets the volume for this right. **4.25 cfs * 1.98 * 246 days = 2070 afa**

See above for the 2 right and the 5 right system combined rights remarks.

43-4199 This claim is being recognized for the ground in Sec 1 that appears irrigated in the 1962 aerial photo but was not covered by either 43-2471 or 43-2472. This recommendation recognizes that through a combination of uses and ditch systems the wells licensed in the two rights now cover this ground.

See above for the 3 right system and the 5 right system combined rights remarks.

43-2473 This right is being recommended as an independent right but with a slight shifting in the acres to conform to the 1987 irrigated P/U as related to other rights. There is an 80-acre overlap with 43-2519.

Claim No	Section	acres	Overlap
43-2473	Sec 4	335	80 ac overlap with 43-2519
43-2473	Sec 33	65	no overlaps
43-2519	Sec 4	304	80 ac overlap with 43-2473
Total		704 ac	

Total P/U 704 ac
Less overlap 80 ac
Combined limit **624 ac**
Comb vol limit $624 * 4$ af = **2496 afa**

P/D overlap with an unrecorded transfer for 43-7056. No combined rate limits required as the claimant has the opportunity to overhaul the system to provide the full rate for both rights.

43-2488 This right is being recommended as licensed. There is a 40-acre P/U overlap with 43-2519. There is no overlapping place of use with 43-2504

Claim No	Section	acres	Overlap
43-2488	Sec 4	40	overlaps with 43-2519
43-2488	Sec 5	260	no overlaps
43-2519	Sec 4	304	40 ac overlap with 43-2488
Total		604 ac	

Total P/U 604 ac
Less overlap 40 ac
Combined ac limit **564 ac**
Comb vol limit $564 * 4$ af = **2256 afa**

43-2489 The place of use has been slightly shifted to conform to the actual irrigated ground. There is no place of use overlap with any other right. T-3491 approved in 1989 changed the point of diversion from the original licensed location to the NWNW of Sec 8. This overlaps with 43-2575. There is no volume or rate limits as the claimant has the opportunity to increase the well capacity to be able to deliver the full rate for both rights.

P/D overlap with 43-2575 (already decreed) No system capacity limits required as the claimant has the opportunity to overhaul the system to provide the full rate for both rights.

Volume calculation for the licensed P/U = **465 ac * 4 af = 1860 afa**

43-2504 This right is being recommended as licensed. There is no overlap with any other rights.

Volume calculation for the licensed P/U = **380 ac * 4 af = 1520 afa.**

43-2519 This right overlaps with the two rights listed below. There is no point of diversion overlap.

Volume calculation for the licensed P/U = **304 ac * 4 af = 1216 afa.** *1216 updated 4-10-04*

43-2473 overlap limits. Combined ac limit **624 ac** Comb vol limit $624 * 4 \text{ af} = \mathbf{2496 \text{ afa}}$

43-2488 overlap limits. Combined ac limit **564 ac.** Comb vol limit $564 * 4 \text{ af} = \mathbf{2256 \text{ afa}}$

See the previous claim analysis for the calculations for the values shown above.

43-7056 I am recognizing an unrecorded transfer and change in nature of use from the licensed commercial/ stockwater/ domestic uses to the irrigation of two separate parcels. This requires splitting this right into two parts to recognize the separate systems.

License data = 0.98 cfs and 130.6 afa.

Based upon a 4 af/ac rate, the maximum allowable acreage would be $130.6 \text{ afa} / 4 \text{ af} = \mathbf{32.65 \text{ ac}}$. The found transferred to place of use is 37.8 ac therefore the licensed volume is the limiting element rather than the department standard of 4 af/ac.

The recommended diversion rate is 1 inch per acre for the found 37.8 ac or 0.76 cfs for the combined systems. This is less than the licensed rate of 0.98 cfs. Therefore there is no problem with the recommended diversion rate at 1 in per acre.

43-13351 SPLIT FROM 43-7056

Recommended for 2 P/Ds.	Sec 31 NENESE	No overlap
	Sec 32 SWNWSE	o/l with 43-2505 (already decreed)

The point of diversion in section 31 has not been previously recognized for a source for any other right therefore there is no diversion rate limits.

P/U Sec 31 $19.5 \text{ ac} @ 0.02 \text{ cfs/ac} = \mathbf{0.39 \text{ cfs}}$

Volume limit $19.5 / 37.8 * 130.6 \text{ afa} = \mathbf{67.4 \text{ afa}}$

43-13352 SPLIT FROM 43-7056

Recommended for 2 P/Ds	Sec 4 SWNWSE	o/l with 43-2473
	Sec 4 SWSESE	o/l with 43-2516 (already decreed)

The point of diversion capacity for 43-2516 was 5.34 cfs at licensing therefore the unrecorded transfer is not limited to a combined rate limitation based upon the original licensed rates.

P/U Sec 4 $18.3 \text{ ac} @ 0.02 \text{ cfs/ac} = \mathbf{0.37 \text{ cfs}}$

Volume limit $18.3 / 37.8 * 130.6 \text{ afa} = \mathbf{63.2 \text{ afa}}$

By Kelly K Christensen

	10S	27E	32	13	35	40	40	40	40	40	40	19	40	40	40	40	40	40	40	
43-2489			32					40	40	40	40	19	40							219
43-2504			32											40	40					80
43-2505	Already decreed			13	35	40	40					21					40	40	40	40
	10S	27E	33									12	34	40	40					
43-2473			33									12		13	40					
43-2505	Already decreed												34	27						

Most of the rights that were not objected to and are now decreed have not been included in the land list above.

MEMORANDUM

To: Kelly Christensen

From: David Shaw

February 3, 2004

RE: Sun Valley Agribusiness Partners

I agree with the 37.8 acres you have identified as being irrigated without a water right of record. I believe these acres can be covered with 43-7056 as an accomplished transfer as has been suggested.

Water right license 43-7056 is for 0.98 cfs of ground water for stock water, commercial and domestic uses. At 0.02 cfs per acre for 37.8 acres the required diversion rate is 0.756 cfs, less than the licensed rate of diversion. The total licensed diversion volume is 130.6 ac-ft per year and based on recent changes in nature of use from irrigation to dairies, I believe we can treat the stock water and commercial components for a dairy as fully consumptive. That amount is 98.2 ac-ft per year of consumptive water right.

Allen & Brockway shows the most water consumptive crop for the Malta station as pasture with an annual consumptive irrigation water requirement of 817 mm or 2.68 ac-ft per acre. For 37.8 acres the available depletion is 2.60 ac-ft per acre. It is unlikely either of these parcels would ever be used to raise pasture and even more unlikely both would be in pasture at the same time. For that reason, I believe the allowable depletion from 43-7056 is sufficient to cover the 37.8 acres to be covered by this accomplished transfer. With the allowable diversion of 130.6 ac-ft per year, the full 2.60 ac-ft per year of depletion can be delivered with about 75% application efficiency. All of the land is currently sprinkled and 75% irrigation application efficiency should be achieved.

The accomplished change should then recognize 19.5 acres of irrigation in Section 31 from points of diversion in the NE¹/₄SE¹/₄ Sec 31, NW¹/₄SE¹/₄ Sec 32 Twp 10S Rge 27E, B.M. known as wells 5 and 8. An additional 18.3 acres of irrigation should be recognized in Section 4 from points of diversion in the NW¹/₄SE¹/₄, SE¹/₄SE¹/₄ Sec 4 Twp 11S Rge 27E, B.M. known as wells 2 and 10.

Since these water uses may appear to be in separate systems it may be necessary to describe the water uses separately. In that case the Section 31 water right should be for 0.39 cfs

of diversion with an annual volume of 67.4 ac-ft per year. The water right in Section 4 should be for 0.37 cfs of diversion with an annual volume of 63.2 ac-ft per year.

Please let me know if you have questions about this analysis. Thank you for your good work.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-4199

WATER RIGHT NUMBER: 43-4199

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RONALD A ACHS PO BOX 2169 SUN VALLEY, ID 83353 (800)397-1712
Original Owner	CLAIR D BOSEN PO BOX 2169 SUN VALLEY, ID 83353 (800)397-1712
Original Owner	AMY E ACHS PO BOX 2169 SUN VALLEY, ID 83353 (800)397-1712
Original Owner	VIOLA L BOSEN PO BOX 2169 SUN VALLEY, ID 83353 (800)397-1712
Original Owner	J R SIMPLOT CO C/O TERRY UHLING 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707 (208)336-2110
Directors Report Owner	SUN VALLEY AGRIBUSINESS PARTNERS LLC PO BOX 2169 SUN VALLEY, ID 83353 (208)725-0888
Current Owner	CASSIA CREEK FARMS LLC PO BOX 580 DANVILLE, CA 94526 (925)837-1450

Priority Date: 03/15/1962

Basis: Decreed

Status: Active

SourceTributary

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	2.160 CFS	432.00 AF
	<u>Total Diversion:</u>	2.160 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 1,	Twp 11S,	Rge 26E, B.M.
CASSIA County				
GROUND WATER	SE1/4NW1/4SW1/4	Sec. 1,	Twp 11S,	Rge 26E, B.M.
CASSIA County				

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-4199

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	26E	1										40.0	17.0	13.0		36.0	2.0		108.0

Total Acres: 108

Conditions of Approval:

1. 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.
2. 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
3. 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
4. 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:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2471 V2

WATER RIGHT NUMBER: 43-2471 V2

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

Priority Date: 07/07/1959

Basis: Decreed

Status: Active

SourceTributary

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	6.000 CFS	1,440.00 AF
<u>Total Diversion:</u>		6.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SW1/4	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	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	360.0
			L 1	L 2			L 3	L 4											

Total Acres: 360

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2471 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
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 Aches PO Box 2169 Sun Valley IL 83.

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

SUPPORT DATA

IN FILE # 43-2471

SCANNED

Oct 2 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication 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 _____

SCANNED

OCT 2 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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Chris Ketch
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 <u>[Signature]</u>	Date <u>8/23/04</u>	Fee <u>400.00</u>
Receipted by <u>[Signature]</u>	Date <u>8/23/04</u>	Receipt No. <u>5026989</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

SUPPORT DATA
IN FILE # 43-2471

SCANNED
OCT 2 2005

235421

WARRANTY DEED

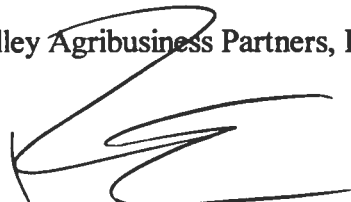
For Value Received, Sun Valley Agribusiness Partners, LLC, the grantor, does hereby grant, bargain, sell and convey unto Wood River Investments, LLC, the grantee, whose current address is 3237 Danville Blvd., Alamo, CA, 94507, the premises located in Cassia County, Idaho, and described on Exhibit A together 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.

