

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 43-02504
Case No. 39576) (Sun Valley Agribusiness Partnership,
) LLC)
)
_____) SPECIAL MASTER REPORT

Findings of Fact

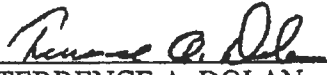
The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims, Domestic and Stockwater and Irrigation and Other Water Rights, Reporting Areas 1, 2, 3, 5, 6, 7, 8, & 15, IDWR Basins 31, 34, 35, 36, 41, 43, 57, 61, 65, Part I* on February 18, 2003. The Director recommended 43-02504 to Sun Valley Agribusiness Partnership, LLC, P.O. Box 2169, Sun Valley, Idaho, 83353, for 6.4 cfs from groundwater to irrigate 370 acres in Cassia County from March 15 to November 15 with a priority date of October 24, 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 380 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 43-02504*.

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

2004 MAR 22 PM 4 06

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-02504

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

SOURCE: GROUND WATER

QUANTITY: 6.40 CFS
1520.00 AFY

PRIORITY DATE: 10/24/1960

POINT OF DIVERSION: T11S R27E S05 LOT 3 (NWNENW) Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.40 CFS 1520.00 AFY

PLACE OF USE:	Irrigation	Within Cassia County
	T10S R27E S32 SWSW 40.0	SESW 40.0
	T11S R27E S05 LOT 2 (NWNE) 40.0	SWNE 20.0
	LOT 3 (NENW) 40.0	(NWNW) 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	SESW 40.0
	380.0 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.

RECOMMENDATION

MAR 22 2004

SPECIAL MASTER

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

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

RECEIVED

JUL - 3 2001

Department of Water Resources
Southern Region

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

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

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

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. None
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT** or other legal document indicating your ownership of the property **WITH ATTACHED LEGAL DESCRIPTION**. or other legal document(s) in question,
- C. Either of the following (if necessary to clarify division, descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the point(s) of diversion and place of use of your water right usually attached to your deed or on file with the county). or other legal document(s) in question,

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
 New Mailing Address Sun Valley, ID 83353
 City, State and ZIP Code (208) 725-0888
 New Telephone Number
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 _____
MAURICE MENDEL

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 _____

43-02504

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

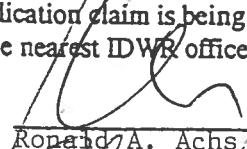
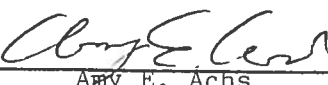
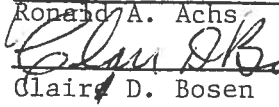
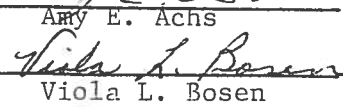
RECEIVED

WATER RESOURCES
WESTERN REGION

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

RECEIVED
MAR 13 2000
Department of Water Resources
Southern Region

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

 Ronald A. Achs	 Amy E. Achs	Date <u>2/25/2000</u>
 Claire D. Bosen	 Viola L. Bosen	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

(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

WARRANTY DEED

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

See attached EXHIBIT A

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

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

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

DATED: January 26, 2000.

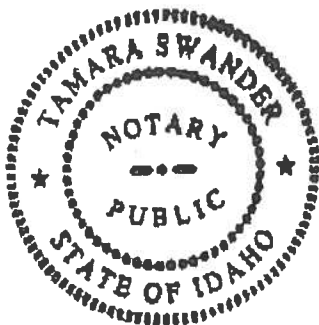
J. R. SIMPLOT COMPANY,
successor by merger to
SIMPLOT INDUSTRIES, INC.

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

By: Ronald N. Graves
Ronald N. Graves, Secretary

STATE OF IDAHO)
County of Adm) ss.

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



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

267356

SPECIAL WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

RECORDED BY REQUEST
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 [Signature]
Ronald A. Achs
-Managing Member

STATE OF IDAHO)
) ss.
County of Cassia)

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

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

[Signature]
Notary Public for Idaho

Residing at Burley, Idaho

My commission expires 8/2/00

EXHIBIT "A" - LEGAL DESCRIPTION

Real Estate Purchase and Sale Agreement dated January 11, 2000

Sun Valley Agri Business Partners, LLC, as Buyer

Simplot Agriculture Group, as Seller

Township 10 South, Range 27 East of the Boise Meridian

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

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

Section 32: All 635.47 Acres

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

Township 11 South, Range 26 East of the Boise Meridian

Section 1: All 630.74 Acres

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

Township 11 South, Range 27 East of the Boise Meridian

Section 4: All 637.52 Acres

Section 5: All 635.58 Acres

Section 6: All 682.81 Acres

Section 8: All 637.00 Acres

Approximate Total from Tax Notices 5,089.14 Acres

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



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: A43-02504

Date Received: 7/13/89

Receipt No: C008234

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: OCT 24, 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			CASSIA
		32	NW	SE			CASSIA
11S	26E	1	NW	SW			CASSIA
			NW	SE			CASSIA
		12	SE	NW			CASSIA
	27E	4	NW	SE			CASSIA
			SE	SE			CASSIA
		5	SW	NE			CASSIA
			SE	NE			CASSIA
			NE	NW	✓		CASSIA
		6	NW	NE			CASSIA
			SW	NW			CASSIA
		8	NW	NW			CASSIA
			NE	SE			CASSIA

5. Description of diverting works:
14 WELLS, PUMPS AND COMMON MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.400		

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

A.F.A.

