

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

2004 MAR 22 PM 4 06

**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 43-02488**  
 ) **(Sun Valley Agribusiness Partnership,**  
**Case No. 39576** ) **LLC)**  
 )  
 ) **SPECIAL MASTER REPORT**

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**Findings of Fact**

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims, Domestic and Stockwater and Irrigation and Other Water Rights, Reporting Areas 1, 2, 3, 5, 6, 7, 8, & 15, IDWR Basins 31, 34, 35, 36, 41, 43, 57, 61, 65, Part I* on February 18, 2003. The Director recommended 43-02488 to Sun Valley Agribusiness Partnership, LLC, P.O. Box 2169, Sun Valley, Idaho, 83353, for 5.6 cfs from groundwater to irrigate 289 acres in Cassia County from March 15 to November 15 with a priority date of February 11, 1960, based on a license.

The claimant filed an *Objection* on April 18, 2003, objecting to quantity and place of use. On March 9, 2004, the claimant, with IDWR's concurrence, filed a *Standard Form 5* agreeing to irrigation of 300 acres and amendments under quantity, place of use and explanatory material.

**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 43-02488*.

DATED March 22, 2004.



TERRENCE A. DOLAN  
Special Master  
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

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 ) Water Right 43-02488

2004 MAR 22 PM 4 06

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

SOURCE: GROUND WATER

QUANTITY: 5.60 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 2256 AF. COMBINED RIGHT NOS.  
43-2488 AND 43-2519.

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION: T11S R27E S05 NESWNE Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Irrigation     | 03-15 TO 11-15 | 5.60 CFS<br>1200.00 AFY |

| PLACE OF USE: | Irrigation                      | Within Cassia County |
|---------------|---------------------------------|----------------------|
|               | T11S R27E S04 LOT 4 (NWNW) 40.0 |                      |
|               | S05 LOT 1 (NENE) 40.0           | SWNE 20.0            |
|               |                                 | NESE 40.0            |
|               |                                 | NWSE 40.0            |
|               |                                 | SESE 40.0            |
|               | 300.0 Acres Total               |                      |

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 564 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINE RIGHT NOS. 43-2488 AND 43-2519

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.

MAR 22 2004

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

RECEIVED

JUL - 3 2001

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

Department of Water Resources  
 Boise, Idaho

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s).  | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s).      | Adjudication<br>Claim No(s). | Split |
|------------------------|------------------------------|-------|----------------------------|------------------------------|-------|
| →43-02471              | A43-02471                    |       | →43-02519                  | A43-02519                    |       |
| →43-02472              | A43-02472                    |       | →43-02569                  | A43-02569                    |       |
| →43-02473              | A43-02473                    |       | <i>deeded</i> 43-02575     | A43-02575                    |       |
| →43-02475              | A43-02475                    |       | <i>deeded</i> 43-04194     | A43-04194                    |       |
| →43-02488              | A43-02488                    |       | →43-04199                  | A43-04199                    |       |
| →43-02489              | A43-02489                    |       | <i>Commercial</i> 43-07056 | A43-07056                    |       |
| →43-02504              | A43-02504                    |       | 43-07068                   | A43-07068                    |       |
| <i>deeded</i> 43-02505 | A43-02505                    |       | 43-07145                   | A43-07145                    |       |
| " 43-02516             | A43-02516                    |       |                            | A43-10578                    |       |
| " 43-02517             | A43-02517                    |       |                            | A43-10579                    |       |

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** or other legal document indicating your ownership of the property **WITH ATTACHED LEGAL DESCRIPTION**. or other legal document indicating your ownership of the property WITH ATTACHED LEGAL DESCRIPTION.

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

**Ownership Updated 7-5-01 KKC**

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP. IDWR Analysis

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

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

Snake River Basin Adjudication, LLC By  
MARGIE MUMFORD

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

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

43-02488

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED  
MAR 08 2000

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

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

WATER RESOURCES  
WESTERN REGION

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): [X] AND, [ ] OR, [ ] AND/OR and Viola L. Bosen, husband and wife, as Tenants-in-Common  
City, State and ZIP Code Sun Valley, Idaho 83353  
New Telephone Number ( 800 ) 397-1712
5. Date you acquired the property February 11, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
Number of acres actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
Diversion rate in CFS cubic feet per second \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  

|                        |                       |                       |
|------------------------|-----------------------|-----------------------|
| <u>Ronald A. Achs</u>  | <u>Amy E. Achs</u>    | Date <u>2/25/2000</u> |
| <u>Claire D. Bosen</u> | <u>Viola L. Bosen</u> | Date <u>2/29/2000</u> |
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)  
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

## ATTACHMENT A

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



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  
CASSIA COUNTY ABSTRACT

00 FEB 11 PM 4 20

CASSIA COUNTY, IDAHO  
DARRELL M. ROSKELLEY  
RECORDER  
FEE \$1.00 DEPUTY *llr*

267356

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

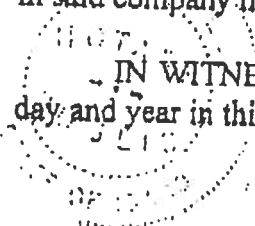
SUN VALLEY AGRIBUSINESS PARTNERS, LLC,  
an Idaho limited Liability Company

By [Signature]  
Ronald A. Achs  
-Managing Member

STATE OF IDAHO           )  
                                  ) ss.  
County of Cassia        )

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

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



[Signature]  
Notary Public for Idaho

Residing at Burley, Idaho

My commission expires 8/2/00

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

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

|                                                                                                                                                      |              |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Section 30: Lots 2, 3 & Part of Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;<br>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 $\frac{1}{4}$<br>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 |

|                                           |                              |
|-------------------------------------------|------------------------------|
| <b>Approximate Total from Tax Notices</b> | <b><u>5,089.14</u> Acres</b> |
|-------------------------------------------|------------------------------|

**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

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: A43-02488  
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: FEB 11, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | 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 | 5.600 |      |        |

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

A43-02488

Page 1

Date: 07/05/89

MICROFILMED

MAR 03 1993

8. Total consumptive use is 900.0 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      | 27E   | 4       | NW     | NW  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 40.0  |
|          |       | 5       | NE     | NE  |     | IRR           | 20.0  |
|          |       |         | SW     | NE  |     | IRR           | 40.0  |
|          |       |         | SE     | NE  |     | IRR           | 40.0  |
|          |       |         | NE     | SE  |     | IRR           | 40.0  |
|          |       |         | NW     | SE  |     | IRR           | 40.0  |
|          |       |         | SW     | SE  |     | IRR           | 40.0  |
|          |       |         | SE     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 260.0 |
|          |       |         |        |     |     | Total Acres   | 300.0 |

