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: A43-02579
Date Received: 4/ 8/1993
Receipt No: S015590
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WEBB BASIN REAL ESTATE LLC 208-349-5757
   Address: HC 76 BOX 1050
   AMERICAN FALLS ID 83211

2. Date of Priority: OCT 1, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	28E	29	SE	SW	SW		CASSIA
			SE	NW	SE		CASSIA
		30	NW	SE	SE		CASSIA
		31	NE	SW	NW	2	CASSIA

5. Description of diverting works:
   FIVE WELLS DELIVERING TO COMMON PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.370		

7. Total Quantity Appropriated is:
   2.370 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	Lot	Use	Acres
09S	27E	25	SE	SE		IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		21.0
		36	NE NE		IRR	12.0
			SE NE		IRR	1.0
				Section Acres		13.0
	28E	19	SE SW		IRR	39.0
				Section Acres		39.0
		28	SW NW		IRR	40.0
			SE NW		IRR	36.0
			NE SW		IRR	36.0
			NW SW		IRR	40.0
			SW SW		IRR	40.0
			SE SW		IRR	40.0
			NW SE		IRR	39.0
			SW SE		IRR	40.0
			SE SE		IRR	35.0
				Section Acres		346.0
		29	NE NE		IRR	40.0
			NW NE		IRR	35.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	37.0
			NW NW		IRR	39.0
			SW NW		IRR	39.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	39.0
			SW SW		IRR	39.0
			SE SW		IRR	40.0
			NE SE		IRR	40.0
			NW SE		IRR	40.0
			SW SE		IRR	40.0
			SE SE		IRR	40.0
				Section Acres		628.0
		30	NE NE		IRR	39.0
			NW NE		IRR	40.0
			SW NE		IRR	40.0
			SE NE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
09S	28E	30	NE	NW		IRR	37.0
			NW	NW	1	IRR	46.0
			SW	NW	2	IRR	46.0
			SE	NW		IRR	34.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	43.0
			SW	SW	4	IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	38.0
			NW	SE		IRR	39.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0
						Section Acres	638.0
		31	NE	NE		IRR	30.0
			NW	NE		IRR	33.0
			NE	NW		IRR	39.0
			NW	NW	1	IRR	42.0
			SW	NW	2	IRR	16.0
						Section Acres	160.0
		32	NE	NE		IRR	7.0
			NW	NE		IRR	11.0
			NE	NW		IRR	13.0
			NW	NW		IRR	24.0
						Section Acres	55.0
		33	NW	NE		IRR	2.0
			NE	NW		IRR	5.0
			NW	NW		IRR	6.0
						Section Acres	13.0
						Total Acres	1913.0

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:
SEE REMARKS A43-07052

14. Remarks:

TRANS. 1689 AND 2143.
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
****
OWNERSHIP CHANGE MADE 7/21/97 BY TLB.
****
SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO WEBB BASIN REAL ESTATE LLC OF 1913 ACRES AND 5 CFS OF A43-02567 (B) & A43-02568, A43-02579, A43-07046, A43-07047, A43-07052, A43-07088A AND A43-10841. 5/4/99 jr

15. Basis of Claim: LICENSE

Water Right Number: 32084

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
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

WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS ID 83211

RE: Ownership Change A43-02567 (part B), A43-02568, A43-02579, A43-07046, A43-07047, A43-07052, A43-07088A, and A43-10841
POE INVESTMENTS/ WEBB BASIN REAL ESTATE LLC

Dear Claimants,

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

I noticed that the NWNW ¼ of Section 28, Township 09S, Range 28E, has never been claimed. Several original licenses for 35 acres were appurtenant to that area, yet apparently were missed when the original claims were filed. If you are irrigating this area, you may wish to claim these acres and amend the Place of Use for all of your claims. There would be a charge of $1.00 per irrigated acre claimed, payable once and then applicable to all of your claims.

If you do wish to amend your claims or have any questions, feel free to contact me at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

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
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
MAY 21 1997
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 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,
City, State and ZIP Code American Falls, Idaho 83211
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

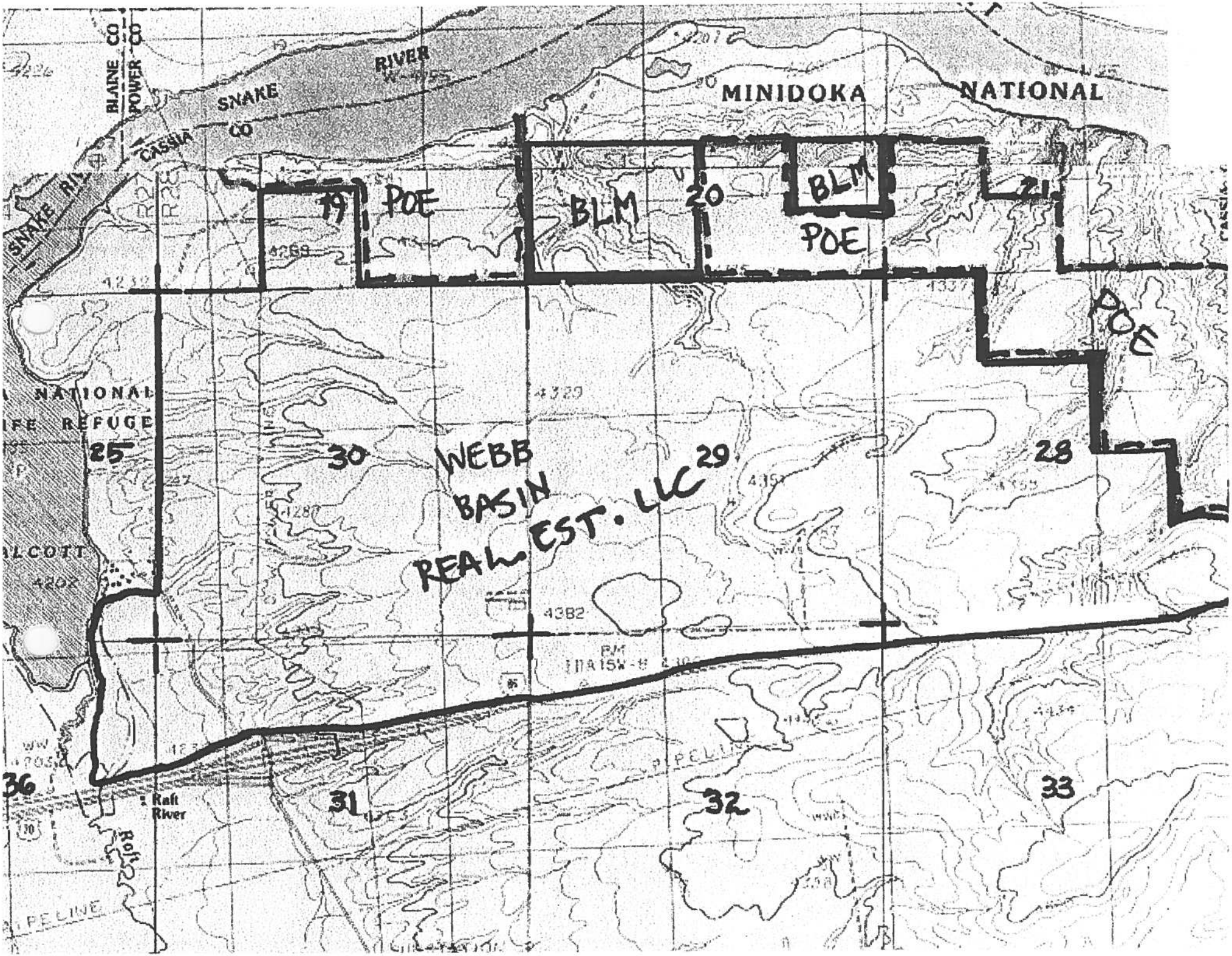
Diversion rate in CFS 24.53 (cubic feet per second) Number of homes 3 Other uses Shops

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)
WEBB BASIN REAL ESTATE, LLC.
By: ✓ Douglas C. Webb Date 3-19-97
Douglas C. Webb, Member
P.O.E. INVESTMENTS Date 3-27-97
By: 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
CASSIA CO
MINIDOKA NATIONAL
SNAKE RIVER
19
POE
BLM
20
BLM
POE
21
POE
NATIONAL
IFE REFUGE
25
30
WEBB BASIN REAL EST. LLC
29
28
ALCOTT
4382
36
Raft River
31
32
33
Raft River
PIPELINE

248098

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

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LAWYERS
BURLEY, IDAHO

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

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

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

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

P.O.E. INVESTMENTS

By _____
General Partner

By _____
General Partner

By _____
General Partner

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

STATE OF FLORIDA)
) ss
County of Duval)

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)
) ss
County of Duval)

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
MY COMMISSION # CC 584990
EXPIRES: December 28, 2000
Bonded Thru Notary Public Underwriters

