

12/27/2005

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

RIGHT NUMBER: 1-10484

NAME AND ADDRESS: NAMPIL INVESTMENT CO LLC
2830 FILLMORE AVE
OGDEN UT 84403

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.380 CFS

PRIORITY DATE: 05/18/1926

POINT OF DIVERSION:

T10S R23E S19 NENE 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	0.380 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R23E S19 Lot 1 NENE	1.1	T10S R23E S19 Lot 2 SWNE	13.4
T10S R23E S19	SENE	4.6	

19.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Burley Irrigation Dist.

This right is a split from former right 1-4045.

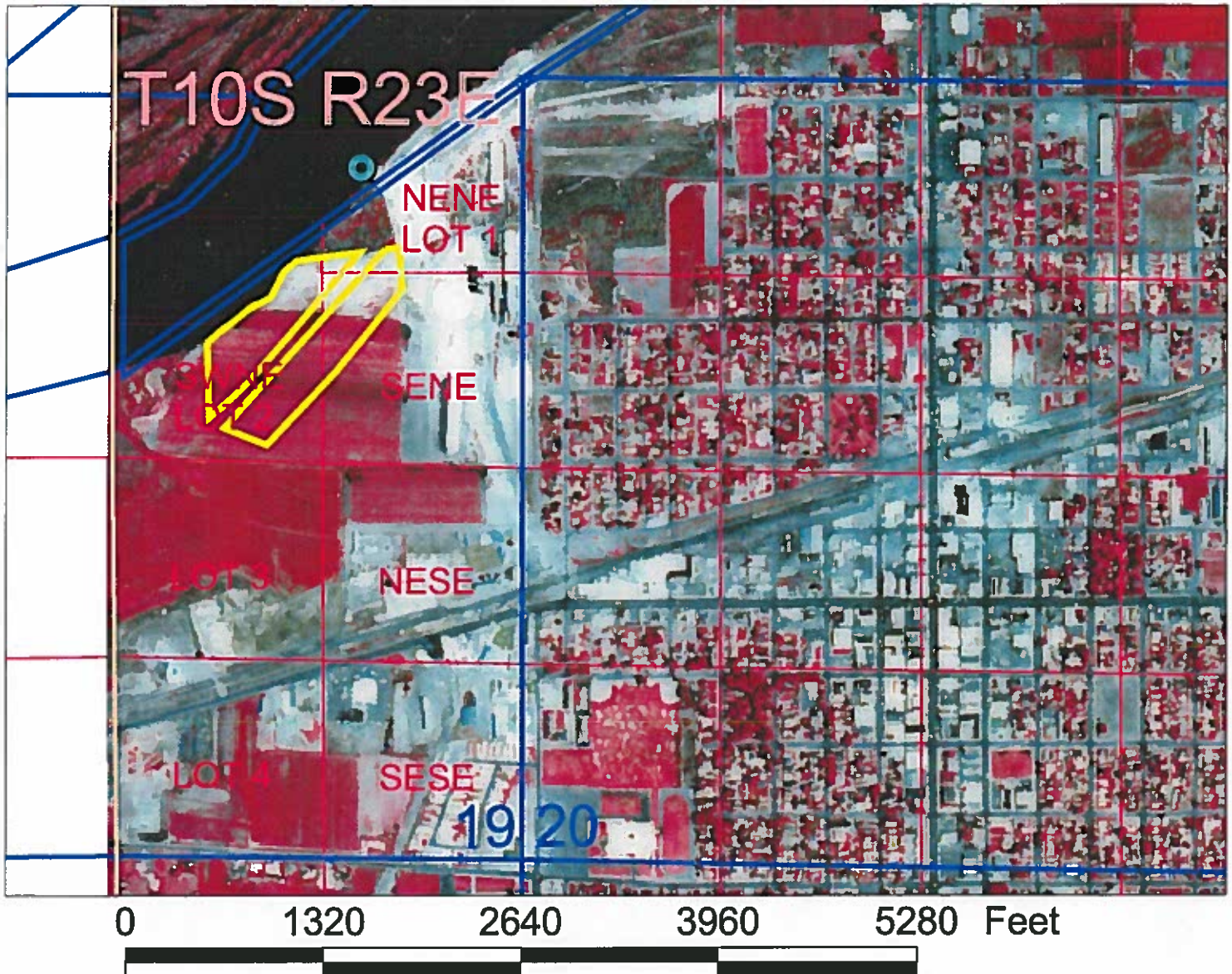
SCANNED
OCT 01 2006

PROFILED



Department of Water Resources

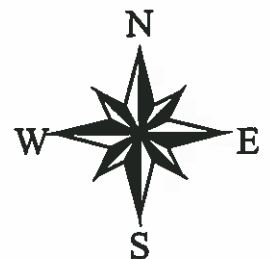
Claim No.: 01-10484



- Place of Use
- Point of diversion
- Township/Range
- Sections
- QQ

SCANNED
OCT 01 2006

PROFILED



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: December 2005

ALLAN M. LIPMAN, JR.

