

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 43-02489
	) (Sun Valley Agribusiness Partnership,
Case No. 39576	) LLC)
	)
_____	) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims, Domestic and Stockwater and Irrigation and Other Water Rights, Reporting Areas 1, 2, 3, 5, 6, 7, 8, & 15, IDWR Basins 31, 34, 35, 36, 41, 43, 57, 61, 65, Part I* on February 18, 2003. The Director recommended 43-02489 to Sun Valley Agribusiness Partnership, LLC, P.O. Box 2169, Sun Valley, Idaho, 83353, for 8.9 cfs from groundwater to irrigate 461 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 465 acres and amendments under quantity and place of use.

Conclusions of Law

Sun Valley Agribusiness Partnership, LLC, is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-02489*.

DATED March 22, 2004.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02489

FILED

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: 8.90 CFS
1860.00 APY

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION: T11S R27E S08 SWNW Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	8.90 CFS 1860.00 APY

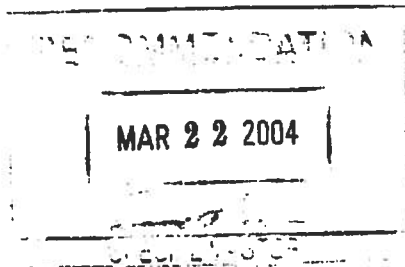
PLACE OF USE:	Irrigation		Within Cassia County
	T10S R27E S31	NENE 20.0 SWNE 40.0 SENE 6.7 NWSE 40.0 SESE 20.0	NWNE 34.0 SENE 40.0 NESE 40.0 SWSE 5.3
	S32	NENW 40.0 SWNW 40.0 NESW 19.0	NWNW 40.0 SENE 40.0 NWSW 40.0
	465.0 Acres Total		

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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



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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 43-2489
Date Received: 7/13/1989
Receipt No: C008236
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 02/11/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
10S	27E	32	SW	NW	SE	CASSIA	
11S	27E	4	SW	NW	SE	CASSIA	
11S	27E	4	SW	SE	SE	CASSIA	
11S	27E	5	NE	SW	NE	CASSIA	
11S	27E	5	NW	SE	NE	CASSIA	
11S	27E	5	NW	NE	NW	3	CASSIA
11S	27E	6	NW	NW	NE	2	CASSIA
11S	27E	8	SW	NW	NW	CASSIA	
11S	27E	8	SW	NE	SE	CASSIA	

5. Description of diverting works:

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	8.9	1860

7. Total Quantity Appropriated is:
8.9 C.F.S. and/or 1860 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
10S	27E	31	NE	NE		IRRIGATION	20 ✓ 19
			NW	NE		IRRIGATION	33 ✓ 34
			SW	NE		IRRIGATION	40 ✓ 40
			SE	NE		IRRIGATION	40 ✓ 39
			SW	NW	2	IRRIGATION	5 ✓ 4.7
			SE	NW		IRRIGATION	23 ✓ 21
			NE	SE		IRRIGATION	40 ✓ 39
			NW	SE		IRRIGATION	40 ✓ 40
			SW	SE		IRRIGATION	5 ✓ 5.3
			SE	SE		IRRIGATION	20 ✓ 242
Section Acres						266	
10S	27E	32	NE	NW		IRRIGATION	40 40
			NW	NW		IRRIGATION	40 40
			SW	NW		IRRIGATION	40 40
			SE	NW		IRRIGATION	40 40
			NE	SW		IRRIGATION	19 ✓ 19
			NW	SW		IRRIGATION	40 ✓ 40
Section Acres						219 219 461	
Total Acres						485 485 Lic = 4	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

amended claim changes the place of use and adds 20 acres more than licensed and identifies 9 wells that are tied into a common delivery system. kkc

5/2/2000 TF; OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEEDS RECD 3/13/2000.

15. Basis of Claim: License

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 43-2489

Date Received

Receipt Number

**AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW****Please type or print clearly**

1. Name of Claimant(s) Sun Valley Agribusiness Partners, L.L.C. Phone (800) 397-1712
Mailing Address P.O. Box 2169, Sun Valley, Idaho Zip 83353
2. Date of Priority (Only one (1) per claim) 2/11/1960
3. Source of water supply (a) Ground water

Which is tributary to (b) _____

4. a. Location of point of diversion is: Township 10S Range 27E Sec. 32 SW NW SE
Township 11S Range 27E Sec. 4 SW NW SE
Sec. 5 SW SE SE
NE SW NE
NW SE NE
Sec. 6 Lot 3 (NW NE NW)
Sec. 8 Lot 2 (NW NW NE)
SW NW NW
SW NE SE

Govt. Lot _____, B.M., County of Cassia

Additional points of diversion if any: _____

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

township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of
_____ ¼, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Wells, pumps & pipeline.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 3/15 to 11/15 amount 8.90 or 1,860.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.90 (cfs) and/or (b) 1,860.0 (acre feet)

8. Total consumptive use claimed is 1,395.0 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	31	20	33	40	40			Lt2 5	23					40	40	5	20	246
		32					40	40	40	40	19	40							219

Total number of acres irrigated 465

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

12. Do you own the property listed above as place of use? Yes XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (XX)

14. Remarks:

Last Name _____ Ident. Number 43-2489

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date 9-4-01
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRINCIPAL Title _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

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

Notary Public Margaret Dwyer

Residing at Ketchikan, Alaska

My Commission Expires 4-6-2005

17. Notice of Appearance:

Please Print Name

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number 43-2489

JUL - 3 2001

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

Department of Water Resources
 Governor's Office

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

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

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

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. None
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT** or other legal document indicating your ownership of the property **WITH ATTACHED LEGAL DESCRIPTION**. or other legal document indicating your ownership of the property in question,
- C. Either of the following (if necessary to clarify division, descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** showing point(s) of diversion and place of use of your water right usually attached to your deed or on file with the county). 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
 New Mailing Address P.O. Box 2169
 City, State and ZIP Code Sun Valley, ID 83353
 New Telephone Number (208) 725-0888
5. Date you acquired the property November 2000

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

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

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

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

Snake River Basin Adjudication Claims, LLC By _____
MANAGING MEMBER

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

43-02489

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

RECEIVED

WATER RESOURCES
WESTERN REGION

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

RECEIVED
MAR 13 2000
Department of Water Resources
Southern Region

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

<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. 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.