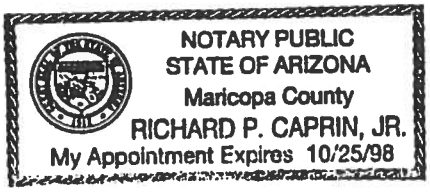
Sylvia D. Weber
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 12/28/00

STATE OF ARIZONA)
) ss
County of Maricopa)

On this 21 day of March, in the year 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT P. EVANS, 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,

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

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



Notary Public for Arizona
Residing at Carefree, AZ 85377
My Commission Expires: 10/25/98

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

EXHIBIT A

PARCEL NO. 1:

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

Section 25: A portion of the SE¼SE¼, more particularly described as follows:

Beginning at the Southeast corner of the SE¼SE¼ 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 SE¼SE¼ 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 SE¼SE¼ 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 E½NE¼ 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 SE¼SE¼ 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: SE¼SW¼

Section 28: W½NW¼, SE¼NW¼, E½SW¼, NW¼SE¼ and that portion of the S½SE¼ 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 E¼ 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: W½, NE¼, W½SE¼

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: W½SW¼

Section 29: E½SE¼

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 (SW¼SW¼SW¼), Section 21, Township 9 South, Range 28 E., B.M. to the Southeast Quarter (SE¼) 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 (NE¼) 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 (NW¼) 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 (NW¼) of said Section 29; thence continuing West 100 feet in the Northeast Quarter (NE¼) 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 (SE¼) 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 SE¼NE¼ of Section 36, Township 9 South, Range 27 East of the Boise Meridian; and Lot 2 (SW¼NW¼) 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 NW¼NE¼; E½NE¼ of Section 31, the N½N½ of Section 32, the N½N½ of Section 33, and the S½SE¼ 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 NE¼NE¼ of Section 31 and the NW¼NW¼ 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 SE¼NE¼ of Section 36, Township 9 South, Range 27 East of the Boise Meridian, and Lot 2 (SW¼NW¼) 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 NW¼NE¼, E½NE¼ of Section 31, the N½N½ of Section 32, the N½N½ of Section 33 and the S½SE¼ 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 NE¼NE¼ of Section 31, and the NW¼NW¼ 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 E½SE¼ 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 SE¼NW¼, SW¼NE¼ 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 SE¼NW¼ 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 (SW¼NW¼) of Section 31, Township 9 South, Range 28 East of the Boise Meridian, and a strip of land lying over and across the NE¼SW¼ 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 W½E½ 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 SW¼SE¼ 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 SE¼ 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 4.00 DEPUTY
LAND TITLE & ESCROW
248098

248098

WATER USE AND WATER RIGHTS AGREEMENT

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

1. RECITALS: The parties recite:

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

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

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

1.4. The water rights on the Property and the adjacent real estate to the Property have been combined in the water rights adjudication known as the SNRBA. The parties desire to now separate the water rights because of the change

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in ownership of some of the appurtenant lands to which the water rights are allocated.

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

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

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

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

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

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

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

5. CONTINUATION: If Webb Basin Dairy or a related entity to Webb Basin Dairy or Webb cease to be a tenant of the real estate described on Exhibit B, Webb shall nevertheless furnish one cubic foot per second of water from the well located in the Northwest Quarter Southeast Quarter Southeast Quarter (NW¼SE¼SE¼) of Section 30, Township 9 South, Range 28 East, Boise Meridian to the Southeast Quarter of Section 19, Township 9 South, Range 28 East, Boise Meridian. The

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

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

7. ATTORNEY FEES: The prevailing party in any action arising under this agreement shall be entitled to reasonable attorney fees in addition to all other relief

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afforded by the court.

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

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

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

P.O.E. INVESTMENTS

BY _____
Warren P. Powers
Partner

BY _____
Duane L. Ottenstroer
Partner

BY _____
Robert P. Evans
Partner

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

WEBB BASIN REAL ESTATE, LLC

BY Douglas C. Webb
Member

STATE OF Florida)
) ss
County of Duval)

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)
) ss
County of Duval)

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
MY COMMISSION # CC 584990
EXPIRES: December 28, 2000
Bonded Thru Notary Public Underwriters

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

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

STATE OF ARIZONA)
) ss
County of Maricopa)

On this 21 day of March, in the year 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT P. EVANS, 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.

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
RICHARD P. CAPRIN, JR.
My Appointment Expires 10/25/98

Notary Public for Arizona
Residing at Carefree, Az 85377
My Commission Expires: 10/25/98

STATE OF IDAHO)
) ss
County of Cassia)

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

LARRY ROBERTS
NOTARY PUBLIC
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97

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

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

PARCEL NO. 1:

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

Section 25: A portion of the SE¼SE¼, more particularly described as follows:

Beginning at the Southeast corner of the SE¼SE¼ 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 SE¼SE¼ 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 SE¼SE¼ 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 E½NE¼ 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 SE¼SE¼ 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: SE¼SW¼

Section 28: W½NW¼, SE¼NW¼, E½SW¼, NW¼SE¼ and that portion of the S½SE¼ 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 E¼ 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: W½, NE¼, W½SE¼

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: W½SW¼

Section 29: E½SE¼

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.

EXHIBIT B

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

Section 19: Lots 2, 3 and the SE¼

Section 20: W½SE¼ and the SE¼SE¼

Section 21: W½SW¼ and the SE¼SW¼

Section 28: NE¼NW¼, NE¼ and the NE¼SE¼, EXCEPTING THEREFROM the N½SE¼NE¼SE¼ and the NE¼NE¼SE¼, AND ALSO EXCEPTING:

Part of the east ½ of Section 28 of Township 9 South, Range 28 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the East ¼ 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 (SW¼SW¼SW¼), Section 21, Township 9 South, Range 28 E., B.M. to the Southeast Quarter (SE¼) 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 (NE¼) 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 (NW¼) 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 (NW¼) of said Section 29; thence continuing West 100 feet in the Northeast Quarter (NE¼) 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.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM _____
1997 MAR 26 P 1:49
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 3.00 DEPUTY
LAND TITLE & ESCROW

248099

Exhibit C to Water Use and Water Rights Agreement

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S27E360000 A YEAR 1998 BILL# 7373
TXPKEY: RP09S27E360000A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL T 6392 (NE)
S 36 T 9 R 27

MARKET VALUE	4,097
HARDSHIP	
HOMEOWNER	
NET MARKET	4,097
TAX AMOUNT	46.80
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	46.80
TAX PAYMENTS	23.40
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	23.40

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Tax 6392 The following is compiled for assessment purposes only. Bearings & distances may not be actual. A complete survey has <u>not</u> been recorded as of 03/25/94.

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Section 36: Part of the NE¼ of said Section 36, described as follows: Beginning at the Northeast corner of said Section 36, which shall be the <u>Point of Beginning</u>;

Thence South 00°08'39" West (South rec.) along section line for 1394.94 feet (1,440 feet, more or less, rec.) to a point;

Thence North 28°14' West for 1583.3 feet to a point on the North line of said Section 36;

Thence East along the North line of Section 36 for 752.51 feet to the <u>Point of Beginning</u>.

Reference WD198101. tdm 03/25/94. 12.05 A

5769SS1 V4R3M0 980729 S103LDFM 04/05/99 15:43:51

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S27E259001 A YEAR 1998 BILL# 7367
TXPKEY: RP09S27E259001A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

MARKET VALUE	200,272
HARDSHIP	
HOMEOWNER	
NET MARKET	200,272
TAX AMOUNT	2,289.04
LESS: CIRCUIT	
PLUS: SPECIALS	240.00
NET TAX BILLED	2,529.04
TAX PAYMENTS	1,264.52
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	1,264.52

ADDRESS HC 72 BOX 1050

AMERICAN FALLS ID 83211

LEGAL T 4141A, T 6394 (SE)
S 25 T 9 R 27

Tax 6394

The following is compiled for assessment purposes only. Bearings and distances may not be actual. A complete survey has not been recorded as of 03/25/94.

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Section 25: Part of the SE¼ of said Section 25, described as follows: Beginning at the Southeast corner of said Section 25, which shall be the Point of Beginning;

Thence West along section line for 752.51 feet;
Thence North 05°34' East for 920.2 feet;
Thence North 08°15' West for 400.1 feet;
Thence South 89°41' East (East rec.) for 709.7 feet to the East line of said Section 25;
Thence South 00°28'50" East (South rec.) along the East section line for 1307.94 feet (1320 feet rec.) to the Point of Beginning.

Reference WD198101 and QC126616. tdm 03/25/94. 20.98 A

Tax 4141A Corrects Tax 4141.

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Section 25: Beginning at the South 1/16th 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 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.