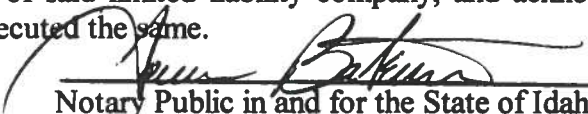
Sun Valley Agribusiness Partners, LLC

By 
Ronald A. Achs, Manager

STATE OF IDAHO)
) ss.
County of BLAINE)

On this 9th 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.




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

SCANNED

OCT 24 2002

295422

ESTOPPEL AFFIDAVIT

STATE OF IDAHO)
) ss.
County of BLAINE)

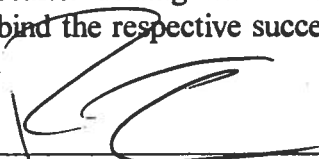
Ronald Achs, being first duly sworn, deposes and says:

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.

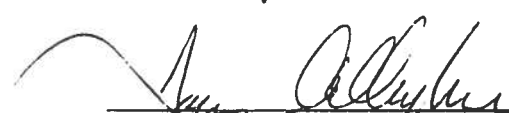
The aforesaid deed and conveyance were made by me as the result of my request that the grantee accept such deed and was my free and voluntary act; that at the time of making said deed I felt and still feel that the mortgage indebtedness above mentioned exceeds the fair value of the property so deeded; 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 9th day of September, 2002.




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

SCANNED

OCT 2 2002

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

#3872
FEE
308 RECORDER
LARRY A. MICKELSEN
DEPUTY

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.

SCANNED

OCT 2 2006

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

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11/1/2006

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;

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001 20 2007

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.

SCANNED

10/12/16

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 103
DEPUTY

2001 APR 30 PM 1 36

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

SCANNED

APR 30 2001

253



APPLICATION FOR REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

04 APR 19 PM 3:51

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Wood River Investments, LLC

2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

Cassia Creek Farms, LLC

3. The jurisdiction under whose laws the limited liability company is organized is: California
and the date of its formation was: August 6, 1999

4. The name and address of the registered agent in Idaho is:

Hall, Farley, Oberrecht & Blanton, P.A., 702 W. Idaho St., Ste. 700, Boise
Idaho 83702

5. The address of the limited liability company's office in the jurisdiction under whose laws it is organized is:

3237 Danville Blvd., Alamo, California 94507

6. The address of the limited liability company's principal office, if other than the address in #5 above, is:

7. The address to which correspondence should be addressed is:

P.O. Box 580, Danville, California 94526

8. Signature of a manager, if any, or a member if there are no managers.

Signature

Typed Name

Robert J. KretzManager ☒ Member ☐

Secretary of State use only

N30056

IDAHO SECRETARY OF STATE
04/20/2004 05:00
CK: 33566 CT: 22597 BH: 748281
1 @ 100.00 = 100.00 REGFORLLC # 2g:\scptform\llc form\appform\regforllc.pdf
Revised 06/2002

SCANNED

04/20/2004

**SECRETARY OF STATE****CERTIFICATE OF GOOD STANDING
CALIFORNIA LIMITED LIABILITY COMPANY**

I, KEVIN SHELLEY, Secretary of State of the State of California, hereby certify:

That on the 6th day of August, 1999, **WOOD RIVER INVESTMENTS, LLC**, became recognized under the laws of the State of California by filing its Articles of Organization in this office; and

That according to the records of this office, the said limited liability company is authorized to exercise all its powers, rights and privileges and is in good legal standing in the State of California; and

That no information is available in this office on the financial condition of this limited liability company.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of March 18, 2004.



Kevin Shelley
KEVIN SHELLEY
Secretary of State

15

SCANNED

NOT A COPY



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.

SCANNED
10/1/2004

Christensen, Kelly

From: Kelly, Vicki
Sent: Tuesday, February 10, 2004 12:38 PM
To: Christensen, Kelly
Subject: Sun Valley Agribusiness

Hi ya Kelly!

Nick & I have finally reviewed the recs on these and here's what we're thinking (kinda scary huh???).....

On rights 43-2471, -2472, -2473, -2488, -2519, -2569 and -4199, there's an AFY amount shown under Purpose & Period of Use but 0.0 AFY shown up above under the quantity element. Can you add the AFY amount there also?

The only other thing we saw on the recs was on the new rights created from the split--can you add a remark noting the parent right they came from? 43-13352 updated
43-13351 "

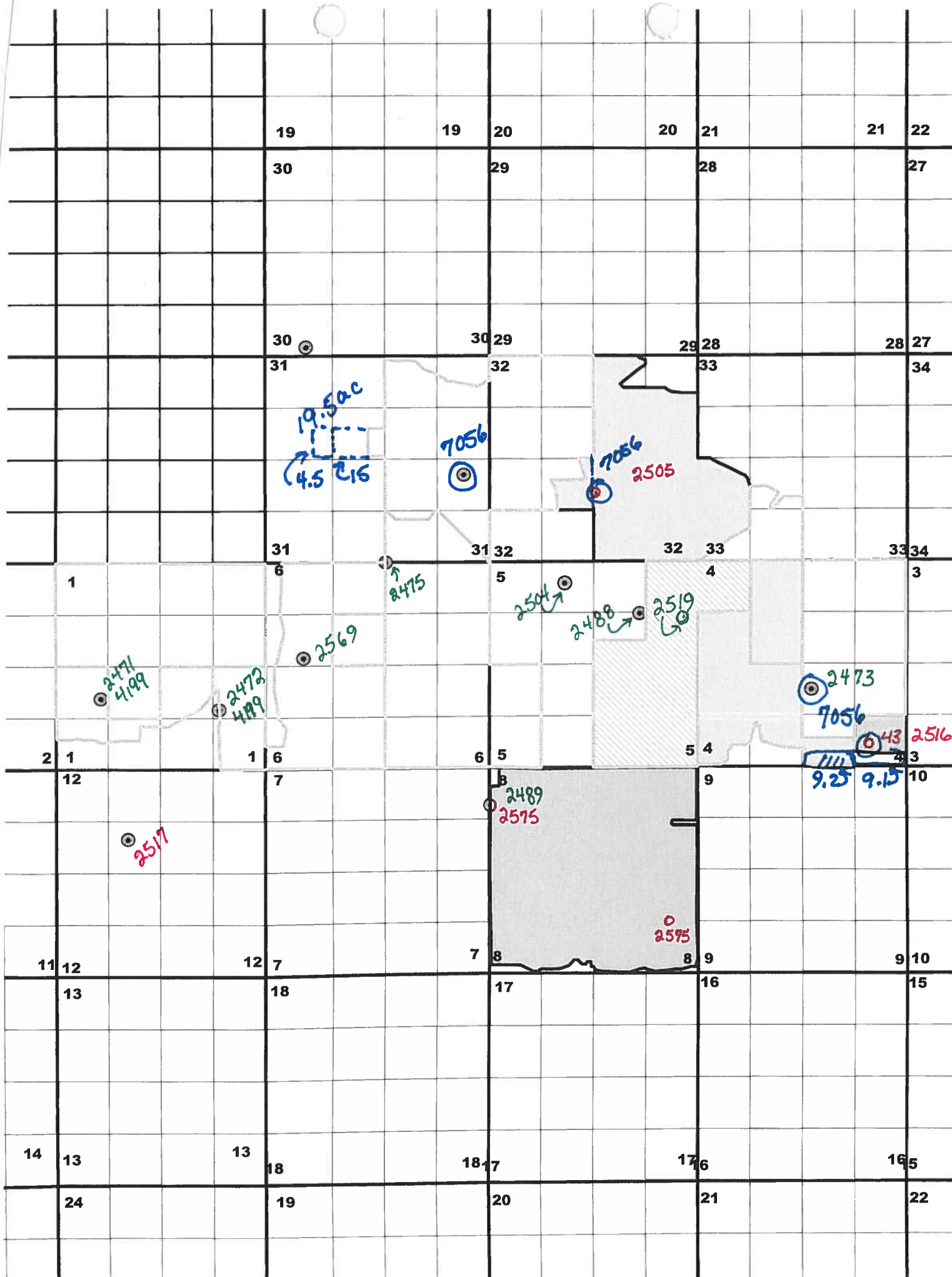
And under Explanatory Material you have license listed--for consistency's sake you might want to add Basis of Claim before the license notation.

On the Settlement Agreement Analysis document you sent, on page 3 you show an 1260 afa amount on right 43-2519. The rec shows 1216 which appears to be the correct amount--I think the 1260 was a typo (but you tell me, ok???).

Anyway, that's what we saw. If you can get those recs fixed and resent, that would be great (again in that over/under thing all the agents love dearly). Then ship them off to Dave for review if that's what you planned to do. I'm working on the cover sheets on the SF5s now--it would be great to have these scanned and emailed to you before to take off to SD (hey, so I'm in an optimistic mood at the moment). THANKS!! -- V

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy or distribute any information contained or attached to the message. Thank you.