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

ATTACHMENT A

Water Right Numbers	SNAKE RIVER BASIN ADJUDICATION CLAIM NUMBERS
43-02471	A43-02471
43-02472	A43-02472
43-02473	A43-02473
43-02475	A43-02475
43-02488	A43-02488
43-02489	A43-02489
43-02504	A43-02504
43-02505	A43-02505
43-02516	A43-02516
43-02517	A43-02517
43-02519	A43-02519
43-02569	A43-02569
43-02575	A43-02575
43-04194	A43-04194
43-04199	A43-04199
43-07056	A43-07056

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 AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

00 FEB 11 PM 4 20

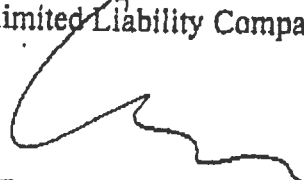
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$1.00 DEPUTY *LM*

267356

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

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

By

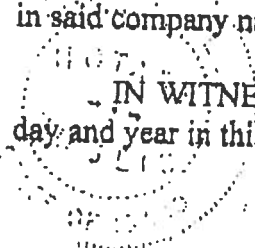

Ronald A. Achs
Managing Member

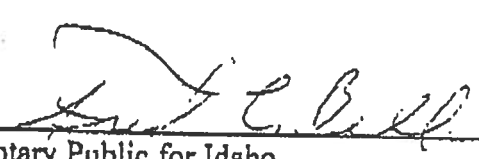
STATE OF IDAHO)

) ss.

County of Cassia)

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

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


Notary Public for Idaho

Residing at Burley, Idaho

My commission expires 8/2/00

EXHIBIT "A" - LEGAL DESCRIPTION

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

Township 10 South, Range 27 East of the Boise Meridian

Section 30: Lots 2, 3 & Part of Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ E $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$	311.49 Acres
Section 31: Lots 1 & 2 less Tract 3770; NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$	446.56 Acres
Section 32: All	635.47 Acres
Section 33: N $\frac{1}{2}$ N $\frac{1}{2}$; SW $\frac{1}{4}$	316.21 Acres

Township 11 South, Range 26 East of the Boise Meridian

Section 1: All	630.74 Acres
Section 12: Part of the NW $\frac{1}{4}$	155.76 Acres

Township 11 South, Range 27 East of the Boise Meridian

Section 4: All	637.52 Acres
Section 5: All	635.58 Acres
Section 6: All	682.81 Acres
Section 8: All	637.00 Acres

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

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

 _____ Buyer's Initials	<u>1-11-2000</u> Date
--	--------------------------

 _____ Seller's Initials	<u>1-11-2000</u> Date
---	--------------------------

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A43-02489
Date Received: 7/13/89
Receipt No: 6008236
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID 83707
2. Date of Priority: FEB 11, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	27E	31	—NE	SE	✓	Trans to	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	8.900		

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

A43-02489

Page 1

Date: 07/06/89

MICROFILMED
MAR 03 1993

8. Total consumptive use is 1395.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	27E	31	NE		NE		IRR	35.0
			NW		NE		IRR	30.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	225.0
		32	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
							Section Acres	240.0
							Total Acres	465.0

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: 28457

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
J. R. Simplot Company, that I have signed the foregoing
Organization
document in the space below as Secretary of
J. R. Simplot Company and that the statements contained in the
Organization
foregoing document are true and correct.
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

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 U 3 1993

~~WLR # A 43-02487~~



T. 10S R. 27E

WLR # A 43-02489

 = point of Diversion

 = place of Use

CASSIA COUNTY,
IDAHO

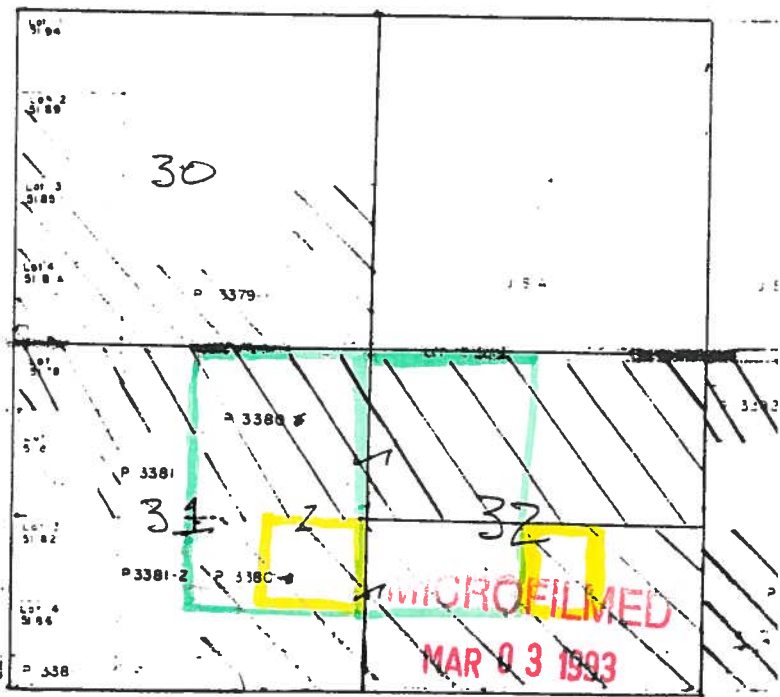
LEGEND

- TOWNSHIP LINES
- RANGE LINES
- SECTION LINES
- QUARTER CORNER
- PAVED HIGHWAY
- UNPAVED HIGHWAY
- SECTION DIVISION
- QUARTER DIVISION
- UNPAVED ROAD
- PAVED ROAD
- PAVED HIGHWAY
- STATE HIGHWAY
- UNPAVED HIGHWAY
- COUNTY ROAD

SECTION NO. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40
TOWNSHIP NO. 10S
RANGE NO. 27E
SECTION NO. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40
TOWNSHIP NO. 10S
RANGE NO. 27E
SECTION NO. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40