A43-02504

Page 1

Date: 07/06/89

MICROFILMED

MAR 03 1993

8. Total consumptive use is 1140.0 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	32	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
Section Acres							80.0
11S	27E	5	NW	NE		IRR	40.0
			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
			SW	SW		IRR	20.0
			SE	SW		IRR	40.0
Section Acres							300.0
Total Acres							380.0

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: 29098

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

Richard L. Gower
Signature of Authorized Agent
Secretary, J. R. Simplot Company
Title and Organization

July 10, 1989
Date

State of Idaho)
County of Ada) SS.

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

Vicki A. Lower
Notary Public

Seal

Residing at _____ Meridian
My Commission Expires 11-06-91

C & Y FARMS WELLS

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

0535R

MICROFILMED

MAR 03 1993

T. 10S R. 27E

14R# A43-02504

Point of Diversion

 = place of Use

CASSIA COUNTY,
IDAHO

LEGEND

- [illegible]

[illegible]

Date _____

PIPELINE

30

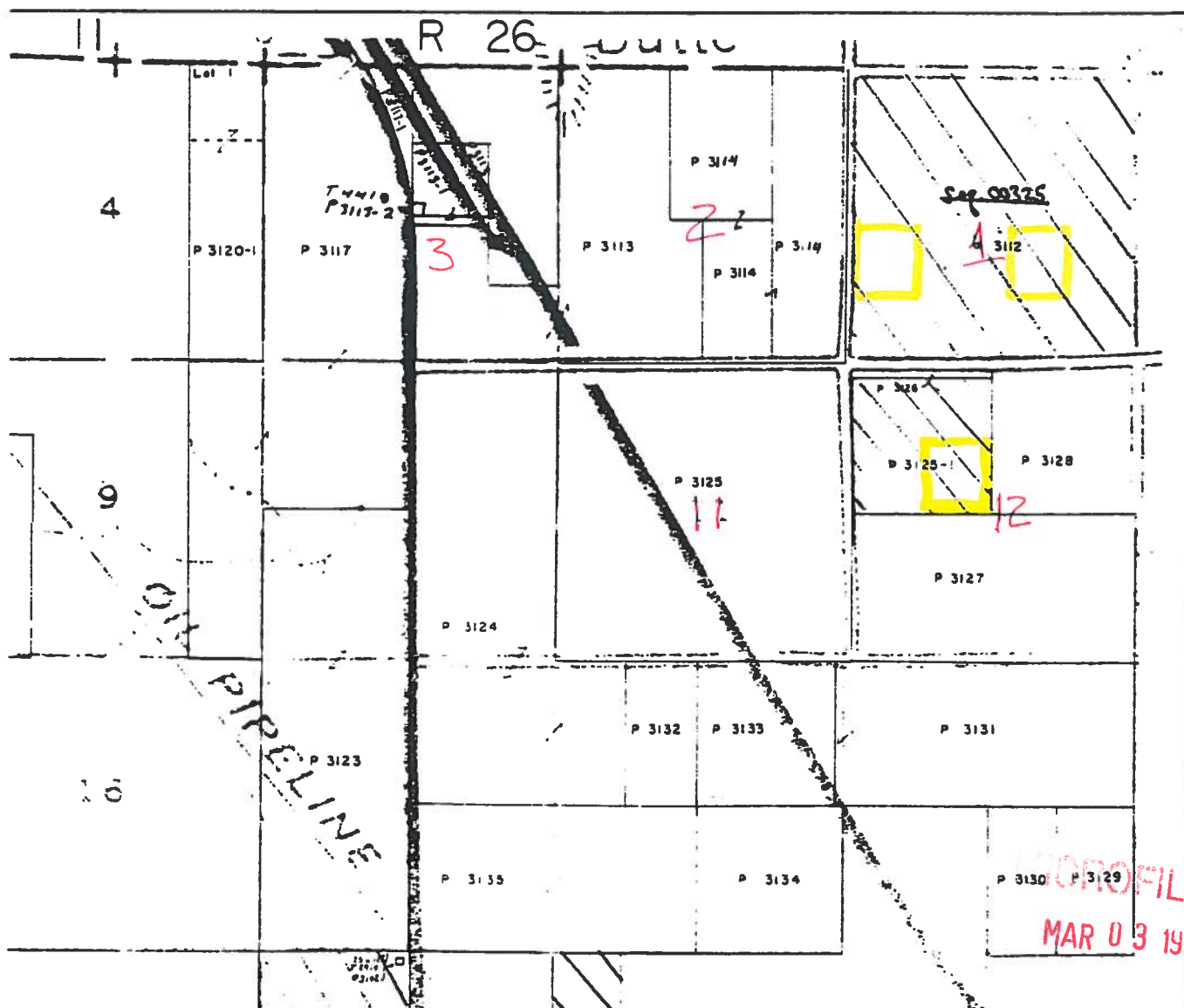
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7
MICROFILMED
MAR 23 1993