Reference 243090 WD. tdm 07/31/97. 7.85 A

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E196600 A YEAR 1998 BILL# 7379
TXPKEY: RP09S28E196600A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL SESW
S 19 T 9 R 28

MARKET VALUE	10,520
HARDSHIP	
HOMEOWNER	
NET MARKET	10,520
TAX AMOUNT	120.24
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	120.24
TAX PAYMENTS	60.12
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	60.12

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E300000 A YEAR 1998 BILL# 7390
TXPKEY: RP09S28E300000A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL ALL
S 30 T 9 R 28

MARKET VALUE	396,706
HARDSHIP	
HOMEOWNER	
NET MARKET	396,706
TAX AMOUNT	4,534.26
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	4,534.26
TAX PAYMENTS	2,267.13
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	2,267.13

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E310000 A YEAR 1998 BILL# 7391
TXPKEY: RP09S28E310000A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL T 7545
S 31 T 9 R 28

MARKET VALUE	35,687
HARDSHIP	
HOMEOWNER	
NET MARKET	35,687
TAX AMOUNT	407.86
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	407.86
TAX PAYMENTS	203.93
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	203.93

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Tax 7545

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Section 31: All that part of said Section lying North of Interstate 15-W.

EXCEPTING THEREFROM that portion of the following which lays North of said Interstate 15-W and inside of said Section 31:

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

A strip of land 60 feet wide, being 30 feet on each side of the following described center line of an approach road as surveyed and shown on said official plat of the Old Oregon Trail FI 2023(6) Highway Survey and lying in a portion of the NE¼NE¼ of Section 31 and the NW¼NW¼ of Section 32, described as follows:

Commencing at a point being the intersection of the section line between said Sections 31 and 32 and the Old Oregon Trail FI 2023(6) Highway Survey line approximately 1065 feet South from the Northeast corner of said Section 31 and which point is approximately coincident with Station 72+71 of said Highway Survey and being equal to Station 0+00 of the Approach Road Survey and which station is a point on tangent; thence North 0°26' East on tangent coincident with the Section line between aid Sections 31 and 32 a distance of 101.8 feet to Station 1+01.8 of said Approach Road Survey, which station is a point on tangent on the Northwesterly right-of-way of said Old Oregon Trail FI 2023(6) Highway Survey and which station is the REAL POINT OF BEGINNING; thence continuing North 0°26' East on tangent coincident with the Section line between Sections 31 and 32 a distance of 913.2 feet to Station 10+15 which station is a point on tangent on the Southwesterly right-of-way line of the present Old Oregon Trail Highway and which point is approximately 50.0 feet South from the Northeast corner of said Section 31. Reference Quitclaim Deed #176305 recorded July 19, 1952 in Book 54 of Deeds on page 629.

Reference WD248098. tdm 08/14/97. 174.96± A

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E320000 A YEAR 1998 BILL# 7400
TXPKEY: RP09S28E320000A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL T 7546
S 32 T 9 R 28

MARKET VALUE	21,760
HARDSHIP	
HOMEOWNER	
NET MARKET	21,760
TAX AMOUNT	248.70
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	248.70
TAX PAYMENTS	124.35
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	124.35

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Tax 7546

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Section 32: All that part of said Section lying North of Interstate 15-W.

EXCEPTING THEREFROM that portion of the following which lays North of said Interstate 15-W and inside of said Section 32:

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

A strip of land 60 feet wide, being 30 feet on each side of the following described center line of an approach road as surveyed and shown on said official plat of the Old Oregon Trail FI 2023(6) Highway Survey and lying in a portion of the NE¼NE¼ of Section 31 and the NW¼NW¼ of Section 32, described as follows:

Commencing at a point being the intersection of the section line between said Sections 31 and 32 and the Old Oregon Trail FI 2023(6) Highway Survey line approximately 1065 feet South from the Northeast corner of said Section 31 and which point is approximately coincident with Station 72+71 of said Highway Survey and being equal to Station 0+00 of the Approach Road Survey and which station is a point on tangent; thence North 0°26' East on tangent coincident with the Section line between aid Sections 31 and 32 a distance of 101.8 feet to Station 1+01.8 of said Approach Road Survey, which station is a point on tangent on the Northwesterly right-of-way of said Old Oregon Trail FI 2023(6) Highway Survey and which station is the REAL POINT OF BEGINNING; thence continuing North 0°26' East on tangent coincident with the Section line between Sections 31 and 32 a distance of 913.2 feet to Station 10+15 which station is a point on tangent on the Southwesterly right-of-way line of the present Old Oregon Trail Highway and which point is approximately 50.0 feet South from the Northeast corner of said Section 31. Reference Quitclaim Deed #176305 recorded July 19, 1952 in Book 54 of Deeds on page 629.

Reference WD248098. tdm 08/15/97. 64.00± A

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E290000 A YEAR 1998 BILL# 7387
TXPKEY: RP09S28E290000A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL E1/2NE
S 29 T 9 R 28

MARKET VALUE	27,200
HARDSHIP	
HOMEOWNER	
NET MARKET	27,200
TAX AMOUNT	310.88
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	310.88
TAX PAYMENTS	155.44
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	155.44

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E290600 A YEAR 1998 BILL# 7388
TXPKEY: RP09S28E290600A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL W1/2E1/2, W1/2
S 29 T 9 R 28

MARKET VALUE	156,020
HARDSHIP	
HOMEOWNER	
NET MARKET	156,020
TAX AMOUNT	1,783.28
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	1,783.28
TAX PAYMENTS	891.64
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	891.64

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E297200 A YEAR 1998 BILL# 7389
TXPKEY: RP09S28E297200A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

MARKET VALUE	25,660
HARDSHIP	
HOMEOWNER	
NET MARKET	25,660
TAX AMOUNT	293.28
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	293.28
TAX PAYMENTS	146.64
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	146.64

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL E1/2SE
S 29 T 9 R 28

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

5769SS1 V4R3M0 980729 S103LDFM 04/05/99 15:44:37

Display Device . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E283001 A YEAR 1998 BILL# 7384
TXPKEY: RP09S28E283001A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

MARKET VALUE	80,601
HARDSHIP	
HOMEOWNER	
NET MARKET	80,601
TAX AMOUNT	921.24
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	921.24
TAX PAYMENTS	460.62
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	460.62

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL S1/2NW, NWNW, E1/2SW, NWSE,
S1/2SE N/INTERSTATE HWY PROJ
LESS T 7544 S 28 T 9 R 28

Tax 7544 TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Section 28: Part of the SE¼SE¼ described as follows:

Beginning at the E¼ section corner of said Section 28, said corner marked by a U.S. GLO iron pipe with brass cap; Thence South 00°32'23" West along the East line of Section 28 for a distance of 1335.08 feet to the NE corner of the SE¼SE¼ of said Section 28 which shall be the POINT OF BEGINNING;

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

Thence along a non-tangent curve to the right for a distance of 1079.81 feet to a point on the North line of said SE¼SE¼, said curve having a 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;

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

Compiled for assessment purposes only. Reference the EXCEPTION on Page 3 of Exhibit A to Warranty Deed recorded as Instrument Number 248098 and ROS246122. tdm 08/13/97.

T-7544 only

8.30 A

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E285400 A YEAR 1998 BILL# 7385
TXPKEY: RP09S28E285400A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

MARKET VALUE 22,580
ADDRESS HC 72 BOX 1050 HARDSHIP
HOMEOWNER
AMERICAN FALLS ID 83211 NET MARKET 22,580
TAX AMOUNT 258.08
LEGAL W1/2SW LESS: CIRCUIT
S 28 T 9 R 28 PLUS: SPECIALS
NET TAX BILLED 258.08
TAX PAYMENTS 129.04
TAX CANCELLED
SPEC CANCELLED
REMAINING TAX DUE 129.04

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Display Device . . . . . : WO
User . . . . . : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E333150 A YEAR 1998 BILL# 7404
TXPKEY: RP09S28E333150A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050
AMERICAN FALLS ID 83211

LEGAL N1/2 N/INTST
S 33 T 9 R 28

MARKET VALUE	1,768
HARDSHIP	
HOMEOWNER	
NET MARKET	1,768
TAX AMOUNT	20.20
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	20.20
TAX PAYMENTS	10.10
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	10.10

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	P O E INVESTMENTS 2300 OVERLAND BURLEY ID 83318 (208) 678-1116	08/27/1931	IRRIGATION	04-01	10-31	0.80 CFS	
					TOTAL DIVERSION:	0.80 CFS	
					CONSUMPTIVE USE:		6843.00 AFA

Water Source: SPRING Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion: T09S R28E S19 Lot03(NENESW) CASSIA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	27E	25																21	21.0
09S	27E	36	12			01													13.0
09S	28E	19									03-03			39	30	20	40	35	167.0
09S	28E	20									12			04	15	28	40	38	137.0
09S	28E	21										30	22	14					66.0
09S	28E	28		09			20		40	36	36	40	40	40	08	39	40	35	383.0
09S	28E	29	40	35	40	40	37	39	39	40	40	39	39	40	40	40	40	40	628.0
09S	28E	30	39	40	40	39	37	01-46	02-46	34	40	03-43	04-40	40	38	39	40	37	638.0
09S	28E	31	30	33			39	01-42	02-16										160.0
09S	28E	32	07	11			13	24											55.0
09S	28E	33		02			05	06											13.0
																TOTAL ACRES			2281.0

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: SEE REMARKS A43-07052

Remarks: GEN 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

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A45-02481 ET AL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

◇◇◇

March 14, 1997 9:23am

NAME:
P O E INVESTMENTS

RE:
STATUS AFTER MTG 03-13-1997
FILE NOTE BY FH

A JOURNAL ENTRY WAS MADE YESTERDAY TO RECAP THE MEETING WITH MR WEBB THE BUYER AND GLEN JENSEN OF RE/MAX-BURLEY WITH FH AND GA TO STRUCTURE AN OWNERSHIP CHANGE THAT WOULD ACCOMPLISH THE CHANGES IN THE WATER RIGHTS CURRENTLY HELD BY THE SELLER P O E.