2/10/2004



new hearing date
Dec 11, 9:30 AM

SYSTEM ANALYSIS OF SUN VALLEY AGRI BUSINESS CLAIMS

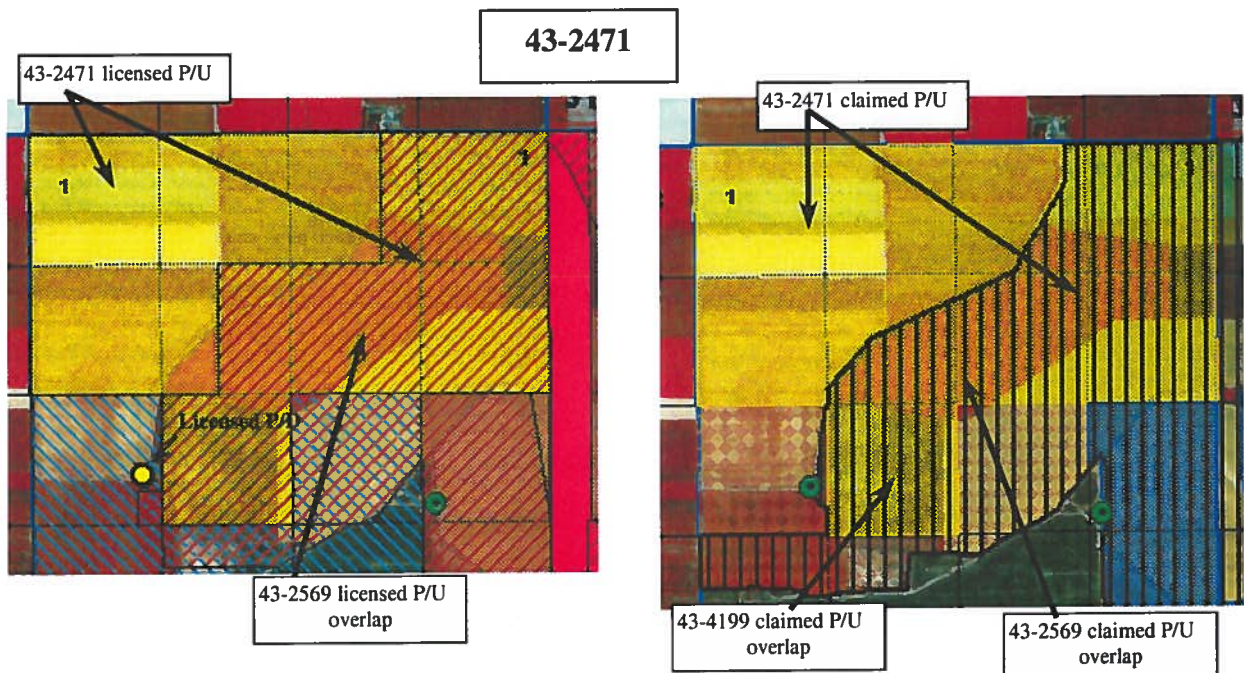
10 irrigation claims and 1 domestic, stock, commercial

By Kelly K Christensen

File Name: achs claim vs license comparison 10-1-2003

GENERAL ISSUES:

1. The 1992 aerial photo shows additional acreage being irrigated outside of the irrigation boundary identified and tentatively recommended based upon the 1987 napp photography.
2. An unrecorded transfer is being claimed for 43-2569 to cover the unlicensed acres within the Sec 6 gvt lots.
3. The unrecorded transfer claimed through 43-2569 leaves Sec 5 NWSW without a right for those acres.
4. An unrecorded transfer is being claimed for 43-2489 to cover previously unlicensed ground in Sec 31 S $\frac{1}{2}$ NW $\frac{1}{4}$.
5. The unrecorded transfer claimed through 43-2488 leaves 20 acres within Sec 5 NENE without a right for those acres.
6. There are three claims identified with 9 PDs (43-2437, 2489, and 3519). There are three claims identified with 1 PD (43-2472, 2471, and 2569). There is one claim with two PDs (43-4199). There are three claims identified with the original 13 claimed PDs (43-2488, 2475, and 2504).
7. The dom-stock-comm claim 43-7056 is recommended for disallowal based upon a letter from Simplot indicating that the dairy was torn down in 1985 and that crops have been raised on that ground for the past 15 $\pm$ years.



43-2471 Amended 9-4-01 (1 pd) licensed pu 360 acres arcview acres recom 360
Effect of claim -- Currently claimed as licensed.

Overlap -- Overlap with 43-2569 is essentially the same as licensed. The amendment to 43-4199 includes Sec 1 NESW which overlaps with this claim.

Additional notes -- Rate = 6.00 cfs
360 ac

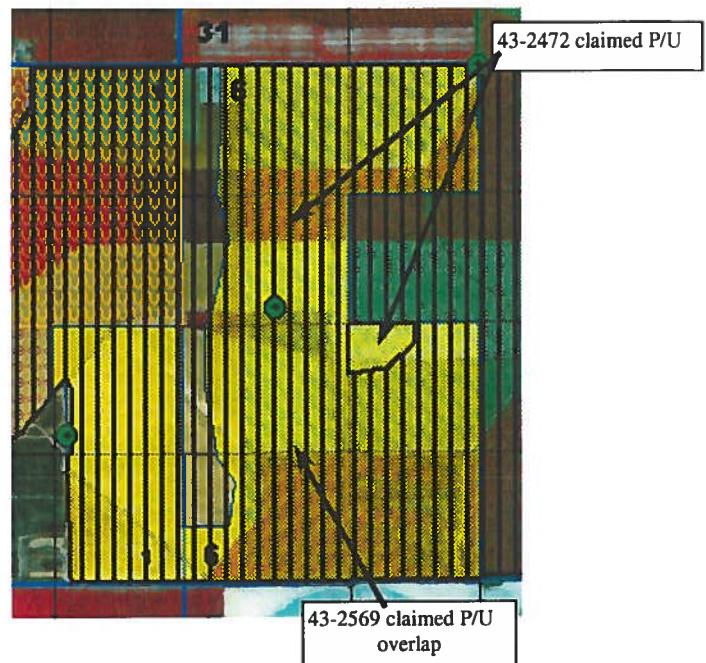
2569 - 1008
OL with 2471 - 193

non OL acres - 815

2471 - 360 ac

1175 ac comb use limit
No OL with 4199, do not recommend
4199 on NESW

43-2472

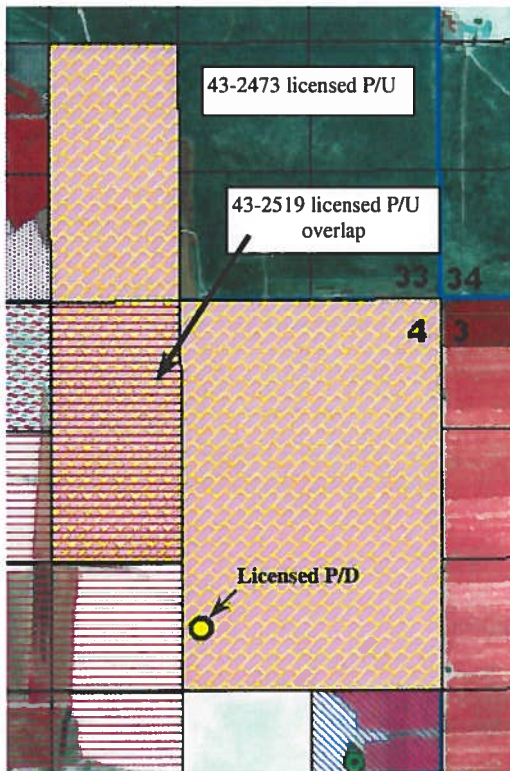


43-2472 Amended 9-4-01 (1 pd) licensed pu 360 acres arcview acres recom 360
 Effect of claim -- Currently claimed as licensed.

Overlap -- Overlap with 43-2569 changed as the amended place of use for 43-2569 has been shifted. Overall affect is an increase in overlapping acres.

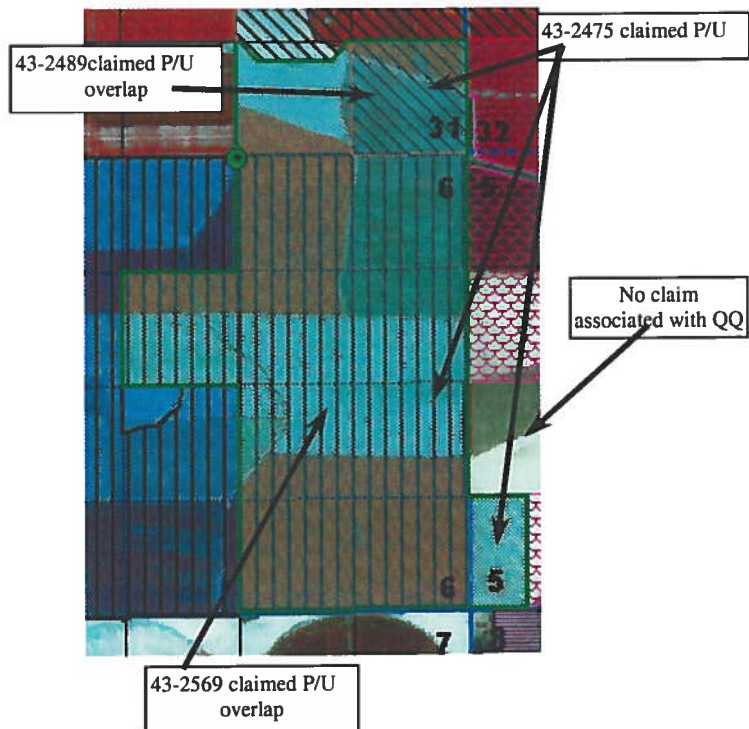
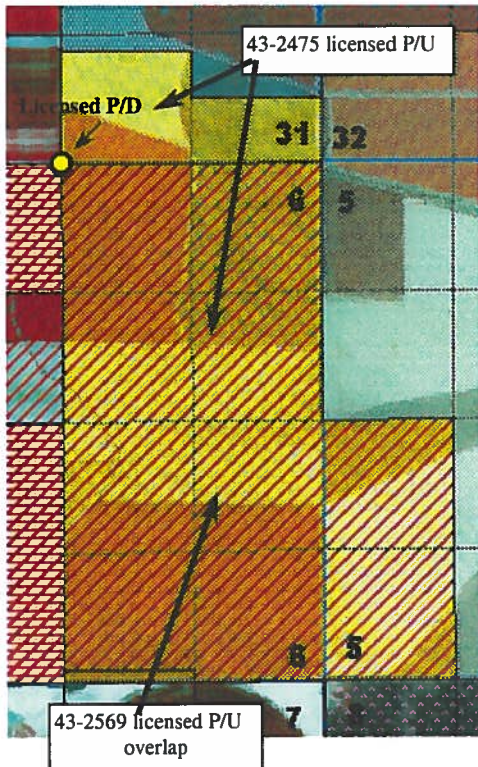
Additional notes -- 7,000cFS