2830 Fillmore Avenue
Ogden, Utah 84403

Nov. 18, 2005

Dear Michael Holliday,

Re: Water Right
No - 1-4045-

I have enclosed a map which shows the boundary of property owned by NAMPIL Inv. Co, LLC, and the point of diversion.

All the acreage was irrigated in the 1987-88 period.

If you have any questions please call me at: 801-399-0391

Thank,

Allen

RECEIVED

NOV 21 2005

Department of Water Resources
Eastern Region

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
	1-4045				

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) Amalgamated Research, Inc
4. New Owner/Claimant(s) 2427 Lincoln Ave, Ogden, Utah 84401
NAMPIL Investment Company, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2830 Fillmore Ave
- City, State and ZIP Code Ogden, Utah 84403
- New Telephone Number (801) 399-0391
5. Date you acquired the property January 31, 2001

RECEIVED

NOV 10 2005

Department of Water Resources
Eastern Region

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)

Allan M. Lipman, Jr.
Allan M. Lipman, Jr., Manager
NAMPIC Investment Company LLC

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

For Office Use Only

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

273152

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED,

AMALGAMATED RESEARCH, INC.,

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant,
bargain, sell and convey unto

NAMPIL INVESTMENT COMPANY, LLC, a Utah limited liability company
2830 Fillmore Avenue
Ogden, Utah 84403

GRANTEE, the following described real estate, to-wit:

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: That part of Lot 1, Lot 2 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Commencing at the Northeast section corner (monumented by an aluminum cap) which shall be the True Point of Beginning;

Thence South 00°00'00" East for 99.16 feet to a 5/8 inch rebar on the Northerly right of way of Bedke Boulevard;

Thence along a curve to the left with a central angle of 29°36'57", radius of 1502.39 feet, length of 776.58 feet, chord of 767.96 feet and chord bearing of South 59°06'19" West along the Northerly right of way of Bedke Boulevard to a brass cap;

Thence South 45°58'47" East for 10.00 feet along the Bedke Boulevard right of way to a brass cap;

Thence along a curve to the left with a central angle of 02°33'12", radius of 1492.39 feet, length of 66.51 feet, chord length of 66.50 feet and chord bearing of South 43°01'21" West along the Northerly right of way of Bedke Boulevard to a brass cap;

Thence South 41°44'45" West for 1427.19 feet along the Northerly right of way of Bedke Boulevard to a brass cap;

Thence along a curve to the right with a central angle of 08°22'41", radius of 5669.58 feet, length of 829.03 feet, chord length of 828.29 feet and chord bearing of South 45°56'05" West along the Northerly right of way of Bedke Boulevard to a 1/2 inch rebar;

Thence North 00°45'18" East (recorded as North 00°27' East) for 500.38 feet to a 1/2 inch rebar;

Thence continuing North 00°45'18" East for 17.88 feet to a point on the highwater meander line of the Snake River;

Thence North 52°58'07" East for 388.37 feet along said meander line to a

point;
Thence North 71°20'08" East for 108.22 feet along said meander line to a
point;
Thence North 32°05'18" East for 243.74 feet along said meander line to a
point;
Thence North 64°51'02" East for 165.54 feet along said meander line to a
point;
Thence North 39°02'17" East for 450.65 feet along said meander line to a
point;
Thence North 28°03'36" East for 190.41 feet along said meander line to a
point;
Thence North 45°36'54" East for 397.82 feet along said meander line to a
point;
Thence North 48°46'43" East for 389.31 feet along said meander line to a
point;
Thence North 60°09'11" East for 157.78 feet along said meander line to a
point on the North section line;
Thence South 89°21'55" East for 456.54 feet along the North section line to
the True Point Of Beginning.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: That part of Lot 1, Lot 2 and the SE¼NE¼, more particularly described as follows:

Commencing at the E¼ corner (monumented by a 3 inch Cassia cap); thence
North 85°32'42" West for 2253.07 feet to a ½ inch rebar; thence North
00°45'18" East for 117.89 feet to a ½ inch rebar on the Southeasterly
right of way of Bedke Boulevard; thence North 50°10'37" East for
97.53 feet to a brass cap right of way marker; thence along a curve to
the left with a central angle of 00°31'11", radius of 5789.58 feet, arc
length of 52.51 feet, chord length of 52.51 feet and chord bearing of
North 49°55'02" East along the Southeasterly right of way of Bedke
Boulevard to ½ inch rebar which shall be the True Point of Beginning;
Thence along a curve to the left with a central angle of 07°54'42", radius of
5789.58 feet, arc length of 799.44 feet, chord length of 798.81 feet and
chord bearing of North 45°42'05" East along the Southeasterly right
of way of Bedke Boulevard to a brass cap right of way marker;
Thence North 41°44'45" East for 926.42 feet along the Southeasterly right of
way of Bedke Boulevard to a ½ inch rebar;
Thence South 22°28'11" East for 277.64 feet to a ½ inch rebar;
Thence South 41°44'45" West for 814.65 feet to a ½ inch rebar;
Thence South 45°57'44" West for 687.10 feet to a ½ inch rebar;
Thence North 70°13'02" West for 274.51 feet to the True Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

01/29/2001 14:43 LAND LE BURLEY 7 10014102111

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2001 and subsequent years.

