

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 MAR 22 PM 4 03

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

In Re SRBA	)	Subcase 43-07056 (split into 43-13351 &
	)	43-13352)
Case No. 39576	)	(Sun Valley Agribusiness Partnership,
	)	LLC)
	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims, Domestic and Stockwater and Irrigation and Other Water Rights, Reporting Areas 1, 2, 3, 5, 6, 7, 8, & 15, IDWR Basins 31, 34, 35, 36, 41, 43, 57, 61, 65, Part I* on February 18, 2003. The Director recommended that claim 43-07056, filed by Sun Valley Agribusiness Partnership, LLC, P.O. Box 2169, Sun Valley, Idaho, 83353, be disallowed: "Forfeited / abandoned due to non-use from 1985 to 2000."

The claimant filed an *Objection* on April 18, 2003, objecting to the water right not being recommended as claimed. On March 9, 2004, the claimant, with IDWR's concurrence, filed a *Standard Forms 5* agreeing to split 43-07056 into 43-13351 and 43-13352.

Conclusions of Law

Sun Valley Agribusiness Partnership, LLC, is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-13351 and 43-13352*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 43-07056 not be adjudicated as a water right having been split into 43-13351 and 43-13352.

DATED March 22, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 MAR 22 PM 4 03

PAGE 1
Mar-12-2004

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-13352

2004 MAR 22 PM 4 03

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

SOURCE: GROUND WATER

QUANTITY: 0.37 CFS
63.20 AFY

PRIORITY DATE: 03/10/1975

POINT OF DIVERSION: T11S R27E S04 SWNWSE Within Cassia County
SWSSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.37 CFS 63.20 AFY

PLACE OF USE: Irrigation T11S R27E S04 SWSE 9.2 SESE 9.1
18.3 Acres Total Within Cassia County

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

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

RULE 54(b) CERTIFICATE

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

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

RECOMMENDATION

MAR 22 2004

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 43-13351
Date Received: 2/4/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

2. Date of Priority: 03/10/1975

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
10S	27E	31	NE	NE	SE	CASSIA	
10S	27E	32	SW	NW	SE	CASSIA	

5. Description of diverting works:

WELL, PUMP, PIPELINE & TANK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.39	67.4

7. Total Quantity Appropriated is:
0.39 C.F.S. and/or 67.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot			Use	Acres
10S	27E	31	SW	NW	2	IRRIGATION	4.5
			SE	NW		IRRIGATION	15
						Section Acres	19.5
						Total Acres	19.5

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

This split was created based upon an unrecorded transfer from the licensed use for a dairy to irrigation.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-7056.

15. Basis of Claim: License

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-7056

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMY E ACHS
Current Owner	RONALD A ACHS
Current Owner	CLAIR D BOSEN
Current Owner	VIOLA L BOSEN
	PO BOX 2169
	SUN VALLEY, ID 83353
	(800)397-1712
Original Owner	J R SIMPLOT COMPANY
	PO BOX 27
	BOISE, ID 83707

Priority Date: 03/10/1975
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.98 CFS	64.7 AFA	
COMMERCIAL	1/01	12/31	0.98 CFS	33.5 AFA	
DOMESTIC	1/01	12/31	0.24 CFS	32.4 AFA	
Total Diversion			0.98 CFS	130.6 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SWSW Lt 4	Sec. 30	Township 10S	Range 27E	CASSIA County
GROUND WATER	SESW	Sec. 30	Township 10S	Range 27E	CASSIA County

Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>p</u>	<u>e</u>	<u>n</u>												
10S	27E	30		SESW										
		31		NENW			SESW							

Place of Use Legal Description: COMMERCIAL CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>p</u>	<u>e</u>	<u>n</u>												
10S	27E	31		NENW										
							SESW							

Place of Use Legal Description: DOMESTIC CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>p</u>	<u>e</u>	<u>n</u>												
10S	27E	30	4	SWSW										
		31		NENW		1	NWNW							

Conditions of Approval:

1. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Remarks:

1. General ADDITION OF DOMESTIC USE IN 1977, SEE CLAIM NUMBER (A43-10579).
***** 5/2/2000 TF; OWNERSHIP CHANGED SIMPLOT TO
ACHS/BOSEN PER 1409(6) AND WARRANTY DEED REC'D 3/13/2000.
***** 5/2/2000 TF; CLAIM AMENDED TO CONFORM TO
LICENSE ISSUED 6/4/1991. COMMERCIAL USE IF FOR A DAIRY OPERATION; STOCKWATER IS FOR
APPROXIMATELY 2800 HEAD; DOMESTIC USE IS FOR 27 HOMES.

Dates:

Licensed Date: 06/04/1991
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): C008307
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

43-07056

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

RECEIVED

WATER RESOURCES
WESTERN REGION

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

RECEIVED
MAR 13 2000
Department of Water Resources
Southern Region

1. Water Right Number(s) See Attachment A
Adjudication Claim Number(s) See Attachment A
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) J.R. Simplot Company, a Nevada corporation (successor by merger to Simplot Industries, Inc., a Utah corporation)
P.O. Box 27, Boise, Idaho 83707
4. New Owner/Claimant(s) Ronald A. Achs and Amy E. Achs, husband and wife, and Claire D. Bosen
New Mailing Address P.O. Box 2169 Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR and Viola L. Bosen, husband and wife, as Tenants-in-Comm
City, State and ZIP Code Sun Valley, Idaho 83353
New Telephone Number (800) 397-1712
5. Date you acquired the property February 11, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS cubic feet per second _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)
Ronald A. Achs Amy E. Achs Date 2/25/2000
Claire D. Bosen Viola L. Bosen Date 2/29/2000
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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

ATTACHMENT A

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

2673 5

WARRANTY DEED

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

See attached EXHIBIT A

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

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

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

DATED: January 26, 2000.

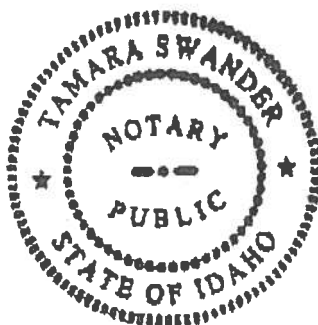
J. R. SIMPLOT COMPANY,
successor by merger to
SIMPLOT INDUSTRIES, INC.

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

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

STATE OF IDAHO)
County of Adm) ss.

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



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

267356

SPECIAL WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

RECORDED AND INDEXED
CASSIA COUNTY ABSTRACT
00 FEB 11 PM 4 20

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

267356

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

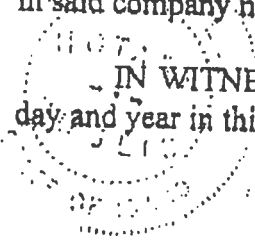
SUN VALLEY AGRIBUSINESS PARTNERS, LLC,
an Idaho limited Liability Company

By [Signature]
Ronald A. Achs
-Managing Member

STATE OF IDAHO)
) ss.
County of Cassia)

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

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



[Signature]
Notary Public for Idaho

Residing at Burley, Idaho

My commission expires 8/2/00

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

Township 10 South, Range 27 East of the Boise Meridian

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

Township 11 South, Range 26 East of the Boise Meridian

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

Township 11 South, Range 27 East of the Boise Meridian

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

Approximate Total from Tax Notices	5,089.14 Acres
---	-----------------------

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

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

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

COPY

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A43-07056
Date Received: 7/17/89
Receipt No: C008307
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID 83707
2. Date of Priority: MAR 10, 1975
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	27E	30	SW	SW	SW	4	CASSIA
5. Description of diverting works:
WELL, PUMP, PIPELINE & TANK.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	2.000		
7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/3000 DAIRY.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	27E	31			1	STOCK	
					2	STOCK	
11. Place of use in counties: CASSIA

A43-07056

Page 1

Date: 07/14/89

MICROFILMED

MAR 05 1993

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

13. Other Water Rights Used:

43-07145, 43-07068, 43-10578, A43-10579

14. Remarks:

ADDITION OF DOMESTIC USE IN ¹⁹⁷⁷ 0000, SEE CLAIM NUMBER (A43-10579).