43-2473



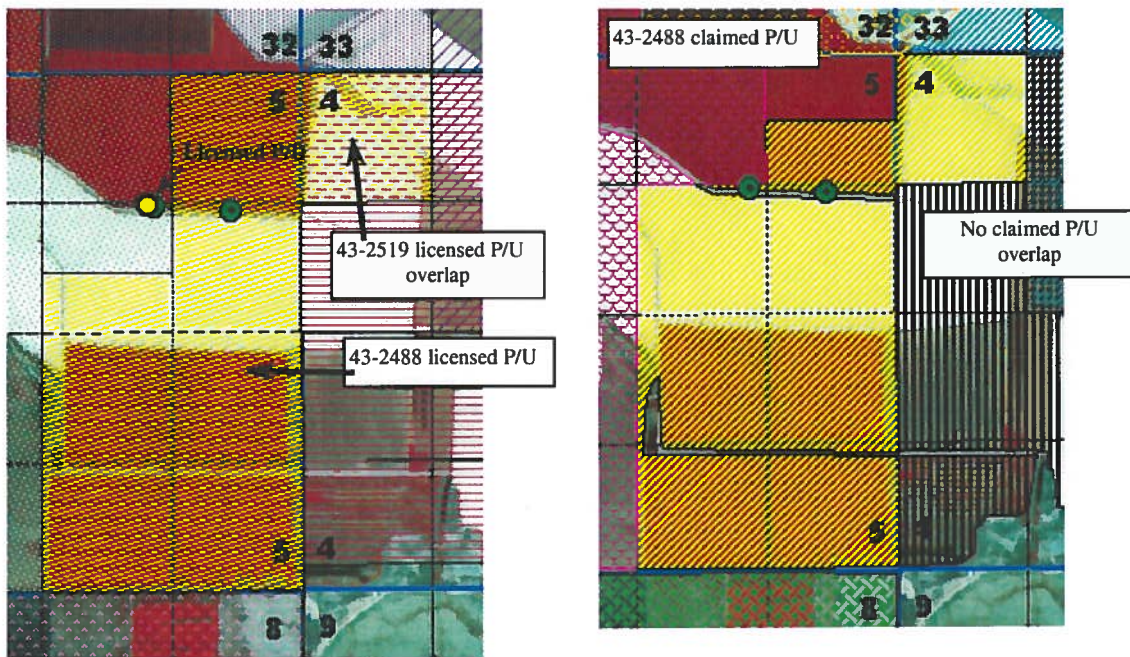
43-4273 Amended 9-4-01 (9 pds) licensed pu 400 acres
 Effect of claim -- Accomplished transfer into Sec 33 SWSW and Sec 4 SWSE
 The from place of use is primarily licensed acres that appear to not have
 been irrigated
 Overlap -- Total acre overlap with 43-2519 increased.

43-2475



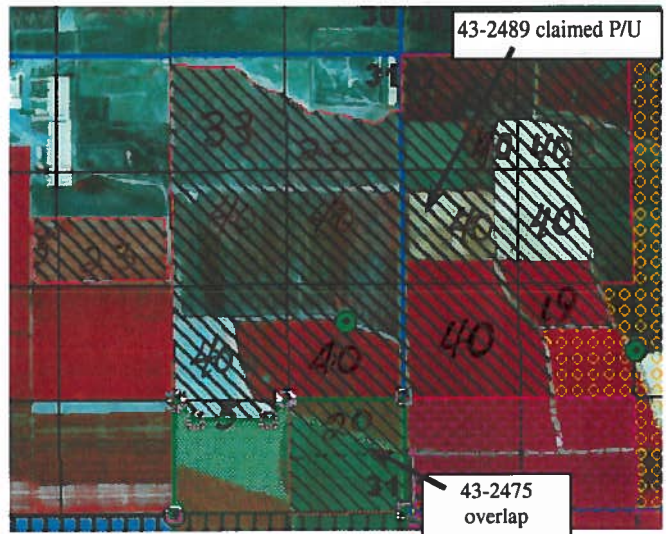
43-2475	No amendment	licensed pu 455 acres arcview acres recom 449
Effect of claim --	The claim shifts approximately 60 acres from Sec 5 W½SW¼ to ground in Sec 31 SESE and Sec 6 SENW.	
Overlap --	There were approximately 10 QQs overlapping between 43-2475 and 43-2569 on the license side. There are approximately 9 QQs overlapping as currently claimed. Both 43-2489 and 4-2475 have been claimed with 40 acres in Sec 31 SESE	
Additional notes --	PLACE OF USE PROBLEM. There are now no rights claimed on Sec 5 NWSW. Both claims listed above were licensed on that 40-acre tract. Claimed P/Ds list 13 locations.	

43-2488



43-2488	No amendment	licensed pu 300 acres	arcview acres recom 290
Effect of claim --	Accomplished transfer from part of Sec 5 NENE to Sec 5 SWNE		
Overlap --	licensed Overlap with 43-2519 eliminated by the movement of PU for 43-2519. No claim overlap now exists.		
Additional notes --	Claimed P/Ds list 13 locations.		

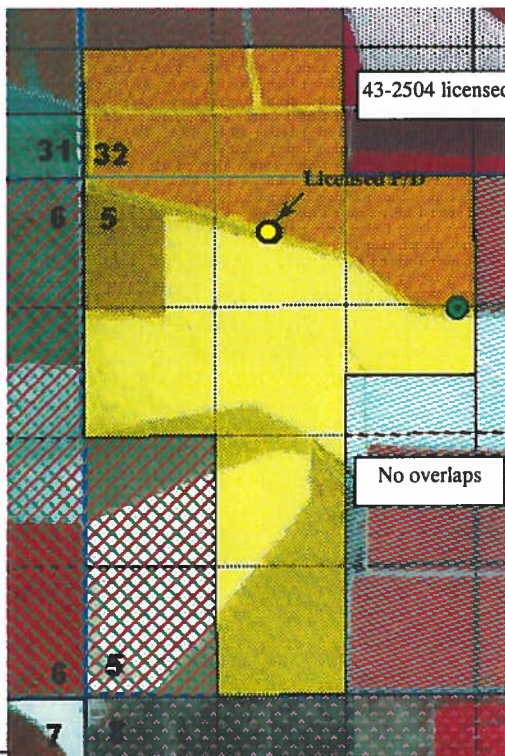
43-2489



Licensed P/D Sec 8 NWNW, overlap with 43-2575

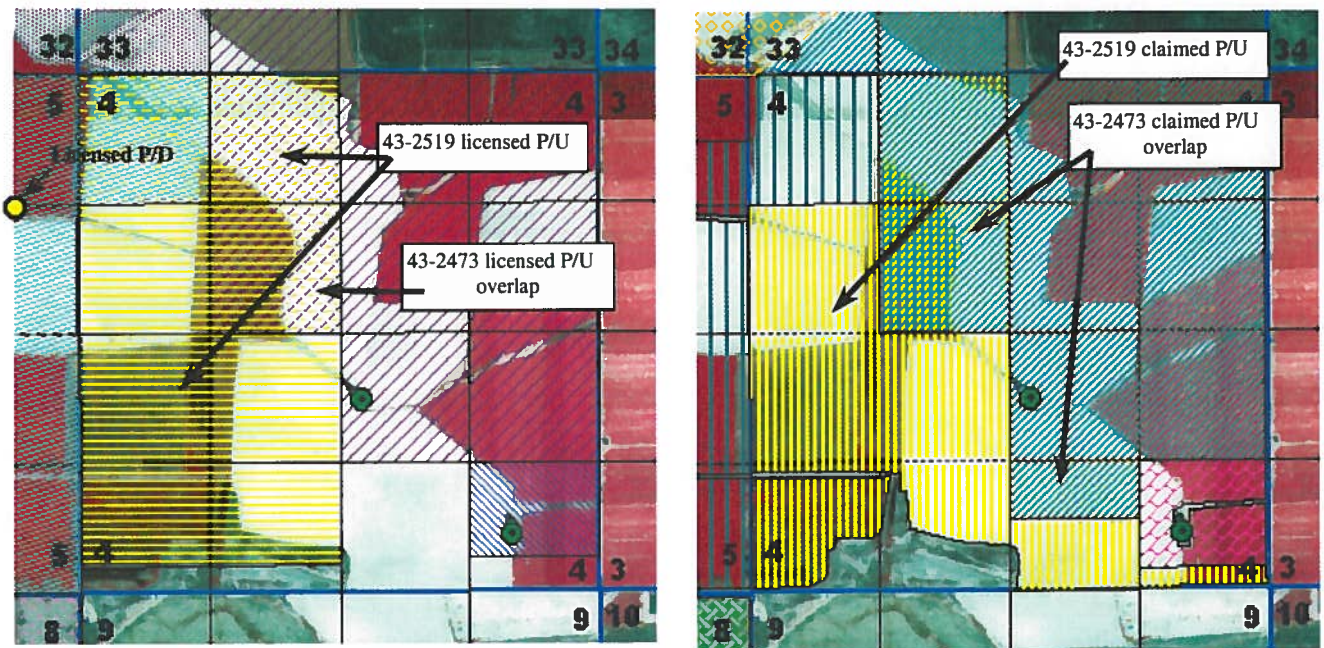
43-2489	Amended 9-4-01 (9 pds)	licensed pu 465 acres arcview acres recom 462
Effect of claim --	Accomplished transfer to pick up acres in Sec 31 SWNW and SENW. Previously no licensed right on this ground. Also added acres to Sec 31 N $\frac{1}{2}$ NE $\frac{1}{4}$.	
Overlap --	Both 43-2489 and 4-2475 have been claimed with 40 acres in Sec 31 SESE	
Additional notes --	Claim quarter/quarter acre total is 485 acres but claim total acre is only 465 acres. PLACE OF USE PROBLEM. T-3491 changes PD to Sec 8 NWNW, This overlaps with one point of diversion of SRBA decreed right 43-2575. The transfer was approved in 1989.	

43-2504



43-2504 No amendment licensed pu 380 acres arcview acres recom 370
 Effect of claim -- Accomplished transfer of 20 acres from Sec 5 SWNE to Sec 5 SWSW
 Overlap -- No overlap on license and no overlap after acre shift in claim.
 Additional notes -- Transfer approved in 1965 to change the PD to Sec 5 NENW. Claimed
 P/Ds list 13 locations.