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: 28456

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 W. Lauer  
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

Trish A. Lauer  
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

~~1412# A43-2472~~



T. 10S R. 27E

1412# A43-2488

 = point of Diversion

 = place of Use

CASSIA COUNTY,  
IDAHO

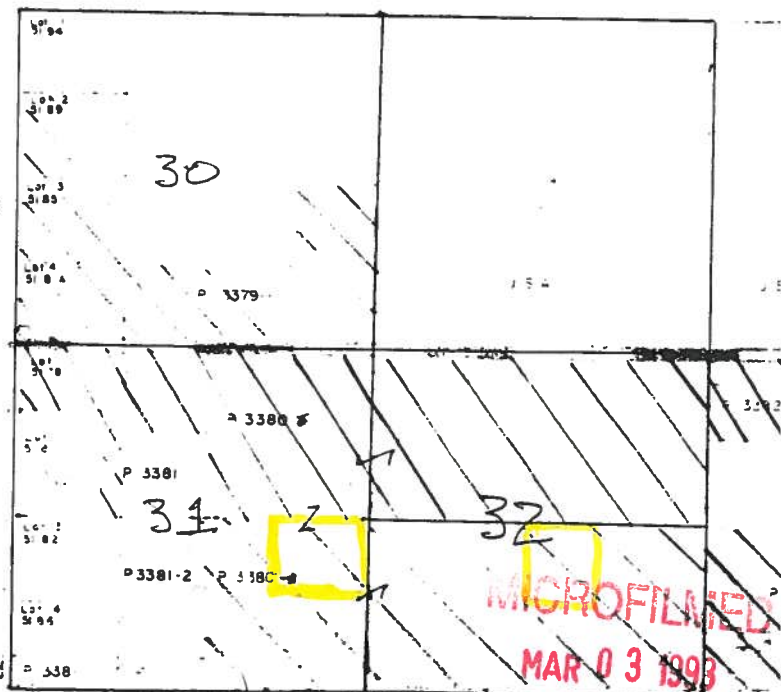
### LEGEND

TOWNSHIP LINE  
SECTION LINE  
QUARTER CORNER  
FENCE  
DIVISION DIVIDORY  
ARBITRARY SUBDIVISION  
UNDEVELOPED BL. A. 1.  
ARBITRARY CANAL  
UNDEVELOPED FARM LINE  
RAILROADS  
U.S. HIGHWAYS  
STATE HIGHWAYS  
NATION STATE HIGHWAYS  
COUNTRY ROADS

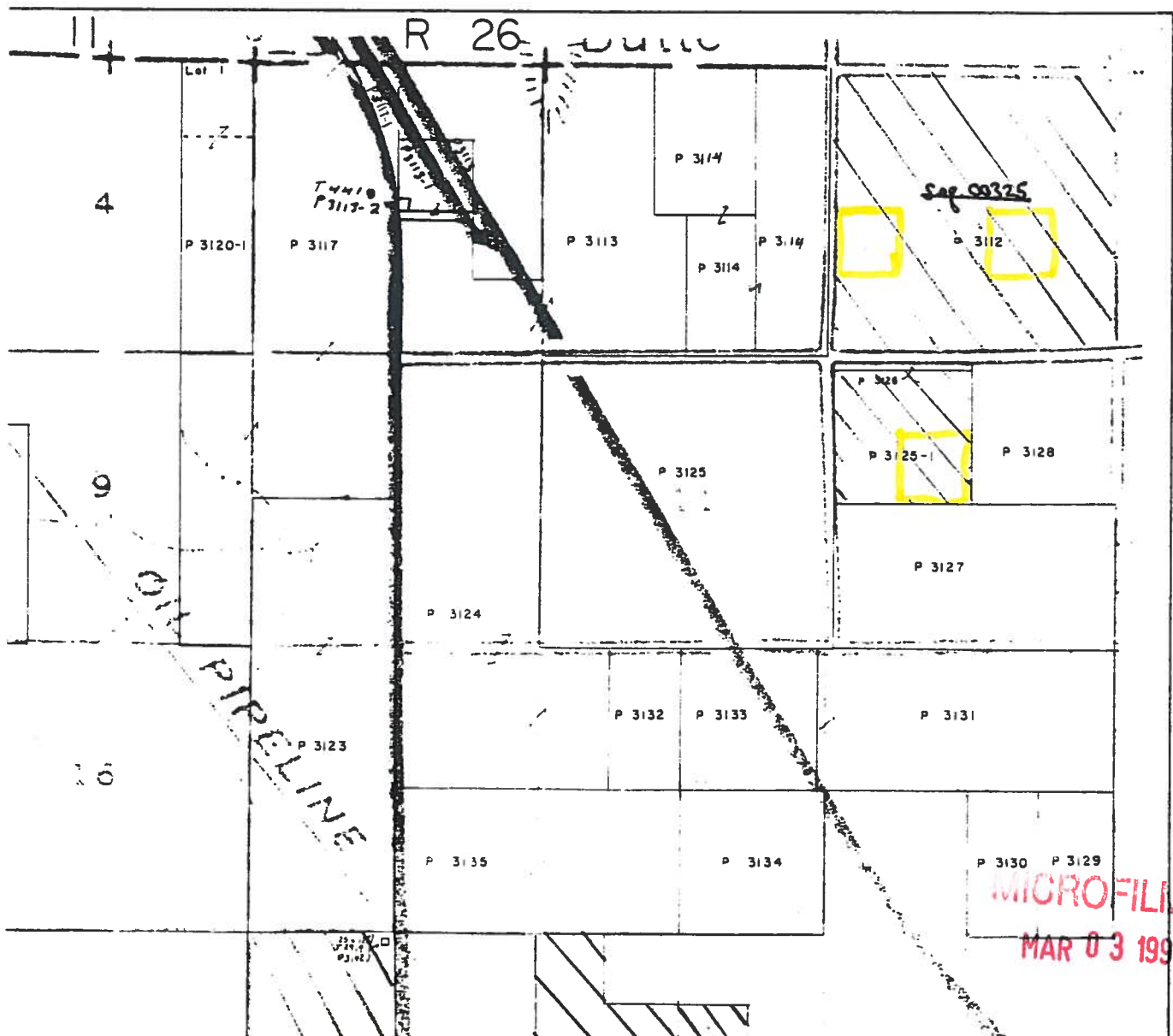
1/4th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th