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

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

[Signature]
Signature of Authorized Agent

Secretary, J. R. Simplot Company

Title and Organization

07-17-89

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of July 19 89

T. L. Lower
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

INPUT: NJ_SELECTION:FRANZEE-NAME-SIMPLOT SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

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

FIRST NAME:
ADDRESS LINE 2: 999 MAIN ST STE 1300
STATE: ID ZIP: 837070027
PHONE NUMBER: (208) 389-7318

A43-02485 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02488 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02489 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02504 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02505 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02516 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02517 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02519 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02522 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02536 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02547 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02548 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02569 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-02575 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-04021A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-04021B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-04194 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-04195 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-04197 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-04199 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-04202 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-07056 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-07068 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-07145 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10397 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10398 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10399 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10400 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10401 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10402 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A43-10408 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10426 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10578 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10579 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10590 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10591 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A43-10592 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A45-02179 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A45-02719 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A45-02746 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A45-11847 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A47-04312 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A51-02140 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A57-02202 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

RECEIVED
JAN 21 1992

Department of Water Resources

RECEIVED

APR 06 1993

Department of Water Resources
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

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

Plaintiffs,

vs.

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

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru
C.A.N. program.*

*4-1-93
- Jf*

Defendants.)

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

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

Counterplaintiff,)

vs.)

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

Counterdefendants.)

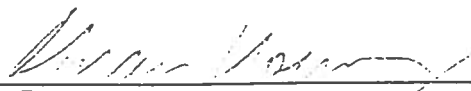
TO ALL PARTIES:

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

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

DATED this 20th day of January, 1992.

By


GRAY YOUNG

Assistant General Counsel

4507v1-20-92/1.42

CERTIFICATE OF MAILING

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

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

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

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

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

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


VICKI SPANGLER

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13351 V1

WATER RIGHT NUMBER: 43-13351 V1

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

Priority Date: 03/10/1975

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.390 CFS	67.40 AF
	<u>Total Diversion:</u>	0.390 CFS	67.40 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SE1/4	Sec. 31, Twp 10S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 32, Twp 10S, Rge 27E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	27E	31							4.5	15.0									19.5
									L 2										

Total Acres: 19.5

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13351 V1

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-7056

Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 2, 2004

CASSIA CREEK FARMS LLC
PO BOX 580
DANVILLE CA 94526

RE: Decreed Water Right 43-2471, 43-2472, 43-2473,
43-2475, 43-2488, 43-2489, 43-2504, 43-2505, 43-2516,
43-2517, 43-2519, 43-2569, 43-2575, 43-4199, 43-13351,
43-13352

Gentlemen:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED

AUG 23 2004

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

Department of Water Resources
 Southern Region

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

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

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

See Attached →

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

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

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

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

OR

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

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

Sun Valley Agribusiness Partners, LLC

Ronald Aches PO Box 2169 Sun Valley, IL 83.

4. New Owner/Claimant(s)

Wood River Investments LLC DBA Cassia Creek Farms, LLC

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

New Mailing Address

PO Box 580

City, State and ZIP Code

Danville CA 94526

New Telephone Number

925 837-1450

5. Date you acquired the property

April 30, 2004

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

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

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

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

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

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

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

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

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

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

Chris Keeth
Manager

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

For Office Use Only			
Received by <u>thru</u>	Date <u>8/23/04</u>	Fee <u>400.00</u>	
Received by <u>thru</u>	Date <u>8/23/04</u>	Receipt No. <u>5026489</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

235421

WARRANTY DEED

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

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

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

DATED this 6th day of September, 2002.

