

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: **A43-02567A**

Date Received: 4/ 8/1993

Receipt No: X777777

Received By: o/c split *[Signature]*

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: EVANS GRAIN & ELEVATOR CO 801-476-0277
Address: PO BOX 3765
OGDEN UT 84409

2. Date of Priority: AUG 26, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	28E	21	SW	SW	SW		CASSIA

5. Description of diverting works:
ONE WELL TO PIPELINE AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	28E	19	NE	SW	3	IRR	3.0
			NE	SE		IRR	30.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	128.0
		20	NE	SW	IRR	12.0
			SE	SW	IRR	4.0
			NE	SE	IRR	15.0
			NW	SE	IRR	28.0
			SW	SE	IRR	40.0
			SE	SE	IRR	38.0
					Section Acres	137.0
		21	NW	SW	IRR	30.0
			SW	SW	IRR	22.0
			SE	SW	IRR	14.0
					Section Acres	66.0
		28	NW	NE	IRR	9.0
			NE	NW	IRR	20.0
			NE	SE	IRR	8.0
					Section Acres	37.0
					Total Acres	368.0

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:

A43-02481, A43-02597

14. Remarks:

TRANS. 1686 & 2142.

2 P/D IN NWSESE, S30, T9S, R28E.

OTHER RIGHTS: THE FOLLOWING LICENSES HAVE BEEN COMBINED INTO A
PERMISSIBLE PLACE OF USE.

43-07046	190 ACRES
43-07052	1543 ACRES
43-02597	40 ACRES (SPRING)
43-07047	160 ACRES
43-02481	218 ACRES
A43-10841	130 ACRES (EXPANSION)

2281 ACRES IRRIGATED UNDER SYSTEM.

14. Remarks: Continued

43-02567 COVERED BY 43-07052

43-02568 COVERED BY 43-07052

43-02579 COVERED BY 43-07052

43-07088A COVERED BY 43-07052 & 43-07046

SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO EVANS

GRAIN & ELEVATOR OF 368 ACRES WITH THIS RIGHT, A43-02481 AND

A43-02597. 5/4/99 jr

15. Basis of Claim: LICENSE

Water Right Number: 31332

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE

April 29, 1999 12:13pm

CUSTOMERS

Webb Basin & POE (1997)
1998 POE sold their portion to:
Evans Grain & Elevator Co.

SUBJECT: Change of Ownership and WR Splits
phone call (.) walk-in (.)

In 1997, POE retained A43-02481,-02597, and 1 cfs from A43-02567. Tara (I guess it was her) shows POE under A43-02481,-02567,-02567A,-02567B,-02597, all claims have the same acreage 2281 acres. Webb Basin Real Estate LLC are current owners of A43-02568,-02579,-07047,-07046,-07052.-07088A,-10841; with the same 2281 acres.

Dan GPS'd all the wells and his map shows the approximate boundary line splitting POE/Webb, I'm not sure about all wells being measured, however, documentation is in Arnie's files.

Looks like the ducks are almost in a row, we just have to push them in the water...



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

May 5, 1999

EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN UT 84409

RE: Ownership Change A43-02567 (part A), A43-02481, and A43-02597
POE INVESTMENTS/ EVANS GRAIN & ELEVATOR CO

Dear Claimants,

I have completed the ownership change on the above mentioned claims and enclosed copies for your records.

The acres in the NESW, SESW and NESE of Section 20 appear to be located on BLM land. You may wish to file a transfer to move the water to your land. (There are some discrepancies on the East Half of Section 28 where acres are claimed with no apparent irrigation or acres appear irrigated with no claim.

If you wish to file a transfer or have any questions, feel free to contact me at the office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie'.

Jeanie Robertson
Sr. Water Resource Agent

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

SEP 18 1998 NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
 Southern Region

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

1. Water Right No(s).: A43-02481 A43-02597
 Adjudication Claim No(s).: one(1) CFS OF A43-02567

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 attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant POE Investments
PO Box 3765, Ogden UT 84409

4. New Owner/Claimant(s) Evans Grain & Elevator Co.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address PO Box 3765
 City, State and ZIP Code Ogden, UT 84409
 New Telephone Number (801) 476-0277

5. Date you acquired the property 1/1/98

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 you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ 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 or Claimant(s) Brad Keph - Sec / Treas Evans Grain & Elevator Co
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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



5150 WASHINGTON BLVD.
P.O. BOX 3765
OGDEN, UTAH 84409
PHONE (801) 476-0277
FAX (801) 476-0066

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SEP 18 1998

**Department of Water Resources
Southern Region**

It is hereby resolved that the following named people will continue their appointments as officers and directors of Evans Grain & Elevator Co., a Utah S-Corporation:

Robert P. Evans - President, Director and Chairman of the Board

Mary H. Evans - Vice-President, Director

Brad Kapple - Secretary/Treasurer, Director

As officers, these individuals have signing authority on all necessary documentation as it relates to the business of Evans Grain & Elevator Co.

Authorized this 2nd day of January 1998

By: *Robert P. Evans*
Robert P. Evans - President
and majority stock holder

257885

WARRANTY DEED

THIS INDENTURE, made this 10 day of August, 1998, between P. O. E. INVESTMENTS, a partnership, consisting of Warren P. Powers, Duane L. Ottenstroer and Robert P. Evans of Box 3765, Ogden, Utah 84409, ("Grantor"), and EVANS GRAIN & ELEVATOR CO., whose address is Box 3765, Ogden, Utah 84409, ("Grantee").

W I T N E S S E T H:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

That property more particularly described on Exhibit A attached hereto and made a part hereof by reference. Exhibit A describes water rights hereby conveyed and certain easements.

SUBJECT TO: Accruing taxes, levies and assessments, easements and restrictions of record.

TOGETHER with all and singular the tenements, hereditaments and appurtenances and water rights thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits

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SEP 18 1998

Department of Water Resources
Southern Region

1 thereof, and all estate, right, title and interest in and to
2 said property as well in law as in equity of the Grantor.

3 TO HAVE AND TO HOLD, all and singular the above-
4 mentioned and described premises, together with appurtenances
5 unto the Grantee and to the successors and assigns of Grantee
6 forever.

7 The Grantor shall and will warrant and by these
8 presents will forever defend the said premises in the quiet and
9 peaceable possession of the Grantee, and the successors and
10 assigns of Grantee against all and every person and persons
11 whomsoever lawfully claiming the same, except as aforesaid.

12 IN WITNESS WHEREOF, the Grantor has executed this
13 Deed the day and year first above written.

14 P.O.E. INVESTMENTS

15 BY Warren P. Powers

16 BY Duane L. Ottenstroer

17 BY Robert P. Evans

18 STATE OF UTAH)
19) ss
20 County of WEBER)

21 On this 10th day of August, in the year 1998,
22 before me, the undersigned, a Notary Public in and for said
23 State, personally appeared WARREN P. POWERS, DUANE L.
24 OTTENSTROER and ROBERT P. EVANS, known or identified to me to
25 be the partner or partners of the partnership of P.O.E.
26 INVESTMENTS, and the partner or one of the partners who

1 subscribed said partnership name to the foregoing instrument,
2 and acknowledged to me that they executed the same in said
3 partnership name.

Judy A. Shipley
4 Notary Public for Utah
Residing at *Ogden, Utah*
5 My Commission Expires: *7/23/01*

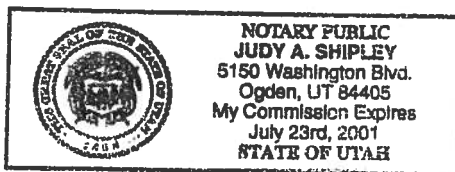


EXHIBIT A TO WARRANTY DEED

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: Lots 2, 3, and the SE $\frac{1}{4}$

Section 20: W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 21: W $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 28: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$

AND

That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township
9 South, Range 28 East of the Boise Meridian,
lying within the following described property:

Beginning at the East $\frac{1}{4}$ section corner of
Section 28 of T. 9 S., R. 28 E., B.M., said
corner marked by a U.S. GLO iron pipe with brass
cap which shall be the Point of Beginning;

THENCE South 00 degrees 32 minutes 23 seconds
West along the East line of Section 28 for a
distance of 2091.98 feet;

THENCE along a non-tangent curve to the right
for a distance of 2803.04 feet to the East line
of Section 28, said curve having a radius of
1124.51 feet with a central angle of 142°49'10"
with a long chord bearing North 00 degrees 32
minutes 25 seconds East for a distance of
2131.68 feet;

THENCE South 00 degrees 33 minutes 53 seconds
West along the East line of Section 28 for a
distance of 39.70 feet to the Point of
Beginning.

AND sometimes also described as:

Beginning at the E $\frac{1}{4}$ section corner of Section
28, Township 9 South, Range 28 East, Boise
Meridian, said corner marked by a U.S. GLO iron
pipe with brass cap; Thence South 00°32'23" West

1 along the East line of Section 28 for a
2 distance of 1335.08 feet to the NE corner
3 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28 which
shall be the POINT OF BEGINNING;

4 Thence South 00°32'23" West along the East
line of Section 28 for a distance of 756.90
feet;

5 Thence along a non-tangent curve to the right
6 for a distance of 1079.81 feet to a point on the
North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, said curve having a
7 radius of 1124.51 feet with a central angle of
55°01'05" with a long chord bearing of North
43°21'37" West for a distance of 1038.80 feet;

8 Thence North 89°52'19" East along said North
9 line for a distance of 720.35 feet to the POINT
OF BEGINNING.

10 AND TOGETHER WITH AND INCLUDING the following easements:

11 EASEMENT NO. 1:

12 A perpetual non-exclusive twenty (20) foot wide
13 easement for the installation, replacement, and
14 repair of an underground irrigation pipeline for
the delivery of water from a well located in the
15 Southwest Quarter Southwest Quarter Southwest
Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 9
16 South, Range 28 E., B.M. to the Southeast
Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South,
Range 28 E., B.M., which easement is
particularly described as:

17 Beginning at the Northwest corner of the
18 Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township
9 South, Range 28 East, Boise Meridian, thence
19 East 100 feet along the section line of said
Section 29 to the True Point of Beginning;
20 Thence South 20 feet; thence West 100 feet to
the East boundary of the Northwest Quarter (NW $\frac{1}{4}$)
21 of Section 29, Township 9 South, Range 28 East,
Boise Meridian; thence continuing West 2,640
22 feet, more or less to the West boundary of the
Northwest Quarter (NW $\frac{1}{4}$) of said Section 29;
23 thence continuing West 100 feet in the Northeast
Quarter (NE $\frac{1}{4}$) of Section 30, Township 9 South,
24 Range 28 East, Boise Meridian; thence North 20
feet to the North section line of said Section
25 30; thence East along the North boundaries of
the section lines of said Sections 29 and 30,
26 2,840 feet, more or less, to the Point of

Beginning.

EASEMENT NO. 2:

A perpetual non-exclusive easement for roadway purposes from the County road to a roadway in the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South, Range 28 East, Boise Meridian, Cassia County, Idaho, and such easement particularly described as follows:

A thirty foot (30') wide strip of ground having a center line described as beginning at the Southeast corner of Section 19, Township 9 South, Range 28 East, Boise Meridian, said corner marked by a 5/8 inch rebar with cap dated 1996; thence South 00°05'48" West for a distance of 133.03 feet to the Point of Beginning; thence North 25°51'15" West for a distance of 79.93 feet; thence North 51°40'38" West for a distance of 75.40 feet; thence North 69°53'51" West for the South section line of said Section 19, Township 9 South, Range 28 East Boise Meridian, being the terminus point of the center line of the easement.