Date

PIPELINE



T. 1152.26E



T.11S R.27E



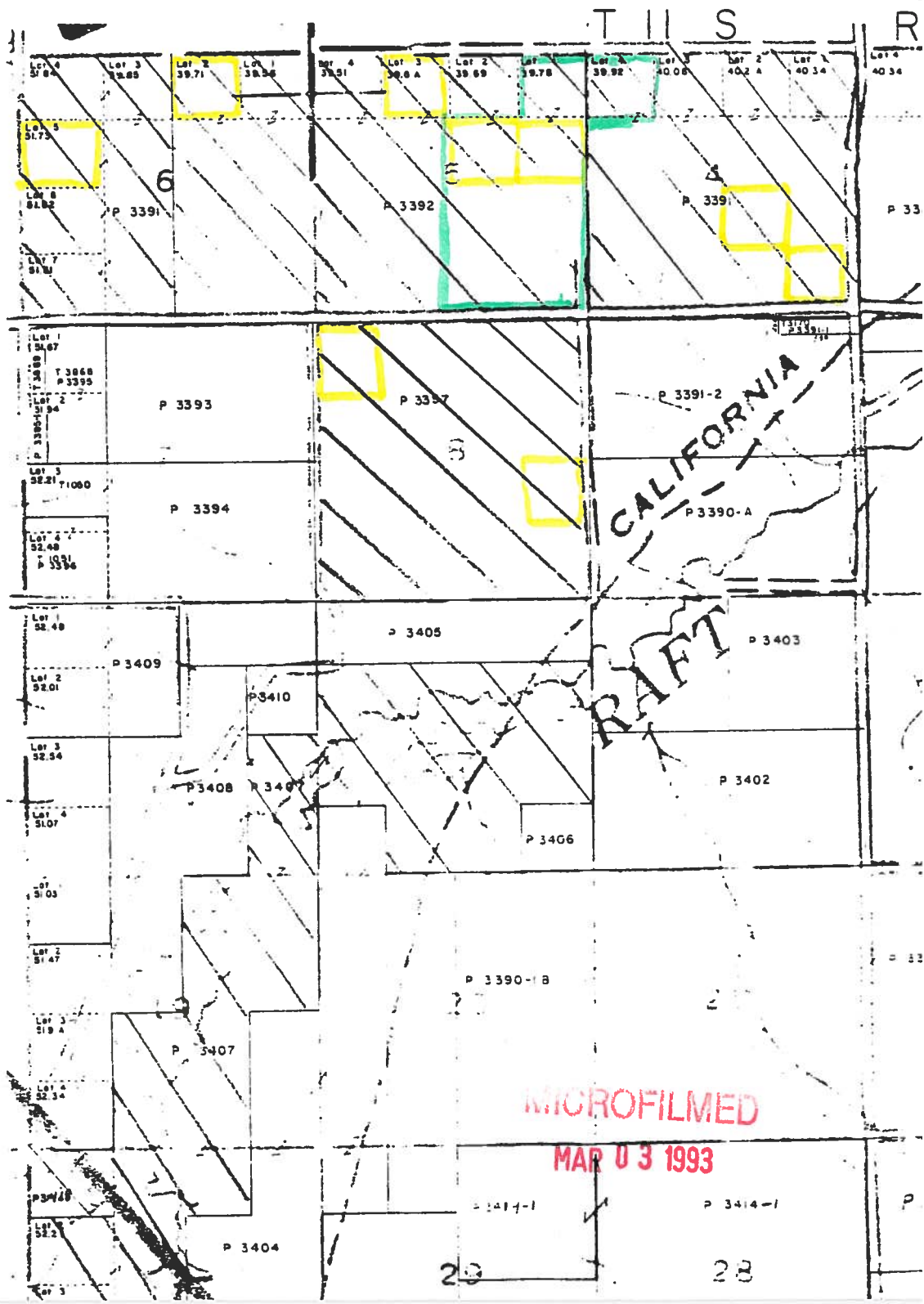
| TOWNSHIP |    |    |    |    |    |
|----------|----|----|----|----|----|
| 6        | 5  | 4  | 3  | 2  | 1  |
| 7        | 8  | 9  | 10 | 11 | 12 |
| 18       | 7  | 16 | 15 | 14 | 13 |
| 24       | 23 | 22 | 21 | 20 | 19 |
| 25       | 26 | 27 | 28 | 29 | 30 |
| 36       | 35 | 34 | 33 | 32 | 31 |

CASSIA COUNTY,  
IDAHO

### LEGEND

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

| SECTION   | QUARTER   | SUBDIVISION | BLK & 36  | 10th & 11 | ROCK 10   | LAST TIME | OWNERSHIP |
|-----------|-----------|-------------|-----------|-----------|-----------|-----------|-----------|
| 1st & 6th | 1st & 6th | 1st & 6th   | 1st & 6th | 1st & 6th | 1st & 6th | 1st & 6th | 1st & 6th |



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

ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 01 01 91  
TIME: 14:15:56  
PAGE: 1

TYPE OF ACTION: ADD  
MODIFY ALL FIELDS FLAG:

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

STATE: ID ZIP: 837070027

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

|            |               |                                 |
|------------|---------------|---------------------------------|
| A43-02485  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02488  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02489  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02504  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02505  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02516  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02517  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02519  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02522  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02536  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02547  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02548  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02569  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-02575  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-04021A | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-04021B | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
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| A43-04199  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A43-04202  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
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| A43-10579  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
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| A47-04312  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A51-02140  | ATTORNEY NAME | SUCCESSFULLY ADDED TO NAME FILE |
| A57-02202  | 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  
- 2/*

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. )

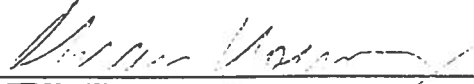
TO ALL PARTIES:

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-20-32/1:42

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

RECEIVED

AUG 23 2004

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

Department of Water Resources  
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 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, ID 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

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 43-02472 -            | _____                        | ___   | 43-02575 -            | _____                        | ___   |
| 43-02471 -            | _____                        | ___   | _____                 | _____                        | ___   |
| 43-02505 -            | _____                        | ___   | _____                 | _____                        | ___   |
| 43-02516 -            | _____                        | ___   | _____                 | _____                        | ___   |
| 43-02517 -            | _____                        | ___   | _____                 | _____                        | ___   |

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

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

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

*Allen Keady*  
Manager

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

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

235421

## WARRANTY DEED

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

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

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

DATED this 6th day of September, 2002.