Date _____

PIPELINE



T.11S R.27E



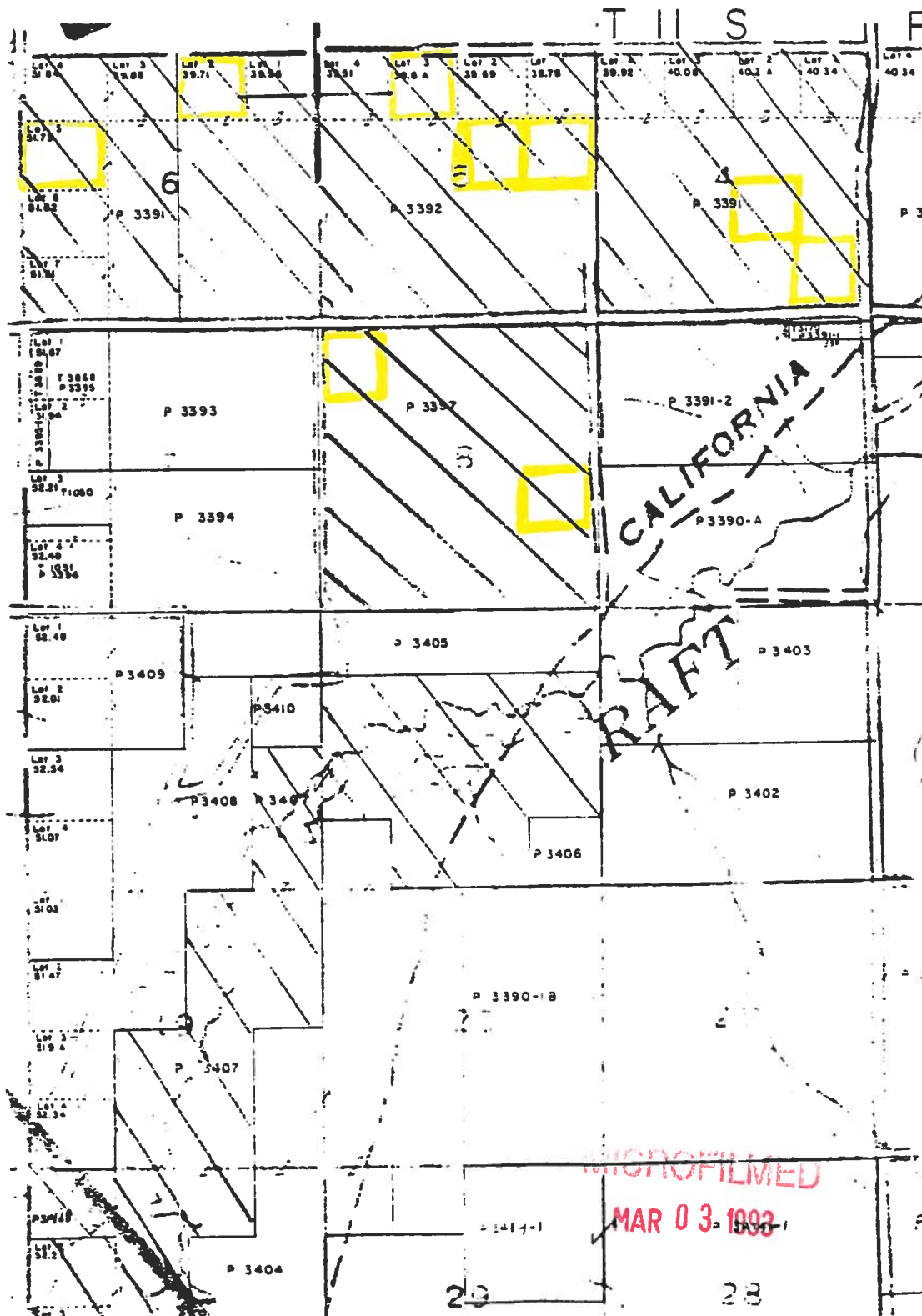
TOWNSHIP									
6	5	4	3	2	1				
7	8	9	10	11	12				
13	14	15	16	17	18				
19	20	21	22	23	24				
25	26	27	28	29	30				
31	32	33	34	35	36				

CASSIA COUNTY,
IDAHO

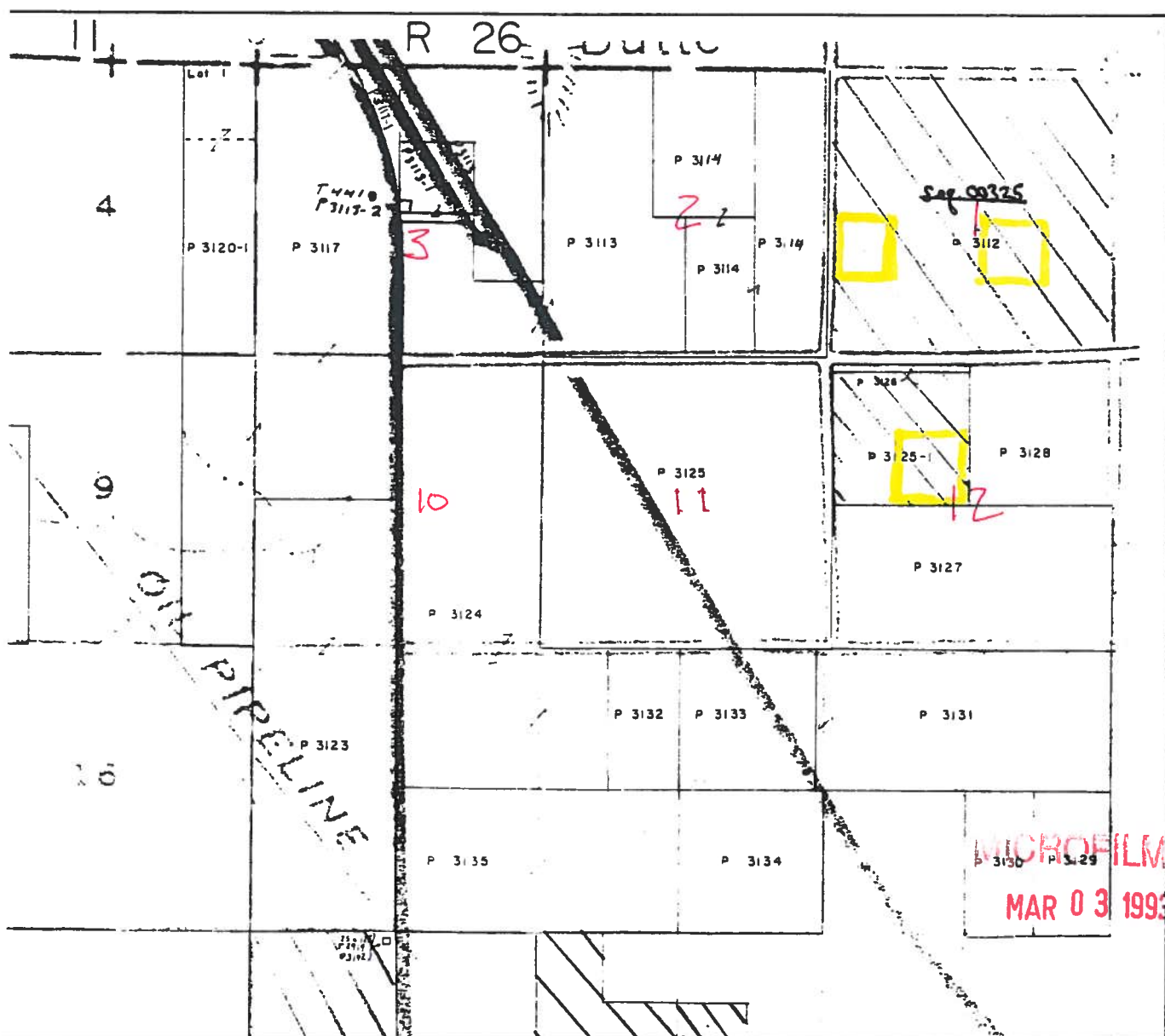
LEGEND

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

SECTION	1/4	1/2	3/4	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
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T. 115 R. 26 E



INPUT: NJ_SELECTION:FRAZEE-NAME-SIMPLOT.GTL

ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 11/13/96
PAGE: 1

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

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

STATE: ID ZIP: 837070027

FIRST NAME:
ADDRESS LINE 2: 999 MAIN ST
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
A43-04194	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-04195	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-04197	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-04199	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-04202	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-07056	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-07068	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-07145	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10397	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10398	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10399	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10400	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10401	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10402	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10403	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10404	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10405	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10406	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10407	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10408	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10426	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10578	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10579	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10590	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10591	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A43-10592	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A45-02179	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A45-02719	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A45-02746	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
A45-11847	ATTORNEY NAME	SUCCESSFULLY	ADDED	TO NAME	FILE
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
- Jf*

Defendants.)