WATER RIGHTS

A43-02481 and A43-02597 and
One (1) cfs from Water Right No. A43-02567.

RECORDED AT THE REQUEST OF
Parsons Smith & Stone
FILM 303
1998 SEP 15 P 4:34
257885
CASSIA COUNTY, IDAHO
DAVID H. ROSEKELLY
CLERK
SEE-1800
DEPUTY *Jan*

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

rcstone@cyberhighway.net

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

September 17, 1998

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SEP 18 1998

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore - Suite 200
Twin Falls, Idaho 83301-3380

Gentlemen:

I am enclosing Notice of Change of Water Right on A43-02481, A43-02597, and part of A43-02567.

I have not submitted a plat map as you already have one on file. All that is happening in this case is that P.O.E. Investments was dissolved at the time of the transfer to Evans Grain & Elevator Co. The same land is irrigated as it was when P.O.E. Investments acquired it.

If you still require a plat let me know but I thought it was duplicitious.

The deed of transfer and the list of corporate officers is enclosed.

Very truly yours,

PARSONS, SMITH AND STONE, LLP



William A. Parsons

WAP:rt

Enc.

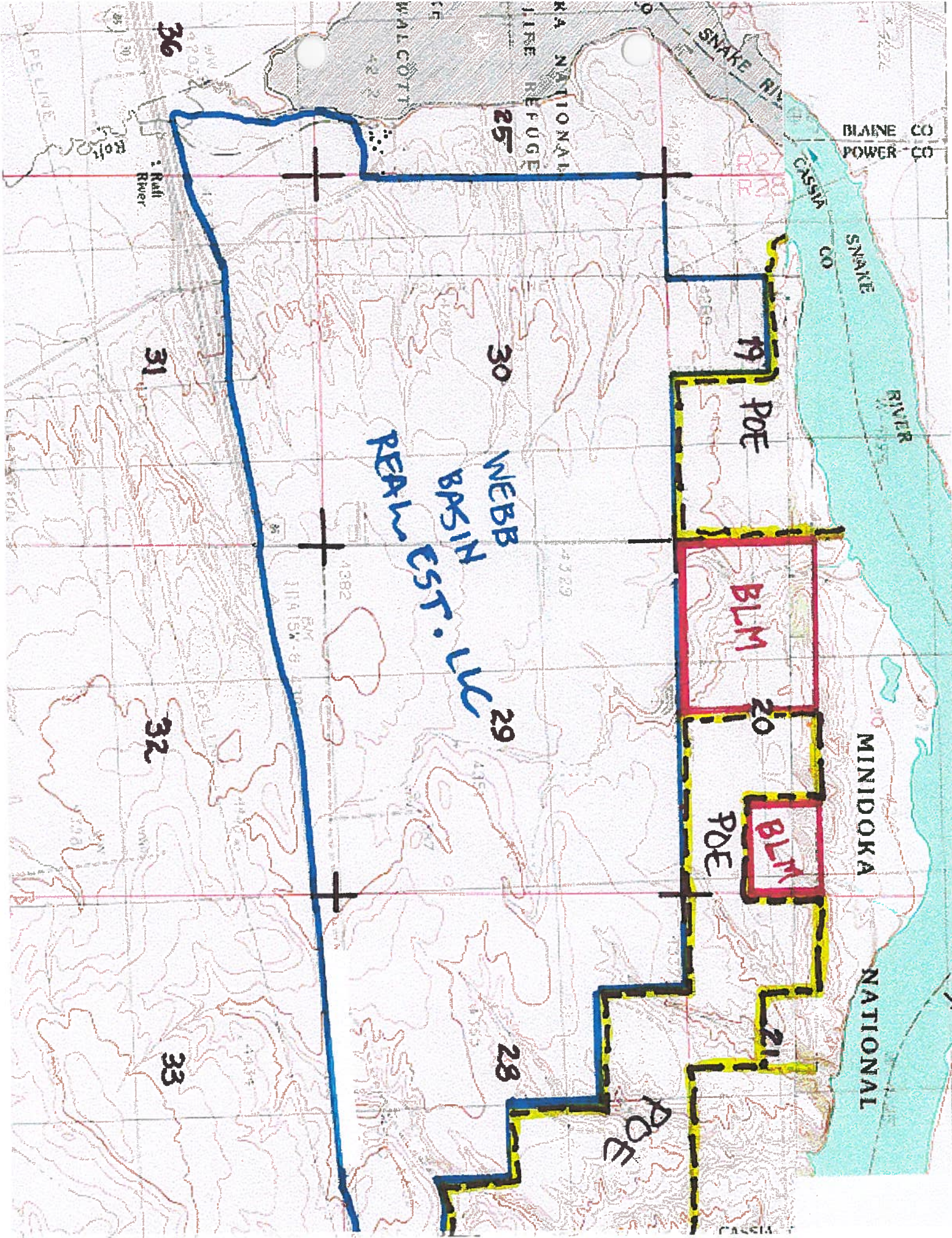
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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MAY 21 1997

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

1. Water Right Number(s) A43-02568, A43-02579, A43-07046,
Adjudication Claim Number(s) A43-07047, A43-07052, A43-10841, A43-02567, A43-7088A
2. The following **REQUIRED** information must be submitted with this form. * See p. 7 of Exhibit A for split
of this right 1.0 cfs
 - 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) P.O.E. Investments
Box 3765
Ogden, Utah 84409
4. New Owner/Claimant(s) WEBB BASIN REAL ESTATE, LLC
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address HC76 Box 1050,
American Falls, Idaho 83211
City, State and ZIP Code
New Telephone Number (208) 349 - 5757
5. Date you acquired the property March, 26, 1997
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. (See Agreement attached)
Number of acres actually irrigated 1921 Number and type of stock N/A
Diversion rate in CFS 24.53 Number of homes 3 Other uses Shops
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. (See Agreement attached)
7. Signature of New Owner/Claimant(s)
By: Douglas C. Webb Date 3-19-97
Douglas C. Webb, Member
P.O.E. INVESTMENTS Date 3-27-97
By: Robert P. Evans Robert P. Evans, Partner
(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



BLAINE CO
POWER CO

SNAKE RIVER

MINIDOKA

NATIONAL

SNAKE RIVER

CASSIA

POE

BLM

20

POE

BLM

21

POE

25

30

29

28

36

Ruff River

31

32

33

WEBB
BASIN
PEAK EST. W

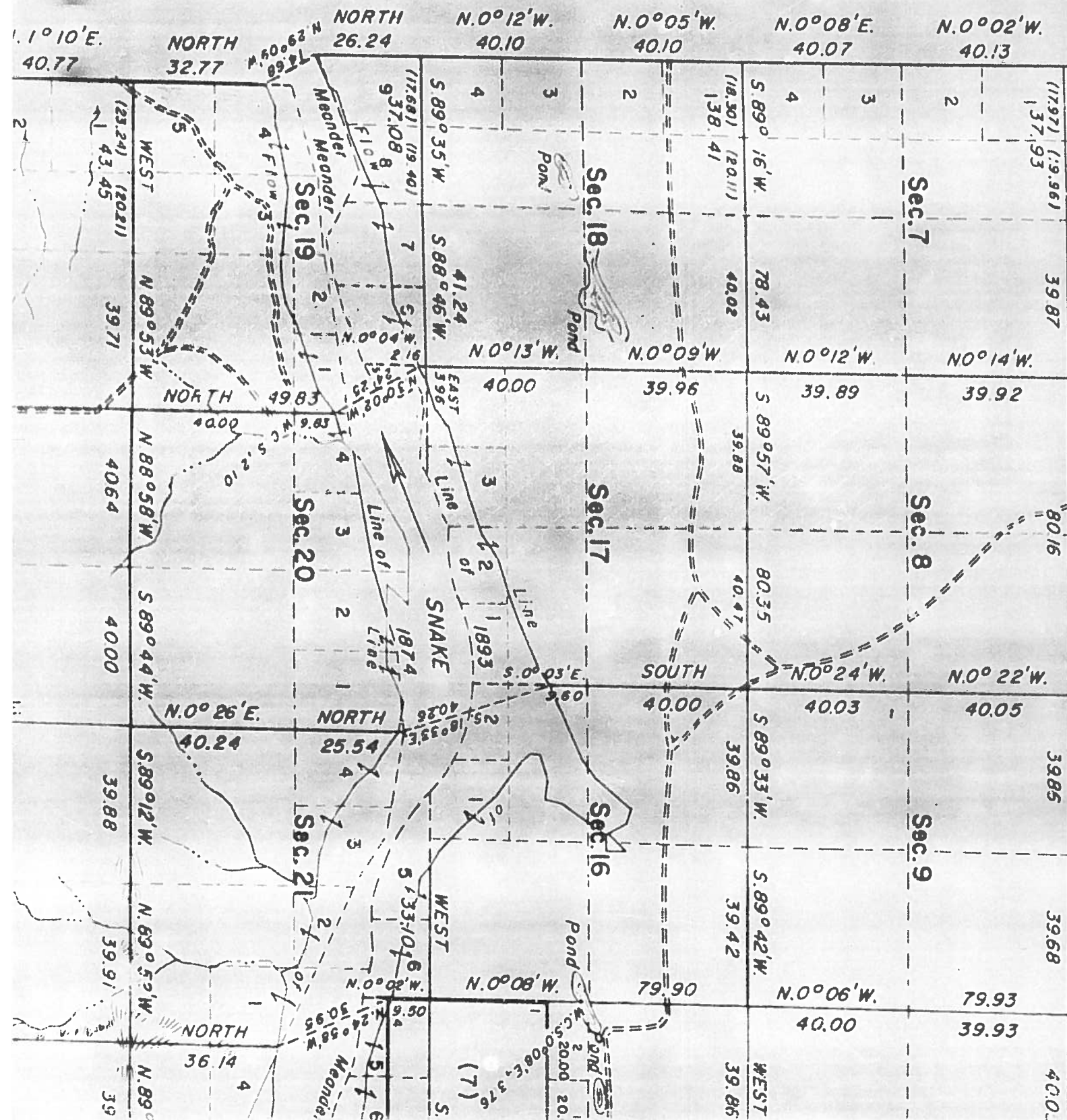
RA NATIONAL
FIRE REFUGE

WALCOTT

PIPELINE



17° 30' E



WARRANTY DEED

THIS INDENTURE, made this 19th day of March, 1997,
between P.O.E. INVESTMENTS, a partnership, consisting of WARREN
P. POWERS, DUANE L. OTTENSTROER and ROBERT P. EVANS, of Box
3765, Ogden, Utah 84409, ("Grantor"), and WEBB BASIN REAL
ESTATE, LLC, whose address is an Idaho Limited Liability
Company, HC76-Box 1050, American Falls, Idaho 83211,
("Grantee").