TODAY ALL EXHIBITS CREATED FOR REVIEW AT THE MEETING HAVE BEEN SET UP IN A LITIGATION FOLDER TO SERVE AS A WORKING FILE UNTIL WE GET THE OWNERSHIP CHANGE FORM RETURNED AND SEE WHAT APPROACH HAS BEEN TAKEN BY BILL PARSONS THE ATTORNEY WHO IS HANDLING THE SALE.

A COPY OF YESTERDAY'S JCOM HAS BEEN PLACED INTO EACH CLAIM FOLDER FOR P O E. ALL P O E CLAIM FILES THAT WERE TAKEN FROM THE FILE CABINETS OF JR 03-12-1997 ARE BEING RETURNED TODAY.

TRISH FAWCETT HAS BEEN TOLD OF THE OUTCOME OF THE MEETINGS AND WILL WATCH FOR THE PAPERWORK IN CASE IT DOESN'T COME TO THE ATTENTION OF GA OR MYSELF.

AS OF THE TIME OF THIS ENTRY, 9:40 AM, THERE HAS BEEN NO FURTHER WORD FROM THE PARTIES OR BILL PARSONS.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-02481 ET AL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

◇◇

March 13, 1997 3:44pm

NAME:
POE INVESTMENTS TO WEBB

RE:
MEETING AT I PM WITH WEBB AND GLEN JENSEN, RE/MAX.

REVIEW THE CLAIMS OF POE TO DECIDE HOW TO DO A CHANGE OF OWNERSHIP THAT WOULD ALLOW RETENTION OF THE "OLD" KUWANA PLACE AND MOVEMENT OF 1 CFS TO THAT GROUND FROM THE WATER RIGHTS APURTENANT TO THE SRBA CLAIMS PERMITTED PLACE OF USE.

ASKED FOR AND GOT A COPY OF THE GROUND AS DESCRIBED IN THE TITLE INSURANCE POLICY. MADE A COPY EACH FOR MYSELF AND GEORGIA. IN THE INTERIM GEORGIA AND MR JENSEN BEGAN TO OUTLINE THE POU BEING PURCHASED BY WEBB AND I JOINED THEM AFTER ABOUT 15 MINUTES DUE TO NO SECRETARIAL SUPPORT FOR COPYING AND COPIER JAMMING.

MR WEBB ARRIVED AND WE DISCUSSED THE WATER RIGHT, THEIR DIVERSION AMOUNTS AND THE SITUATION THEY WANTED TO CREATE AS A RESULT OF THE SALE. WE COULDN'T ARRIVE AT THE SAME FIGURE FOR THE TOTAL AMOUNT OF THE DIVERIONS AND WHAT THE DIFFERENCES MEANT SO GEORGIA GOT ALLEN MERRITT TO COME IN.

HE STATED THAT THE WELLS DIVERSION RATES AS A TOTAL OF CLAIMED DIVERSION RATES WAS NOT RELIABLE SINCE NO ANALYSIS OF THE CAPACITY OF THE WELL TO DELIVER MULTIPLE RIGHTS WAS ON THE RECORD. AFTER SOME DISCUSSION WE MOVED TO HOW BEST TO DO THE CHANGE OF OWNERSHIP AND THE CHANGING OF THE CLAIMS TO MOVE 1 CFS TO THE KUWANA PLACE.

ALLEN SAID THAT THE PARTIES WOULD HAVE TO TELL US WHAT THEY WANTED TO DO. JENSEN SAID THAT HE WANTED THE DEPARTMENT TO TELL THEM HOW TO DO THE CHANGE SO THAT THEY COULD GET THE WATER ON THE PROPERTY. WEBB WAS CONCERNED THAT THE WATER WASN'T GOING TO BE THERE IN THE FUTURE MUCH LESS NOW FOR THE CONDITIONS OF THE APPRAISAL.

WE DECIDED TO CALL BILL PARSONS ON A CONFERENCE CALL WHICH I DID. HE ASKED IF THEY COULD AVOID A TRANSFER. I SUGGESTED MOVING ALL THE SRBA CLAIMS OVER INTO THE WEBB NAME AND RESERVE THE KUWANA LAND. PARSONS SAID WHY NOT DO THAT AND ALSO RESERVE A CFS FROM ANOTHER WELL. I SAID SINCE ITS AN INTERTIED SYSTEM RESERVE THE WATER THAT YOU NEED FROM THE SYSTEM FOR THE KUWANA LAND AND DO A SIDEBAR OR INSERT LAGUAGE THAT ADDRESSES THE DESIRED SETUP IF THE LENDER WOULD GO WITH IT. PARSONS SAID THAT FCS HAD ALREADY SAID THAT THEY WOULD.

JENSEN WILL GET WITH PARSONS TO FINALIZE AN OWNERSHIP CHANGE IN SOME FORM ALONG THE LINES OF WHAT WE ALL DISCUSSED. I ENCOURAGED BOTH JENSEN AND WEBB TO CALL ME IF THEY HAD ADDITIONAL QUESTIONS OR THOUGHT OF DETAILS ON THE RIDE BACK HOME. WE DISCUSSED BRIEFLY THE FUTURE FIELD EXAMS AND WHEN THEY MIGHT HAPPEN AS WELL AS HOW THE WELL MEASUREMENTS WOULD BE DONE AND THE BASIS FOR RECCOMENDATIONS.

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: **A43-02579**
Date Received: 3/24/1993
Receipt No: 501/5590
Received By: ADR

RECEIVED
APR 08 1993
Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: P. O. E. INVESTMENTS 208-678-1116
   Address: 2300 OVERLAND
   BURLEY ID 83318

2. Date of Priority: OCT 1, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	28E	21	SW	SW	SW		CASSIA
		29	SE	SW	SW		CASSIA
			SE	NW	SE		CASSIA
		30	NW	SE	SE		CASSIA
		31	NE	SW	NW	2	CASSIA

5. Description of diverting works:
   SIX WELLS DELIVERING TO COMMON PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.370		

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

8. Total consumptive use is 6843.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	27E	25	SE	SE		IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
					Section Acres		21.0
		36	NE	NE		IRR	12.0
			SE	NE		IRR	1.0
					Section Acres		13.0
	28E	19	NE	SW	3	IRR	3.0
			SE	SW		IRR	39.0
			NE	SE		IRR	30.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0
					Section Acres		167.0
		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
			SW	NW		IRR	40.0
			SE	NW		IRR	36.0
			NE	SW		IRR	36.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	8.0
			NW	SE		IRR	39.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0
					Section Acres		383.0
		29	NE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
09S	28E	29	NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	37.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	628.0
		30	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	37.0
			NW	NW	1	IRR	46.0
			SW	NW	2	IRR	46.0
			SE	NW		IRR	34.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	43.0
			SW	SW	4	IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	38.0
			NW	SE		IRR	39.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0
						Section Acres	638.0
		31	NE	NE		IRR	30.0
			NW	NE		IRR	33.0
			NE	NW		IRR	39.0
			NW	NW	1	IRR	42.0
			SW	NW	2	IRR	16.0
						Section Acres	160.0
		32	NE	NE		IRR	7.0
			NW	NE		IRR	11.0
			NE	NW		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
09S	28E	32	NW	NW		IRR	24.0
					Section Acres		55.0
		33	NW	NE		IRR	2.0
			NE	NW		IRR	5.0
			NW	NW		IRR	6.0
					Section Acres		13.0
					Total Acres		2281.0

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:
SEE REMARKS A43-07052

14. Remarks:
TRANS. 1689 AND 2143.
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

15. Basis of Claim: LICENSE

Water Right Number: 32084

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 Organizations:

I do solemnly swear or affirm that I am A Partner (Title) of P.O.E. INVESTMENTS (Organization), that I have signed the foregoing document in the space below as Managing Partner (Title) of P.O.E. INVESTMENTS (Organization) and that the statements contained in the foregoing document are true and correct.