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

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

Counterplaintiff,)
)

vs.)
)

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

Counterdefendants.)
_____)

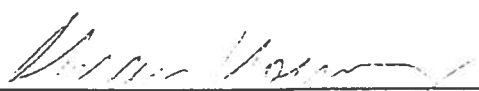
TO ALL PARTIES:

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

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

DATED this 20th day of January, 1992.

By



GRAY YOUNG

Assistant General Counsel

4507vrl-20-92/1/42

CERTIFICATE OF MAILING

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

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

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

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

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

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


VICKI SPANGLER

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2489 V2

WATER RIGHT NUMBER: 43-2489 V2

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

Priority Date: 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	8.900 CFS	1,860.00 AF
	<u>Total Diversion:</u>	8.900 CFS	1,860.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4NW1/4	Sec. 8, 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	
10S	27E	31	20.0	34.0	40.0	40.0				6.7					40.0	40.0	5.3	20.0	246.0
10S	27E	32					40.0	40.0	40.0	40.0	19.0	40.0							219.0

Total Acres: 465

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2489 V2

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:



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.

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-13351			43-02504		
43-13352			43-02489		
43-04199			43-02488		
43-02569			43-02475		
43-02519			43-02473		

See Attached →

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

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

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

Sun Valley Agribusiness Partners LLC

Ronald Aches PO Box 2169 Sun Valley, IL 83

4. New Owner/Claimant(s)

Wood River Investments LLC DBA Cassia Creek Farms, LLC

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

New Mailing Address

PO Box 580

City, State and ZIP Code

Danville CA 94526

New Telephone Number

925 837-1450

5. Date you acquired the property

April 30, 2004

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

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

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

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

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

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

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) _____

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

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

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

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

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

Chris Kest
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 thru Date 8/23/04 Fee 400.00
 Received by thru Date 8/23/04 Receipt No. 5026989
 Processed by _____ AJ Date _____ WR _____ Date _____

#38770

235421

WARRANTY DEED

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

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

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

DATED this 6th day of September, 2002.

Sun Valley Agribusiness Partners, LLC

By

Ronald A. Achs, Manager

STATE OF IDAHO)
) ss.
County of BLAINE)

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



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

295422

ESTOPPEL AFFIDAVIT

STATE OF IDAHO)
) ss.
County of BLAINE)

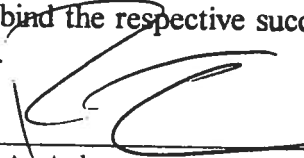
Ronald Achs, being first duly sworn, deposes and says:

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 9th 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
FEE
308 RECORDER
DEPUTY
LARRY A. MICKELSEN

EXHIBIT "A"

PARCEL NO. 1:

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

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

Beginning at the Southwest corner of Lot 4 of said Section 30, which shall be the True Point of Beginning;

Thence North 0°01' West for 208.71 feet along the Section line to a point;

Thence South 89°55' East for 208.71 feet to a point;

Thence South 0°01' East for 208.71 feet to a point on the Section line;

Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 30, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project center line; thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 63.505 meters (208.35 feet), Station 62+31.217, 2.108 meters (6.92 feet) right of said Project centerline and being the True Point of Beginning;

Thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 862.684 meters (2830.32 feet) to the S $\frac{1}{4}$ corner of said Section 30, Station 70+93.909, 3.699 meters (12.14 feet) right of said Project centerline;

Thence North 89°35'47" East along the South boundary of said Section 30 for a distance of 807.070 meters (2647.86 feet) to the Southeast corner of said Section 30, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;

Thence North 00°28'50" West along the East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30 for a distance of 14.946 meters (49.04 feet), Station 79+00.941, 12.192 meters (40.00 feet) left of said Project centerline;

Thence South 89°39'48" West and being parallel with the centerline of said Project for a distance of 807.063 meters (2647.84 feet) to a point on the West boundary of the SE $\frac{1}{4}$ of said Section 30, Station 70+93.910, 12.192 (40.00 feet) left of said Project centerline;

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.910 meters (1817.29 feet), Station 65+40.000, 12.192 (40.00 feet) left of said Project centerline;

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

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 308.773 meters (1013.03 feet), Station 62+31.227, 13.716 (45.00 feet) left of said Project centerline;

Thence South 00°26'47" East for a distance of 15.824 meters (51.92 feet) to the True Point of Beginning.

PARCEL NO. 2:

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

Section 31: NE¼, NE¼NW¼, Lots 1 and 2

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

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

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

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

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

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

ALSO EXCEPTING THEREFROM the following described tract:

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

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

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

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

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

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

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

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

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

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

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

PARCEL NO. 3:

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

Section 31: SE¼

PARCEL NO. 4:

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

Section 31: SE¼NW¼

PARCEL NO. 5:

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

Section 32: N½

EXCEPTING THEREFROM the following described tract:

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

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

PARCEL NO. 6:

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

Section 32: S½

PARCEL NO. 7:

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

Section 33: N½N½

PARCEL NO. 8:

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

Section 33: SW¼

PARCEL NO. 9:

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

Section 1: ALL

PARCEL NO. 10:

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

Section 12: NW¼

LESS, commencing at the Northwest corner of said Section 12, running
Thence South 50 feet;
Thence East on a line parallel with the North boundary line of the said Section 12 and 50 feet South therefrom to the East boundary line of the NW¼ of said Section 12;
Thence North 50 feet to the North boundary line of said Section 12;
Thence West 2640 feet along the North boundary line of said Section 12 to the Point of Beginning.

PARCEL NO. 11:

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

Section 4: ALL

PARCEL NO. 12:

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

Section 5: ALL

PARCEL NO. 13:

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

Section 6: E½

PARCEL NO. 14:

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

Section 6: W½

PARCEL NO. 15:

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

Section 8: ALL

29542.1

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

FEE 18.25 RECORDER
DEPUTY *JB*

2001 APR 30 PM 1 36

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

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

RIGHT NUMBER: 43-2489

NAME AND ADDRESS:

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

VERSION 2

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

8.900 CFS

1,860.000 AFY

~~1,844.000 AFY~~

PRIORITY DATE:

02/11/1960

POINT OF DIVERSION:

T11S R27E S8 SWNNW
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

8.900 CFS 1,860.00 AFY

~~8.900 CFS 1,844.00 AFY~~

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

PLACE OF USE:	IRRIGATION	within CASSIA County
	<u>T10S R27E S31 NENE 20.0</u>	~~T10S R27E S31 NENE 19.0~~
	T10S R27E S31 NWNE 34.0	
	T10S R27E S31 SWNE 40.0	
	<u>T10S R27E S31 SENE 40.0</u>	~~T10S R27E S31 SENE 39.0~~
		~~T10S R27E S31 SNNW Lot 2 4.7~~
	<u>T10S R27E S31 SENW 6.7</u>	~~T10S R27E S31 SENW 21.0~~
	<u>T10S R27E S31 NESE 40.0</u>	~~T10S R27E S31 NESE 39.0~~
	T10S R27E S31 NWSE 40.0	
	T10S R27E S31 SWSE 5.3	
	<u>T10S R27E S31 SESE 20.0</u>	
	T10S R27E S32 NENW 40.0	
	T10S R27E S32 NWNW 40.0	
	T10S R27E S32 SNNW 40.0	
	T10S R27E S32 SENW 40.0	
	T10S R27E S32 NESW 19.0	
	T10S R27E S32 NWSW 40.0	
	<u>465 ACRES TOTAL</u>	~~461 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: BASIS OF CLAIM - License

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

02/07/2003

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

RIGHT NUMBER: 43-2489

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

VERIFIED BY KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.900 CFS
1,844.000 AFY

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION:

T11S R27E S8 SWNWNW 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	8.900 CFS 1,844.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S31	NENE	19.0	T10S R27E S31	NWNE	34.0
T10S R27E S31	SWNE	40.0	T10S R27E S31	SENE	39.0
T10S R27E S31 Lot 2 SWNW		4.7	T10S R27E S31	SENW	21.0
T10S R27E S31	NESE*	39.0	T10S R27E S31	NWSE*	40.0
T10S R27E S31	SWSE*	5.3	T10S R27E S32	NENW	40.0
T10S R27E S32	NWNW	40.0	T10S R27E S32	SWNW	40.0
T10S R27E S32	SENW	40.0	T10S R27E S32	NESW	19.0
T10S R27E S32	NWSW	40.0			

461 ACRES TOTAL

165 ac P/u.

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

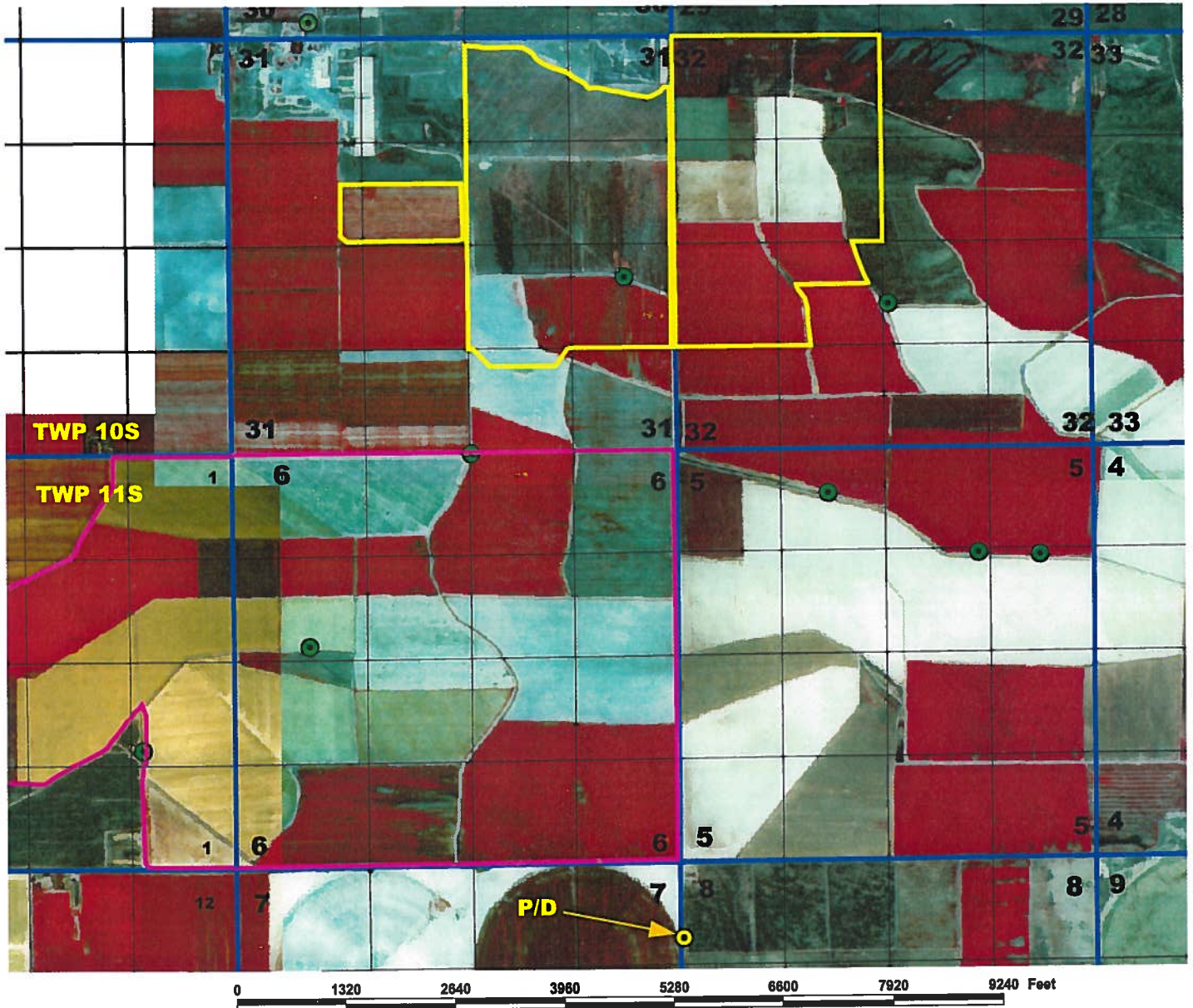
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

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

Idaho Department of Water Resources

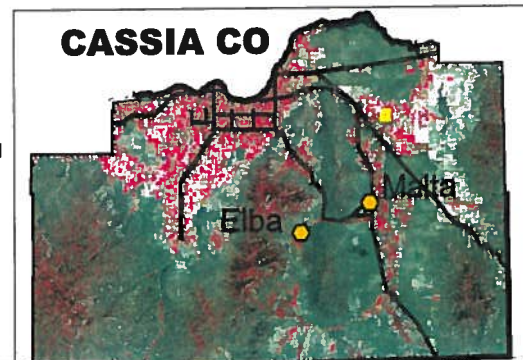
**RECOMMENDED PLACE OF USE FOR
43-2489**



PLACE OF USE
TWP 10S, RNG 27E, SEC 31 & 32
Data entry on February 7, 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 NUMBERS

43-2489

DATE 2-6-03

AGENT KKC

TRANSFER NUMBER

T-3491

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

485 overl

GEOGRAPHIC INFO ACRES

461.0

No overlapping
Rightslicensed/
transferred acres

465 ac

bump OK
2-7-03

				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
License	10S	27E	31	10	30	40	40									40	40	5	20	2:
Claim			31	20	33	40	40			5	23					40	40	5	20	24
Found			31	19	34	40	39			4.7	21					39	40	40	39	31
O/L	2475		31															35	40	
Recommend			31	19	34	40	39			4.7	21	15.7				39	40	5.3	0	24
				1	1	1	1			1	1					1	1	6		
License	10S	27E	32					40	40	40	40	40	40							24
Claim			32					40	40	40	40	19	40							21
Found			32					40	40	40	40	40	40							
O/L	2505		32	13	35	40	40					21				40	40	40	40	
								40	40	40	40	19	40							21
								1	1	1	1	1	1							46

T-3491 was filed to change the Point of division. the Place of use was not addressed.