Sun Valley Agribusiness Partners, LLC

By

Ronald A. Achs, Manager

STATE OF IDAHO )  
 ) ss.

County of BLAINE )

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



Notary Public in and for the State of Idaho

Residing at Blaine Co.

My Commission Expires: 10-11-2002

295422

ESTOPPEL AFFIDAVIT

STATE OF IDAHO )  
 ) ss.  
County of BLAINE )

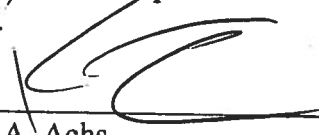
Ronald Achs, being first duly sworn, deposes and says:

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

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

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

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

  
Ronald A. Achs

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



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

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

#387  
LARRY A. MICKELSEN  
RECORDER  
DEPUTY DB  
FEE 30

EXHIBIT "A"

PARCEL NO. 1:

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

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

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

ALSO EXCEPTING THEREFROM the following described tract:

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

PARCEL NO. 2:

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

Section 31: NE¼, NE¼NW¼, Lots 1 and 2

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

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

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

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

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

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

ALSO EXCEPTING THEREFROM the following described tract:

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

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

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

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

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

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

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

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

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

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

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

PARCEL NO. 3:

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

Section 31: SE¼

PARCEL NO. 4:

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

Section 31: SE¼NW¼

PARCEL NO. 5:

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

Section 32: N½

EXCEPTING THEREFROM the following described tract:

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

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

PARCEL NO. 6:

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

Section 32: S½

PARCEL NO. 7:

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

Section 33: N½N½

PARCEL NO. 8:

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

Section 33: SW¼

PARCEL NO. 9:

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

Section 1: ALL

PARCEL NO. 10:

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

Section 12: NW¼

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

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

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

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

PARCEL NO. 11:

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

Section 4: ALL

PARCEL NO. 12:

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

Section 5: ALL

PARCEL NO. 13:

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

Section 6: E½

PARCEL NO. 14:

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

Section 6: W½

PARCEL NO. 15:

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

Section 8: ALL

29542.1

CASSIA COUNTY, IDAHO  
LARRY A. MICKELSEN

FEE 18.28 RECORDER  
DEPUTY DB

2001 APR 30 PM 1 36

RECORDED AT THE REQUEST OF  
LAND TITLE & ESCROW



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.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2488 V2

WATER RIGHT NUMBER: 43-2488 V2

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

Priority Date: 02/11/1960

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 03/15 to 11/15        | 5.600 CFS             | 1,200.00 AF          |
| <u>Total Diversion:</u> |                       | 5.600 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                    |
|---------------|-----------------|------------------------------------|
| GROUND WATER  | NE1/4SW1/4NE1/4 | Sec. 5,   Twp 11S,   Rge 27E, 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 | 27E | 4   |      |    |      |      |    | 40.0 |    |    |    |    |    |    |      |      |      |      | 40.0   |
|     |     |     |      |    |      |      |    | L 4  |    |    |    |    |    |    |      |      |      |      |        |
| 11S | 27E | 5   | 40.0 |    | 20.0 | 40.0 |    |      |    |    |    |    |    |    | 40.0 | 40.0 | 40.0 | 40.0 | 260.0  |
|     |     |     | L 1  |    |      |      |    |      |    |    |    |    |    |    |      |      |      |      |        |

Total Acres: 300

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2488 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. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2256 AF. COMBINED RIGHT NOS. 43-2488 and 43-2519
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 564 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2488 and 43-2519

Comments:

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

RIGHT NUMBER: 43-2488

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: 5.600 CFS

0.000 AFY

1,156.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 2256 AF. COMBINED RIGHT NOS. 43-2488 and  
43-2519

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION:

T11S R27E S5 NESWNE  
Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

5.600 CFS 1,200.00 AFY

5.600 CFS 1,156.00 AFY

PLACE OF USE:

IRRIGATION within CASSIA County

T11S R27E S04 NWNW Lot 4 40.0

T11S R27E S05 NENE Lot 1 40.0

T11S R27E S05 SWNE 20.0

T11S R27E S05 SENE 40.0

T11S R27E S05 NESE 40.0

T11S R27E S05 NWSE 40.0

T11S R27E S05 SWSE 40.0

T11S R27E S05 SESE 40.0

300 ACRES TOTAL

T11S R27E S05 NENE Lot 1 20.0

T11S R27E S05 SWNE 39.0

T11S R27E S05 SENE 38.0

T11S R27E S05 NWSE 38.0

T11S R27E S05 SWSE 37.0

T11S R27E S05 SESE 37.0

289 ACRES TOTAL

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

---

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 564 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED  
RIGHT NOS. 43-2488 and 43-2519

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

02/06/2003

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

RIGHT NUMBER: 43-2488  
NAME AND ADDRESS: SUN VALLEY AGRIBUSINESS PARTNERS LLC  
PO BOX 2169  
SUN VALLEY ID 83353

VERIFIED BY KKC

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 5.600 CFS  
1,156.000 AFY

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION:

T11S R27E S5 NESWNE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 03/15 11/15          | 5.600 CFS<br>1,156.00 AFY |

PLACE OF USE: IRRIGATION Within CASSIA County

|                          |      |                          |      |
|--------------------------|------|--------------------------|------|
| T11S R27E S04 Lot 4 NWNW | 40.0 | T11S R27E S05 Lot 1 NENE | 20.0 |
| T11S R27E S05 SWNE       | 39.0 | T11S R27E S05 SENE       | 38.0 |
| T11S R27E S05 NESE       | 40.0 | T11S R27E S05 NWSE       | 38.0 |
| T11S R27E S05 SWSE       | 37.0 | T11S R27E S05 SESE       | 37.0 |