43-2519



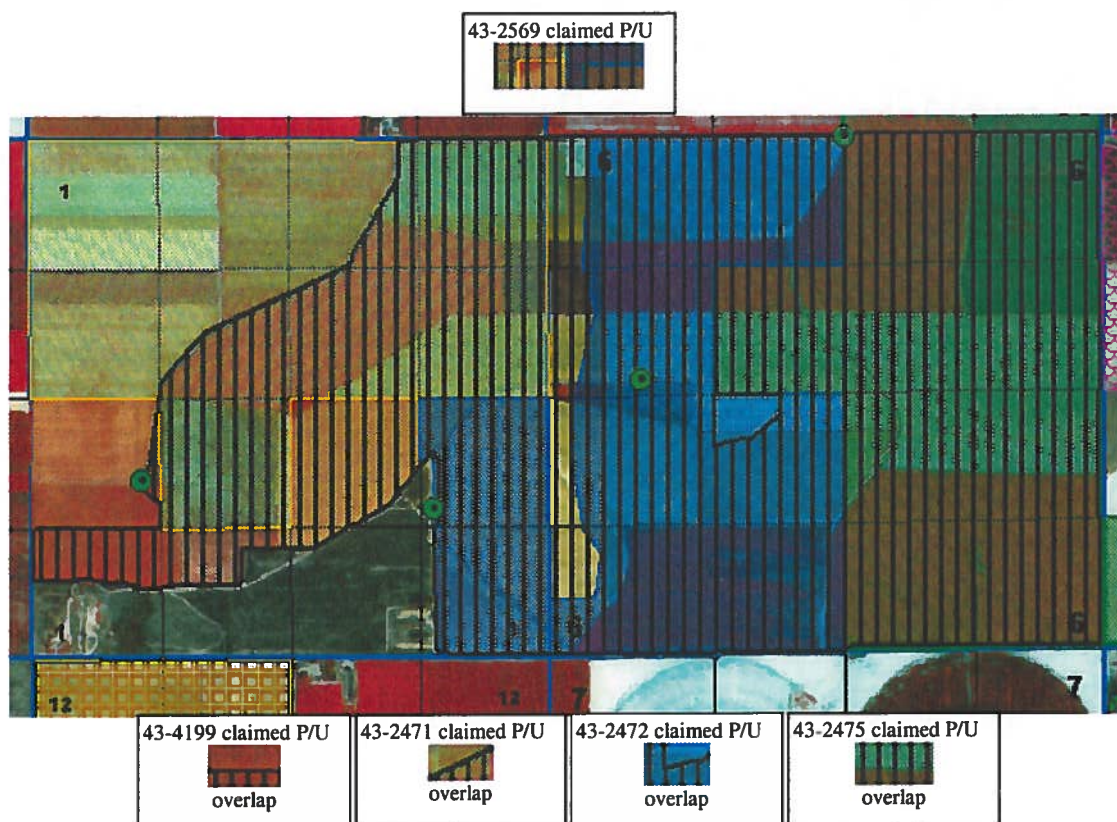
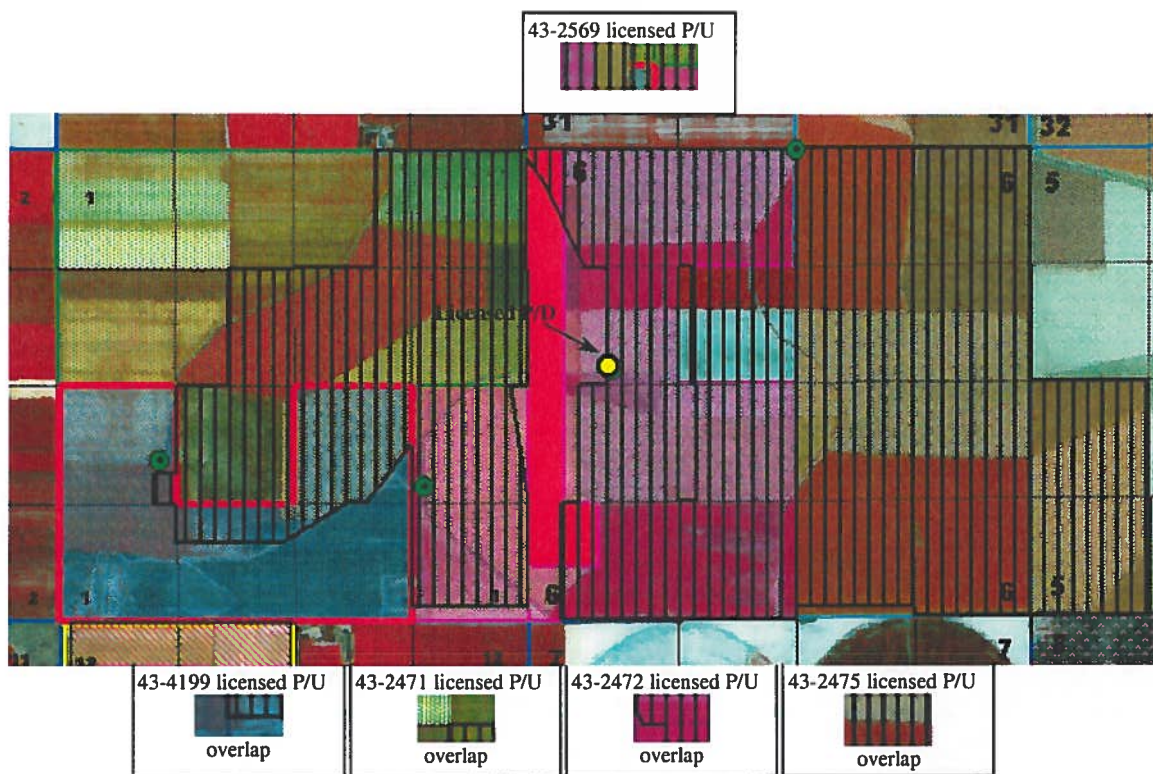
43-2519 Amended 9-4-01 (9 pds) licensed pu 304 acres

Effect of claim -- Accomplished transfer into Sec 4 SWSE and part of Sec 4 SESE
 Some of the from place of use is licensed acres that appear to not have been irrigated. PU Sec 4 NWNW moved to SE¼ ground previously not licensed. This move also unstacks water from 43-2488.

Overlap -- Total acre overlap with 43-2473 increased.

Additional notes -- T-1586 (1969) changed PD to Sec 5 SENE.

*Licensed O/L - 2519/2473 - 80ac
 2519/2488 - 40 ac*



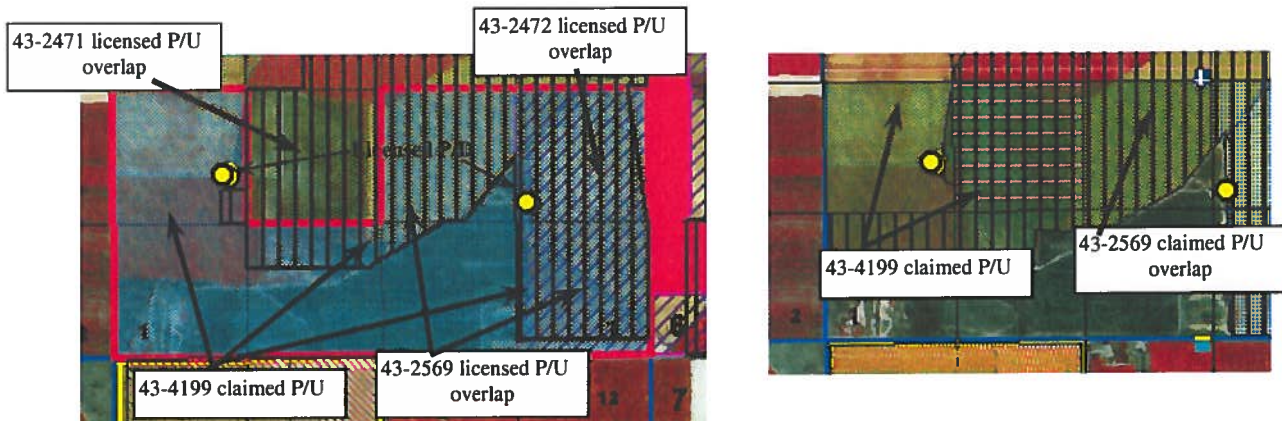
43-2569 Amended 9-4-01 (1 pd) licensed pu acres 1008 arcview acres recom 1008

Effect of claim – The major shift in the claimed place of use was to shift 80 acres Sec 5 S½SW¼ to the gvt lots 4 thru 7 in Section 6. The shift adds approx 12 acres to each gvt lot.

Overlap -- This right was licensed from a new well to add water to portions of the place of use for 4 different rights. At the time of licensing the system was open discharge into an open ditch system. The found place of use was estimated from the ditch routes. This claim overlaps with 43-4199, 43-2471, 43-2472, and 43-2475.

Additional notes -- From the available evidence, the gvt lots in Sec 6 were always irrigated but apparently not identified as a gvt lot of 52 acres. The claimed unrecorded transfer of licensed ground in Sec 5 NWSW now leaves that ground without a right covering that ground. **Place of use problem.**

43-4199

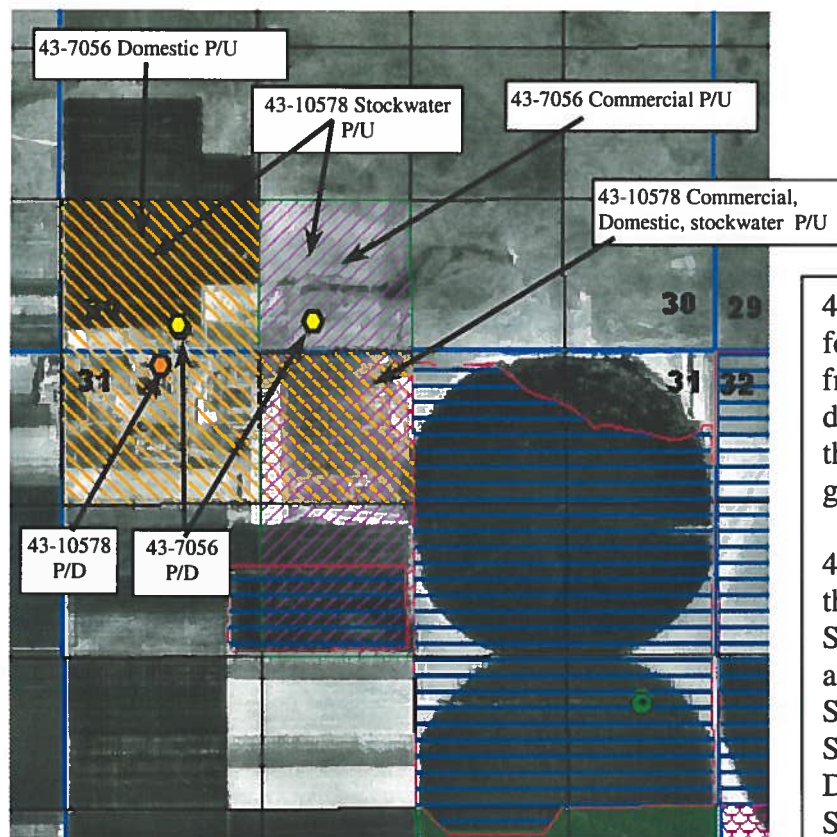


43-4199 Amended 9-4-01 (1 pd) licensed pu acres n/a arcview acres recom 148

Effect of claim – The claimed acres appear irrigated in the 1962 ASCS aerial photograph.