Sun Valley Agribusiness Partners, LLC

By

Ronald A. Achs, Manager

STATE OF IDAHO)
) ss.
County of BLAINE)

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



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

295422

ESTOPPEL AFFIDAVIT

STATE OF IDAHO)
) ss.
County of BLAINE)

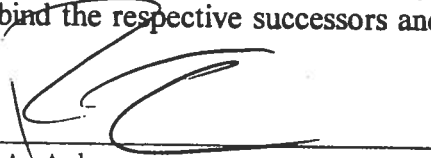
Ronald Achs, being first duly sworn, deposes and says:

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

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

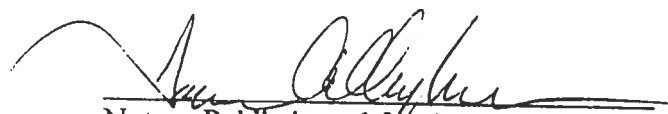
The aforesaid deed and conveyance were made by me as the result of my request that the grantee accept such deed and was my free and voluntary act; that at the time of making said deed I felt and still feel that the mortgage indebtedness above mentioned exceeds the fair value of the property so deeded;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

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


Ronald A. Achs

SUBSCRIBED AND SWORN to before me this 9th day of September, 2002.




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

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

#387
FEE
RECORDER
DEPUTY
CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

EXHIBIT "A"

PARCEL NO. 1:

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

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

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

ALSO EXCEPTING THEREFROM the following described tract:

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

PARCEL NO. 2:

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

Section 31: NE¼, NE¼NW¼, Lots 1 and 2

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

Beginning at the Southwest corner of Lot 2 of said Section 31, which shall be the True Point of Beginning;
Thence North 0°01' West along section line for 1617.50 feet to a point;
Thence South 89°54' East for 1394.28 feet to a point;
Thence South 0°01'30" East for 1617.50 feet to a point on the South line of Lot 2;
Thence North 89°54'30" West along said South line for 1395.0 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of said Section 31, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project centerline;
Thence North 89°37'26" East along the North boundary of said Section 31 for a distance of 926.189 meters (3038.67 feet) to the N¼ corner of said Section 31, Station 70+93.909, 3.699 meters (12.14 feet) right of said Project centerline;
Thence North 89°35'47" East along the North boundary of said Section 31 for a distance of 807.070 meters (2647.86 feet) to the Northeast corner of said Section 31, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;
Thence South 00°32'10" East along the East boundary of the NE¼ of said Section for a distance of 9.438 meters (30.97 feet), Station 79+01.011, 12.192 meters (40.00 feet) right of said Project centerline;
Thence South 89°39'48" West and being parallel with the centerline of said Project for a distance of 807.105 meters (2647.98 feet) to a point on the West boundary of the NE¼ of said Section 31, Station 70+93.876, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.876 meters (1817.17 feet), Station 65+40.000, 12.192 (40.00 feet) right of said Project centerline;
Thence South 00°28'55" East for a distance of 1.524 meters (5.00 feet), Station 65+40.000, 13.716 (45.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 280.000 meters (918.63 feet), Station 62+60.000, 13.716 (45.00 feet) right of said Project centerline;
Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station 62+60.000, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 92.290 meters (302.79 feet) to a point on the West boundary of Government Lot 1 of said Section 31, Station

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

PARCEL NO. 3:

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

Section 31: SE $\frac{1}{4}$

PARCEL NO. 4:

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

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 5:

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

Section 32: N $\frac{1}{2}$

EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of said Section 32, Station 79+00.978, 2.754
meters (9.04 feet) right of said Project centerline;
Thence North $89^{\circ}45'08''$ East along the North boundary of said Section 32 for a
distance of 808.396 meters (2652.22 feet) to the N $\frac{1}{4}$ corner of said
Section 32, Station 87+09.374, 4.006 meters (13.14 feet) right of said
Project centerline;
Thence North $89^{\circ}37'03''$ East along the North boundary of said Section 32 for a
distance of 493.668 meters (1619.64 feet), Station 92+03.095, 0.628
meters (2.06 feet) left of said Project centerline;
Thence South $00^{\circ}20'12''$ East for a distance of 13.201 meters (43.31 feet),
Station 92+03.095, 12.573 (41.25 feet) right of said Project centerline;
Thence South $89^{\circ}39'48''$ West for a distance of 163.383 meters (536.03 feet),
Station 90+40.000, 16.165 (53.03 feet) right of said Project centerline;
Thence North $00^{\circ}51'22''$ East for a distance of 4.620 meters (15.16 feet), Station
90+40.00, 11.545 (37.88 feet) right of said Project centerline;
Thence South $89^{\circ}39'48''$ West for a distance of 330.355 meters (1083.84 feet) to
a point on the West boundary of the NE $\frac{1}{4}$ of said Section 32, Station
87+09.400, 12.192 (40.00 feet) right of said Project centerline;
Thence South $89^{\circ}39'48''$ West and being parallel with the centerline of said
Project for a distance of 808.389 meters (2652.19 feet) to a point on the
West boundary of the NW $\frac{1}{4}$ of said Section 32, Station 79+01.011,
12.192 (40.00 feet) right of said Project centerline;

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

PARCEL NO. 6:

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

Section 32: S½

PARCEL NO. 7:

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

Section 33: N½N½

PARCEL NO. 8:

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

Section 33: SW¼

PARCEL NO. 9:

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

Section 1: ALL

PARCEL NO. 10:

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

Section 12: NW¼

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

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

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

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

PARCEL NO. 11:

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

Section 4: ALL

PARCEL NO. 12:

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

Section 5: ALL

PARCEL NO. 13:

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

Section 6: E½

PARCEL NO. 14:

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

Section 6: W½

PARCEL NO. 15:

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

Section 8: ALL

29542.1

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

FEE 18.25 RECORDER 103
DEPUTY

2001 APR 30 PM 1 36

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

02/04/2004

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

RIGHT NUMBER: 43-13351

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.390 CFS
67.400 AFY

PRIORITY DATE: 03/10/1975

VERIFIED BY KKC

POINT OF DIVERSION:

T10S R27E S31 NENESE Within CASSIA County
T10S R27E S32 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.390 CFS 67.40 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S31 Lot 2 SWNW 4.5 T10S R27E S31 SENW 15.0

19.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

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

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

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

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

02/04/2004

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

RIGHT NUMBER: 43-13351

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.390 CFS
67.400 AFY

PRIORITY DATE: 03/10/1975

POINT OF DIVERSION:

T10S R27E S31 NENESE Within CASSIA County
T10S R27E S32 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.390 CFS 67.40 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R27E S31 Lot 2 SWNW	4.5	T10S R27E S31	SENW	15.0
--------------------------	-----	---------------	------	------

19.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

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

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

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

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

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

RIGHT NUMBER: 43-7056

NAME AND ADDRESS:

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

VERSION 2

SOURCE:

Source:
GROUND WATER

Tributary:

QUANTITY:

0.980 CFS
130.600 AFY

PRIORITY DATE:

03/10/1975

POINT OF DIVERSION:

T10S R27E S30 SWSW Lot 4
Within CASSIA County
T10S R27E S30 SESW
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
STOCKWATER	1/01 12/31	0.980 CFS 64.70 AFY
COMMERCIAL	1/01 12/31	0.980 CFS 33.50 AFY
DOMESTIC	1/01 12/31	0.240 CFS 32.40 AFY

PLACE OF USE:

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

STOCKWATER within CASSIA County
T10S R27E S30 SESW
T10S R27E S31 NENW
T10S R27E S31 SENW
COMMERCIAL within CASSIA County
T10S R27E S31 NENW
T10S R27E S31 SENW
DOMESTIC within CASSIA County
T10S R27E S30 SWSW Lot 4
T10S R27E S31 NENW
T10S R27E S31 NWNW Lot 1

0 ACRES TOTAL

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

SPLIT RIGHT: SEE RIGHT NOS. 43-13351 AND 43-13352

~~FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.~~
~~FORFEITED/ABANDONED DUE TO NON-USE FROM 1985 TO 2000.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

03/02/2001

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

RIGHT NUMBER: 43-7056
NAME AND ADDRESS: AMY E ACHS
RONALD A ACHS
CLAIR D BOSEN
VIOLA L BOSEN
PO BOX 2169
SUN VALLEY, ID 83353