289 ACRES TOTAL

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

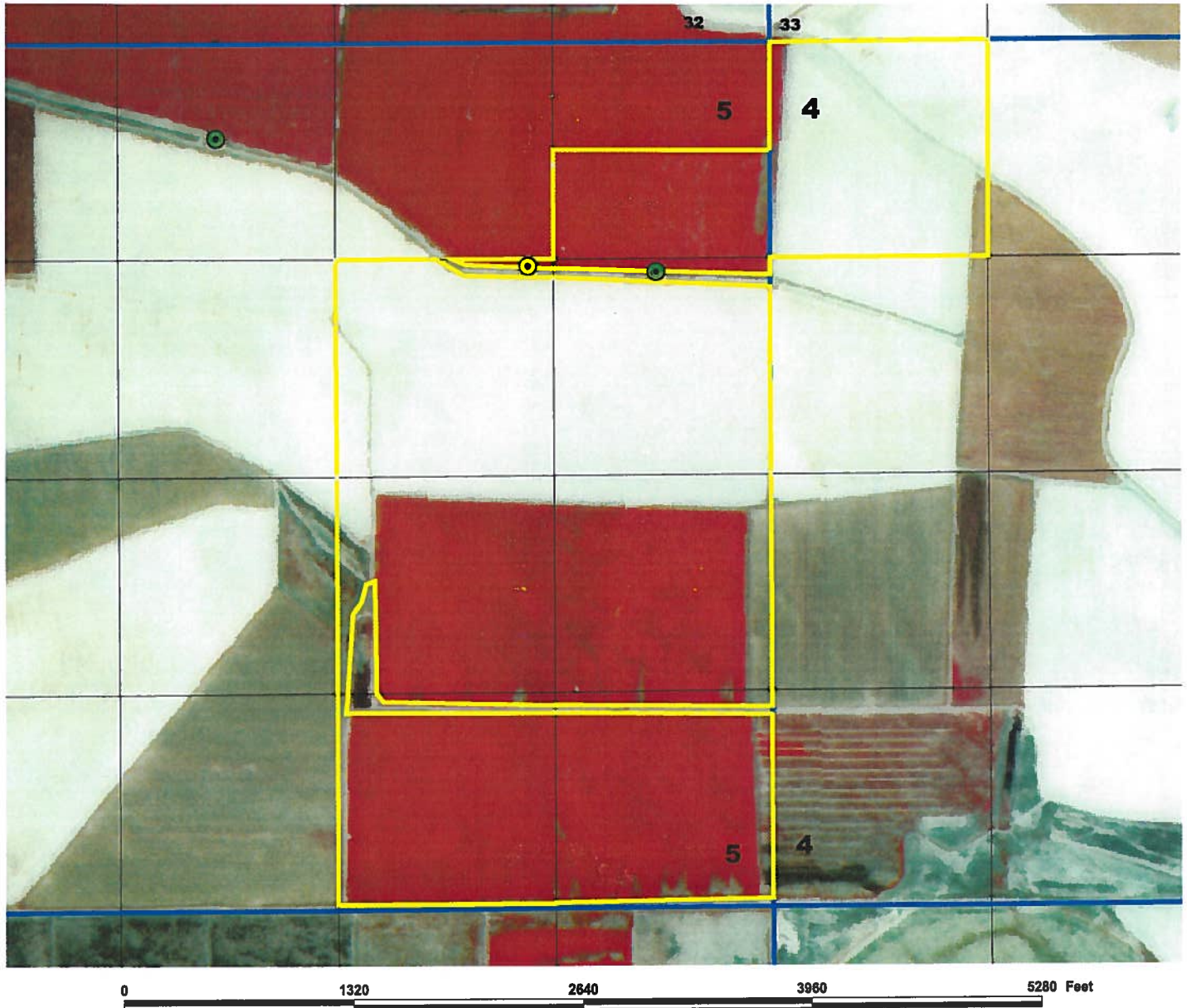
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

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

**Idaho Department of Water Resources**

**RECOMMENDED PLACE OF USE FOR  
43-2488**

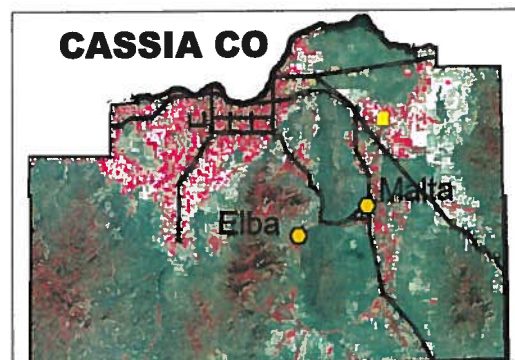


**PLACE OF USE**

TWP 11S, RNG 27E, SEC 4 & 5  
Data entry on February 6, 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**



CLAIM NUMBER

43-2488

DATE

12-02

AGENT

TRANSFER NUMBER

CLAIMED ACRE TOTAL

GIS ACRE TOTAL

unrecorded transfer

|         | TWP | RNG | SEC | NE            |    |               |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |
|---------|-----|-----|-----|---------------|----|---------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
|         |     |     |     | NE            | NW | SW            | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |    |
| License | 11S | 27E | 4   |               |    |               |    |    | 40 |    |    |    |    |    |    |    |    |    |    | 40 |
| Claim   |     |     | 4   |               |    |               |    |    | 40 |    |    |    |    |    |    |    |    |    |    | 40 |
| Found   |     |     |     |               |    |               |    |    | 40 |    |    |    |    |    |    |    |    |    |    | 40 |
| License | 11S | 27E | 5   | 40            |    | 20            | 40 |    |    |    |    |    |    |    |    | 40 | 40 | 40 | 40 | 26 |
| Claim   |     |     | 5   | 20            |    | 40            | 40 |    |    |    |    |    |    |    |    | 40 | 40 | 40 | 40 | 26 |
| Found   |     |     |     | <del>20</del> |    | <del>40</del> |    |    |    |    |    |    |    |    |    | 40 | 38 | 37 | 37 | 26 |
|         |     |     |     | 20            |    | 39            | 38 |    |    |    |    |    |    |    |    | 40 | 38 | 37 | 37 | 24 |

~~X~~ X from  
~~X~~ X to.

Claimed P/A = 30

Found P/A = 30.9

Some acre shifting in NE of Sec 5

Recom P/A 28

Recommendation excludes  
and major canals

P/D = 9 wells

NW/4 Sec 4 was licensed for 2488 & 2519 2519 acreage  
 claimed in a different QQ.

during licensing for 2488 the permit was amended to add the NW/4.