32

93381-2 2 180

T. 11SRZGE



T.11S R.27E

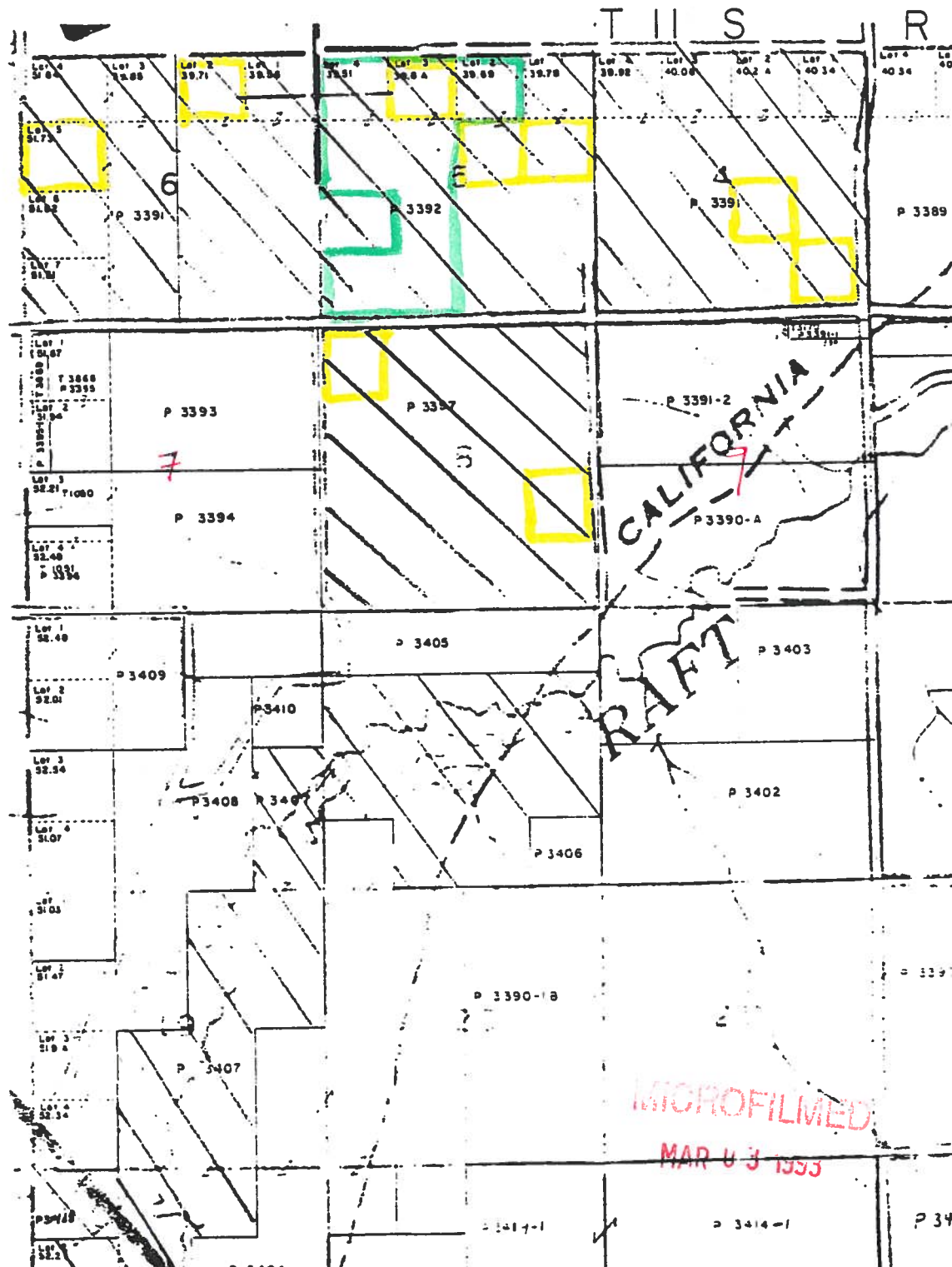


TOWNSHIP											
6	5	4	3	2	1						
7	8	9	10	11	12						
18	7	16	15	4	3						
9	20	21	22	23	24						
30	29	28	27	26	25						
31	32	33	34	35	36						

CASSIA COUNTY,
IDAHO

LEGEND

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



INPUT: AJ_SELECTION: FRAZEE-NAME-SIMPILOT_SEL

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 01-02-91
TIME: 2:15:56.9
PAGE: 1

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE DELZER
ADDRESS LINE 1: J R SIMPILOT 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) 309-7318

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
-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

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

CERTIFICATE OF MAILING

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

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

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & 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 43-2504 V2

WATER RIGHT NUMBER: 43-2504 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: 10/24/1960

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	6.400 CFS	1,520.00 AF
	<u>Total Diversion:</u>	6.400 CFS	1,520.00 AF