Robert Evans
Signature of Authorized Agent

Managing Partner
Title and Organization

April 1, 1993
Date

State of Idaho)
) SS.
County of Cassia)

Subscribed and sworn (or affirmed) before me this 2 day of April 19 93

Notary Public

Seal

Residing at Burley

My Commission Expires 4-1-94

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	RIVIERA FARM INC. P.O. BOX 789 BURLEY ID 83318	10/01/1964	IRRIGATION	04/01	10/31	2.370 CFS	5175.00 AFA
				TOTAL DIVERSION:		2.370 CFS	5175.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion:

T09S R28E S29	SWSW	NWSE	CASSIA County
S30	SESE		CASSIA County
S31	SWNW		CASSIA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	28E	28						35	40	36	36			40		39	06		232.0
09S	28E	29	40	29	40	40	33	39	39	40	40	39	39	40		40	40		538.0
09S	28E	30	39	39	40	39	37		30	34	40	39	35	40	38	39	40	37	566.0
09S	28E	31	30	33			39	38											140.0
09S	28E	32	07	11			13	24											55.0
09S	28E	33		02			05	06											13.0
																TOTAL ACRES			1544.0

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
43-02567 43-02568 43-07046 43-07047 43-07052 43-07088

Other Water Rights Listing Overlapping Place(s) of use:
43-02567 43-02568 43-02578 43-07044B 43-07045 43-07046 43-07049 43-07052

Remarks: 2 P/D IN SESE, S30, T9S, R28E.
TRANS. 1689 AND 2143.

Dates: App. Received: Priority Date: 10/01/1964
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 07/03/1979

Misc: Water District Number: Field Exam Fee:

Audit: 02/26/85 05/28/88 CONVERT 07/13/89 CURTIS

RECEIVED
JUL 02 2002
Department of Water Resources
Adjudication Bureau

2002 JUL 31 AM 10: 19
DISTRICT COURT-SRBA
TWIN FALLS COUNTY, IDAHO

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	)	**Subcases 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052 and 43-07088A (Webb Basin Real Estate, LLC)**
Case No. 39576	)	
	)	**SPECIAL MASTER REPORT**

Findings of Fact

P.O.E. Investments filed a *Notice of Claim to a Water Right* under 43-07088A on January 16, 1992, claiming 1.32 cfs from groundwater to irrigate 2,281 acres in Cassia County from April 1 to October 31 with a priority date of June 15, 1977, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended claim 43-07088A as filed, but to Webb Basin Real Estate, LLC, HC 76, Box 1050, American Falls, Idaho 83211, for irrigation of 66 acres within a 1,832.8 acre place of use. The Director also recommended claim 43-07088A be limited to a total combined diversion rate of 20.06 cfs in combination with overlapping claims 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047 and 43-07052.

Douglas C. Webb (Webb Basin Real Estate) filed an *Objection* to claim 43-07088A on March 21, 2002, objecting to points of diversion. On July 15, 2002, Mr. Webb and IDWR filed a *Standard Form 5* deleting a point of diversion.

Conclusions of Law

Webb Basin Real Estate, LLC, is entitled to partial decrees adjudicating water rights under claims 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052 and 43-07088A as described in the *Standard Form 5* and the attached ***Special Master Recommendations for Partial Decrees for Water* Rights *43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052 and 43-07088A***.

DATED July 31, 2002.

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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 43-02579

02 JUL 31 AM 10:19
DISTRICT COURT-SRBA
TWIN FALLS COUNTY, IDAHO
FILED

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 2.37 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.74 CFS. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, & 43-07052.

PRIORITY DATE: 10/01/1964

POINT OF DIVERSION:

T09S R28E S29	NESWSW	Within Cassia County
	SENWSE	
S30	SWSESE	
	SWSESE	
S31 LOT 2	(NESWNW)	

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	2.37 CFS

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 R27E S25	SESE 15.0			
S36	NENE 15.0		SENE 1.6	
R28E S19	SESW 32.0			
S28	NWNW 37.0		SWNW 40.0	
	SENW 34.0		NESW 34.0	
	NWSW 33.0		SWSW 35.0	
	SESW 33.0		NWSE 40.0	
	SWSE 31.0		SESE 30.0	
S29	NENE 40.0		NWNE 21.0	
	SWNE 40.0		SENE 40.0	
	NENW 37.0		NWNW 31.0	
	SWNW 41.0		SENW 40.0	
	NESW 41.0		NWSW 41.0	
	SWSW 41.0		SESW 41.0	
	NESE 40.0		NWSE 41.0	
	SWSE 41.0		SESE 38.0	
S30	NENE 34.0		NWNE 40.0	
	SWNE 41.0		SENE 41.0	
	NENW 41.0	LOT 1	(NWNW) 45.0	

PLACE OF USE (continued)

	LOT 2	(SWNW) 45.0		SENW 40.0
		NESW 40.0	LOT 3	(NWSW) 46.0
	LOT 4	(SWSW) 36.0		SESW 39.0
		NESE 41.0		NWSE 41.0
		SWSE 41.0		SESE 41.0
S31		NENE 29.0		NWNE 19.0
		NENW 12.0	LOT 1	(NWNW) 24.0
	LOT 2	(SWNW) 12.0		
S32		NENE 4.3		NWNE 11.0
		NENW 17.0		NWNW 24.0
S33		NWNW 3.9		

1832.8 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 43-02568 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1544 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1544 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
JUL 31 2002
SPECIAL MASTER

2002 JUL 31 AM 9:19
DISTRICT COURT-SRBA
TWIN FALLS COUNTY, IDAHO

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 Case No. 39576	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION Water Right(s): 43-02567B 43-02568 43-02579 43-07046 43-07047 43-07052 43-07088A

On July 31, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 31, 2002.

LETTIE MESSICK
Deputy Clerk

2002 JUL 31 AM 10: 19

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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)
)
Case No. 39576)
)

CERTIFICATE OF MAILING

Water Right(s): 43-02567B
43-02568 43-02579 43-07046
43-07047 43-07052 43-07088A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 31, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DOUGLAS C. WEBB
WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5757

LETTIE MESSICK
Deputy Clerk

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	)	
	)	**ORDER OF PARTIAL DECREE**
Case No. 39576	)	
	)	**For Water Rights 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052 and 43-7088A**
	)	
	)	

On July 31, 2002, a ***Special Master's Report and Recommendation*** was filed for the above water rights. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and ***SRBA Administrative Order 1***, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the ***Special Master's Report*** and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052 and 43-7088A are hereby **decreed** as set forth in the attached ***Partial Decrees Pursuant to I.R.C.P. 54(b)***.

DATED 9/12/02

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-02579

2002 SEP 12 AM 11:10

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 2.37 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.74 CFS. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, & 43-07052.

PRIORITY DATE: 10/01/1964

POINT OF DIVERSION:

T09S R28E S29	NESWSW	Within Cassia County	
	SENWSE		
S30	SWSESE		
	SWSESE		
S31 LOT 2	(NESWNW)		

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	2.37 CFS

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 R27E S25	SESE 15.0			
S36	NENE 15.0		SENE 1.6	
R28E S19	SESW 32.0			
S28	NWNW 37.0		SWNW 40.0	
	SENW 34.0		NESW 34.0	
	NWSW 33.0		SWSW 35.0	
	SESW 33.0		NWSE 40.0	
	SWSE 31.0		SESE 30.0	
S29	NENE 40.0		NWNE 21.0	
	SWNE 40.0		SENE 40.0	
	NENW 37.0		NWNW 31.0	
	SWNW 41.0		SENW 40.0	
	NESW 41.0		NWSW 41.0	
	SWSW 41.0		SESW 41.0	
	NESE 40.0		NWSE 41.0	
	SWSE 41.0		SESE 38.0	
S30	NENE 34.0		NWNE 40.0	
	SWNE 41.0		SENE 41.0	
	NENW 41.0	LOT 1	(NWNW) 45.0	

PLACE OF USE (continued)

	LOT 2	(SWNW)	45.0		SENW 40.0
			NESW 40.0	LOT 3	(NWSW) 46.0
	LOT 4	(SWSW)	36.0		SESW 39.0
			NESE 41.0		NWSE 41.0
			SWSE 41.0		SESE 41.0
S31			NENE 29.0		NWNE 19.0
			NENW 12.0	LOT 1	(NWNW) 24.0
	LOT 2	(SWNW)	12.0		
S32			NENE 4.3		NWNE 11.0
			NENW 17.0		NWNW 24.0
S33			NWNW 3.9		

1832.8 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 43-02568 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1544 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1544 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR WATER RIGHTS IN BASIN 43 was mailed on September 12, 2002, with sufficient first-class postage to the following:

DOUGLAS C. WEBB
WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5757

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Deputy Clerk

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2579 V1

WATER RIGHT NUMBER: 43-2579 V1

Owner Type	Name and Address
Original Owner	P O E INVESTMENTS 2300 OVERLAND BURLEY, ID 83318 (208)678-1116
Original Owner	RIVIERA FARMS INC PO BOX 789 BURLEY, ID 83318
Current Owner	WEBB BASIN REAL ESTATE LLC HC 76 BOX 1050 AMERICAN FALLS, ID 83211 (208)349-5757

Priority Date: 10/01/1964

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	2.370 CFS	
	Total Diversion:	2.370 CFS	

Location of Point(s) of Diversion

GROUND WATER CASSIA County	NE1/4SW1/4SW1/4	Sec. 29,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	SW1/4SE1/4SE1/4	Sec. 30,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	L2 NE1/4SW1/4NW1/4	Sec. 31,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	SE1/4NW1/4SE1/4	Sec. 29,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	SW1/4SE1/4SE1/4	Sec. 30,	Twp 09S,	Rge 28E, B.M.