Licensed P/D  
 Sec 5 SWNE

02/13/2001

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

RIGHT NUMBER: 43-2488

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

ROUGH RECOM

VERIFIED BY: KKC

SOURCE: GROUND WATER

QUANTITY: 5.6 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 2256 AF. COMBINED RIGHT NOS.: 43-2488 AND 43-2519

PRIORITY DATE: 02/11/1960

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

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                 |
|----------------|---------------|--------------------------|
| IRRIGATION     | 03-15 11-15   | 5.60 CFS<br>1,200.00 AFY |

PLACE OF USE:

|                                        |       |      |    |              |       |      |    |
|----------------------------------------|-------|------|----|--------------|-------|------|----|
| <u>IRRIGATION Within CASSIA County</u> |       |      |    |              |       |      |    |
| T11S R27E S4                           | LOT 4 | NWNW | 40 | T11S R27E S5 | LOT 1 | NENE | 40 |
| T11S R27E S5                           |       | SWNE | 20 | T11S R27E S5 |       | SENE | 40 |
| T11S R27E S5                           |       | NESE | 40 | T11S R27E S5 |       | NWSE | 40 |
| T11S R27E S5                           |       | SWSE | 40 | T11S R27E S5 |       | SESE | 40 |

300 ACRES TOTAL

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.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED  
TOTAL OF 564 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2488  
AND 43-2519

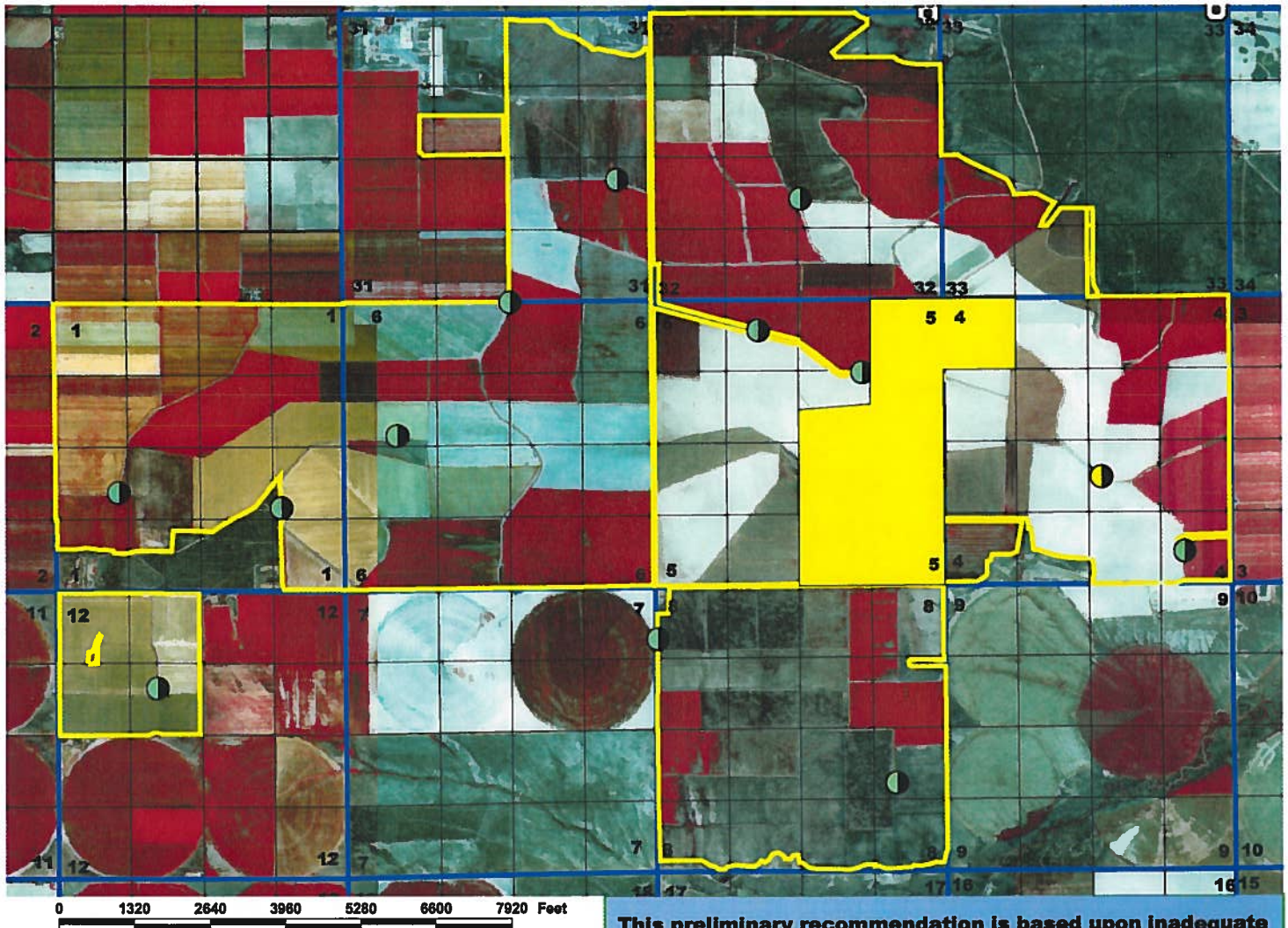
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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  
43-2488**

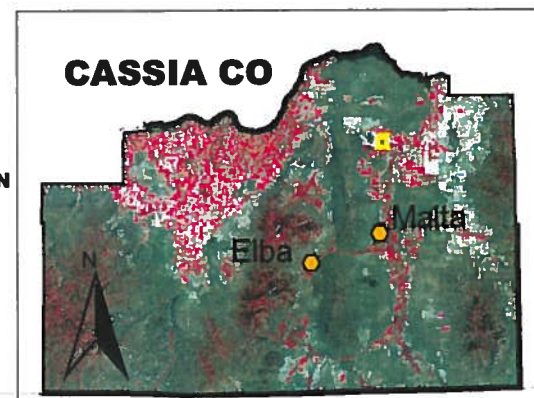


This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

**PLACE OF USE**  
**TWP 11S, RNG 27E, SEC 4 & 5**  
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**



43-2488

# State of Idaho License and Certificate of Water Right

Water License No. 0-28456

Amount 5.6 c.f.s.