Location of Point(s) of Diversion

GROUND WATER L3 (NW1/4NE1/4NW1/4) 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	
10S	27E	32											40.0	40.0					80.0
11S	27E	5		40.0	20.0		40.0	40.0	40.0	40.0	40.0			40.0					300.0
				L 2				L 3	L 4										

Total Acres: 380

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2504 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:

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 Achs PO Box 2169 Sun Valley ID 8335

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)

Deen 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 thp Date 8/23/04 Fee 400.00
 Receipted by thp Date 8/23/04 Receipt No. 5026489
 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 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

#3872
FEE
CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
DEPUTY

2001 APR 30 PM 1 39

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

STATE OF IDAHO)
) ss.
County of BLAINE)

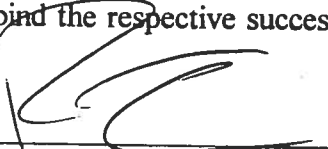
Ronald Achs, being first duly sworn, deposes and says:

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

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: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 and 2

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

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

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

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

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

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

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 N $\frac{1}{4}$ 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 NE $\frac{1}{4}$ 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 NE $\frac{1}{4}$ of said Section 31, Station 70+93.876, 12.192 (40.00 feet) right of said Project centerline;

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

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

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

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

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

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

PARCEL NO. 3:

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

Section 31: SE¼

PARCEL NO. 4:

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

Section 31: SE¼NW¼

PARCEL NO. 5:

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

Section 32: N½

EXCEPTING THEREFROM the following described tract:

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

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

PARCEL NO. 6:

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

Section 32: S½

PARCEL NO. 7:

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

Section 33: N½N½

PARCEL NO. 8:

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

Section 33: SW¼

PARCEL NO. 9:

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

Section 1: ALL

PARCEL NO. 10:

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

Section 12: NW¼

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

PARCEL NO. 11:

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

Section 4: ALL

PARCEL NO. 12:

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

Section 5: ALL

PARCEL NO. 13:

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

Section 6: E½

PARCEL NO. 14:

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

Section 6: W½

PARCEL NO. 15:

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

Section 8: ALL

29542.1

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

FEE 18.25 RECORDER DB
DEPUTY

2001 APR 30 PM 1 36

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

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

RIGHT NUMBER: 43-2504

NAME AND ADDRESS:

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

VERSION 2

SOURCE:

Source:
GROUND WATER

Tributary:

VERIFIED BY KKC

QUANTITY:

6.400 CFS
1,520.000 AFY

1,480.000 AFY

PRIORITY DATE: 10/24/1960

POINT OF DIVERSION:

T11S R27E S5 NWNENW Lot 3
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

6.400 CFS 1,520.00 AFY

~~6.400 CFS 1,480.00 AFY~~

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

PLACE OF USE:	IRRIGATION	within CASSIA County
	<u>T10S R27E S32 SWSW 40.0</u>	~~T10S R27E S32 SWSW 39.0~~
	T10S R27E S32 SESW 40.0	
	<u>T11S R27E S05 NWNE Lot 2 40.0</u>	~~T11S R27E S05 NWNE Lot 2 39.0~~
	<u>T11S R27E S05 SWNE 20.0</u>	
	<u>T11S R27E S05 NENW Lot 3 40.0</u>	~~T11S R27E S05 NENW Lot 3 37.0~~
	<u>T11S R27E S05 NWNW Lot 4 40.0</u>	~~T11S R27E S05 NWNW Lot 4 36.0~~
	T11S R27E S05 SWNW 40.0	
	T11S R27E S05 SENW 40.0	
	T11S R27E S05 NESW 40.0	
		~~T11S R27E S05 SWSW 20.0~~
	<u>T11S R27E S05 SESW 40.0</u>	~~T11S R27E S05 SESW 39.0~~
	<u>380 ACRES TOTAL</u>	~~370 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: 43-2504

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

VERIFIED BY KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.400 CFS
1,480.000 AFY

PRIORITY DATE: 10/24/1960

POINT OF DIVERSION:

T11S R27E S5 NWNENW Lot 3 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	6.400 CFS 1,480.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S32	SWSW	39.0	T10S R27E S32	SESW	40.0
T11S R27E S05 Lot 2	NWNE	39.0	T11S R27E S05 Lot 3	NENW	37.0
T11S R27E S05 Lot 4	NWNW	36.0	T11S R27E S05	SWNW	40.0
T11S R27E S05	SENW	40.0	T11S R27E S05	NESW	40.0
T11S R27E S05	SWSW	20.0	T11S R27E S05	SESW	39.0