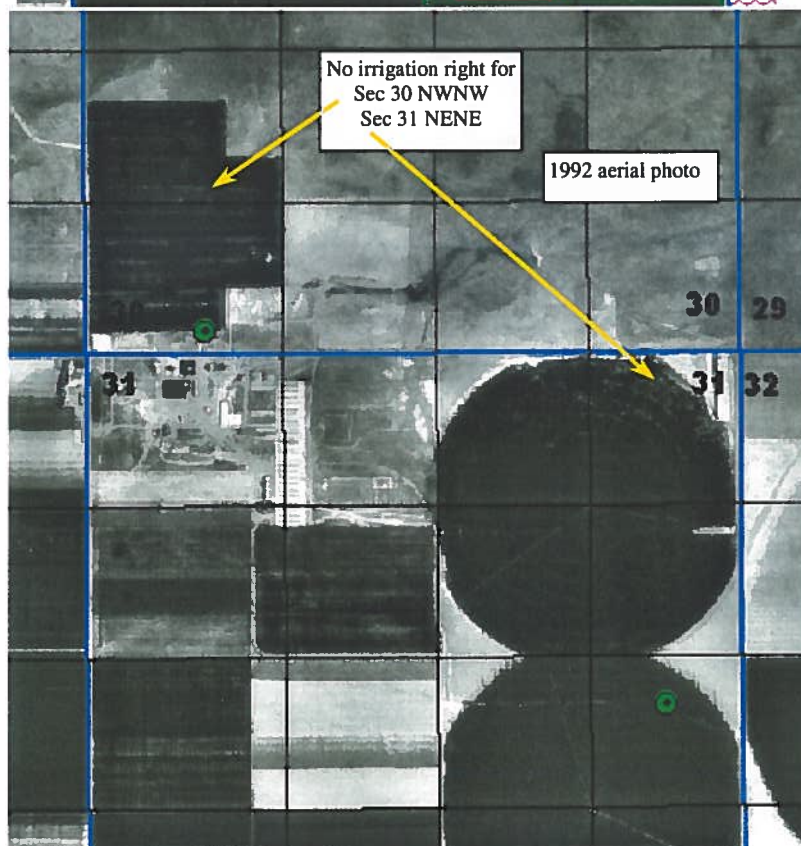
Overlap -- Overlap with 43-2569 is essentially the same as licensed. The amendment to 43-4199 includes Sec 1 NESW, which overlaps with this claim. The overlap with 43-2471 is also the same as licensed. The claim eliminates the overlap with 43-2472.

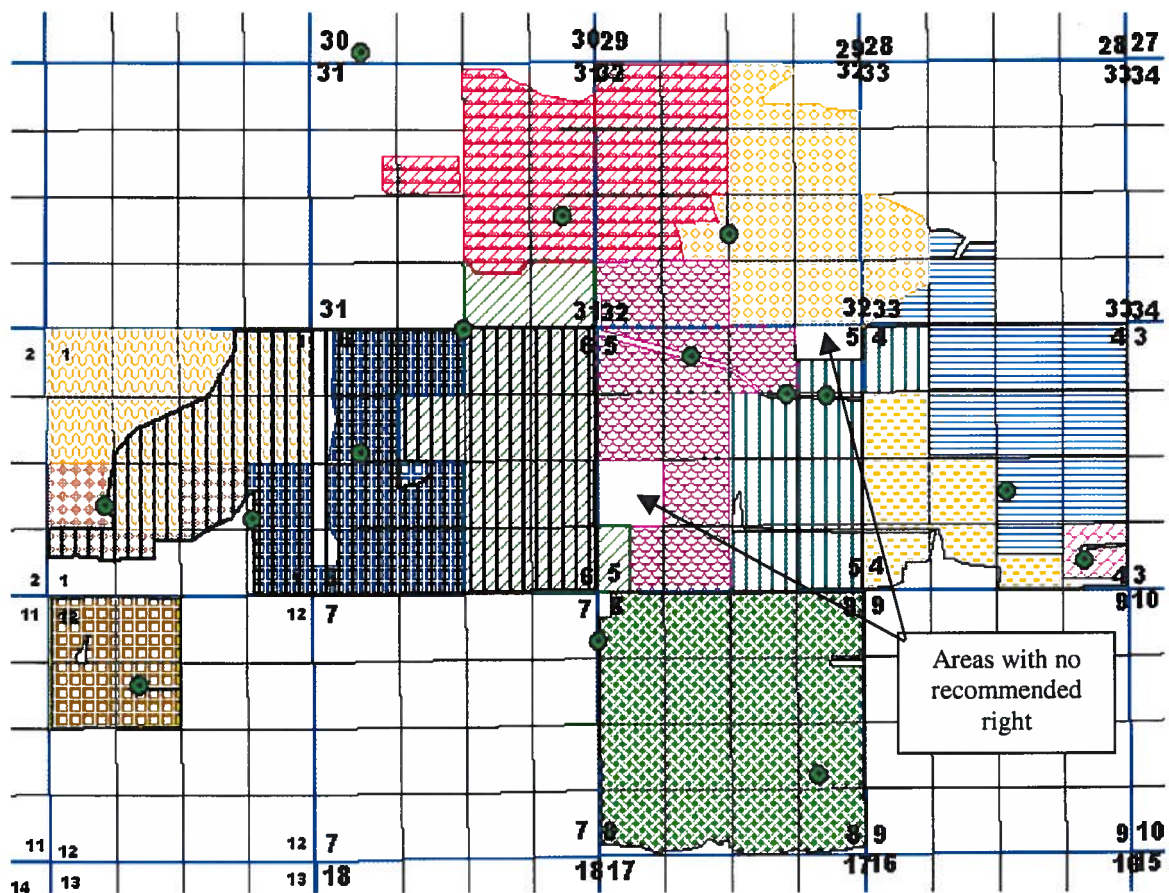
$$\begin{aligned} 108ac \times .02 &= 2.16cfs \\ 2471 + 2472 + 4199 &= 13cfs \\ (6cfs) \quad (7cfs) &= \end{aligned}$$



43-7056 has been recommended for disallowal based upon a letter from Simplot indicating that the dairy was torn down in 1985 and that crops were raised on that ground for the last 15± years.

43-10579 is a beneficial use right that has been decreed in the SRBA for domestic, stockwater and commercial uses. The Stockwater use is in Sec 30 S½SW¼ and the Domestic/commercial use is in Sec 31 NENW.





Rough overview of the recommendation boundaries for each right. Overlaps may not be clear in some areas. I have noted the two areas that currently have no claims for that area.

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

August 29, 2001

Kelly Christensen
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

RECEIVED
SEP 05 2001
Department of Water Resources
Southern Region

RE: Big Sky Farms

Dear Kelly:

Enclosed please find the amended claims we have been discussing. A Notice of Error Reply is included for each amended claim. An additional Notice of Error Reply is included for license 43-7056.

I believe these amended claims cover the irrigated acreage identified when we met in your office. I do not believe we have any disagreement about the total irrigated acreage. License 43-7056 was issued in 1991 according to your database record. I do not believe any forfeiture issue can be raised for a time period prior to 1991 since the issuance of the license should reset any forfeiture clock that may have begun to run. Additionally, Judge Wood's December 29, 1999 decision in what has come to be known as the Facility Volume Case specifically found the filing of a claim in the SRBA tolls the forfeiture clock until at least the issuance of a partial decree. For these reasons, I believe 43-7056 should be recommended as licensed to be decreed in the SRBA.

Please call if you have questions about any of the water rights for the Big Sky Farms. My analysis indicated the remaining claims did not need to be amended from your preliminary recommendations to cover the existing water uses.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dave", is written over a horizontal line.

David B. Shaw
Project Manager

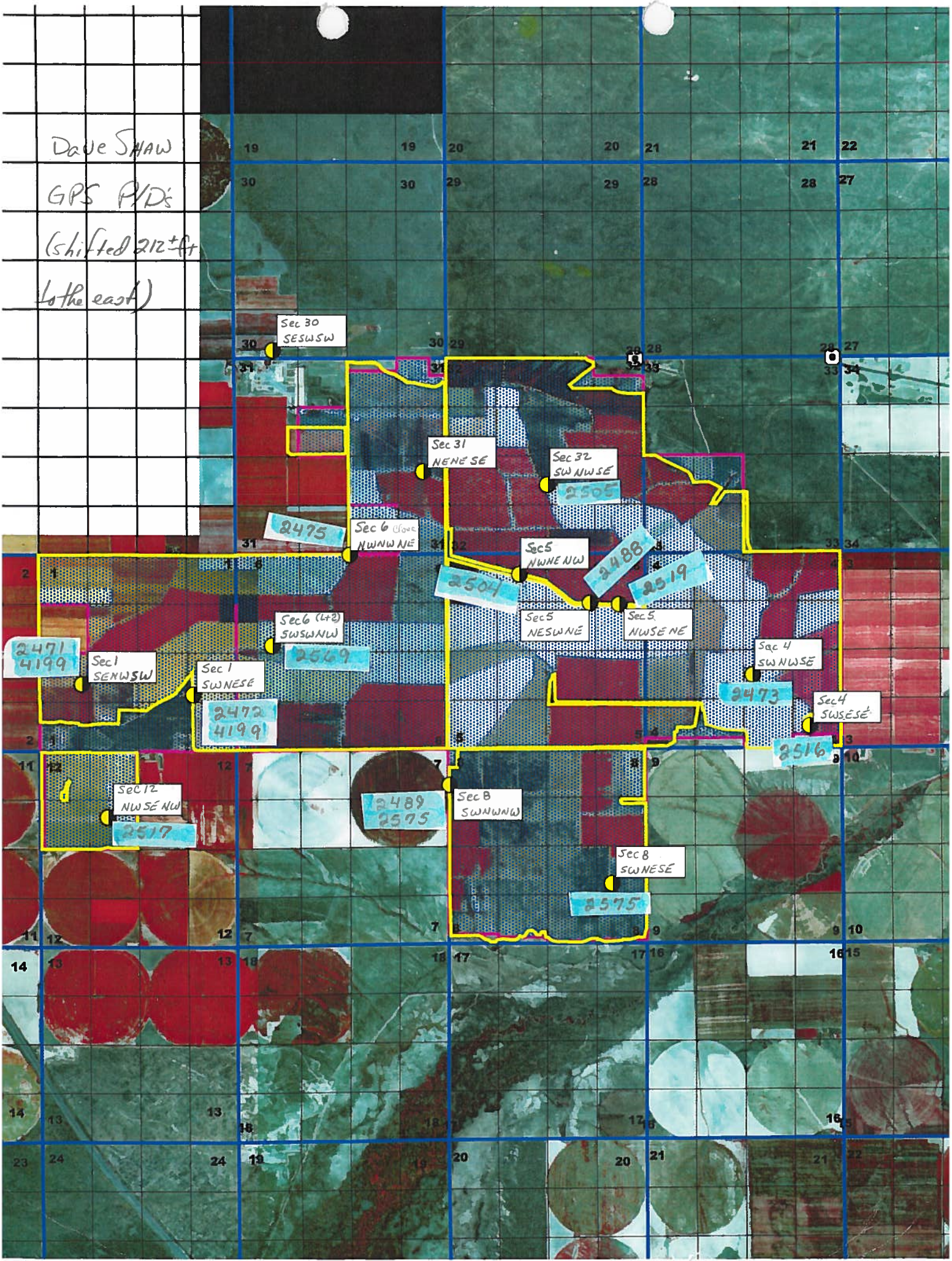
DBS:sw

Encl.