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

Priority February 11, 1960

THIS IS TO CERTIFY that COTTEREL FARMS CO.  
of Malta, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated February 11, 19 60; that Permit No. 0-28456  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
5.6 second feet was issued thereunder on January 16, 19 62, showing that said works  
were completed on the 31st day of August, 19 61; and that on the 31st  
day of August, 19 61,

COTTEREL 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. 0-28456 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 7239, on the 16 day of January, 19 62;  
The right hereby confirmed dates from February 11, 19 60;

The Point of Diversion is located

in the SW 1/4 NE 1/4 Sec. 5, T<sub>11</sub> S., R. 27 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 5.6 cubic feet per second.

Description and location of use:

| Twp.                                   | Range | Sec.   | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|----------------------------------------|-------|--------|------------------|----------------------------------|---------------------------------|
| 11 S                                   | 27 E  | 4<br>5 | NW 1/4 NW 1/4    | 40                               | 40                              |
|                                        |       |        | NE 1/4 NE 1/4    | 40                               | 40                              |
|                                        |       |        | SW 1/4 NE 1/4    | 40                               | 20                              |
|                                        |       |        | SE 1/4 NE 1/4    | 40                               | 40                              |
|                                        |       |        | NE 1/4 SE 1/4    | 40                               | 40                              |
|                                        |       |        | NW 1/4 SE 1/4    | 40                               | 40                              |
|                                        |       |        | SW 1/4 SE 1/4    | 40                               | 40                              |
|                                        |       |        | SE 1/4 SE 1/4    | 40                               | 40                              |
| Total number of acres to be irrigated: |       |        |                  |                                  | 300                             |

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  
16th day of January, 19 62.

(SEAL)

RALPH W. THOMAS  
Deputy State Reclamation Engineer.

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

Permit No. 0-28456This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Cottarel Farms Co., Malta, Idaho
2. Source of water supply: subterranean
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 5  
T. 11S R. 27E County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: 200HP GE Motor  
# 275 1250011. Light-Bowler pump # 28293 (3000 GPM @ 220' @ 1770 RPM  
12" discharge

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):

SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 5, T. 11 S., R. 27 E., S. M.

Amend land list to include same under sec. 4 T. 11 S.  
R. 27 E.

(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

Measured by Current Meter

This examination was made on the 25<sup>th</sup> day of October, 1961

(Signed)

Loy Johnson

Examiner

28456

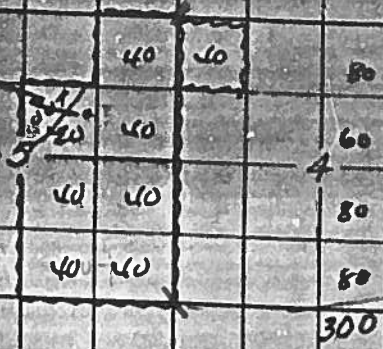
TO R2 NW 1/4 303  
and DECD

R-27E  
34

33

NH 1/4  
RD

T  
11  
S.



Subdivisions

8

AREA

300 acrs

Q

5.6 cts or 280 acres

Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

DP456

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION

DISCHARGE MEASUREMENT NOTES

Station W. 1/4 Sec. 6, T. 12 N., R. 10 E., S. 12 E. Date 7/26/61 Period 5-28-56

| Time<br>of day | Channel | Depth | Area<br>ft <sup>2</sup> | Time<br>in<br>secs | VELOCITY    |                      | Area<br>of<br>flow<br>ft <sup>2</sup> | Area | Discharge            |
|----------------|---------|-------|-------------------------|--------------------|-------------|----------------------|---------------------------------------|------|----------------------|
|                |         |       |                         |                    | At<br>point | Mean<br>of<br>3 runs |                                       |      |                      |
| 2.0            | 15.0    | 0     | 0                       | 0                  |             |                      |                                       |      |                      |
| 2.5            | 15.0    | 3     | 15                      | 44                 | 70          |                      |                                       | 15   | 11                   |
| 3.0            | 15.0    | 5.8   | 20                      | 45                 | 74          |                      |                                       | 24   | 34                   |
| 3.5            | 15.0    | 6.10  | 15                      | 46                 | 73          |                      |                                       | 58   | 40                   |
| 4.0            | 15.0    | 6.10  | 20                      | 47                 | 84          |                      |                                       | 55   | 52                   |
| 4.5            | 15.0    | 1.0   | 20                      | 40                 | 110         |                      |                                       | 50   | 55                   |
| 5.0            | 15.0    | .8    | 25                      | 45                 | 122         |                      |                                       | 46   | 49                   |
| 5.5            | 15.0    | .4    | 20                      | 50                 | 89          |                      |                                       | 20   | 18                   |
| 6.0            | 15.0    | 0     | 0                       | 0                  |             |                      |                                       | 0    | 2.59                 |
| 2.0            | 15.0    | 0     | 0                       | 0                  |             |                      |                                       | 0    |                      |
| 2.5            | 15.0    | 3.9   | 25                      | 45                 | 122         |                      |                                       | 19   | 23                   |
| 3.0            | 15.0    | 4.7   | 30                      | 47                 | 140         |                      |                                       | 43   | 60                   |
| 3.5            | 15.0    | 4.7   | 25                      | 43                 | 124         |                      |                                       | 49   | 63                   |
| 4.0            | 15.0    | 4.7   | 20                      | 40                 | 110         |                      |                                       | 49   | 54                   |
| 4.5            | 15.0    | .8    | 25                      | 45                 | 122         |                      |                                       | 45   | 52                   |
| 5.0            | 15.0    | 6     | 25                      | 46                 | 120         |                      |                                       | 30   | 36                   |
| 5.5            | 15.0    | 2.5   | 15                      | 48                 | 70          |                      |                                       | 12   | 81                   |
| 6.0            | 15.0    | 0     | 0                       | 0                  |             |                      |                                       | 0    | 29.9                 |
|                |         |       |                         |                    |             |                      |                                       |      | 2.59                 |
|                |         |       |                         |                    |             |                      |                                       |      | 5.68                 |
|                |         |       |                         |                    |             |                      |                                       |      | 2500 gpm             |
|                |         |       |                         |                    |             |                      |                                       |      | 280 ft <sup>3</sup>  |
|                |         |       |                         |                    |             |                      |                                       |      | 5.64 ft <sup>3</sup> |

Discharge by 2500 gpm 280 ft<sup>3</sup> 5.64 ft<sup>3</sup>  
U. S. GOVERNMENT PRINTING OFFICE 16-58720-4

Cottrell Farm, Inc.  
Malta, Idaho

5  
E. M. H.  
12.1' @ 1000 RPM.

fact number  
use if other

(T.H.)

on.)