370 ACRES TOTAL

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

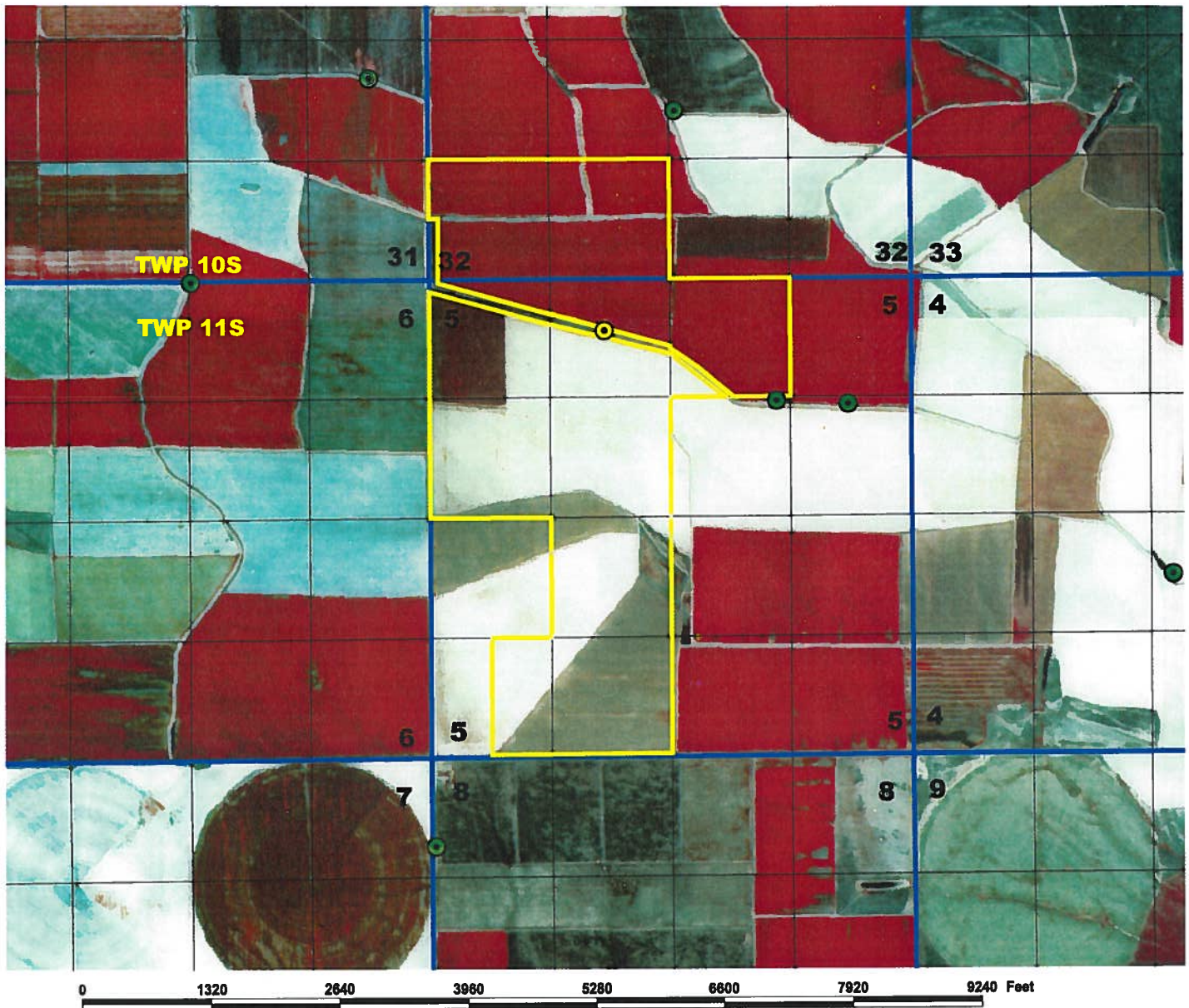
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

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

Idaho Department of Water Resources

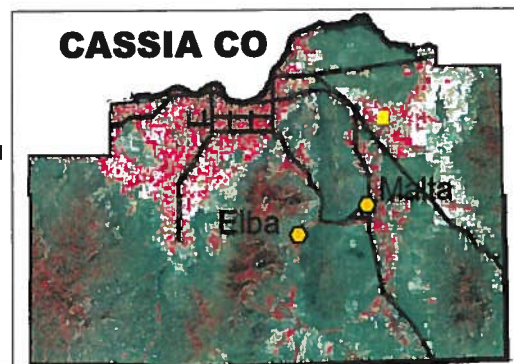
**RECOMMENDED PLACE OF USE FOR
43-2504**



PLACE OF USE
TWP 10S, RNG 27E, SEC 32
TWP 11S, RNG 27E, SEC 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
-  PU BOUNDARY FOR 43-2569



CLAIM NUMBERS

43-2504

DATE 2-7-03

AGENT KKC

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

GEOGRAPHIC INFO ACRES

T-

380

380

270

				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	32											40	40				80
Claim			32											40	40				80
Found			5											39	40				79
O/L	none																		
license	11S	27E	5		40	20		40	40	40	40	40			40				300
Claim			5		40			40	40	40	40	40		20	40				300
					39			37	36	40	40	40		20	39				291

transfer change P/D to Sec 5 NE NW

Vol.