W I T N E S S E T H:

The Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of
America, and other good and valuable consideration, to the
Grantor in hand paid by the Grantee, the receipt whereof is
hereby acknowledged, has granted, bargained, and sold and by
these presents does grant, bargain and sell, convey and confirm
unto the Grantee, and to the successors and assigns of Grantee
forever, all of the following described real estate situated in
the County of Cassia, State of Idaho, to-wit:

That real estate described on Exhibit A attached
hereto and made a part hereof by reference,
which Exhibit A also includes reserved easements
and such Exhibit A includes water rights
conveyed with said real property.

SUBJECT TO: To those exceptions listed on
Exhibit B attached hereto and made a part
hereof by reference.

TOGETHER with all and singular the tenements,
hereditaments, and water rights as described on Exhibit A, and

PARSONS, SMITH, STONE & FLETCHER, LLP
LAWYERS
BURLEY, IDAHO

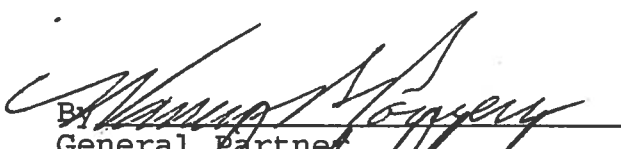
1 appurtenances thereunto belonging or in anywise appertaining,
2 the reversion and reversions, remainder and remainders, rents,
3 issues and profits thereof, and all estate, right, title and
4 interest in and to said property as well in law as in equity of
5 the Grantor.

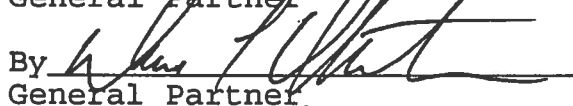
6 TO HAVE AND TO HOLD, all and singular the above-
7 mentioned and described premises, together with appurtenances
8 unto the Grantee and to the successors and assigns of Grantee
9 forever.

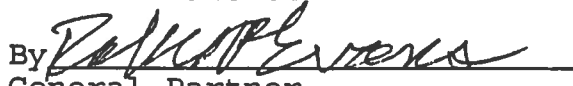
10 The Grantor shall and will warrant and by these
11 presents will forever defend the said premises in the quiet and
12 peaceable possession of the Grantee, and the successors and
13 assigns of Grantee against all and every person and persons
14 whomsoever lawfully claiming the same, except as aforesaid.

15 IN WITNESS WHEREOF, the Grantor has executed this
16 Deed the day and year first above written.

17 P.O.E. INVESTMENTS

18 By 
19 General Partner

20 By 
21 General Partner

22 By 
23 General Partner
24
25
26

1 STATE OF FLORIDA)
2 County of Duval) ss

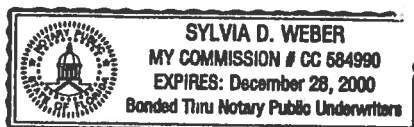
3 On this 25 day of March, in the year 1997,
4 before me, the undersigned, a Notary Public in and for said
5 State, personally appeared WARREN P. POWERS, known or
6 identified to me to be the partner or partners of the
7 partnership of P.O.E. INVESTMENTS and the partner or one of the
8 partners who subscribed said partnership name to the foregoing
9 instrument, and acknowledged to me that he executed the same in
10 said partnership name.

11 CINDY L. PARSLEY
12 Notary Public, State of Florida
13 My Comm. expires Oct. 2, 1999
14 Comm. No. CC 499033

Cindy L. Parsley
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 10/2/99

11 STATE OF FLORIDA)
12 County of Duval) ss

13 On this 25 day of March, in the year 1997,
14 before me, the undersigned, a Notary Public in and for said
15 State, personally appeared DUANE L. OTTENSTROER, known or
16 identified to me to be the partner or partners of the
17 partnership of P.O.E. INVESTMENTS and the partner or one of the
18 partners who subscribed said partnership name to the foregoing
19 instrument, and acknowledged to me that he executed the same in
20 said partnership name.



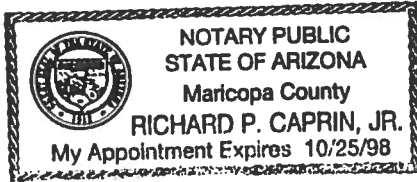
Sylvia D. Weber
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 12/28/00

21 STATE OF ARIZONA)
22 County of Maricopa) ss

23 On this 21 day of March, in the year 1997,
24 before me, the undersigned, a Notary Public in and for said
25 State, personally appeared ROBERT P. EVANS, known or identified
26 to me to be the partner or partners of the partnership of
P.O.E. INVESTMENTS and the partner or one of the partners who
subscribed said partnership name to the foregoing instrument,

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and acknowledged to me that he executed the same in said partnership name.



Richard P. Caprin, Jr.
Notary Public for Arizona
Residing at Campe, AZ 85377
My Commission Expires: 10/25/98

EXHIBIT A

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25;

Thence West 791.4 feet;

Thence North 9°35' West 360 feet;

Thence North 10°26' East 561.3 feet;

Thence North 7°25' East 276.7 feet;

Thence North 36°49' West 184 feet to a point in the North line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25; Thence East 824.23 feet to the East line of said Section 25;

Thence South 1320 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

Section 36:

That part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 36, more particularly described as follows:

Beginning at a point 1,200 feet North of the East quarter corner of said Section 36;

Thence North 32° West 1,000 feet;

Thence North 22°06' West 170 feet;

Thence North 25°15' West 450 feet to the North line of said Section 36;

Thence East along the said North line 791.4 feet to the Northeast corner of said Section 36;

Thence South along said East line 1,440 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

ALSO EXCEPTING the following described parcel:

Beginning at the E $\frac{1}{4}$ section corner of said Section 28, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the Point of Beginning;

Thence South 00°32'23" West along the East line of Section 28 for a distance of 2091.98 feet;

Thence along a non-tangent curve to the right for a distance of 2803.04 feet to the East line of Section 28, said curve having a radius of 1124.51 feet with a central angle of 142°49'10" with a long chord bearing of North 00°32'25" East for a distance of 2131.68 feet;

Thence South 00°33'53" West along the East line of Section 28 for a distance of 39.70 feet to the Point of Beginning.

Section 29: W $\frac{1}{2}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

Section 30: All

Section 31: All that part of said Section lying North of Interstate 15-W and U.S. Highway 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

Section 32: All that portion of said Section lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

Section 33: All that portion of said Section lying North of U.S. Highway No. 30 N.
EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 29: E $\frac{1}{2}$ SE $\frac{1}{4}$

EXCEPTING FROM the above described parcel all right-of-ways for
Public roads.

PARCEL NO. 3:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: Beginning at the South 1/16 corner between Section 25, Township 9
South, Range 27 East of the Boise Meridian, and Section 30, Township
9 South, Range 28 East of the Boise Meridian;
Thence North 89°41' West, along the South 1/16th line of Section 25,
a distance of 786.7 feet;
Thence North 20°24' West, 170.7 feet;
Thence North 09°45' West, 236.3 feet;
Thence North 00°18' East, 102.7 feet;
Thence South 89°41' East, 393.2 feet;
Thence South 00°18' West, 165.0 feet;
Thence South 89°41' East, 495.0 feet to the East line of Section 25;
Thence South 330.0 feet to the Place of Beginning.

PARCEL NO. 4:

An Easement to construct, operate, and maintain one irrigation pump and one 8-inch irrigation water pipeline as created by Quitclaim Deed dated May 29, 1980 and recorded June 10, 1980 as Instrument No. 126669 on Film No. 135, records of Cassia County, Idaho, over and across a portion of the NE¼ of Section 36, Township 9 South, Range 27 East of the Boise Meridian, Cassia County, Idaho, and described as follows:

Beginning at the intersection of the North right-of-way line of Interstate Highway 15W and meander line on the East side of Raft River, from which point of beginning the Northeast corner of Section 36 bears North 15°02' East, a distance of 2159.4 feet;
Thence South 79°51' West along North right-of-way line of Interstate Highway 15W, 258.5 feet;
Thence North 10°09' West 50.0 feet;
Thence North 79°51' East, 263.5 feet to the meander line of Raft River;
Thence along said meander line South 02°25' East, 50.2 feet to the Place of Beginning.

EXCEPTING AND RESERVING UNTO THE GRANTOR AND THE SUCCESSORS AND ASSIGNS OF THE GRANTOR THE FOLLOWING EASEMENTS:

(Easements appear on Pages 6 and 7 of Exhibit A)

EASEMENT NO. 1:

A perpetual non-exclusive twenty (20) foot wide easement for the installation, replacement, and repair of an underground irrigation pipeline for the delivery of water from a well located in the Southwest Quarter Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 9 South, Range 28 E., B.M. to the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South, Range 28 E., B.M., which easement is particularly described as:

Beginning at the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian, thence East 100 feet along the section line of said Section 29 to the True Point of Beginning; Thence South 20 feet; thence West 100 feet to the East boundary of the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian; thence continuing West 2,640 feet, more or less to the West boundary of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 29; thence continuing West 100 feet in the Northeast Quarter (NE $\frac{1}{4}$) of Section 30, Township 9 South, Range 28 East, Boise Meridian; thence North 20 feet to the North section line of said Section 30; thence East along the North boundaries of the section lines of said Sections 29 and 30, 2,840 feet, more or less to the Point of Beginning.

EASEMENT NO. 2:

A perpetual non-exclusive easement for roadway purposes from the County road to a roadway in the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South, Range 28 East, Boise Meridian, Cassia County, Idaho, and such easement particularly described as follows:

A thirty foot (30') wide strip of ground having a center line described as beginning at the Southeast corner of Section 19, Township 9 South, Range 28 East, Boise Meridian, said corner marked by a 5/8 inch rebar with cap dated 1996; thence South 00°05'48" West for a distance of 133.03 feet to the Point of Beginning; thence North 25°51'15" West for a distance of 79.93 feet; thence North 51°40'38" West for a distance of 75.40 feet; thence North 69°53'51" West to the South section line of said Section 19, Township 9 South, Range 28 East Boise Meridian, begin the terminus point of the center line of the easement.

WATER RIGHTS

The following water rights evidenced by the designated numbers:

A43-02568, A43-02579, A43-07046, A43-07047,
A43-07052, A43-10841, A43-02567, A43-07088A.

Except one (1) cfs from the well located in the Northwest Quarter Southeast Quarter Southeast Quarter (NW¼SE¼SE¼) in Section 30, Township 9 South, Range 28 East, Boise Meridian, for use on the Southeast Quarter (SE¼) of Section 19, Township 9 South, Range 28 East, Boise Meridian.

The following water rights evidenced by the following numbers are expressly excluded from this conveyance:

A43-02481 and A43-02597 and the foregoing one (1) cfs from A43-02567.