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	
09S 27E 25																15.0	15.0
09S 27E 36	15.0			1.6													16.6

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-2579 V1

09S 28E	19												32.0						32.0
09S 28E	28						37.0	40.0	34.0	34.0	33.0	35.0	33.0		40.0	31.0	30.0		347.0
09S 28E	29	40.0	21.0	40.0	40.0	37.0	31.0	41.0	40.0	41.0	41.0	41.0	41.0	40.0	41.0	41.0	38.0		614.0
09S 28E	30	34.0	40.0	41.0	41.0	41.0	45.0 L1	45.0 L2	40.0	40.0	46.0 L3	36.0 L4	39.0	41.0	41.0	41.0	41.0		652.0
09S 28E	31	29.0	19.0			12.0	24.0 L1	12.0 L2											96.0
09S 28E	32	4.3	11.0			17.0	24.0												56.3
09S 28E	33						3.9												3.9

Total Acres: 1832.8

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.74 CFS. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, & 43-07052.
2. Place of Use - Irrigation — USE OF THIS RIGHT WITH RIGHT NO. 43-02568 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1544 ACRES IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.
4. Quantity — USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.
5. Point of Diversion — TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.
6. Place of Use - Irrigation — THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1544 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. Purpose of Use — 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.

VERIFIED BY JK 11/3/2000

11/03/2000

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

RIGHT NUMBER: 43-2579

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 2.37 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.74 CFS. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, & 43-07052.

PRIORITY DATE: 10/01/1964

POINT OF DIVERSION:

T09S R28E S29		NESWSW	Within CASSIA County
T09S R28E S29		SENWSE	Within CASSIA County
T09S R28E S30		SWSESE	Within CASSIA County
T09S R28E S30		SWSESE	Within CASSIA County
T09S R28E S31	LOT 2	NESWNW	Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	2.37 CFS

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 R27E S25		SESE	15	T09S R27E S36		NENE	15
T09S R27E S36		SENE	1.6	T09S R28E S19		SESW	32
T09S R28E S28		NWNW	37	T09S R28E S28		SWNW	40
T09S R28E S28		SENW	34	T09S R28E S28		NESW	34
T09S R28E S28		NWSW	33	T09S R28E S28		SWSW	35
T09S R28E S28		SESW	33	T09S R28E S28		NWSE	40
T09S R28E S28		SWSE	31	T09S R28E S28		SESE	30
T09S R28E S29		NENE	40	T09S R28E S29		NWNE	21
T09S R28E S29		SWNE	40	T09S R28E S29		SENE	40
T09S R28E S29		NENW	37	T09S R28E S29		NWNW	31
T09S R28E S29		SWNW	41	T09S R28E S29		SENW	40
T09S R28E S29		NESW	41	T09S R28E S29		NWSW	41
T09S R28E S29		SWSW	41	T09S R28E S29		SESW	41
T09S R28E S29		NESE	40	T09S R28E S29		NWSE	41
T09S R28E S29		SWSE	41	T09S R28E S29		SESE	38
T09S R28E S30		NENE	34	T09S R28E S30		NWNE	40
T09S R28E S30		SWNE	41	T09S R28E S30		SENE	41
T09S R28E S30		NENW	41	T09S R28E S30	LOT 1	NWNW	45
T09S R28E S30	LOT 2	SWNW	45	T09S R28E S30		SENW	40
T09S R28E S30		NESW	40	T09S R28E S30	LOT 3	NWSW	46
T09S R28E S30	LOT 4	SWSW	36	T09S R28E S30		SESW	39
T09S R28E S30		NESE	41	T09S R28E S30		NWSE	41
T09S R28E S30		SWSE	41	T09S R28E S30		SESE	41
T09S R28E S31		NENE	29	T09S R28E S31		NWNE	19
T09S R28E S31		NENW	12	T09S R28E S31	LOT 1	NWNW	24
T09S R28E S31	LOT 2	SWNW	12	T09S R28E S32		NENE	4.3
T09S R28E S32		NWNE	11	T09S R28E S32		NENW	17
T09S R28E S32		NWNW	24	T09S R28E S33		NWNW	3.9

1832.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02568 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1544 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1544 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

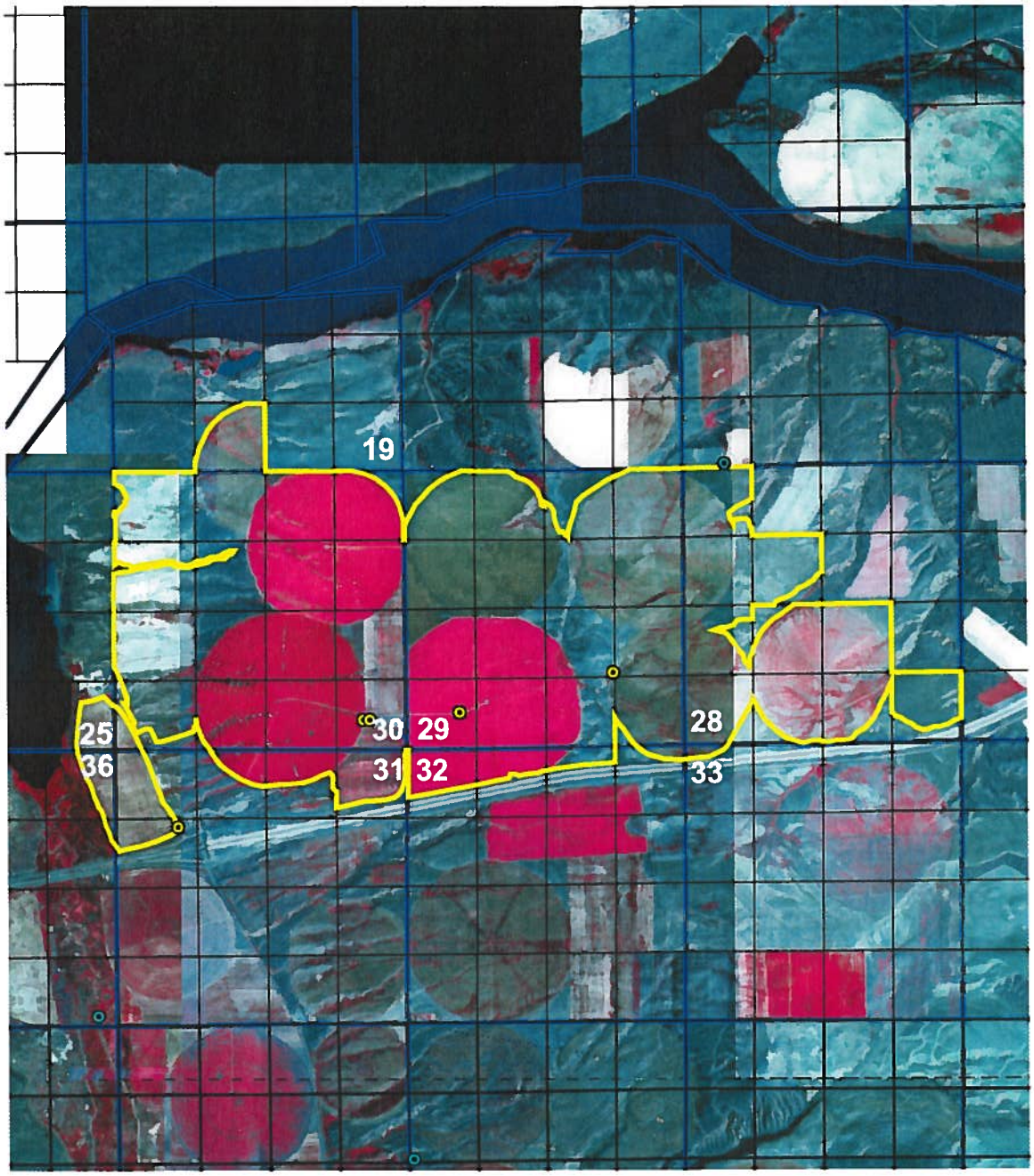
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Department of Water Resources

43-02567B, 43-02568, 43-02579, 43-07046, □□43-07047, 43-07052 & 43-07088A



0 1320 2640 Feet

N

RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 6, 2000
TWP 09S, RNG 27E, SEC. 25 & 36
TWP 09S, RNG 28E, SEC. 19,28,29,30,31,32,33

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

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

The land under these claims is covered by 7 licenses and one expansion claim. There were a series of transfers in the 70's (2142 – 2147) which tied the wells together. A total of 2165 acres were claimed originally but part of the land was sold and the claims were amended to 1913 acres. GIS showed 1832.8 acres

43-02567 8/26/63 6 cfs 1583 Ac.
transfer # 5558 was approved in July 2000 and it split this right into A & B, giving 1 cfs and 368 Ac. to the A portion and leaving 5 cfs and 1215 Ac. for the B

43-07052 7/2/73 5.37 cfs 1583 Ac.
(same acres as 43-02567)

43-02568 8/26/63 6 cfs 1544 Ac.
43-02579 10/1/64 2.37 cfs 1544 Ac.
(these acres overlapped the 1583 acres of 43-02567 & 43-07052, and added an additional 39 acres in the SESW of Section 19)

43-07046 9/17/73 3.8 cfs 190 Ac.
(some new acres & some overlapping above Poll's)
43-07047 9/17/73 3.2 cfs 160 Ac.
(all new acres)
- the above 2 licenses had the condition that when they were combined with -2567, -2568, -2579, and -7052, the diversion rate shall not exceed 19.74 cfs

Since the previous 6 licenses were limited to 19.74 cfs when combined, and Transfer #5558 removed 1 cfs, they are now limited to 18.74 cfs when combined.