The amended Place of use total exceeds the license total. Also there are overlap issues in Sec 31 SESE with 43-2475 and in sec 32 NW SW with 43-2505. My understanding is that there shouldn't be any overlap, therefore I am recognizing all of the acres in Sec 31 SESE for 43-2475

For the overlap in Sec 32 I am recognizing that the NESE is split between this right and 43-2505

An unrecorded transfer moves acres to gnd in 5 1/2 NW of Sec 31. Gnd was irrigated in 1928

Per Nat'l P. H. Nat. in 1968.

License Rate = 8.90 CFS

461. * 0.02 CFS/ac = 9.22 CFS

LICENSE P/U = 465 ac

Claimed P/U = 485 ac

Recommend = 461.0 ac

I found a smaller

P/U than licensed

by 4. ac

05/08/2001

**NOTICE OF ERROR
REPLY**

RECEIVED

SEP 05 2001

Department of Water Resources
Southern Region

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-2489

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

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

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

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

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

Place of use

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

As described in the attached Amended Notice of Claim

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

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

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

DATE: 9-4-01

SIGNATURE: [Signature]

Please print your name: RONALD ACHS

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

02/28/2001

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

RIGHT NUMBER: 43-2489

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

SOURCE: GROUND WATER

QUANTITY: 8.9 CFS
1860 AFY

PRIORITY DATE: 02/11/1960

POINT OF DIVERSION:	T10S R27E S32	SWNWSE	Within CASSIA County
	T11S R27E S4	SWNWSE	Within CASSIA County
	T11S R27E S4	SWESE	Within CASSIA County
	T11S R27E S5	NESWNE	Within CASSIA County
	T11S R27E S5	SWSENE	Within CASSIA County
	T11S R27E S5	NWNENW	Within CASSIA County
	T11S R27E S6	NWNWNE	Within CASSIA County
	T11S R27E S8	SWNWNE	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	8.90 CFS 1,860.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T10S R27E S31	NENE	10	T10S R27E S31	NWNE	30
T10S R27E S31	SWNE	40	T10S R27E S31	SENE	40
T10S R27E S31	NESE	40	T10S R27E S31	NWSE	40
T10S R27E S31	SWSE	5	T10S R27E S31	SESE	20
T10S R27E S32	NENW	40	T10S R27E S32	NWNW	40
T10S R27E S32	SWNW	40	T10S R27E S32	SENE	40
T10S R27E S32	NESW	40	T10S R27E S32	NWSW	40

465 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: BASIS OF CLAIM - License

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

02/14/2001

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

RIGHT NUMBER: 43-2489

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

SOURCE: GROUND WATER

QUANTITY: 8.9 CFS
1860 AFY

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	SWSENE	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

ROUGH RECOM

VERIFIED BY: KKC

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	8.90 CFS 1,860.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>				
T10S R27E S31	NENE	10	T10S R27E S31	NWNE 30
T10S R27E S31	SWNE	40	T10S R27E S31	SENE 40
T10S R27E S31	NESE	40	T10S R27E S31	NWSE 40
T10S R27E S31	SWSE	5	T10S R27E S31	SESE 20
T10S R27E S32	NENW	40	T10S R27E S32	NWNW 40
T10S R27E S32	SWNW	40	T10S R27E S32	SENW 40
T10S R27E S32	NESW	40	T10S R27E S32	NWSW 40

465 ACRES TOTAL

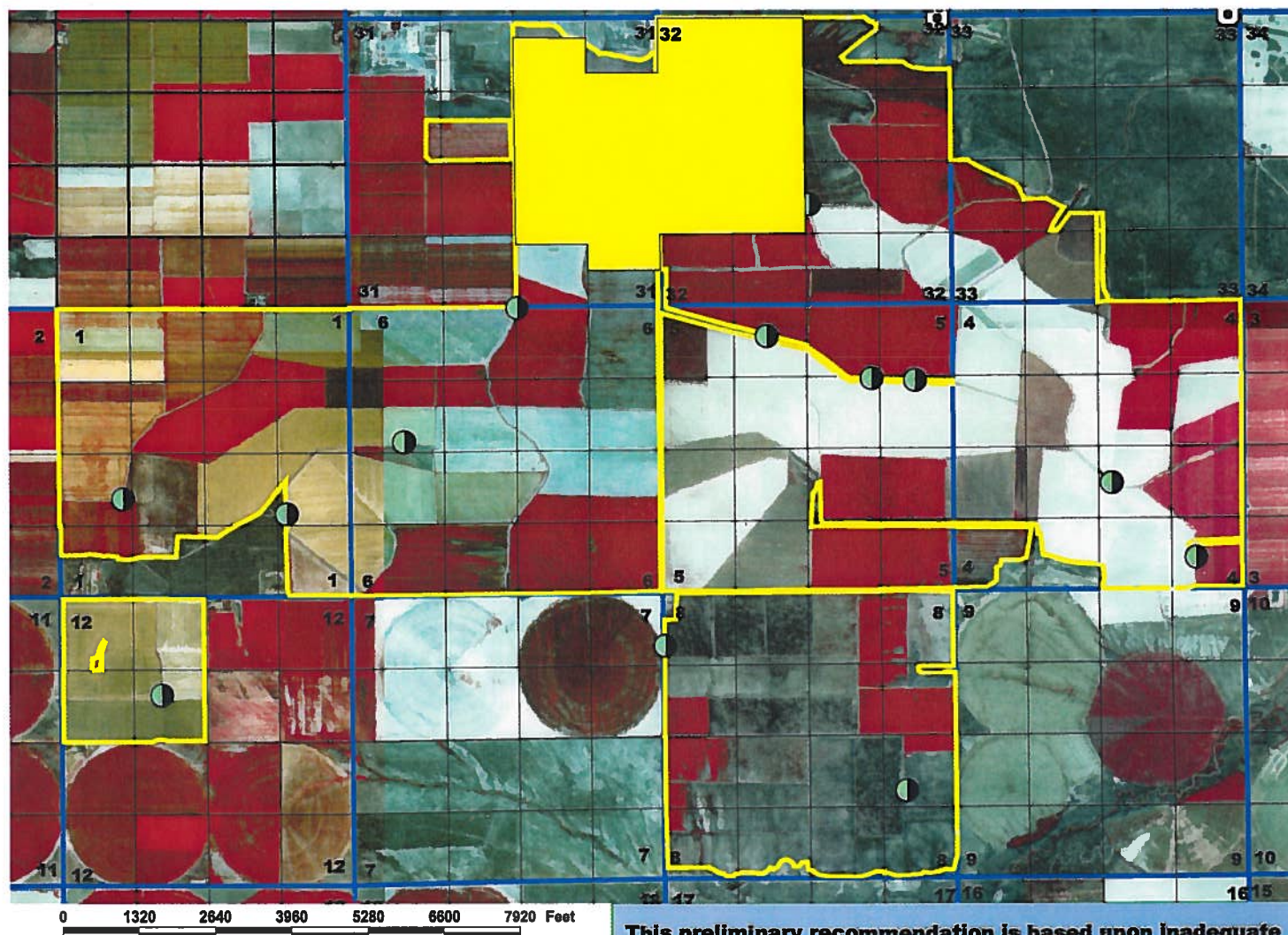
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: BASIS OF CLAIM - License