EXHIBIT B

1. Taxes for 1997 and subsequent years.
2. Building restrictions and access limitations contained in Right of Way Deed to the State of Idaho, dated June 26, 1952 and recorded July 19, 1952 as Instrument No. 176302 in Book 54 of Deed on Page 625, records of Cassia County, Idaho, granting said State, a right of way over and across a strip of land approximately 300 feet wide lying over a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 27 East of the Boise Meridian; and Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
3. Building restrictions and access limitations contained in Right of Way Deed to the State of Idaho, dated June 26, 1952 and recorded July 19, 1952 as Instrument No. 176303 in Book 54 of Deeds on Page 626, records of Cassia County, Idaho, granting said State, a right of way over a strip of land approximately 300 feet in width, lying over and across the NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 32, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 33, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, all in Township 9 South, Range 28 East of the Boise Meridian, and over a strip of land approximately 60 feet wide lying over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
4. Building restrictions and access limitations contained in Quitclaim Deed to the State of Idaho, dated April 29, 1952 and recorded July 19, 1952 as Instrument No. 176304 in Book 54 of Deeds, Page 627, records of Cassia County, Idaho, quitclaiming unto the said State of Idaho, a strip of land approximately 300 feet wide, lying over and across a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 27 East of the Boise Meridian, and Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
5. Building restrictions and access limitations contained in Quitclaim Deed to the State of Idaho, dated April 29, 1952 and recorded July 19, 1952 as Instrument No. 176305 in Book 54 of Deeds, Page 629, records of Cassia County, Idaho, quitclaiming to the said State of Idaho, a strip of land approximately 300 feet in width lying over and across the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 32, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 33 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, all in Township 9 South, Range 28 East of the Boise Meridian, and a strip of land approximately 60 feet wide lying over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, in Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)

6. Right of Way Contract to Pacific Northwest Pipeline Corporation, a Delaware corporation, dated July 19, 1955 and recorded October 12, 1955 as Instrument No. 187664 in Book 9 of Bills of Sale and Agreements, Page 237, records of Cassia County, Idaho, granting said corporation, the right to construct, operate and maintain a pipeline over and across Sections 31, 32 and 33 in Township 9 South, Range 28 East of the Boise Meridian, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 36, Township 9 South, Range 27 East of the Boise Meridian. (Part of Parcel No. 1)
7. Building restrictions and access limitations contained in Warranty Deed to the State of Idaho, dated March 24, 1958 and recorded May 14, 1958 as Instrument No. 197226 in Book 59 of Deeds, records of Cassia County, Idaho, granting said State of Idaho, a strip of land approximately 400 feet wide lying over and across the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 9 South, Range 28 East of the Boise Meridian, and a strip of land approximately 60 feet in width lying over and across the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
8. Building restrictions and access limitations contained in Warranty Deed to the State of Idaho, dated March 24, 1958 and recorded May 23, 1958 as Instrument No. 197386 in Book 59 of Deeds, records of Cassia County, Idaho, granting said State of Idaho, a strip of land and varying from approximately 330 feet to 70 feet in width lying over and across Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 9 South, Range 28 East of the Boise Meridian, and a strip of land lying over and across the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 9 South, Range 28 East of the Boise Meridian for highway purposes. (Part of Parcel No. 1)
9. Reservations in Warranty Deed from John B. Nash and Doree L. Nash, husband and wife, to Aaron V. Barson and Rudger J. Barson, which was dated July 6, 1959 and recorded December 22, 1959 as Instrument No. 204361 in Book 62 of Deeds, records of Cassia County, Idaho, which recites as follows: "There is reserved and excepted from this conveyance all the interest in and to the oil, gas, and other minerals, except sand and gravel, on, in, and under the above described premises, together with the right of ingress and egress for the purposes of mining for and producing them." (Covers the W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 29, Township 9 South, Range 28 East of the Boise Meridian.) (Part of Parcel No. 1)
10. Right of Way Easement executed by Riviera Farms, Inc., to Raft River Rural Electric Cooperative, Inc., a corporation, dated April 3, 1974 and recorded May 23, 1974 as Instrument No. 76912 on Film No. 89, records of Cassia County, Idaho, over and across a portion of Parcel No. 1.

11. Easement for ingress and egress in favor of Raft River Rural Electric Cooperative, Inc., an Idaho Corporation, covering a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 9 South, Range 28 East of Boise Meridian, as granted in Warranty Deed from Riviera Farms, Inc., a corporation, dated March 4, 1975 and recorded September 16, 1975 as Instrument No. 85729 on Film No. 97, records of Cassia County, Idaho. (Part of Parcel No. 1)
12. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Riviera Farms, as Consumer, dated November 7 1973 and recorded May 7, 1976 as Instrument No. 90430 on Film No. 101, records of Cassia County, Idaho, covering the SE $\frac{1}{4}$ of Section 29, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1 and part of Parcel No. 2)
13. A perpetual right-of-way and easement to construct, operate, and maintain a public thoroughfare over and across a portion of Section 31, Township 9 South, Range 28 East of the Boise Meridian, as contained in Warranty Deed from Riviera Farms, Inc, to the United States of America, and its assigns, dated July 11, 1977 and recorded July 14, 1977 as Instrument No. 100203 on Film No. 110, records of Cassia County, Idaho. (Part of Parcel No. 1)
14. Reservations contained in Quitclaim Deeds from the United States of America to Riviera Farms, Inc., dated September 15, 1977 and recorded September 29, 1977 as Instrument No. 101870 on Film No. 112, records of Cassia County, Idaho, and from the United States of America to Riviera Farms, Inc., an Idaho corporation, dated May 29, 1980 and recorded June 10, 1980 as Instrument No. 126669 on Film No. 135, records of Cassia County, Idaho, which read as follows:
 - (a) The reservation of presently used right-of-way for canals, ditches, flumes, pipelines, railroads, highways, roads, telephone, telegraph, and power transmission lines created in favor of the public or public utilities.
 - (b) The reservation of a right-of-way for ditches or canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 371, 391), as it has been or may hereafter be amended. (Parcels No. 3 and 4)
15. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 1, 1971 and recorded March 17, 1980 as Instrument No. 124423 on Film No. 133, records of Cassia County, Idaho, covering Section 29, Township 9 South, Range 28 East of the Boise Meridian.

16. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 1, 1971 and recorded March 17, 1980 as Instrument No. 124424 on Film No. 133, records of Cassia County, Idaho, covering the W½ of Section 29, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1)
17. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 1, 1971 and recorded March 17, 1980 as Instrument No. 124425 on Film No. 133, records of Cassia County, Idaho, covering Section 30, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1)
18. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 5, 1976 and recorded March 17, 1980 as Instrument No. 124426 on Film No. 133, records of Cassia County, Idaho, covering the NW¼ of Section 31, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1)

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 285
1997 MAR 26 P 1:47
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 450.00 DEPUTY W
LAND TITLE & ESCROW
248098

WATER USE AND WATER RIGHTS AGREEMENT

1 AGREEMENT, made this 19th day of March, 1997, by and
2 between P.O.E. INVESTMENTS, a partnership consisting of Warren
3 P. Powers, Duane L. Ottenstroer and Robert P. Evans, Box 3765,
4 Ogden, Utah 84409, ("POE") and WEBB BASIN REAL ESTATE, LLC, an
5 Idaho Limited Liability Company, HC 76, Box 1050, American
6 Falls, Idaho 83211 ("Webb").

7 1. RECITALS: The parties recite:

8 1.1. POE sold to Webb certain real estate in Cassia
9 County, Idaho, more particularly described on Exhibit A
10 attached hereto and made a part hereof by reference (the
11 "Property").

12 1.2. POE has simultaneously with the sale to Webb
13 leased certain adjacent and contiguous real estate to the
14 Property and which adjacent and contiguous property is
15 described on Exhibit B attached hereto and made a part hereof
16 by reference. The lease from POE was to a related company
17 known as Webb Basin Dairy, a general partnership.

18 1.3. The parties desire to make this agreement
19 relative to certain water rights in connection with the sale
20 and with the lease.

21 1.4. The water rights on the Property and the
22 adjacent real estate to the Property have been combined in the
23 water rights adjudication known as the SNRBA. The parties
24 desire to now separate the water rights because of the change
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1 in ownership of some of the appurtenant lands to which the
2 water rights are allocated.

3 1.5. The parties recognize that the administration
4 of water rights is within the jurisdiction of the Idaho
5 Department of Water Resources and the court in the SNRBA and
6 accordingly different procedures may need to be followed and
7 different documents executed by the parties with said agency
8 and court in order to accomplish the intent of the parties.

9 NOW, THEREFORE, in consideration of the recitals, the
10 consideration of the purchase by Webb from POE, the lease by
11 Webb Basin Dairy and other good and valuable consideration
12 herein receipted for but not recited the parties agree:

13 2. EASEMENT: POE shall reserve an easement across a
14 portion of the Property for the purpose of a pipeline should
15 the same become necessary. The easement is described on
16 Exhibit C attached hereto and made a part hereof by reference.
17 The parties agree that appropriate reservation language shall
18 be inserted in the conveyance by POE to Webb.

19 3. WATER RIGHTS RESERVATION: POE shall reserve the
20 following identified water rights, to-wit: A43-02597, A43-
21 02481, and 1 cfs from A43-02567 as to the Point of Diversion in
22 the Northwest Quarter Southeast Quarter Southeast Quarter
23 (NW¼SE¼SE¼), Section 30, Township 9 South, Range 28 East, Boise
24 Meridian. The reserved water rights shall be for the benefit
25 and use of the real estate in Cassia County described on
26

1 Exhibit B attached hereto and made a part hereof by reference.
2 The parties agree to execute such documents as may be required
3 by the Idaho Department of Water Resources and the SNRBA court
4 to accomplish the water right division.

5 P.O.E. and Webb shall execute such documents as may
6 be required by I.D.W.R. and the Court in SNRBA to have the
7 water rights conveyed to Webb made appurtenant to the total
8 lands conveyed by Deed, dated March 19, 1997, to have
9 appurtenant water equal on said lands to 24.53 cfs.

10 4. CONDITION PRECEDENT: Webb is financing the
11 purchase of the Property from POE with the Farm Credit of
12 Burley, Idaho. This contract shall not be effective unless the
13 water right division is approved by Farm Credit. Farm Credit
14 may evidence its approval by a separate instrument in writing
15 as Farm Credit is not a party signatory to this agreement. The
16 recording of this agreement shall be conclusive evidence that
17 Farm Credit has given its approval of the division.

18 5. CONTINUATION: If Webb Basin Dairy or a related
19 entity to Webb Basin Dairy or Webb cease to be a tenant of the
20 real estate described on Exhibit B, Webb shall nevertheless
21 furnish one cubic foot per second of water from the well
22 located in the Northwest Quarter Southeast Quarter Southeast
23 Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 9 South, Range 28
24 East, Boise Meridian to the Southeast Quarter of Section 19,
25 Township 9 South, Range 28 East, Boise Meridian. The
26

1 furnishing of such water shall be for a period of time not to
2 exceed five (5) years from the time Webb or the related company
3 do not lease the Property described on Exhibit B attached
4 hereto. The furnishing of such water shall be upon the express
5 condition that during such five (5) year period of time POE,
6 its successors or assigns, shall provide a flow meter or other
7 suitable measuring device for such well and shall compensate
8 Webb for the costs of delivery of the water including
9 electricity, a pro-rata share of repairs and maintenance on the
10 well in proportion to the amount of water from the well as the
11 same relates to the amount of water delivered to POE. POE may,
12 at its option, advise Webb that it has made other arrangements
13 for the delivery of the one (1) cfs to its Property in the form
14 of another well, a change in place of use and/or a different
15 point of diversion. Upon such notice the obligation of Webb to
16 furnish such one (1) cfs of water shall cease. This transfer
17 of the water shall in all events be subject to appropriate
18 agency and court approval.