43-07088 6/15/77 1.32 cfs 66 Ac.

- these were new, not overlapping acres
- Steadmen Bros. made a claim for a portion of the license under 43-10230 for 8 acres and 0.16 cfs, so this claim was filed with an A suffix
- I believe by the maps in the licensing that all of the acres under the license were on the North side of the freeway and should all go to the A portion and none to Steadman Bros.

43-10841 4/1/75 2.6 cfs 130 Ac.

- this was an expansion claim for the above licenses
- since the licensed acres are enough to cover the entire Poll shown by GIS, this right is not needed and will be disallowed

Total diversion rate for all = 20.06 cfs (18.74 + 1.32)

20.06 cfs ÷ 1832.8 (GIS acres) = 0.01 cfs/Ac.

1832.8 X 4 = 7331 AF

Transfer No. 2143

Application No. 43-2579

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Department of Water Resources
Southern District Office

Name of applicant RIVIERA FARMS INC. Phone

Post office address Bx 789, Burley Ida. 83318

DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree to _____ (Name)
      in case of _____ vs _____
      dated _____ in _____ (Name of court) county of _____
   b. License No. 43-2579 issued by the Idaho Department of Water Resources
   c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
   Thru purchase of land.
3. Source of water Ground-Water tributary to _____
4. Date of priority October 1, 1964
5. Water is used for the following purposes:
   amount 2.37 c.f.s. for Irrigation purposes from April 1 to Oct. 31
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____ (month/day – both dates inclusive)
6. Total amount of water under right: a. 2.37 cubic feet per second &/or
   b. _____ acre feet per annum
7. Location of original point of diversion is SW ¼ of SW ¼ of Section 24
   Township 9S Range 28E, B.M., in Cassia County
   Additional points of diversion, if any (2 pts) SESE, Sec 30, T9S-R25E
8. Lands irrigated or place of use:

WP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
S	28E	28						35	40	36	36			40		39	6		232
		29	40	29	40	40	33	39	39	40	40	39	39	40		40	40		538
		30	39	39	40	39	37		30	34	40	39	35	40	38	39	40	37	566
		31	30	33			39	38											140
		32	7	11			13	24											55
		33		2			5	6											13

Total number of acres to be irrigated 1544

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second &/or
   b. _____ acre feet per annum

2. Point of diversion _____ ¼ ¼, Section _____ Township _____
   Range _____, B.M., _____ County
   Additional points _____

3. Place of use:

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE.

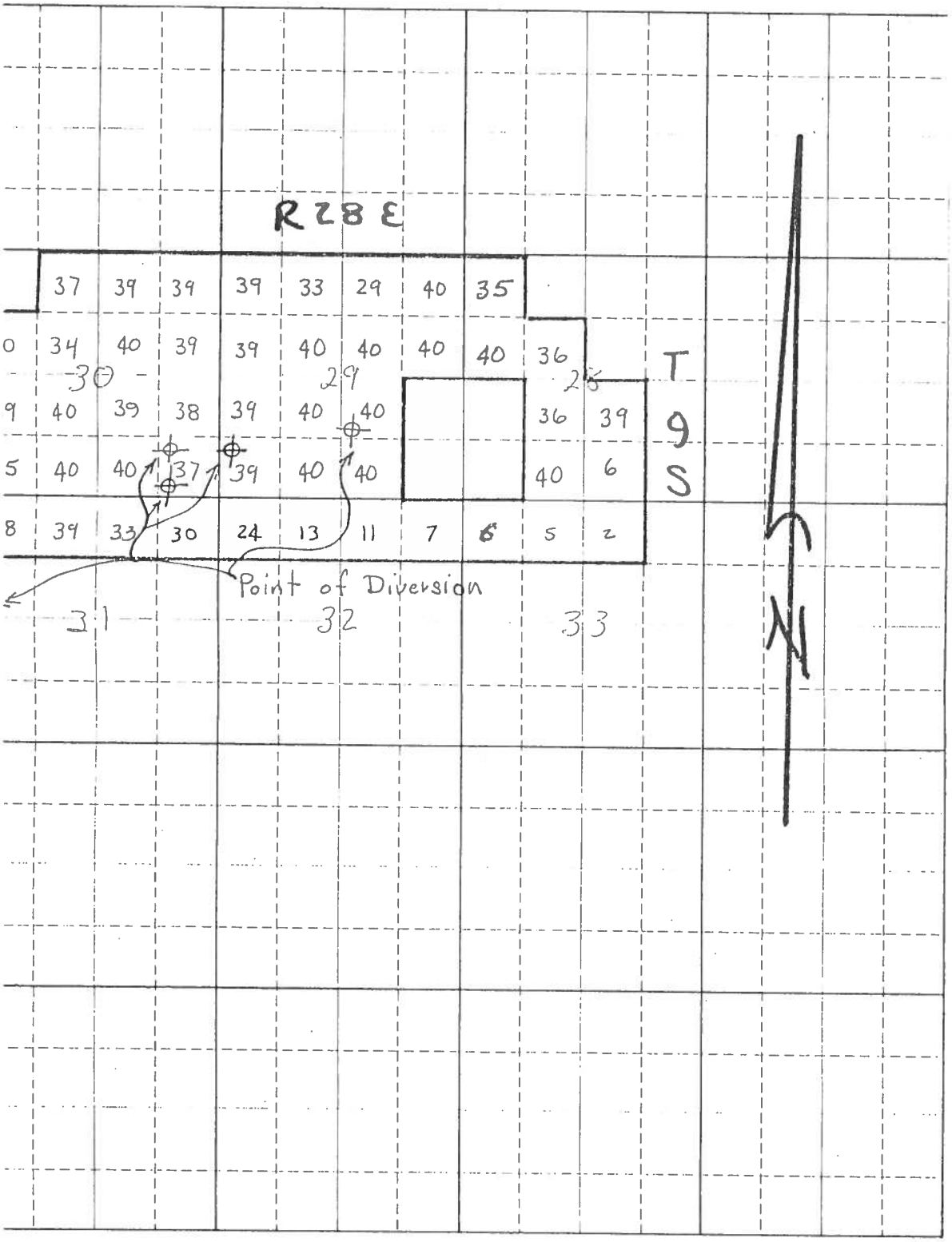
1. Change in point of diversion
   a. Amount of water to be diverted 2.37 c.f.s. &/or _____ acre f
   b. Point(s) of diversion SW ¼ SW ¼, Section 29 Township 9S
      Range 28E, B.M., Cassia County
      Additional points NW SE; Sec. 29; (2 pts) SE SE, Sec. 30
      SW NW, Sec. 31 T. 9S. - R. 28E.
   c. Description of diverting works well, Motor, pump & Sprinkler System.
   d. Describe the reasons for applying for a change in the point(s) of diversion

2. Change in place of use Same As Before
   a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



LE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks

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

Rivera Farms Inc.
Paul C. Yandell - Pres
(Signature of applicant)

Subscribed and sworn to before me this 5TH day of July, 1977

Barbara Nichols
(Notary public)

My commission expires 7-15-77

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2579, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 11 day of October, 19 77

V. Dennis Gilmore
Deputy Director

FOR DEPARTMENT USE ONLY

Received by AS. Date 7-12-77

Prelim. check by ADM Fee# 30.00 #8638

Receipted by Am Date 7/18/77

Published in South Idaho Press

Pub. dates 8/9 & 8/16/77

Watermaster recommendation requested on

rec'd.

Protest filed by

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by Michael D. Steele

(3)

Identification No. _____

Transfer No. 43-2579

RECEIVED
OCT 30 1975
Department of Reclamation
Southern District

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Riviera Farms Inc.

   Post office address P.O. Box 789 Burley, Idaho 83318

2. Right obtained by:

   a. Decree to _____ (Name) in Case of _____

   vs. _____, Dated _____ in _____ (Name of Court)

   Court. County of _____.

   b. License No. 43-2579 issued by the State of Idaho, Department of Reclamation.