DISALLOWED

SOURCE: GROUND WATER

VERIFIED BY KAC

QUANTITY: 0.98 CFS
130.6 AFY

PRIORITY DATE: 03/10/1975

POINT OF DIVERSION: T10S R27E S30 LOT 4 SWSW Within CASSIA County
T10S R27E S30 SESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1-01 12-31	0.98 CFS 64.70 AFY
COMMERCIAL	1-01 12-31	0.98 CFS 33.50 AFY
DOMESTIC	1-01 12-31	0.24 CFS 32.40 AFY

PLACE OF USE:

<u>STOCKWATER Within CASSIA County</u>			
T10S R27E S30	SESW	T10S R27E S31	NENW
T10S R27E S31	SESW		
<u>COMMERCIAL Within CASSIA County</u>			
T10S R27E S31	NENW	T10S R27E S31	SESW
<u>DOMESTIC Within CASSIA County</u>			
T10S R27E S30	LOT 4 SESW	T10S R27E S31	NENW
T10S R27E S31	LOT 1 NWNW		

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

FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

FORFEITED/ABANDONED DUE TO NON-USE FROM 1985 TO 2000.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

05/09/2001

NOTICE OF ERROR
REPLY

RECEIVED

SEP 05 2001

Department of Water Resources
Southern Region

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

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

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

Water right number: 43-7056

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

All

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

This right should be recommended to be decreed as licensed.

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

The license for this right was issued 6/4/1991 indicating the right was valid. Judge Woods 12/29/1999 decision precludes a finding this water right was forfeited subsequent to issuance of the license and the right has not been abandoned.

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

DATE: 9-4-01

SIGNATURE: [Signature]

Please print your name: Ronald J. H. S.

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

Christensen, Kelly

From: McHugh, Candice
Sent: Wednesday, January 08, 2003 11:47 AM
To: Christensen, Kelly
Subject: RE: 43-7056 additional info

Disallowal seems appropriate then.

-----Original Message-----

From: Christensen, Kelly
Sent: Wednesday, January 08, 2003 11:38 AM
To: McHugh, Candice
Subject: RE: 43-7056 additional info

Yes, the primary right for irrigation is 43-2489. There is also a smaller dom/stock/comm right already decreed for a small portion of the original picture. that is right 43-10578.

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, January 08, 2003 11:30 AM
To: Christensen, Kelly
Subject: RE: 43-7056 additional info

Is there a different right that is used for irrigation and farming purposes on the property?

-----Original Message-----

From: Christensen, Kelly
Sent: Wednesday, January 08, 2003 11:29 AM
To: McHugh, Candice
Subject: 43-7056 additional info

I talked with Doug and he feels that this right should still be recommended for disallowal. Attached is a letter from Simplot to Achs indicating that the dairy associated with this right was torn down in 1985.

<< File: 43-7056 Achs.tif >>

Kelly K Christensen

ROSHOLT, ROBERTSON & TUCKER**Chartered****ATTORNEYS AT LAW**

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
AMY CHRISTNUT

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6084

January 24, 2000

VIA FACSIMILE 736-3037

State of Idaho
Department of Water Resources
Attn: Allen D. Merritt, P.E.
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: **Forfeiture of Water Rights**

Dear Allen:

By this time, you have probably heard about the proposed mega-hog operation being proposed for development in Cassia County. I have been asked to represent a group of individuals known as the Cassia Coalition who oppose the application. While reviewing the application materials that had been provided to me by the County, I came across the enclosed list of water rights that are appurtenant to the land owned by C&Y Farms, and which would be purchased by the applicant as the site. I then found in the file a copy of the enclosed letter from Simplot Corporation dealing with the use of the water on the property since 1985. I asked Crystal Vincent, our paralegal, to check the SRBA claims for these water rights, and she found that "irrigation" was the only use claimed, and that the word "none" was inserted after the heading of "Non-irrigation Uses". Because the commercial dairy water right (IDWR No. 43-07056) was licensed after the commencement of the SRBA, that water right has not been filed in the SRBA.