19 6. BINDING EFFECT: This agreement shall be binding
20 upon the parties, their successors and assigns of the
21 respective real estate described on the exhibits attached
22 hereto and made a part hereof by reference.

23 7. ATTORNEY FEES: The prevailing party in any
24 action arising under this agreement shall be entitled to
25 reasonable attorney fees in addition to all other relief
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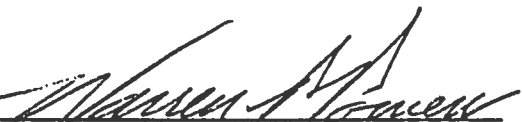
afforded by the court.

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2 8. COOPERATION: The parties agree to cooperate each
3 with the other in carrying out the terms and conditions of this
4 agreement in the division of the water as heretofore provided.
5 The parties recognize that the transaction is complicated in
6 view of fact that the number of water rights have been combined
7 for the place of use and that the division requires various
8 procedural steps and involves person or entities not party
9 signatory to this agreement. As such the parties may be
10 required to execute such other documents as shall be necessary
11 to fully implement this agreement.

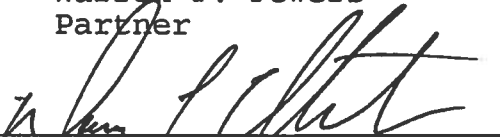
12 9. ENTIRE AGREEMENT: This agreement constitutes the
13 entire understanding of the parties as to the division of the
14 water from the lands designated as the place of use.

15 IN WITNESS WHEREOF, the parties have executed this
16 agreement the day and year first above written.

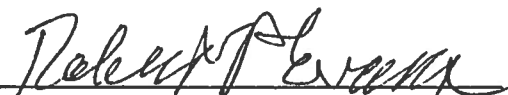
17 P.O.E. INVESTMENTS

18
19 BY 

Warren P. Powers
Partner

20
21 BY 

Duane L. Ottenstroer
Partner

22
23
24 BY 

Robert P. Evans
Partner

WEBB BASIN REAL ESTATE, LLC

BY

Stephen E. Webb
Member

STATE OF Florida)
County of Duval) ss

On this 25 day of March, in the year 1997,
before me, the undersigned, a Notary Public in and for said
State, personally appeared WARREN P. POWERS, known or
identified to me to be the partner or partners of the
partnership of P.O.E. INVESTMENTS and the partner or one of the
partners who subscribed said partnership name to the foregoing
instrument, and acknowledged to me that he executed the same in
said partnership name.

CINDY L. PARSLEY
Notary Public, State of Florida
My Comm. expires Oct. 2, 1999
Comm. No. CC 499033

Cindy L. Parsley
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 10/2/99

STATE OF Florida)
County of Duval) ss

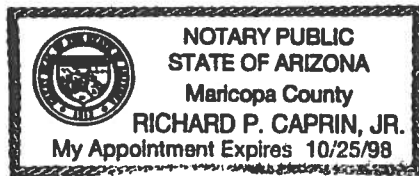
On this 25 day of March, in the year 1997,
before me, the undersigned, a Notary Public in and for said
State, personally appeared DUANE L. OTTENSTROER, known or
identified to me to be the partner or partners of the
partnership of P.O.E. INVESTMENTS and the partner or one of the
partners who subscribed said partnership name to the foregoing
instrument, and acknowledged to me that he executed the same in
said partnership name.



Sylvia D. Weber
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 12/28/00

1 STATE OF ARIZONA)
2 County of Maricopa) ss

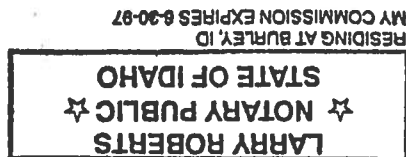
3 On this 21 day of March, in the year 1997,
4 before me, the undersigned, a Notary Public in and for said
5 State, personally appeared ROBERT P. EVANS, known or identified
6 to me to be the partner or partners of the partnership of
7 P.O.E. INVESTMENTS and the partner or one of the partners who
8 subscribed said partnership name to the foregoing instrument,
9 and acknowledged to me that he executed the same in said
10 partnership name.



Richard P. Caprin, Jr.
Notary Public for Arizona
Residing at Cavepet, AZ 85377
My Commission Expires: 10/25/98

11 STATE OF IDAHO)
12 County of Cassia) ss

13 On this 19th day of March, in the year
14 1997, before me, the undersigned, a Notary Public in and for
15 said State, personally appeared Douglas C. Webb,
16 known or identified to me to be the Member or Members of the
17 Limited Liability Company of WEBB BASIN REAL ESTATE, L.L.C. and
18 the Member or one of the Members who subscribed said Limited
19 Liability Company's name to the foregoing instrument, and
20 acknowledged to me that he executed the same in said Limited
21 Liability Company name.



Larry Roberts
Notary Public for Idaho
Residing at Burley, Idaho
My Commission Expires: 6.30.97

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25;

Thence West 791.4 feet;

Thence North 9°35' West 360 feet;

Thence North 10°26' East 561.3 feet;

Thence North 7°25' East 276.7 feet;

Thence North 36°49' West 184 feet to a point in the North line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25; Thence East 824.23 feet to the East line of said Section 25;

Thence South 1320 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

Section 36:

That part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 36, more particularly described as follows:

Beginning at a point 1,200 feet North of the East quarter corner of said Section 36;

Thence North 32° West 1,000 feet;

Thence North 22°06' West 170 feet;

Thence North 25°15' West 450 feet to the North line of said Section 36;

Thence East along the said North line 791.4 feet to the Northeast corner of said Section 36;

Thence South along said East line 1,440 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓

Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$ ✓, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓, E $\frac{1}{2}$ SW $\frac{1}{4}$ ✓, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓ and that portion of the
✓S $\frac{1}{2}$ SE $\frac{1}{4}$ lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

ALSO EXCEPTING the following described parcel:

Beginning at the E $\frac{1}{4}$ section corner of said Section 28, said corner marked
by a U.S. GLO iron pipe with brass cap which shall be the Point of
Beginning;

Thence South 00°32'23" West along the East line of Section 28 for a
distance of 2091.98 feet;

Thence along a non-tangent curve to the right for a distance of 2803.04
feet to the East line of Section 28, said curve having a radius of 1124.51
feet with a central angle of 142°49'10" with a long chord bearing of
North 00°32'25" East for a distance of 2131.68 feet;

Thence South 00°33'53" West along the East line of Section 28 for a
distance of 39.70 feet to the Point of Beginning.

Section 29: W $\frac{1}{2}$ ✓, NE $\frac{1}{4}$ ✓, W $\frac{1}{2}$ SE $\frac{1}{4}$ ✓

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

Section 30: All✓

Section 31: ✓ All that part of said Section lying North✓ of Interstate 15-W and U.S.
Highway 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

Section 32: ✓ All that portion of said Section lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

Section 33: ✓ All that portion of said Section lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28:

W $\frac{1}{2}$ SW $\frac{1}{4}$ ✓

Section 29:

E $\frac{1}{2}$ SE $\frac{1}{4}$ ✓

✓ EXCEPTING FROM the above described parcel all right-of-ways for
Public roads.

PARCEL NO. 3:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25:

Beginning at the South 1/16 corner between Section 25, Township 9
South, Range 27 East of the Boise Meridian, and Section 30, Township
9 South, Range 28 East of the Boise Meridian;
Thence North 89°41' West, along the South 1/16th line of Section 25,
a distance of 786.7 feet;
Thence North 20°24' West, 170.7 feet;
Thence North 09°45' West, 236.3 feet;
Thence North 00°18' East, 102.7 feet;
Thence South 89°41' East, 393.2 feet;
Thence South 00°18' West, 165.0 feet;
Thence South 89°41' East, 495.0 feet to the East line of Section 25;
Thence South 330.0 feet to the Place of Beginning.

PARCEL NO. 4:

An Easement to construct, operate, and maintain one irrigation pump and one 8-inch
irrigation water pipeline as created by Quitclaim Deed dated May 29, 1980 and recorded June
10, 1980 as Instrument No. 126669 on Film No. 135, records of Cassia County, Idaho, over
and across a portion of the NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 27 East of the Boise
Meridian, Cassia County, Idaho, and described as follows:

Beginning at the intersection of the North right-of-way line of Interstate
Highway 15W and meander line on the East side of Raft River, from
which point of beginning the Northeast corner of Section 36 bears
North 15°02' East, a distance of 2159.4 feet;
Thence South 79°51' West along North right-of-way line of Interstate
Highway 15W, 258.5 feet;
Thence North 10°09' West 50.0 feet;
Thence North 79°51' East, 263.5 feet to the meander line of Raft River;
Thence along said meander line South 02°25' East, 50.2 feet to the Place
of Beginning.

EXHIBIT B

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: Lots 2, 3 and the SE $\frac{1}{4}$ ✓
Section 20: W $\frac{1}{2}$ SE $\frac{1}{4}$ ✓ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓
Section 21: W $\frac{1}{2}$ SW $\frac{1}{4}$ ✓ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
Section 28: NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓, NE $\frac{1}{4}$ ✓ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓, EXCEPTING
THEREFROM the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, AND ALSO EXCEPTING:

Part of the east $\frac{1}{2}$ of Section 28 of Township 9 South,
Range 28 East of the Boise Meridian, Cassia County,
State of Idaho.

Beginning at the East $\frac{1}{4}$ section corner of Section 28 of
T.9 S., R.28 E., B.M. said corner marked by a U.S. GLO
iron pipe with brass cap which shall be the Point of
Beginning;

THENCE South 00 degrees 32 minutes 23 seconds
West along the east line of Section 28 for a
distance of 2091.98 feet;

THENCE along a non-tangent curve to the right
for a distance of 2803.04 feet to the east
line of Section 28, said curve having a
radius of 1124.51 feet with a central angle
of 142°49'10" with a long chord bearing of
North 00 degrees 32 minutes 25 seconds East
for a distance of 2131.68 feet;

THENCE South 00 degrees 33 minutes 53 seconds
West along the east line of Section 28 for a
distance of 39.70 feet to the Point of
Beginning.

EASEMENT LANGUAGE

EXCEPTING AND RESERVING UNTO the Grantor and the successors and assigns of the Grantor a perpetual non-exclusive twenty (20) foot wide easement for the installation, replacement, and repair of an underground irrigation pipeline for the delivery of water from a well located in the Southwest Quarter Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 9 South, Range 28 E., B.M. to the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South, Range 28 E., B.M., which easement is particularly described as:

Beginning at the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian, thence East 100 feet along the section line of said Section 29 to the True Point of Beginning; Thence South 20 feet; thence West 100 feet to the East boundary of the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian; thence continuing West 2,640 feet, more or less to the West boundary of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 29; thence continuing West 100 feet in the Northeast Quarter (NE $\frac{1}{4}$) of Section 30, Township 9 South, Range 28 East, Boise Meridian; thence North 20 feet to the North section line of said Section 30; thence East along the North boundaries of the section lines of said Sections 29 and 30, 2,840 feet, more or less to the Point of Beginning.