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 43-2489



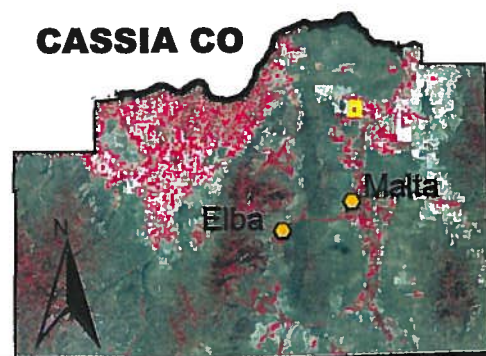
This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

PLACE OF USE
TWP 10S, RNG 27E, SEC 31 & 32
Data entry on February 14, 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

CASSIA CO



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3491APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant J. R. Simplot Company Phone (208) 336-2110
Post Office address P.O. Box 27, Boise, ID 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The water at the existing point of diversion is salty. New point of diversion will provide better water.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|----------------|--------------------|-------------------|----------------------------------|
| <u>43-2489</u> | <u>2-11-60</u> | <u>8.9 cfs</u> | <u>Irrigation</u> | <u>March 15</u> to <u>Nov 15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 8.9 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: P/D existing WR# 43-22575 JRSimpbt Co 5/20/64 for 6.08 cfs

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	8	11S	27E	Cassia	RECEIVED
								NOV 7 1969
								Department of Water Resources

5. Lands irrigated or place of use: (Please see explanation under Remarks section.)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	27E	31	10	30	40	40									40	40	5	20	225
		32					40	40	40	40	40	40							240

age 2 of 6

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system Well, pump, mainline, center pivot system in conjunction with handlines.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

The description of the lands irrigated as set forth in B.5. matches the place of use in the original license. This description may or may not be accurate, but the actual use will be set forth accurately in claims to be submitted in the Snake River Adjudication. The focus of the subject application is limited to changing the point of diversion.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2489

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

1. The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

Witness my hand this 30th day of October, 19 89

J. Glen Saxton
Chief, Water Alloc. Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. G-28457 (43-2489) issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority February 11, 1960

5. Water is used for the following purpose:

amount 8.9 cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	31	10S	27E	Cassia	

8. Lands irrigated or place of use:

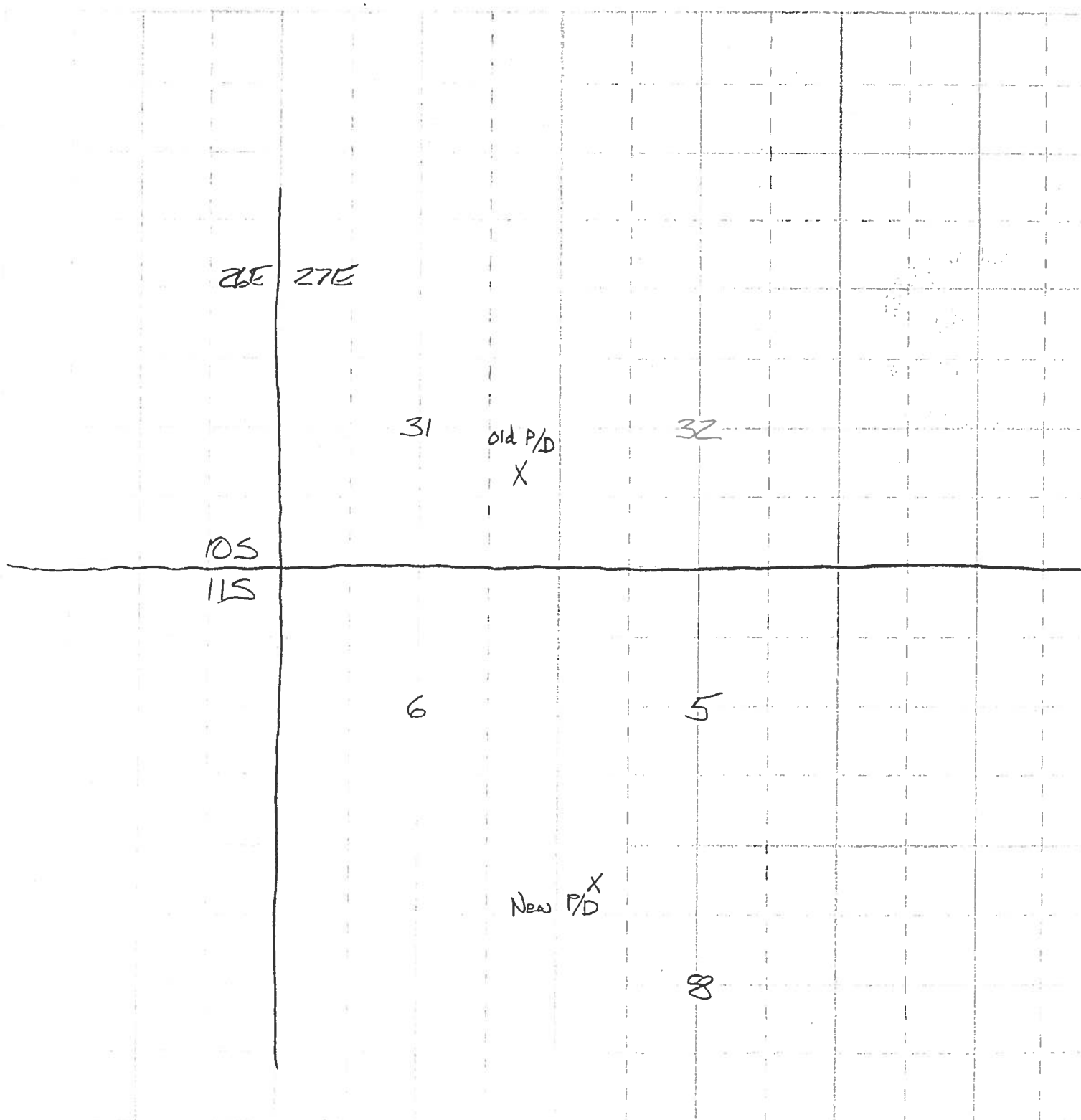
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	31	10	30	40	40									40	40	5	20	225
		32					40	40	40	40	40	40							240

Total acres 465

9. Describe any other water rights used for the same purpose as described above _____

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

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



age 6 of 6

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

J. R. SIMPLOT COMPANY

Russell N. Lower Secretary
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of November, 19 83.