My question to you regarding all of the water rights, other than the commercial dairy water right, relates to the validity of any portion of those rights for stock water use. If, by Simplot's own admission, there has been no use of the water for stock in fifteen (15) years, but rather, the water has all been used for irrigation purposes, would the stock water component of each of those rights be forfeited pursuant to Idaho Code § 42-222? Wouldn't the fact that a claimant in the SRBA acknowledged that there was no non-irrigation use associated with any of these rights support a finding that the stock water portion of the water right had been forfeited?

43-05

State of Idaho, Dept. of Water Resources
Attn: Allen D. Merritt, P.E.
January 24, 2000
Page 2

Finally, with regard to the commercial dairy water right (IDWR No. 43-07056) because the applicant has acknowledged that such right has not been used for fifteen (15) years, would the forfeiture doctrine apply to that right?

I would appreciate your earliest response to this inquiry. If you have any questions or comments, please contact me.

Yours truly,


GARY D. SLETTE

GDS:rlw

Encls.

cc: Cassia Coalition (via facsimile)
Chuck Brockway, Sr. (via facsimile)

docs\rlw\gds\letters\IDWR4



Land and Livestock

Group Headquarters

SIMPLOT LIVESTOCK COMPANY HC 85 BOX 275 GRAVED VIEW ID 83624 (208) 834-2231

October 11, 1999

Sun Valley Agri Business Partners LLC
Mr. Ron Achs
200 W. Rivers Street
3rd Floor
Ketchum, ID 83340

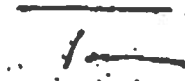
Re: C & Y Farms

Dear Mr. Achs:

The dairy, which was located at what we call the C & Y Farms, was torn down by April of 1985. Since that time, we have continually farmed that land. In the past 14 years we have raised sugar beets, wheat, barley, hay, and potatoes on that ground.

If you need further information, please don't hesitate to call us.

Sincerely,


Thomas J. Basabe
President

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 43-07056

Priority: March 10, 1975

Maximum Diversion Rate: 0.98 CFS
Maximum Diversion Volume:¹ 130.6 AF

This is to certify, that J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 10, 1975; and has submitted Proof of Beneficial Use on February 19, 1980. An examination indicates that the works have a diversion capacity of .980 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01 to 12/31	0.98 CFS	64.7 AF
COMMERCIAL	01/01 to 12/31	0.98 CFS	33.5 AF
DOMESTIC	01/01 to 12/31	0.24 CFS	32.4 AF
	Totals	0.98 CFS	130.6 AF

LOCATION OF POINT(S) OF DIVERSION:

LOT 4(SESW , Sec. 30, Township 10S, Range 27E
SWSW), Sec. 30, Township 10S, Range 27E
CASSIA County

PLACE OF USE: STOCKWATER
TWN RGE SEC

10S 27E 30 SESW
31 NENW
SENW

PLACE OF USE: COMMERCIAL
TWN RGE SEC

10S 27E 31 NENW
SENW

PLACE OF USE: DOMESTIC
TWN RGE SEC

10S 27E 30 LOT 4(SWSW)
31 NENW
LOT 1(NWNW)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

WATER RIGHT LICENSE

WATER RIGHT NO. 43-07056

CONDITIONS/REMARKS:

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Issuance of this license does not preclude a determination of forfeiture of this right through non-use which may include a period of time beginning subsequent to the licensing field examination conducted by the department.
6. Commercial use is for a dairy operation; stockwater is for approximately 2800 head; domestic use is for 27 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 4TH
day of JUNE, 1991.