19.67

EXAMINE

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Driller's Name  
 Ralph Denton

Permit No. 5-40556

Completion of Work  
 Examination for and Beneficial Use

County Cassia

Sec. 5 T. 11S R. 27E

Quantity 5.6 cfs

Sources: Well

P.D.: 28/FE, Sec. 5, T. 11S, R. 27E, S. 1

Use: Irrigation & Domestic

Filed: Feb. 11, 1951

Due: Feb. 17, 1951

Extension:

Driller Ralph Denton

Notes - none

Completion of Work:

Other Rights:

# 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.

RECEIVED  
 NOV 1 1951

43-2473  
 28026 =

CLAIM NUMBER

A43-02488

DATE

AGENT

TRANSFER NUMBER

CLAIMED ACRE TOTAL 30

GIS ACRE TOTAL

29

|       | TWP | RNG | SEC | NE |    |    |    | NW |      |    |    | SW |    |    |    | SE |    |      |      |
|-------|-----|-----|-----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|------|------|
|       |     |     |     | NE | NW | SW | SE | NE | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE   |
| CLAIM | 11S | 27E | 04  |    |    |    |    |    | 40   |    |    |    |    |    |    |    |    |      |      |
| GIS   | 11S | 27E | 04  |    |    |    |    |    | 39.9 |    |    |    |    |    |    |    |    |      |      |
| RECOM | 11S | 27E | 04  |    |    |    |    |    | 40   |    |    |    |    |    |    |    |    |      |      |
| CLAIM | 11S | 27E | 05  | 20 |    | 40 | 40 |    |      |    |    |    |    |    |    | 40 | 40 | 40   | 40   |
| GIS   | 11S | 27E | 05  | 40 |    | 39 | 38 |    |      |    |    |    |    |    |    | 40 | 38 | 38.8 | 38.9 |
| RECOM | 11S | 27E | 05  | 20 |    | 39 | 38 |    |      |    |    |    |    |    |    | 40 | 38 | 39   | 39   |
| CLAIM |     |     |     |    |    |    |    |    |      |    |    |    |    |    |    |    |    |      |      |
| GIS   |     |     |     |    |    |    |    |    |      |    |    |    |    |    |    |    |    |      |      |
| RECOM |     |     |     |    |    |    |    |    |      |    |    |    |    |    |    |    |    |      |      |

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

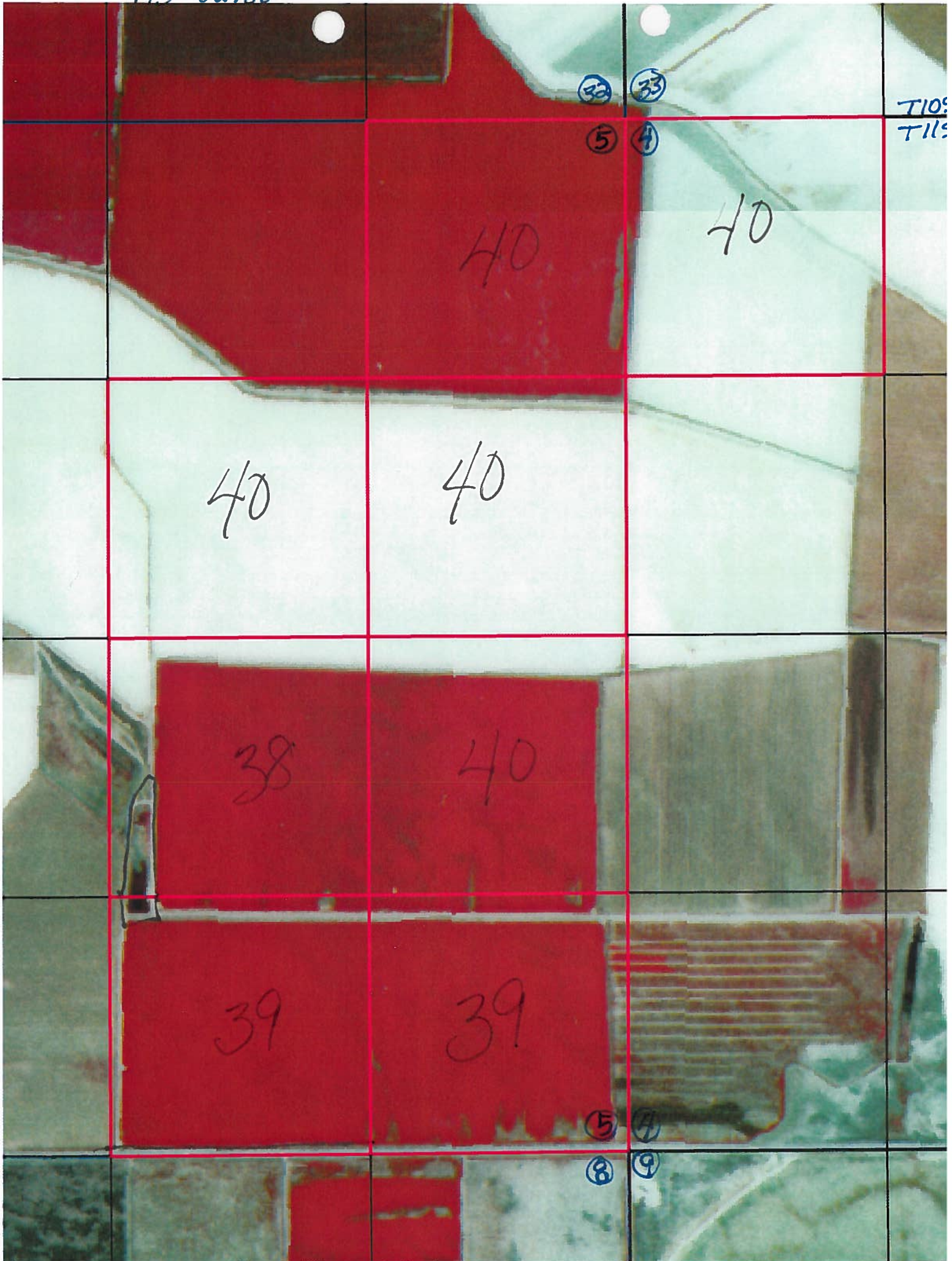
DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

A43-02488



A43-02488

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T109

5

4

T119

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