cc: Ron Achs
Tom Miller

Consultants in
Natural Resource,
and the Environm

Dave SHAW
GPS P/D's
(shifted 212±ft
to the east)



10S

T-11S

R-26E

R-27E

no right

56NIN

flooded to 2569 only

0 1320 2640 3960 5280 6600 7920 Feet

N

Prepared by Kelly K Christensen
January 16, 2001

	43-2471		43-2517
	43-2472		43-2516
	43-2473		no right
	43-2475		
	43-2488		
	43-2489		
	43-2504		
	43-2505		
	43-2519		

	43-2471
	43-2472
	43-2473
	43-2475
	43-2488
	43-2489
	43-2504
	43-2516
	43-2519
	43-2575
	43-4199
	43-4194
	43-2505
	43-2569
	43-2517
	no right

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 43-10578

NAME AND ADDRESS: SUN VALLEY AGRIBUSINESS PARTNE
PO BOX 2169
SUN VALLEY, ID 83353

SOURCE: GROUND WATER

QUANTITY: 0.15 CFS
13.00 AFY

PRIORITY DATE: 12/31/1960

POINT OF DIVERSION: T10S R27E S31 LOT 1 (NWNW) Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.15 CFS
			6.70 AFY
	Domestic	01-01 TO 12-31	0.15 CFS
			4.80 AFY
	Commercial	01-01 TO 12-31	0.04 CFS
			1.50 AFY

PLACE OF USE:	Stockwater		Within Cassia County
	T10S R27E S30	SWSW	SESW
	Commercial		Within Cassia County
	T10S R27E S31	NWNW	
	Domestic		Within Cassia County
	T10S R27E S31	NWNW	

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

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

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10578 V1

WATER RIGHT NUMBER: 43-10578 V1

Owner Type

Current Owner

Name and Address

SUN VALLEY AGRIBUSINESS PARTNERS LLC
PO BOX 2169
SUN VALLEY, ID 83353
208-725-0888

Priority Date: 12/31/1960

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

STOCKWATER

COMMERCIAL

DOMESTIC

From To

01/01 to 12/31

01/01 to 12/31

01/01 to 12/31

Diversion Rate

0.150 CFS

0.040 CFS

0.150 CFS

Annual Volume

6.70 AF

1.50 AF

4.80 AF

Total Diversion:

0.150 CFS

13.00 AF

Location of Point(s) of Diversion

GROUND WATER

L1 (NW1/4NW1/4)

Sec. 31, Twp 10S, Rge 27E, B.M.

CASSIA County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	30											X	X					

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	31						X											

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	31						X											

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. Explanatory PARCEL NOS. RP10S27E303600, RP10S27E311001

Comments:

1. SMITH 4/16/1992 COPIED FROM REMARKS
Comment: PART OF A COMMON SYSTEM USED FOR RANGE STOCK, DAIRY CATTLE, 20 RESIDENCES, AN OFFICE AND A SHOP

*Partial decree filed
6-28-2002*

*43-10579
P/Decree filed
6-21-02
disallowed right*

2. TFAWCETT 5/5/2000 OWNERSHIP CHANGED

Comment: OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEED RECD 3/13/2000.

3. djones 2/12/2001 recommendation

Comment: AERIAL PHOTOGRAPHY FROM 1962 ONLY SUPPORTS AN ESTIMATE OF 3 OR 4 HOMES, COULD BE MORE BUT COULD NOT CONFIRM, NO EVIDENCE IN FILE. DOMESTIC VOLUME INCLUDES YARDS FOR 1.2 AFA, CULINARY AND YARD TOTAL. CLAIM DESCRIBES SHOP, SEPARATE USE NOT CLAIMED BUT INCLUDED AS PART OF RECOMMENDATION (EST 500,000 GAL PER YEAR).

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 43-10578

WATER RIGHT NUMBER: 43-10578

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUN VALLEY AGRIBUSINESS PARTNERS LLC PO BOX 2169 SUN VALLEY, ID 83353 208-725-0888

Priority Date: 12/31/1960

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	12/31	0.150 CFS	
STOCKWATER	1/01	12/31	0.150 CFS	
	<u>Total Diversion:</u>		0.150 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 31, Twp 10S, Rge 27E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10S	27E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								X											
STOCKWATER																			
Twp	Rge	Sec	NE				NW				SW				SE				Totals
10S	27E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X	X					

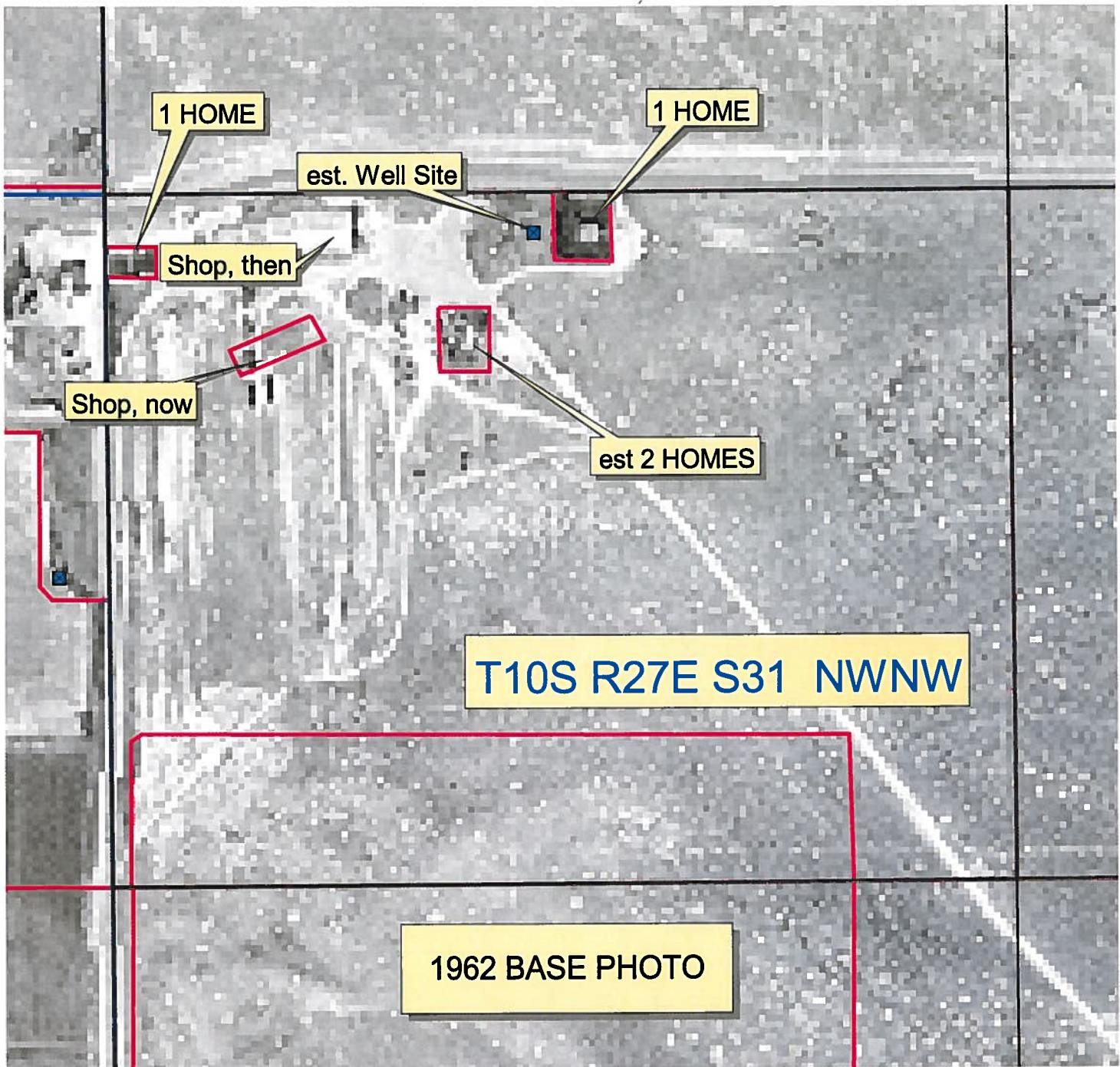
Conditions of Approval:Remarks:

- General PART OF A COMMON SYSTEM USED FOR RANGE STOCK, DAIRY CATT L E, 20 RESIDENCES, AN OFFICE AND A SHOP
***** 5 /5/2000 TF; OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEEDS REC'D 3/13/2000.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

43-10578



0

1320 Feet

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



GIS WATER RIGHT PRESENTATION
PHOTOGRAPHY: 1987 &/OR 1988 NAPP
DATA ENTRY: Jan., 2001
DOUGLAS JONES

03/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10578

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMY E ACHS
Current Owner	RONALD A ACHS
Current Owner	CLAIR D BOSEN
Current Owner	VIOLA L BOSEN
	PO BOX 2169
	SUN VALLEY, ID 83353
	(800)397-1712
Original Owner	J R SIMPLOT COMPANY
	PO BOX 27
	BOISE, ID 83707

Priority Date: 12/31/1960
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.15 CFS	6.7 AFA	
COMMERCIAL	01/01	12/31	0.04 CFS	1.5 AFA	
DOMESTIC	01/01	12/31	0.15 CFS	4.8 AFA	
Total Diversion			0.15 CFS	13 AFA	

Location of Point(s) of Diversion:

GROUND WATER NWNW Lt 1 Sec. 31 Township 10S Range 27E CASSIA County

COMMERCIAL Use:
Number of other uses: 1 SHOP

DOMESTIC Use:
Number of homes: 4

Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>P</u>	<u>E</u>	<u>N</u>												
10S	27E	30		SWSW			SESW							

Place of Use Legal Description: COMMERCIAL CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>P</u>	<u>E</u>	<u>N</u>												
10S	27E	31		NWNW										

Place of Use Legal Description: DOMESTIC CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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P 10S E 27E N 31 NWNW

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. Explanatory PARCEL NOS. RP10S27E303600, RP10S27E311001

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
SMITH	4/16/92	COPIED FROM	PART OF A COMMON SYSTEM USED FOR RANGE STOCK, DAIRY CATTLE, 20
		REMARKS	RESIDENCES, AN OFFICE AND A SHOP
TFAWCETT	5/5/00	OWNERSHIP	OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEED
		CHANGED	RECD 3/13/2000.
djones	2/12/01	recommendation	AERIAL PHOTOGRAPHY FROM 1962 ONLY SUPPORTS AN ESTIMATE OF 3 OR 4 HOMES, COULD BE MORE BUT COULD NOT CONFIRM, NO EVIDENCE IN FILE. DOMESTIC VOLUME INCLUDES YARDS FOR 1.2 AFA, CULINARY AND YARD TOTAL. CLAIM DESCRIBES SHOP, SEPARATE USE NOT CLAIMED BUT INCLUDED AS PART OF RECOMMENDATION (EST 500,000 GAL PER YEAR).