3. Source of water ~~43-2879~~ Wells and Pumps tributary to _____ (Name of stream or source)

4. Date of Priority 10-1-64

5. Amount of water a. 2.37 c.f.s. c.f.s. and/or

   b. _____ acre feet/annum

6. Water is used for Irrigation from 4-1 (Month, Day) to 10-31 (Month, Day)

7. Original location of point of diversion is SW ¼ SW ¼ of Section 29,

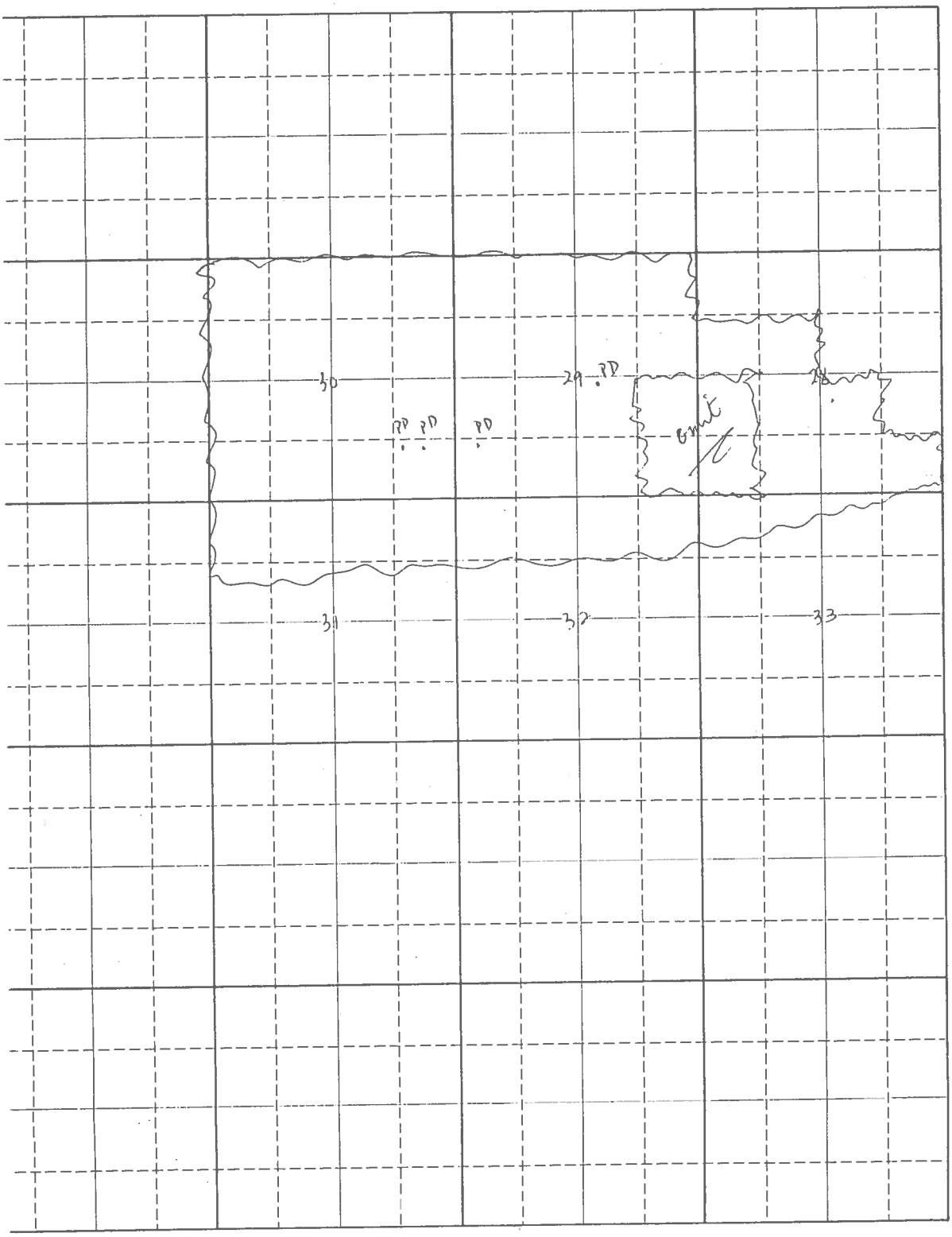
   Township 9S, Range 28 E, B.M., in Cassia County;

   Additional points of diversion, if any + two points in SE¼ SE¼ Sec 30 T 9S Range 28 E. BM.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	28E	28						35	40	36	36			40		39	6		232
		29	40	29	40	40	33	39	39	40	40	39	39	40		40	40		538
		30	39	39	40	39	37		30	34	40	39	35	40	38	39	40	37	566
		31	30	33			39	38											140
		32	7	11			13	24											55
		33		2			5	6											13

Total number of acres presently irrigated 1544



E: 2 Inches Equal 1 Mile. Draw Plan in Ink.

If applicant was not the original holder of this right explain how it was acquired: Riviera farms Inc. purchased the land & water rights from J.T. Robinson

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 2.37 c.f.s. and/or _____ acre feet

b. New point of diversion: Additional to 3 original NW ¼ SE ¼, Section 29, Township 9S, Range 28E, B.M. PLUS three original points of diversion

c. Description of method of diversion and conveyance from new points of diversion:

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____.

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion: This is a new well and it will help the original 3 wells in watering lands listed Row

f. Do you intend to make the transfer permanent? yes

g. Do you intend to abandon completely the old point of diversion? no

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	28E	28							40	36	36			40		39	6	35	232
		29	40	29	40	40	33	39	39	40	40	39	39	40		40	40		538
		30	39	39	40	39	37		30	34	40	39	35	40	38	39	40	37	566
		31	30	33			39	38											140
		32	7	11			13	24											55
		33		2			5	6											13

Total number of acres to be irrigated 154.4

1 -

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

no, one piece of land falsely filed on

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Rivière Farms Inc / Paul Jensen Pres.
(signature of applicant) VICE PRESIDENT

Subscribed and sworn to before me this 2nd day of September, 1973

Ralph W. Pinnamaneni Jr.
(notary public)

My commission expires Nov. 16, 1976.

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2579, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
   A measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works.
2. Denial of said application is for the following reasons:

Witness my hand this 23rd day of October, 1973.

L. Keith Higginson
Director
Department of Water Administration

FOR DEPARTMENT USE ONLY

Received by [illegible] Date 9-17-73

Prelim. check by [illegible] Date 9-17-73

Fee received by [illegible] Date 9-18-73 Fee $30.00 #12171

Approved for publication by [illegible]

Published in South Idaho Press Dates 10-2 & 10-9-73

Hearing held

Watermaster Recommendation sent

Protest filed by:	Date

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	WEBB BASIN REAL ESTATE LLC	10/01/1964	IRRIGATION	04-01	10-31	2.370 CFS	
						SØ3	
					TOTAL DIVERSION:	2.370 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion:
T09S R28E S29 NESWSW SENWSE CASSIA County
S30 NWSESE (2 pod's) CASSIA County
S31 Lot02(NESWNW) CASSIA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
T R S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
09S 27E 25																21	21.0
09S 27E 36	12			01													13.0
09S 28E 19												39					39.0
09S 28E 28							40	36	36	40	40	40		39	40	35	346.0
09S 28E 29	40	35	40	40	37	39	39	40	40	39	39	40	40	40	40	40	628.0
09S 28E 30	39	40	40	39	37	01-46	02-46	34	40	03-43	04-40	40	38	39	40	37	638.0
09S 28E 31	30	33			39	01-42	02-16										160.0
09S 28E 32	07	11			13	24											55.0
09S 28E 33		02			05	06											13.0
														TOTAL ACRES			1913.0

POU County: CASSIA

Other Rights: SEE REMARKS A43-07052

1544/1832.8 ppu

Remarks: GEN TRANS. 1689 AND 2143.
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

Cond. Code C18
Remarks - POD - FØ2 @ SWSESE of 30
POU1 - E11 (1544 w/02568
E14 (1832.8 w/all
K06 (1544 Ac)
QNT E27 20.06 cfs
7331 A/F
E04 18.74 cfs

1832.8 x4 = 7331 AF (E27)

USE SØ3 4/1 → 10/31

Remarks: **********
OWNERSHIP CHANGE MADE 7/21/97 BY TLB.
****
SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO WEBB BASIN REAL ESTATE LLC OF 1913 ACRES AND 5 CFS OF A43-02567 (B) & A43-02568, A43-02579, A43-07046, A43-07047, A43-07052, A43-07088A AND A43-10841. 5/4/99 jr

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

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	- N							
POINT OF DIV	Y -							
SOURCE	- N							
PLACE OF USE	Y -							
DIV. AMOUNT CFS/VOLUME	Y -							
CONSUMPTIVE USE	-							
PURPOSES OF USE	- N							
PERIOD OF USE	- N							
BASIS OF CLAIM	- N							
REMARKS	Y -							

BARCODE UPDATED
WHOM/DATE