Vicki A. Lower
(Notary Public)

My commission expires 11-06-91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 8 attachments

Received by I. Gasper Date 11/8/88 Protest filed by _____

Prelim. check by DRJ Fee \$50.00

Receipted by T Gasper Date 1/3/89 5005566

Published in So. ID Press Copies of protest forwarded by _____

Pub. dates 2/9 & 2/16/89 Hearing held by _____ Date _____

Watermaster recommendation requested on 1/30/89, 3/28/89 Recommended for ☒ approval ☐ denial

_____ rec'd. 2/3/89 by *LD*

Copy of transfer sent to lien holder _____

State of Idaho

License and Certificate of Water Right

43-2489

Water License No. Q-28457

Amount 8.9 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, 1960; that Permit No. Q-28457 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.9 second feet, was issued thereunder on November 30, 1961, showing that said works were completed on the 7th day of April, 1961; and that on the 7th day of April, 1961, 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. Q-28457 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 7219, on the 30th day of November, 1961;

The right hereby confirmed dates from February 11, 1960;

The Point of Diversion is located

in the NE 1/4 SE 1/4 Sec. 31, Tp. 10 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 8.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated		
10 S	27 E	31	NE NE	40	10		
			NW NE	40	30		
			SW NE	40	40		
			SE NE	40	40		
			NE SE	40	40		
			NW SE	40	40		
			SW SE	40	5		
		32	SE SE	40	20		
			NW	160	160		
			NE SW	40	40		
			NW SW	40	40		
			Total number of acres to be irrigated:				465

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

30th day of November, 1961.

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

(SEAL)

T-3491
Changes P/D
approved
1989

43-2489

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

Permit No. G-28457

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

1. Name of applicant Cottrell Farms Company2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the

11 S.27 E.M.NE 1/4of Section 31T. 10 S.R. 27 E.M.County of Cassia4. Describe works as they exist, giving dimensions and capacities of same: 200 HP. GE Motor # 271 226007, Layne-Bowler Pump # 27097 (4300 G.P.M. @ 150' @ 1770)5. Water is used for: Irrigation and domestic

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

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):

E1 Sec. 31; W1 Sec. 32., Twp. 10 S., R. 27 E.M.

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

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

Remarks: Go Wilford Lardner's claim

Copied from record of 2' discharge with 10' pipe 18" - 4010 GPM
9400 = 890 cfs

This examination was made on the

24th

day of

October

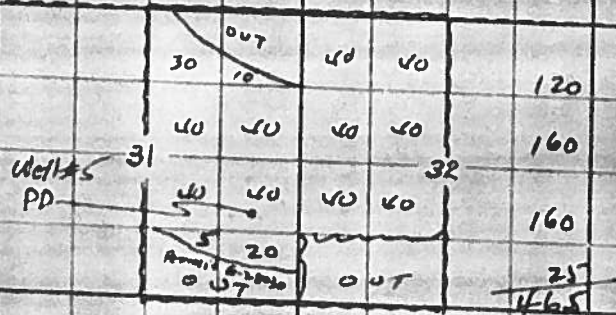
(Signed)

Layne Johnson1961

Examiner

R-27E.

T
10
S



5

Subdivisions 14
 AREA 465 acres
 Q 8.9 cfs or 465 inches

Edwin J. Smith, President
 Cottrell Pumps Company
 Hattiesburg, Mississippi
 Permit No. 9-28457

Examination for Completion of Works & Beneficial Use

County: Cassia
 Sec. 31 T. 10 S. R. 27 E.
 Quantity: 90 c.f.s.

Source: Water
 P.D.: NE. SE. 31, 10, 27 E.

Use: Irrigation and Domestic

Filed: Feb. 1, 1960

Due: Feb. 19, 1965

Extension:
 Driller: Ralph Denton
 Proctor: None

Completion of Works: ---

Other Rights: 2-28030
 Right of Easement: 1/4 Sec. 31

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
 JUN 1 1960

Department of Reclamation



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

February 29, 1996

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

RE: ADJUDICATION CLAIM #A43-02489, CASSIA COUNTY

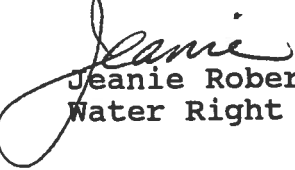
Dear Claimant:

I am reviewing the Simplot claims for the Snake River Basin Adjudication and have come across a transfer (#3491) approved in 1989 which affected this claim. The transfer stated that the well in the NESE of Section 31, Township 10S, Range 27E was too salty and the point of diversion was transferred to a well in the NWNW of Section 8, Township 11S, Range 27E. Has the well in Section 31 been abandoned from use entirely?

Also, could you please provide me with a map showing your irrigation system and how the wells are all connected and furnish the date that this was accomplished?

Thanks for your help and if you have any questions, please call me at the office.

Sincerely,


Jeanie Robertson
Water Right Agent, Adjudication

DIVERSION DIVERSION

8.90 CFS

1395.00 AFM

Stage: LICENSE

T10S	R27E	S31	NESE			CASSIA County
		S32	MUSE			CASSIA County
T11S	R26E	S01	MUSW	MUSE		CASSIA County
		S12	SENU			CASSIA County
	R27E	S04	MUSE			CASSIA County
		S05	SWNE	SESE		CASSIA County
		S06	MUNE	SENE	NEW	CASSIA County
		S08	MUNW	NESE		CASSIA County

ME

		NE				NW				SW				SE				
		NENE	NUNE	SUNE	SENE	NENW	NUNW	SUNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
10S	27E	31	35	30	40	40	40	40	40	40	40	40	40	40	40	40	40	225.0
10S	27E	32																240.0
TOTAL ACRES																		465.0

Other Rights: NONE

Verified Date: 03/26/1985

Field Inspection Flag:
Presumption Flag:

SE	SMSE	SESE	SUM
Ac	Lt	Ac	:
Ac	Lt	Ac	:
Ac	Lt	Ac	:
40	---	---	:
			225.0
			240.0
TOTAL ACRES			465.0

CLAIM NUMBER A43-02489 DATE _____
AGENT _____

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 46
GIS ACRE TOTAL 41

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	10S	27E	31	35	30	40	40									40	40		
GIS	10S	27E	31	19	33.8	40	40									38.7	40		
RECOM	10S	27E	31	19	34	40	39									39	40		
CLAIM	10S	27E	32					40	40	40	40	40	40						
GIS	10S	27E	32					40	40	40	40	40	40						
RECOM	10S	27E	32					40	40	40	40	40	40						
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

A43-02484

T10S, R27E

GIS Acres



943-02489 T10S, R27E