$$370 \times 4 = 1480 \text{ AF}$$

02/14/2001

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

RIGHT NUMBER: 43-2504

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: 6.4 CFS
1520 AFY

PRIORITY DATE: 10/24/1960

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	6.40 CFS 1,520.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T10S R27E S32		SWSW	40
T11S R27E S5	LOT 2	NWNE	40
T11S R27E S5	LOT 3	NENW	40
T11S R27E S5		SWNW	40
T11S R27E S5		NESW	40
T10S R27E S32		SESW	40
T11S R27E S5		SWNE	20
T11S R27E S5	LOT 4	NWNW	40
T11S R27E S5		SENE	40
T11S R27E S5		SESW	40

380 ACRES TOTAL

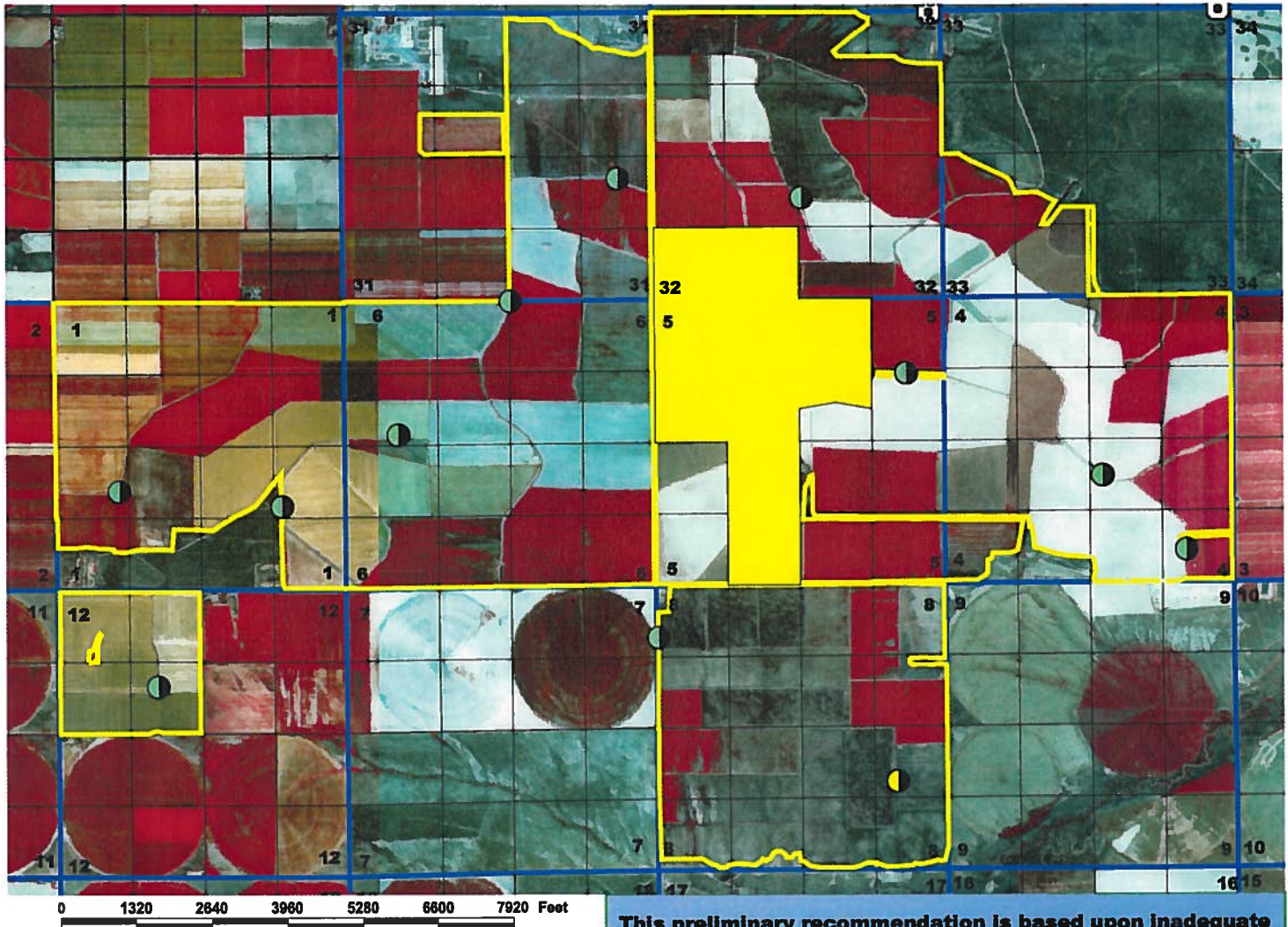
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
43-2504

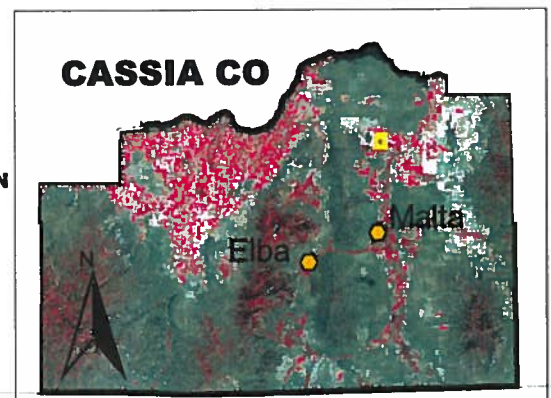


This preliminary recommendation is based upon inadequate information and does not reflect the expected final recommendation for this right and any other overlapping rights. Communication between the claimant and the department is required to resolve the outstanding issues.