LAND TITLE & ESCROW

CASSIA COUNTY, IDAHO
GARRELL M. ROSKELLEY
RECORDER
FEE \$39.00 DEPUTY *[Signature]*

1997 MAR 26 P 1:49

248099

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 285

11/1/2000

11/01/2000

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

RIGHT NUMBER: 43-2567A

NAME AND ADDRESS: EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN, UT 84409

SOURCE: GROUND WATER

QUANTITY: 1 CFS
424.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-02481 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.54 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1296.5
AF.

PRIORITY DATE: 08/26/1963

POINT OF DIVERSION: T09S R28E S21 SESWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	1.00 CFS 424.5 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15
AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT
ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within CASSIA County							
T09S R28E S19	LOT 2	SWNE	0.5	T09S R28E S19	LOT 3	NESW	2
T09S R28E S19		NESE	26	T09S R28E S19		NWSE	31
T09S R28E S19		SWSE	38	T09S R28E S19		SESE	32
T09S R28E S20		NWSE	27	T09S R28E S20		SWSE	39
T09S R28E S20		SESE	37	T09S R28E S21		NWSW	30
T09S R28E S21		SWSW	22	T09S R28E S21		SESW	15
T09S R28E S28		NENE	5	T09S R28E S28		NWNE	9
T09S R28E S28		SWNE	17	T09S R28E S28		SENE	8
T09S R28E S28		NENW	25	T09S R28E S28		NESE	4.5

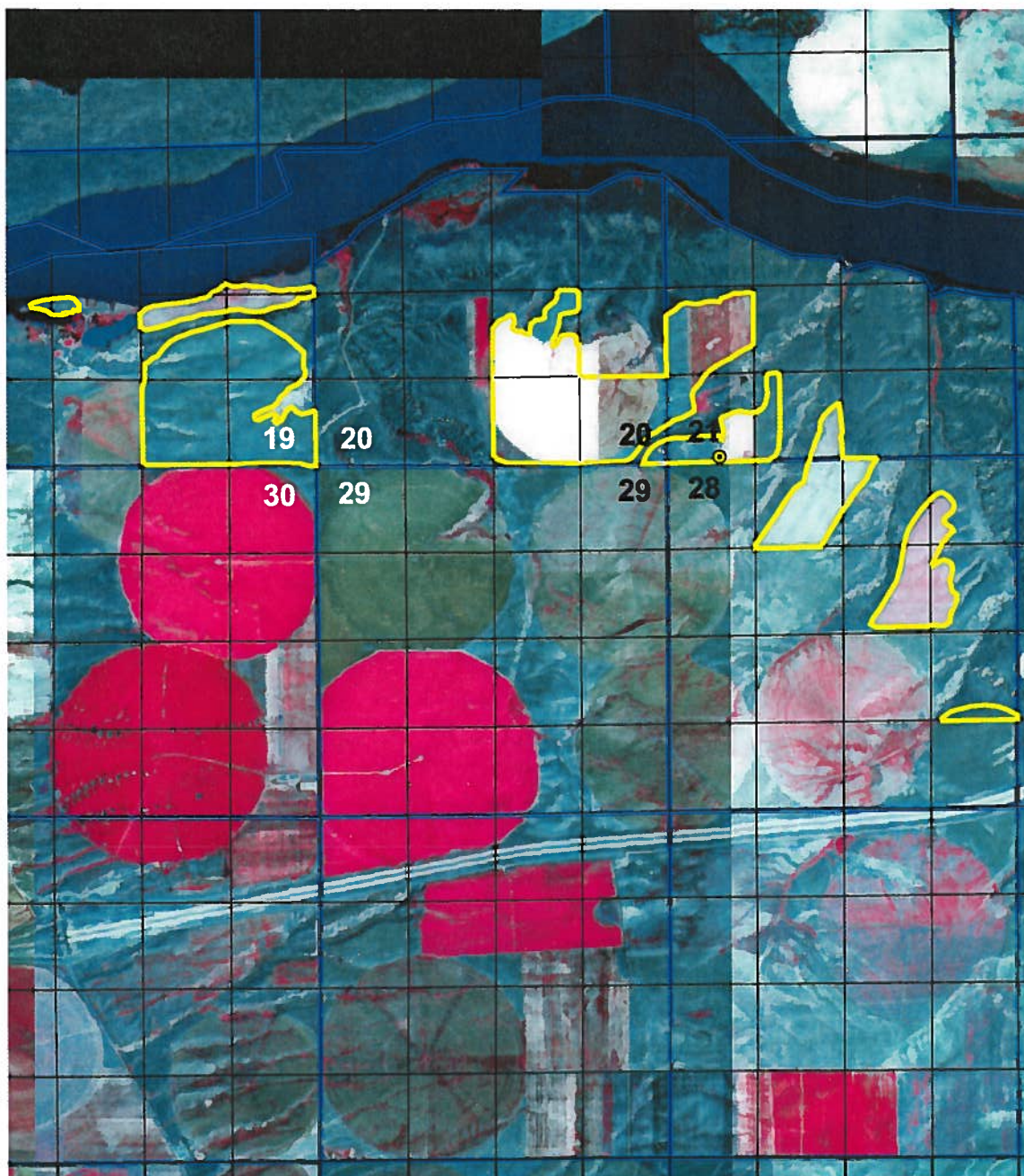
368 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02481 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 368 ACRES IN A SINGLE IRRIGATION SEASON.

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



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 1, 2000
TWP 09S, RNG 28E, SEC. 19, 20, 21, & 28



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

RECEIVED
JUL 27 2000
Department of Water Resources
Southern Region

TRANSFER NO. 5558
WATER RIGHT NO(S). 43-02481/43-02567A

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

SOURCE
GROUNDWATER

SWSW , Sec. 21, Township 09S, Range 28E
CASSIA County

TWN	RGE	SEC	ACRES		ACRES		ACRES		TOTAL
09S	28E	19	Lot 2 (SWNE)	0.5 ✓	Lot 3 (NESW)	2 ✓	NESE	26 ✓	
			NWSE	31 ✓	SWSE	38 ✓	SESE	32 ✓	129.5
		20	NWSE	27 ✓	SWSE	39 ✓	SESE	37 ✓	103
		21	NWSW	30 ✓	SWSW	22 ✓	SESW	15 ✓	67
		28	NENE	5 ✓	NWNE	9 ✓	SWNE	17 ✓	
			SENE	8 ✓	NENW	25 ✓	NESE	4.5 ✓	68.5
Total number of acres irrigated:									368

Rights 43-02481 and 43-02567A are subject to the conditions of the Preliminary Order dated 06-28-2000 which has become final in the matter of Application for Transfer 5558.

Dated this 24 day of

Chief, Water Allocation Bureau

Memorandum

To: Transfer file #5558
CC: A43-02481, A43-02567A, A43-02597
From: Jeanie Robertson 
Date: 12/15/99
Re: Adjudication Review of Proposed Transfer

I visited this property in June of 1994 and took photographs, made sketches of the system, and measured the wells. (The property was then owned by P.O.E. Investments.) I also worked with Georgia and the applicants during the initial filing process for this transfer in creating the shape-file for their irrigated lands.

This transfer proposes to move 15 acres from BLM land (NESE of Section 20, T9S, R27E) to the applicants land and co-mingle water from one well and a spring associated with Licenses 43-02481, part A of 43-02567 (well), and 43-02597 (spring) .

The adjudication claims were based on the licenses and claimed in a larger Permissible Place of Use of 2281 acres, which combined many licenses. P.O.E. sold 368 acres and licenses 43-02481 (3.54 cfs on 218 acres), 43-02597 (.8 cfs on 40 acres), and 1 cfs from part A of 43-02567 (originally 6 cfs on 1583 acres.)

In 1994, I measured 3.98 cfs from the well, which was licensed for 3.54 cfs. The total diversion rate requested of 5.34 cfs on 368 acres ($5.34 / 368 \text{ ac} = .014 \text{ cfs/ac}$) is less than an inch per acre. The system would probably be capable of producing the rate requested after modifications, once the transfer was approved.

From the aerial photos, I was able to verify that the 15 acres being moved from BLM ground were indeed irrigated in 1987. There were also some lands irrigated in Section 28, which were not claimed. This transfer would resolve those problems.

I recommend approval of this transfer and intend to make my recommendations of the associated adjudication claims accordingly.

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant EVANS GRAIN & ELEVATOR CO. Phone (801) 476-0277
 Post Office address PO BOX 3765 OGDEN, UT. 84409

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 WIRE IRRIGATED RIGHTS OFF OF
BLM LAND, ALSO DESCRIBE ACTUAL IRRIGATED LANDS

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>43-02481</u>	<u>05-10-1986</u>	<u>3.54 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
<u>43-02567A</u>	<u>08-26-1963</u>	<u>1.00 "</u>	<u>" "</u>	<u>"</u> to <u>"</u>
<u>43-02597</u>	<u>08-27-1931</u>	<u>0.80 "</u>	<u>" "</u>	<u>"</u> to <u>"</u>
				to

2. Total amount of water being transferred 5.34 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER / SPRING tributary to SNAKE RIVER
4. Point(s) of Diversion:

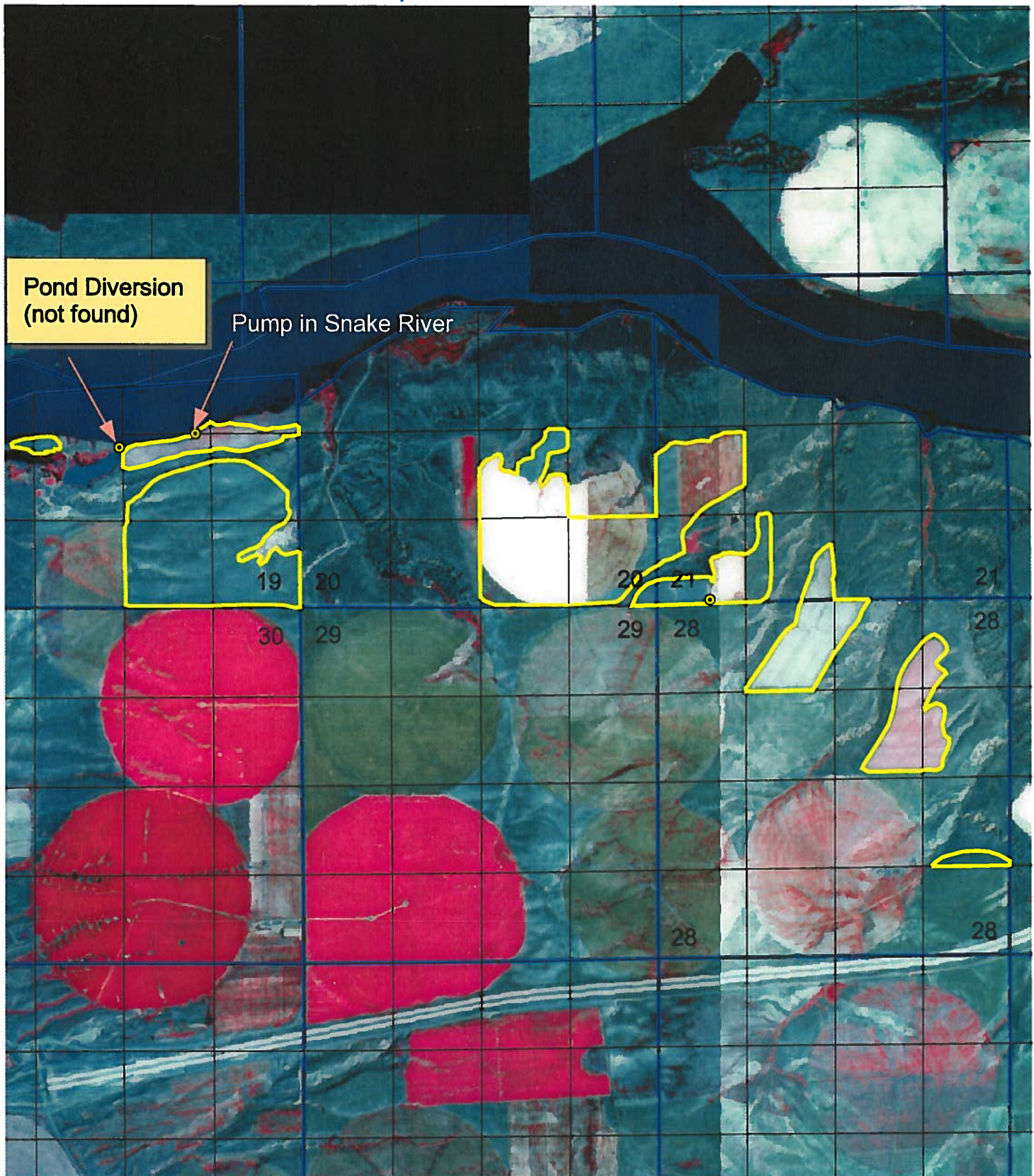
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SW	21	09S	28E	CASSIA	A0002924 GPS TAG
3	SW	NE	NE	19	09S	28E	" "	SPRING