Acting for R. Keith Higginson, Director

J. R. SIMPLOT COMPANY / ONE CAPITAL CENTER / 999 MAIN STREET / SUITE
P.O. BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432

CORPORATE HEADQUARTERS

June 3, 1986

RECEIVED
JUN 4 1986

Department of Water Resources
State Office
450 West State Street
Boise, Idaho 83720

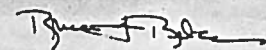
Department of Water Res

Re: 43-7056 and 43-7145

Gentlemen:

These permits were used in conjunction with the operation of the C&Y Dairy. Both permits were fully put to beneficial use (and proof of such use submitted to your office) prior to the closing of the dairy operation. We would like to transfer the water to adjacent property for irrigation purposes. What is the status of these permits in your office. Our files contain correspondence indicating that you were going to conduct field examinations. Did you conduct these? Please advise, so that we can take the proper steps to change the place and nature of use. Thank you for your attention and cooperation.

Sincerely,



BRUCE L. BELZER
Assistant General Counsel

BLB/dw

cc: Ron Robertson

02/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 43-7056

Owner Type Name and Address
Current Owner JR SIMPLOT CO
 PO BOX 27
 BOISE, ID 83707

Priority Date: 03/10/1975
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.98 CFS	64.7 AFA	
COMMERCIAL	1/01	12/31	0.98 CFS	33.5 AFA	
DOMESTIC	1/01	12/31	0.24 CFS	32.4 AFA	
Total Diversion			0.98 CFS	130.6 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SWSW Lt 4	Sec. 30	Township 10S	Range 27E	CASSIA County
GROUND WATER	SESW	Sec. 30	Township 10S	Range 27E	CASSIA County

Licensed Diversion Capacity: 0.98

Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>P</u>	<u>E</u>	<u>N</u>												
10S	27E	30		SESW			SESW							
		31		NENW			SESW							

Place of Use Legal Description: COMMERCIAL CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>P</u>	<u>E</u>	<u>N</u>												
10S	27E	31		NENW			SESW							

Place of Use Legal Description: DOMESTIC CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>P</u>	<u>E</u>	<u>N</u>												
10S	27E	30	4	SWSW			NENW							
		31		NENW		1	NWNW							

Conditions of Approval:

1. R54 Issuance of this license does not preclude a determination of forfeiture of this right through non-use which may include a period of time beginning subsequent to the licensing field examination conducted by the department.

Remarks:

1. General

Commercial use is for a dairy operation; stockwater is for approximately 2800 head; domestic use is for 27 homes.

Dates:

Licensed Date: 06/04/1991
Decreed Date:
Permit Proof Due Date: 4/1/80
Permit Proof Made Date: 2/19/80
Permit Approved Date: 4/17/75
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 03/10/1975
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, November 17, 1999 12:00 PM
To: Brown, Roxanne
Subject: FW: C&Y Farms (A43-07056)

Doug sent you a copy of this mail message to Dave Tuthill on November 10 regarding C & Y Farms. He mentioned **A43-07056** for a dairy which looked to be abandoned. You don't have that file, it's still here. Don't worry about it, we'll take care of the recommendation for that one...Thanks.

-----Original Message-----

From: Jones, Doug
Sent: Wednesday, November 10, 1999 4:24 PM
To: Tuthill, Dave
Cc: Brown, Roxanne; Robertson, Jean
Subject: C&Y Farms

There are no claims in the name of C&Y Farms. JR Simplot & Company are the claimants of record for the rights listed.

Jeanie has put a very loose collection of 40 acre tracts together representing the various water rights. The files themselves have been forwarded to Roxanne (delivered last week) for claim review under the B43 Plan of Action. A quick comparison of WR & AJ indicates some changes have been represented by the claims relative to the licenses. The nature of the statutory claims 43-04194 & -04199 have not been reviewed by Jeanie (i.e. do they represent extra acres or extra flow rate, or both, nor the priority based on first use). Jeanie has passed the PoU for 43-07056 several times and observed that the dairy is defunct (early '80's dairy buyout casualty?). Many or all of the licenses are claimed without stock water use.

The licenses and claims represent a large, active ground water sourced, agricultural operation. A transfer for change from irrigation to CAFO wouldn't be a problem from a forfeiture or enlargement perspective. Claim recommendation details could be concluded simultaneous with transfer processing. I defer to Roxanne for specific insight to the water right interrelationships.

Doug