Assessments of the Burley Irrigation District.

Right-of-way from Amalgamated Sugar Company, a Corporation, to the Village of Burley, a municipal corporation, dated October 1, 1912 and recorded October 22, 1912, as Instrument No. 12910 in Book 1 of Bill of Sale and Agreements, on Page No. 311, records of Cassia County, Idaho.

Grant of Easement from The Amalgamated Sugar Company, a corporation, to the City of Burley, a municipal corporation, dated May 1, 1981 and recorded May 6, 1981 as Instrument No. 134741 on Film No. 142, records of Cassia County, Idaho.

Easement Agreement between The Amalgamated Sugar Company, as Grantor, and City of Burley, a municipal corporation, as Grantee, dated June 24, 1986 and recorded October 21, 1986 as Instrument No. 182911 on Film No. 185, records of Cassia County, Idaho.

Reciprocal Easement and Operating Agreement by and between Amalgamated Research, Inc., an Idaho corporation, and the Amalgamated Sugar Company, a Utah corporation (collectively, "Amalgamated"), ConAgra, Inc., a Delaware corporation ("ConAgra"), and Mountain Grain and Fertilizer Company, an Idaho corporation ("Mountain Grain"), dated August 16, 1996 and recorded August 20, 1996 as Instrument No. 244576 on Film No. 279, records of Cassia County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, The GRANTOR, Amalgamated Research, Inc. has caused Steven L. Watson, a duly authorized officer to execute this deed this 31st day of January, 2001.

AMALGAMATED RESEARCH, INC.

BY:

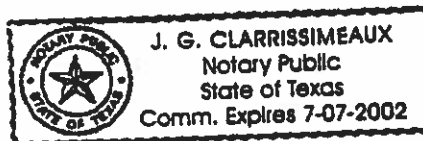


Title Executive Vice President
A duly authorized officer

STATE OF TEXAS)
) ss.
COUNTY OF Dallas)

On this 31st day of January, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven L. Watson, known or identified to me to be the Executive V.P. of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

J. G. Clarrissimeaux
Notary Public
Residing at: Bellevue Texas
My Commission expires: 7-07-2002



RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
01 FEB 5 PM 2 31

273152
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 12.00 DEPUTY Wm

THE STATE OF TEXAS \$
COUNTY OF DALLAS \$

This Bill of Sale is executed and delivered on the 2nd day of February, 2001, by Amalgamated Research, Inc., an Idaho corporation ("Assignor"), to and in favor of NAMPIL Investment Company LLC, a Utah limited liability company ("Assignee").

A. Concurrently with the execution and delivery of this Bill of Sale, Assignor is conveying to Assignee the tract of land in Cassia County, Idaho, which is described on Schedule A attached hereto and made a part hereof for all purposes, together with all improvements thereon (the "**Property**").

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee to Assignor, the receipt and sufficiency of which are hereby acknowledged and confessed by Assignor, Assignor does hereby ASSIGN, TRANSFER, CONVEY, SET OVER and DELIVER to Assignee all of Assignor's right, title and interest (if any) in and to the Assigned Property.

By: Steven L. Watson
Steven L. Watson, Executive Vice President



**An idea unrecorded
is an idea often lost!**

Nov 9, 2005

Dear Michael H. Hickey

I have enclosed a "Notice of
Change in Water Right Ownership"
and supporting documentation
of such change of ownership.

If you have any questions or
suggestions please call me
at 801-399-0391 or my cell phone
which is 801-698-3411.

Thanks

Alan

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 1-10484
Date Received: 12/22/1988
Receipt No: S005005
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NAMPIL INVESTMENT CO LLC Phone: (801)399-0391
2830 FILLMORE AVE
OGDEN UT USA 84403

2. Date of Priority: 05/01/1923

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	23E	19	NE NE NE 1	CASSIA	

5. Description of diverting works:

PUMPING PLANT FROM RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	3.5	

7. Total Quantity Appropriated is:
3.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	23E	19	NE	NE	1	IRRIGATION 30
			NW	NE	2	IRRIGATION 1
			SW	NE	2	IRRIGATION 15
			SE	NE		IRRIGATION 22
			NE	SE		IRRIGATION 5
					Section Acres	73

Total Acres 73

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:

BURLEY FACTORY IRRIGATION.

This right is a split from former right 1-4045.

15. Basis of Claim: Statutory Claim

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 _____ of

Title

_____, that I have signed the foregoing

Organization

document in the space below as _____ of

Title

_____, and that the statements contained in the

Organization

foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

) SS.

County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____