PLACE OF USE
TWP 10S, RNG 27E, SEC 32
TWP 11S, RNG 27E, SEC 5
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



MAR 10 1965

Application For Transfer of Water Right

Department of Reclamation

STATE OF IDAHO

County of Cassia

58.

That his name is Ruby Company, being first duly sworn, deposes and says: ; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is P. O. Box 2777 Boise, Idaho

That he is the owner and using a certain water right, bearing date of priority of Oct. 24, 1960, for 6.4 cubic feet per second of the waters of Subterranean Flow County of Cassia, State of Idaho, ~~hereinafter~~

~~hereinafter~~ ~~known as~~ ~~the~~ ~~water right~~ ~~of~~ ~~the~~ ~~State of Idaho~~ ~~and~~ ~~the~~ ~~Department of Reclamation~~ ~~has~~ ~~issued~~ ~~by~~ ~~virtue~~ ~~of~~ ~~License~~ ~~No.~~ ~~229098~~ ~~issued~~ ~~by~~ ~~the~~ ~~State~~ ~~Department~~ ~~of~~ ~~Reclamation~~ ~~of~~ ~~the~~ ~~State~~ ~~of~~ ~~Idaho~~ ~~dated~~ ~~Nov.~~ ~~30~~ ~~1961~~ ~~bearing~~ ~~date~~ ~~of~~ ~~November~~ ~~30~~ ~~1961~~ ~~for~~ ~~the~~ ~~purpose~~ ~~of~~ ~~irrigating~~ ~~the~~ ~~following~~ ~~described~~ ~~lands~~ ~~situate~~ ~~lying~~ ~~and~~ ~~being~~ ~~in~~ ~~Water~~ ~~District~~ ~~No.~~ ~~5-2-16~~ ~~in~~ ~~the~~ ~~County~~ ~~of~~ ~~Cassia~~ ~~and~~ ~~State~~ ~~of~~ ~~Idaho~~ ~~to-wit:~~

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from a well located in the NW 1/4 of NW 1/4 of Section 5 Township 11S Range 27E B. M. and conducted to the above described lands through Farm Ditch as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Idaho and State of Idaho, to-wit:

That reasons for desiring to make such transfer are as follows:

13 2504

That he intends to divert and convey said second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in NE 1/4 of NW 1/4 of Section 5, Township 115, Range 27E and thereafter conduct same to the above described land through the same ditch, as per map appended.

That his reasons for desiring to make such change are as follows:

Present water highly alkaline - toxic to crops

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 12-108 and 12-222 of the Idaho Code.

Relay Company
by H. H. H. H. Applicant

Subscribed and sworn to before me this 9th day of March, 1965

R M. W. W.
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Subterranean flow

Where is the diversion point located? NW 1/4 NW 1/4 Sec 5 TWP 15 Rge 27E

Through what ditch is it now conducted? Farm ditch on below described property

How much land is now irrigated by the water sought to be transferred?

Give the description:	SEC 5 TWP 115 Rge 27 E	Sec 32 TWP 105 Rge 27E
	NW 1/4 NE 1/4 40 Acres	SW 1/4 SW 1/4 40 Acres
	SW 1/4 NE 1/4 20 Acres	SE 1/4 SW 1/4 40 Acres
	NW 1/4 160 Acres	80 Acres
	NE 1/4 SW 1/4 40 Acres	
	SE 1/4 SW 1/4 40 Acres	
	320 Acres	

13 21 11

What is the total amount of water in inches, or second feet, dedicated to said land? 320 In.

What kind of crops are being raised? Potatoes, beet, cereal, hay

How much water per acre is now required to irrigate said land? 320 In.

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

Water from the relocated well will irrigate same land as before.

Give location of new point of diversion, if change is to be made NE 1/4 OF NW 1/4 Sec 5 Twp 113 R 27E

Through what ditch will it be conducted after transfer? Same as now

How much water will be required per acre to irrigate the land to which this water is transferred?

No transfer

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source

Signed RUBY COMPANY

Applicant.

By *K. H. Hargis*
Hargis

STATE OF IDAHO,

Cour y of _____ ss.

I, _____, Watermaster of

Water District No. _____, County of _____, State of Idaho, whose postoffice address

is _____, have read or heard read the foregoing affidavit and petition

of _____, and, of my own knowledge, believe the same to be true

as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer

issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of

transfer prayed for) for the following reasons:

Watermaster, District No. _____

Dated at _____, Idaho, this _____ day of _____, 19____

Katz Company

DES

JES

254

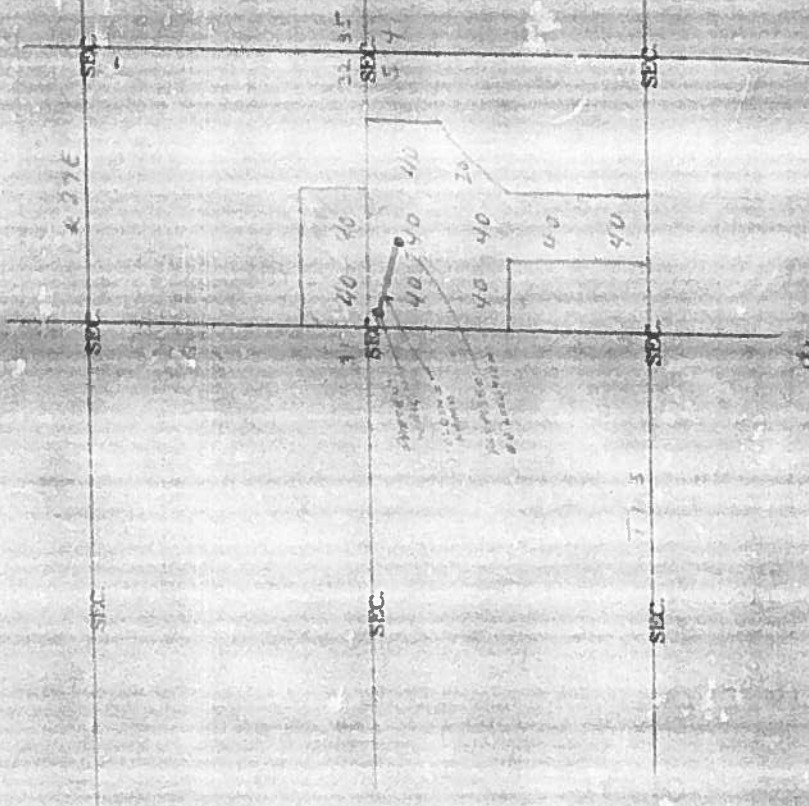
YES

265

NETS

DES

YES



Scale 2 Inches—1 Mile. Draw Map in Ink.

Change in Point of diversion
286

State of Idaho License and Certificate of Water Right

Water License No. G-29096

Amount 6.4 c.f.s.

Water District No. _____

Priority October 24, 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 October 24

, 19 60 ; that Permit No. G-29098

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

6.4 second feet, was issued thereunder on November 30

, 19 61 , showing that said works

were completed on the 7th day of April

, 19 61 ; and that on the 7th

day of April

, 19 61 .

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. G-29078

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 7220 , on the 30 day of

November

, 19 61 ;

The right hereby confirmed dates from

October 24

, 19 60 :

The Point of Diversion is located

in the NW 1/4 NW 1/4, Sec. 5 , Tp. 11 S R.

new P/D Sec 5 NENW

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 6.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
		<u>32</u>	<u>NW SW</u>	<u>40</u>	<u>40</u>
		<u>5</u>	<u>SE SW</u>	<u>40</u>	<u>40</u>
			<u>NW NE</u>	<u>40</u>	<u>40</u>
			<u>SW NE</u>	<u>40</u>	<u>20</u>
			<u>NW SW</u>	<u>160</u>	<u>160</u>
			<u>NE SW</u>	<u>40</u>	<u>40</u>
			<u>SE SW</u>	<u>40</u>	<u>40</u>
Total number of acres to be irrigated:					<u>380</u>

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

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

30th day of November

, 19 61 .

/s/ RALPH W. THOMAS

Deputy

State Reclamation Engineer.

(SEAL)

R-27E

T.
10
S.

32

32

TO DECLE
N.H. 1/2
P.D.

40 40

80

40 40 40

120

40 40 20

100

5.01

4

40

40

40

40

380

T.
11
S.

6

Subdivisions

10

AREA

380 acres

9

6.4 cts or 3.20 inches

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

29090

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

Permit No. C-29098

This proof is for Completion of Works & Beneficial Use In Water District No. 5

1. Name of applicant, Cottarel Farm Company
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the NW 1/4 of Section 5
T. 11 S. R. 27 E. B. M. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: 150 HP GE Motor
VTJ 819005, Wayne Barker Pump # 27733 (2650 GPM @ 120' 12" discharge pipe)

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):

NW 1/4, W 1/2, E 1/2 Sec. 5, Twp. 11 S., Rge. 27 E. B. M.
S 1/2 Sec. 32, Twp. 10 S., Rge. 27 E. B. M. Making a total of 400 acres.

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

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

Remarks: Mc Wilford Lundberg along

12" discharge pipe with 15' orifice 35 1/2" = 2,000 GPM

This examination was made on the

23rd

day of

October

1961

(Signed)

L. J. Johnson

Examiner

29098

INSTRUCTIONS TO EXAMINERS

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

RECEIVED

Voltaire J. Bulley, President
Cottonseed Farm Company
Madera, Idaho
Permit No. 0-20024

Examination for Satisfaction of Water & Power Act 1 Use

County: Cassia

Sec. 5 34 3 R. 22 PM

Quantity: 6, 400.5

Source: well

P.D.: NW 1/4, Sec 5, T11N3-R37E6E

Use: Irrigation of 160 acres

Filed: Aug 22, 1905

Due: Oct 31, 1905

Extension: —

Driller Ralph Denton

To test none

Completion of Work: —

Other Rights: —