5. 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	
09S	28E	19			0.5	3			1	2					26	27	38	32	129.5
					LOT 2	LOT 1			LOT 4	LOT 3									
		20														27	39	37	103
		21									30	22	15						67
		28	5	9	17	8	25								4.5				68.5

Total acres 368

Idaho Department of Water Resources



TWP 09S, RNG 28E,
SECTIONS 19, 20, 21, & 28

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TRANSFER # 5558
43-02481, 43-02567A, 43-02597

0 1320 2640 3960 Feet

Gis Field Map
1987/1988 Napp Photography
Jeanie Robertson
Field Exam Date : June 1994



Memorandum

To: Transfer File #5558

CC: A43-02597

From: Jeanie Robertson

Date: 05/23/00

Re: Spring

I initially visited this property in June of 1994 when it was owned by P.O.E. Investments. They showed me their irrigation system and the location of the wells, etc. This spring was never mentioned then and no diversion works were observed from the "pond". The spring has a priority date of 1931 with the licensing field exam done in 1933. The map and field exam report showed an earthen dam with head gates at either end and irrigation ditches to a field and lawns. When I again visited the property in February of 2000, I specifically looked for any sign of diversion works from this pond but found nothing. The field mentioned in the licensing exam is now irrigated from a pump in the Snake River, which is actually leased storage water from Water District 01. I recommend disallowal of this right based on non-use between June 1994 and February 2000.

Memorandum

To: Transfer file # 5558
CC: A43-02481, A43-02567A, A43-02597
From: Jeanie Robertson
Date: 03/29/00
Re: A43-02597 (system for spring)

I spoke with Mr. Glenn Jensen about this spring. He said the spring comes up in the southeast corner of the pond and is the sole source of water for the pond. The pond is then diverted to irrigate approximately 14 acres and 2 domestic lawns. It is not tied in with the other system or the groundwater pumps on the property.

I visited the property on February 10, 2000 and I found no diversion from the pond or irrigation system. The 14 acre field in question appears to only be irrigated from the pump in the Snake River. Based on this observation, I recommend A43-02597 be disallowed and not included in this transfer.

MEMO

FROM: Allen Merritt *AM*

DATE: March 29, 2000

TO: Transfer File No. 5558

Water Right(s):	43-02481	groundwater
	43-02567A	groundwater
	43-02597	spring

In the Name of: Evans Grain & Elevator Co

SUBJECT: Review and Recommendation

This transfer's main purpose is to record a change in place of use by moving irrigated land off of BLM property at the request of the BLM and also consolidate right on land that has been split off from a much larger farm due to sale of property. The rights involved are both groundwater and one from a spring. These rights are intended to be placed into a 368 acre PPU.

Georgia data entered the "T" records and interpreted the purpose to include listing both sources on all the rights. I do not agree with that interpretation of the transfer. If this was the intent it was not clearly stated on the application. I have corrected the "T" records to reflect the original sources of the rights and corresponding points of diversion.

Another potential issue with right 43-02597 is that the right was licensed from a spring. The only diversion found by SRBA is from a pump in the Snake River (Back water from Minidoka Dam - Lake Walcott). On 12/17/99 I contacted Water District 01 and talked with Tony and Lyle and they confirmed that the only water delivered to the pump in the river is leased storage water. In looking at the original field exam for license 43-02597 the spring involved a dam with ditches. This system does not exist today. I have requested that Jeanie revisit the issue of the spring. She has re-visited the site and concludes that right 43-02597 be disallowed.

In light of the forgoing I recommend that right 43-02597 be removed from this transfer and that the point of diversion from the spring also be removed.

Recommendation

I recommend that the transfer be approved with the following modifications:

<u>Rights</u>	<u>Amount</u>	Source is Ground Water Point of Diversion within SESWSW S21, T09S, R28E
43-02481	3.54 cfs	
43-02567A	<u>1.00 cfs</u>	
Total	4.54 cfs	

Place of Use as listed on Application

43-02481
5558
T
187420-64

I recommend that the transfer approval be subject to the following conditions:

- Subject to SRBA.
- No new wells authorized to be drilled under this approval.
- When rights are combined they are limited to 1296.5 afa. ($872 + (1.0 \times 214 \times 1.9835)$) for irrigation of 368 acres.
- When rights are combined with other surface water rights they are limited to 4.0 afa/acre.

Memorandum

To: Transfer file # 5558
CC: A43-02481, A43-02567A, A43-02597
From: Jeanie Robertson
Date: 01/31/00
Re: A43-02597 (system for spring)

I spoke with Mr. Glenn Jensen about this spring. He said the spring comes up in the southeast corner of the pond and is the sole source of water for the pond. The pond is then diverted to irrigate approximately 14 acres and 2 domestic lawns. It is not tied in with the other system or the groundwater pumps on the property.

Based on this information, I do not believe the spring or this water right should be included in this transfer, but should be reviewed and recommended separately. I called Mr. Jensen to see about possibly amending their transfer application to remove the acres along the river,. He said he would get in touch with Robert Evans or Brad somebody to see IF the systems ARE tied together or that is their intention, or just what and get back with me...

MEMO

FROM: Allen Merritt

DATE: December 20, 1999

TO: Transfer File No. 5558

Water Right(s):	43-02481	groundwater
	43-02567A	groundwater
	43-02597	spring

In the Name of: Evans Grain & Elevator Co

SUBJECT: Review and Recommendation

This transfer's main purpose is to record a change in place of use by moving irrigated land off of BLM property at the request of the BLM and also consolidate right on land that has been split off from a much larger farm due to sale of property. The rights involved are both groundwater and one from a spring. These rights are intended to be placed into a 368 acre PPU.

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Memorandum

To: Transfer file #5558
CC: A43-02481, A43-02567A, A43-02597
From: Jeanie Robertson 
Date: 12/15/99
Re: Adjudication Review of Proposed Transfer

I visited this property in June of 1994 and took photographs, made sketches of the system, and measured the wells. (The property was then owned by P.O.E. Investments.) I also worked with Georgia and the applicants during the initial filing process for this transfer in creating the shape-file for their irrigated lands.

This transfer proposes to move 15 acres from BLM land (NESE of Section 20, T9S, R27E) to the applicants land and co-mingle water from one well and a spring associated with Licenses 43-02481, part A of 43-02567 (well), and 43-02597 (spring) .

The adjudication claims were based on the licenses and claimed in a larger Permissible Place of Use of 2281 acres, which combined many licenses. P.O.E. sold 368 acres and licenses 43-02481 (3.54 cfs on 218 acres), 43-02597 (.8 cfs on 40 acres), and 1 cfs from part A of 43-02567 (originally 6 cfs on 1583 acres.)

In 1994, I measured 3.98 cfs from the well, which was licensed for 3.54 cfs. The total diversion rate requested of 5.34 cfs on 368 acres ($5.34 / 368 \text{ ac} = .014 \text{ cfs/ac}$) is less than an inch per acre. The system would probably be capable of producing the rate requested after modifications, once the transfer was approved.

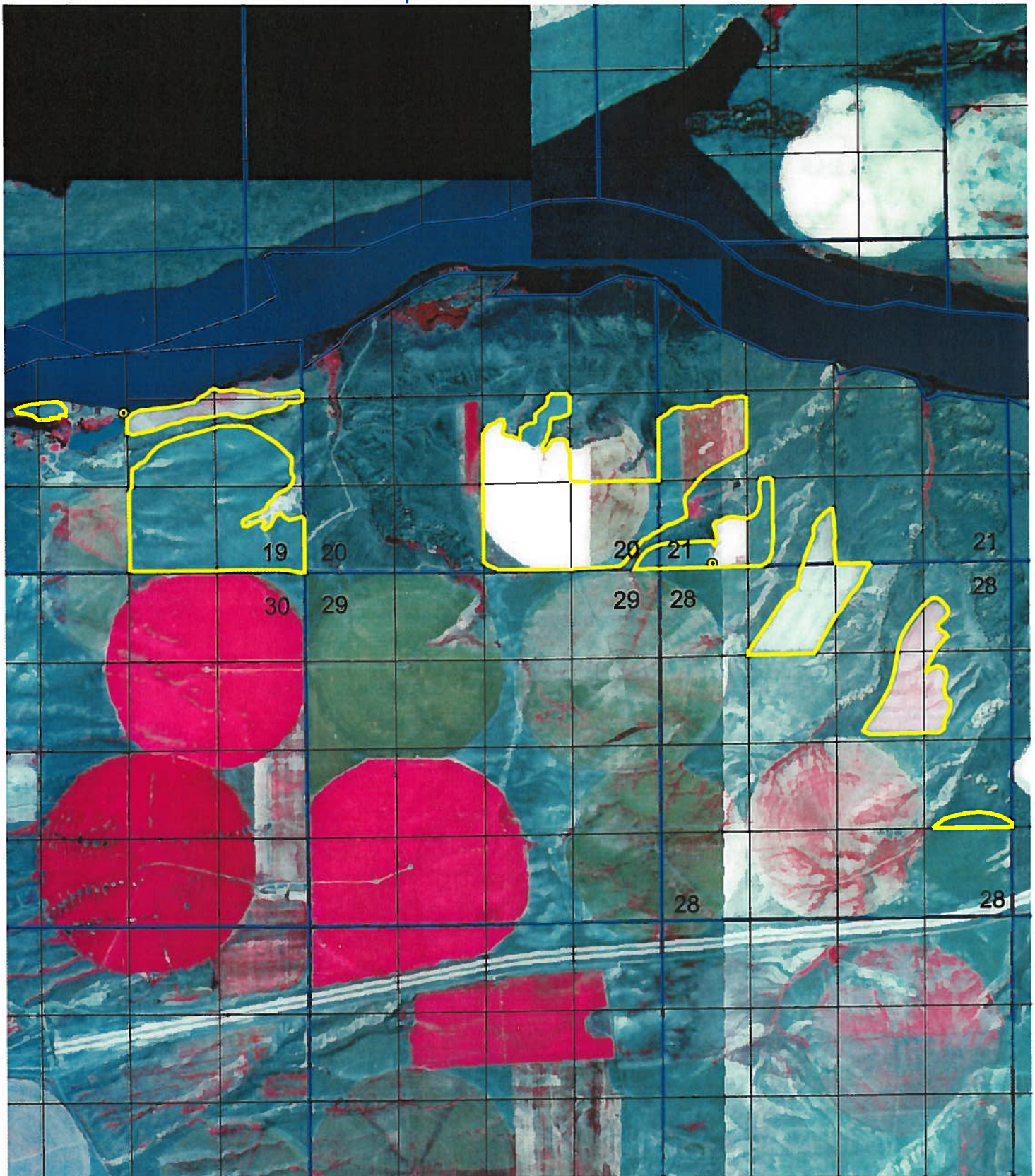
From the aerial photos, I was able to verify that the 15 acres being moved from BLM ground were indeed irrigated in 1987. There were also some lands irrigated in Section 28, which were not claimed. This transfer would resolve those problems.