Dates:

Licensed Date:
Claim Received Date: 08/08/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): C009042
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary ScreenDate: 02/12/01
Time: 16:37:29Rec/No - C009042 AR/No -
From: - J. R. SIMPLOT COMPANY Receipt Type - CK Doc/No - 47542
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 08/08/1989

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	9337			410162	6490	370.00
LATE FEE	9337			410162	6490	150.00

Total Due - 520.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A4310592	50.00	A4310591	50.00	A4310590	98.00
A4307068	67.00	A4310578	55.00	A4504068	50.00

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary ScreenDate: 02/12/01
Time: 16:38:55Rec/No - C008307 AR/No -
From: - J. R. SIMPLOT COMPANY Receipt Type - CK Doc/No - 48471
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 07/17/1989

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE - CASSIA LAND & LVS	9337			410162	6490	2628.00

Total Due - 2628.00

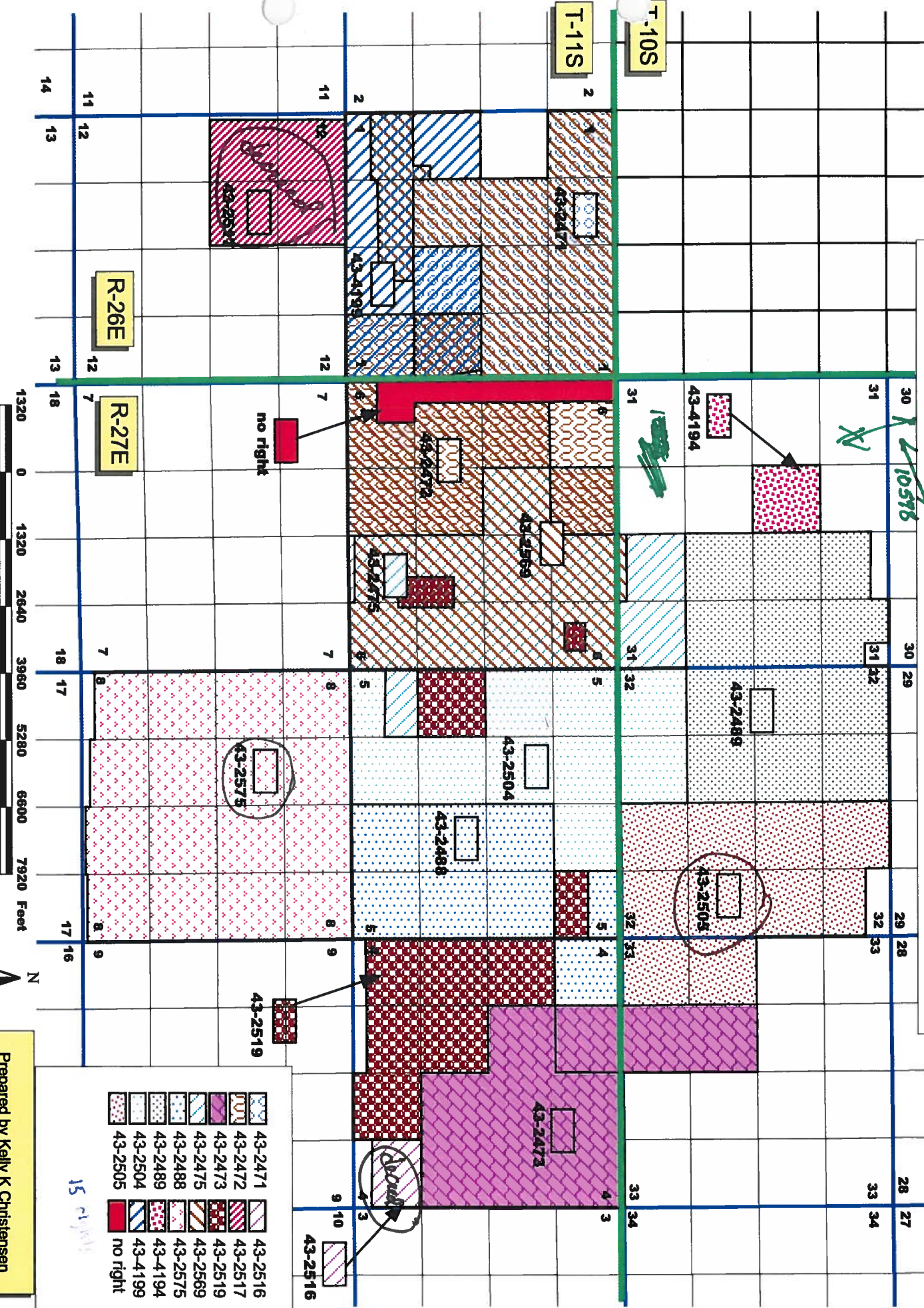
WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A4307145	350.00	A4307056	250.00	A4310579	25.00
	25.00		25.00	A4504129	1792.00
A4502320	50.00	A4502565	61.00	A0107072	50.00

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

CLAIMED RIGHTS COMPARISON



**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 8-29-2001

File: SUN VALLEY AG AMENDMENT QUEST

Prepared by Kelly K Christensen

SUN VALLEY AGRIBUSINESS PARTNERS L.L.C.

CLAIMS

**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, 43-4194, 43-4199**

In reviewing the amended claims you submitted as it relates to the general place of use for all rights I have found that I now have additional questions. It does not appear that I will have enough time to complete the recommendations for all of the rights involved before the department submits the director's report to the court, so rather than submitting an incomplete recommendation that would require objections to be filed, I am planning on holding these rights back at this time. They will then be included in a supplemental director's report that will be filed at a later date.

FOLLOW UP QUESTIONS

43-2489

When adding up the acres by quarter quarter for section 31 I found that the total was 266 acres. You list the total as 246 acres. I did not change the department records for this right.

You are right, there is an error here that needs to be resolved. The resolution will probably impact other rights as well.

SEC 5

Unless I missed something, it appears that now there is no claim that includes the NWSW quarter. The claims I show in that area are 43-2475, 43-2488, 43-2569, and 43-2504.

I believe the NWSW is still covered by 43-2475. Your proposed recommendation and the original license covered this tract. The claim was not amended.

9 PD SYSTEM

You submitted 4 claims identifying the nine wells tied into a common system. Other rights that were not amended include all 14 points of diversion. I did not review each un-amended claim but I noted that some of them (if not all) probably should be within the 9 pd system. Is this correct?

Kelly, perhaps I didn't understand the "starting place" for the amendments I prepared. I assumed the work I was doing was in response to the proposed recommendations prepared by IDWR. On that basis, rights 43-2475, 43-2488, 43-2504, 43-2516, and 43-2575 correctly listed the 9 pds in the proposed recommendations and I assumed no amendment was necessary. If that is not the case please let me know and I will prepare any needed amendments.

PD FOR 43-4199 VS 43-2471 AND 43-2472

These claims were amended with 43-4199 identifying 2 pds that are individually identified in the two licensed rights. My first thought is, shouldn't the two licensed rights identify both p/ds?

This is one of those that makes you scratch your head. For the most part, the irrigated areas supplied by the two wells are separate, however, for the area of the additional BU claim the ditches from the two wells seem to be interconnected.

UNSTACKING RIGHTS

I have reviewed some of the unstacking as submitted in your amendments and am reviewing them. While I can follow your logic in some areas, I am not comfortable with every shift across the board.

I am going to discuss this with Doug Jones and possibly with Dave Tuthill before making any decisions. I will probably be discussing this with you at a later date.

43-2517

This right and system appears to be independent of all of the other rights and I should be able to make a recommendation for this right, but for the licensed point of diversion only.

Correct.

43-2575

This right also appears to be independent of other rights except for the delivery system. I assume that this right should list all 9 pds of the combined delivery system.

Correct.

GVT LOT ACRES

One alternative would be to file a beneficial use claim, or use one of the statutory claims for those acres using the priority date of 43-2596 for those acres as an alternative to shifting acres within claim 43-2569.

I think this alternative would be fine if you prefer a new claim (or one of the existing claims) for these additional acres. If that approach will help with your concerns about some of the unstacking then I can pursue this alternative.

Christensen, Kelly

From: David Shaw [dshaw@eroresources.com]
Sent: Friday, September 14, 2001 2:06 PM
To: Christensen, Kelly
Subject: Re: SUN VALLEY AGRIBUSINESS PARTNERS CLAIMS



SUN VALLEY AG
AMENDMENT QUEST.

Kelly,

I reviewed your questions and have answers for some of them. You are right about the error in the place of use in Section 31 for 43-2489. That will take some work to correct and will require changes to some other claims as well. My answers are attached.

----- Original Message -----

From: "Christensen, Kelly" <kchriste@idwr.state.id.us>
To: <dshaw@eroresources.com>
Sent: Friday, September 14, 2001 8:51 AM
Subject: SUN VALLEY AGRIBUSINESS PARTNERS CLAIMS

> I have data entered all but one of the amendments that you submitted.
There
> was an error in the place of use for 43-2489 that needs correction. I
have
> completed a partial review of the rights and systems as represented by
the
> new amended claims but unfortunately I have found additional areas
that
now
> need to be addressed.
>
> Rather than trying to rush to a solution I felt that it would be best
to
> withhold this system from the initial director's report and then
report
them
> in a supplemental report at a later date. This would allow us time to
find
> the answers to the current questions without rushing through things.
I
have
> attached a partial listing of the issues I found during my partial
review.
>
> I am looking forward to piecing this interesting jig saw puzzle
together
> with you.
>
> <<SUN VALLEY AG AMENDMENT QUEST.doc>>
>
> Kelly K Christensen
>