I recommend approval of this transfer and intend to make my recommendations of the associated adjudication claims accordingly.

The attached GIS map shows where the irrigated/recommended acres will be if the transfer is approved.



Idaho Department of Water Resources



TWP 09S, RNG 28E,
SECTIONS 19, 20, 21, & 28

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TRANSFER # 5558
43-02481, 43-02567A, 43-02597

0 1320 2640 3960 Feet

Gis Field Map
1987/1988 Napp Photography
Jeanie Robertson
Field Exam Date : June 1994





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Burley Field Office
15 East 200 South
Burley, Idaho 83318-9501

In Reply Refer To:
7250 (077)

August 24, 2000

Doug Jones
Idaho Department of Water Resources
1341 Fillmore St. STE 200
Twin Falls, ID 83301

RECEIVED
AUG 25 2000
Department of Water Resources
Southern Region

A43-02567A
Evans Grain Elevator

Dear Mr. Jones:

In reviewing SRBA claims (not yet to the stage of even being in a preliminary director's report), we have discovered private party claims that appear to unintentionally include BLM land. We have field investigated these claimed sites and have found no usage or source as claimed. There are 27 in basin 43 and 4 in basin 45 as follows:

<u>SRBA Claim #</u>	<u>POD(s) Involving BLM</u>	<u>POU(s) Involving BLM</u>	<u>Use Claimed</u>
43-00031 KC		T13S R27E S24 NENE	Irrigation
		SENE	Irrigation
		SESW	Irrigation
		SWSE	Irrigation
		S25 NWNE	Irrigation
		NENW	Irrigation
		NESE	Irrigation
43-00077 KC	T13S R25E S23 SWSWSW		Irrigation
43-00088 KC		T13S R27E S12 SWNW	Irrigation

<u>SRBA Claim #</u>	<u>POI Involving BLM</u>	<u>POU(s) Involving BLM</u>	<u>Use Claimed</u>
43-00144B KC		T13S R27E S24 NENE	Irrigation
		SENE	Irrigation
		SESW	Irrigation
		SWSE	Irrigation
		S25 NWNE	Irrigation
		NENW	Irrigation
		NESE	Irrigation
43-00147B KC	T14S R25E S12 NESWNW		Irrigation/stock water
43-00184 VH		T15S R25E S33 SENE	Irrigation
43-00419 VH	T15S R25E S25 SESW		Irrigation/stock water
43-02231 VH	T16S R22E S18 SENWSW	T16S R22E S19 SENE	Irrigation
43-02318 JR		T11SR26E S25 NWNE	Irrigation
		SWNE	Irrigation
43-02422 JR		T12S R27E S25 NENE	Irrigation
		SENE	Irrigation
43-02481 * JR		T09S R28E S20 NESE	Irrigation
43-02597 * JR		T09S R28E S20 NESE	Irrigation
		NESW	Irrigation
		SESW	Irrigation
43-02567A * JR		T09S R28E S20 NESE	Irrigation
		NESW	Irrigation
		SESW	Irrigation

* Pending Transfer: BLM to be removed from these three (3) claims.

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE

April 29, 1999 12:13pm

CUSTOMERS

Webb Basin & POE (1997)

1998 POE sold their portion to:

Evans Grain & Elevator Co.

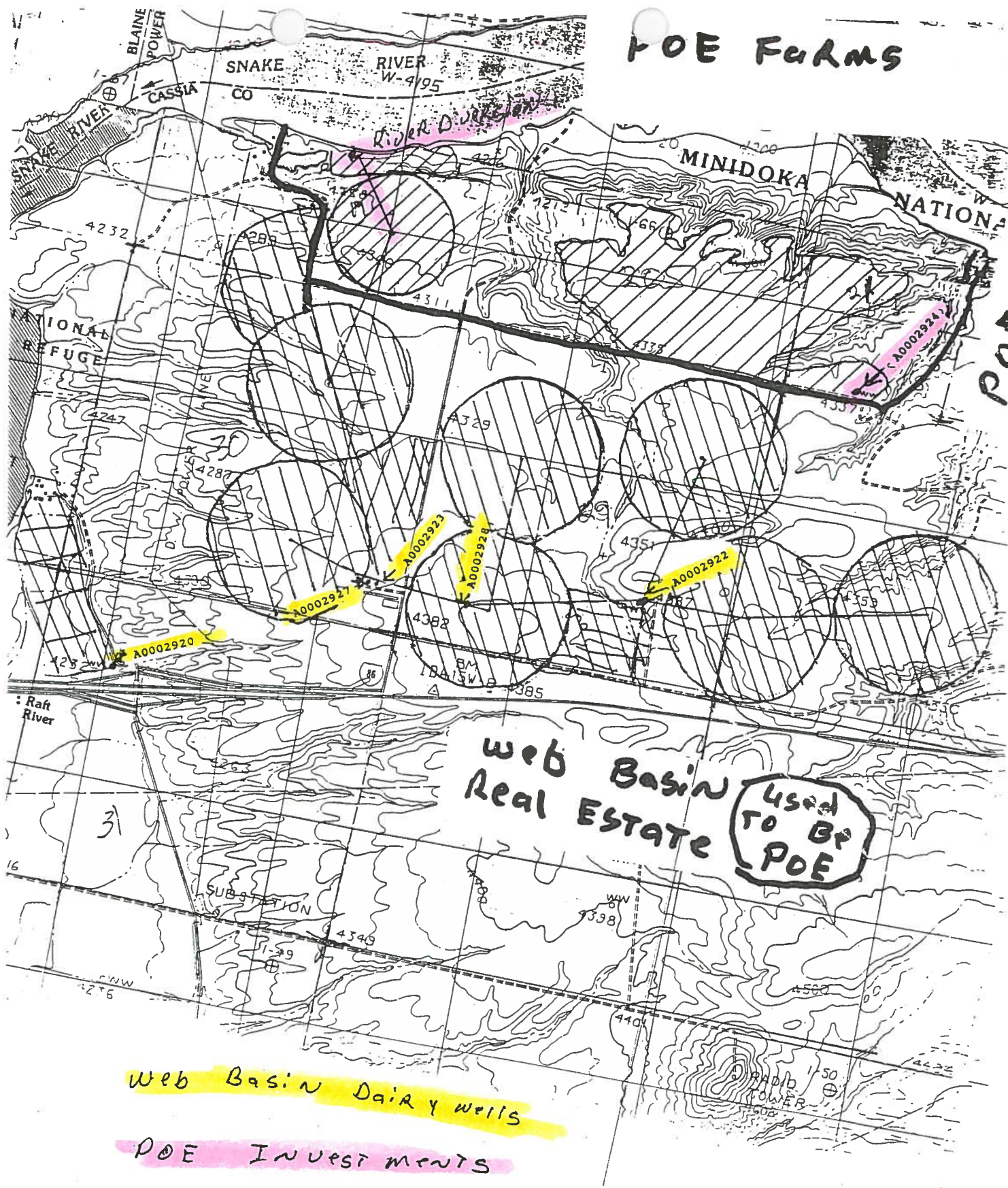
SUBJECT: Change of Ownership and WR Splits
phone call (.) walk-in (.)

In 1997, POE retained A43-02481,-02597, and 1 cfs from A43-02567. Tara (I guess it was her) shows POE under A43-02481,-02567,-02567A,-02567B,-02597, all claims have the same acreage 2281 acres. Webb Basin Real Estate LLC are current owners of A43-02568,-02579,-07047,-07046,-07052.-07088A,-10841; with the same 2281 acres.

Dan GPS'd all the wells and his map shows the approximate boundary line splitting POE/Webb, I'm not sure about all wells being measured, however, documentation is in Arnie's files.

Looks like the ducks are almost in a row, we just have to push them in the water...

POE FARMS



401894

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:00:59
11/01/00
7

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-02567A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EVANS GRAIN & ELEVATOR CO	08/26/1963	IRRIGATION	04-01 10-31	1.000 CFS	424.5 AF
TOTAL DIVERSION:					1.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R28E S21

SE
SWSWSW

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																															
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM																			
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac																					
09S	28E	19	:					:					:	03-03				:	30	20	40	35	:	128.0																			
09S	28E	20	:					:					:	12			04	:	15	28	40	38	:	137.0																			
09S	28E	21	:					:					:		30	22	14	:					:	66.0																			
09S	28E	28	:			09		:		20			:					:	08				:	37.0																			
																						TOTAL ACRES					368.0																

POU County: CASSIA

Other Rights: A43-02481, A43-02597

Remarks: GEN TRANS. 1686 & 2142.
2 P/D IN NWSESE, S30, T9S, R28E.
OTHER RIGHTS: THE FOLLOWING LICENSES HAVE BEEN COMBINED INTO A
PERMISSIBLE PLACE OF USE.

43-07046 190 ACRES
43-07052 1543 ACRES
43-02597 40 ACRES (SPRING)
43-07047 160 ACRES
43-02481 218 ACRES
A43-10841 130 ACRES (EXPANSION)

2281 ACRES IRRIGATED UNDER SYSTEM.

43-02567 COVERED BY 43-07052
43-02568 COVERED BY 43-07052
43-02579 COVERED BY 43-07052
43-07088A COVERED BY 43-07052 & 43-07046

SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO EVANS
GRAIN & ELEVATOR OF 368 ACRES WITH THIS RIGHT, A43-02481 AND
A43-02597. 5/4/99 jr

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

(per approved transfer # 5558)

Cond. Code C18
Remarks:
POU1 - E11 (w/ -02481)
368 A.
QNT - E25 (4.54 cfs)
1296.5 AF
w/ -02481
Purp. Use - S03
4/11 → 10/31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:00:50
11/01/00

PAGE: 2
QUICKLOOK INFORMATION

6
CLAIM NUMBER: A43-02567A

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-							
POINT OF DIV	-							
SOURCE	-							
PLACE OF USE	-							
DIV. AMOUNT CFS/VOLUME	-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	-							

BARCODE UPDATED
WHOM/DATE
