

03/08/2005

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

RIGHT NUMBER: 22-10649
NAME AND ADDRESS: BRETT CURTIS
97 N. HWY 33
DRIGGS ID 83422

CARY CURTIS
97 N. HWY 33
DRIGGS ID 83422

SOURCE: SPRINGS TRIBUTARY: UNNAMED STREAM
QUANTITY: 0.720 CFS
PRIORITY DATE: 04/01/1968
POINT OF DIVERSION:

T05N R45E S27 NENENW Within TETON County
T05N R45E S27 NWENW Within TETON County
T05N R45E S27 SENENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.720 CFS
STOCKWATER	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within TETON County
T05N R45E S27 NENW 36.0
STOCKWATER Within TETON County
T05N R45E S27 NENW

36 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: Beneficial Use



SCANNED
MAY 05 2005

State of Idaho

Department of Water Resources
Eastern Region



Water Right(s):
22-10649

Point(s) of Diversion:
T05N R45E
Sec 27 NENENW
SEENW
NWNENW

Place of Use: (parts of)
T05N R45E
Sec 27 NENW

Driggs

Water is delivered by Springs through unnamed stream

Legend



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography.
Prepared by: N.Treasure
Date: March 2005

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 Feet



T05N R46E

NENW

12/12/2006

NOTICE OF ERROR

REPLY

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:

Water right number: 22-10649

BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108
Telephone Number: (801)589-5864

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

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

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

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

DATE:

12-12-06

SIGNATURE:

James H. Walker

Please print your name:

James H. Walker

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 8, 2006

BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-10649

Dear Sir or Madam:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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

RECEIVED

FEB 02 2006

Department of Water Resources
Eastern 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, 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
A 22-10649	39576				

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) are 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)

Cary R. Curtis

Brett B. Curtis

4. New Owner/Claimant(s)

Blackfoot
Farms, >
L.C.

Mike R. Stearns and, or assigns

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

New Mailing Address

414 W 5255 500 Huntsman Way

City, State and ZIP Code

Victor, Idaho 83455 Salt Lake City UT 841

New Telephone Number

(801) 584-5864

5. Date you acquired the property

12/17/04

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	0.800 CFS	_____
Stock	0.020 CFS	_____
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) *Blackfoot Farms, L.P.*

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 _____

RECEIVED

DEC 17 2004

TETON CO., ID
CLERK RECORDER

165250

GRANT DEED
(I)

Instrument # 165250

DRIGGS, TETON, IDAHO
2004-12-17 02:50:51 No. of Pages: 4
Recorded for: ALLIANCE TITLE & ESCROW
NOLAN G. BOYLE Fee: 12.00
Ex-Officio Recorder Deputy *M. Shaw*
Index to: DEED, GRANT

THIS INDENTURE is made this 13 day of December, 2004, between Cary L. Curtis, a single man, and Brett B. Curtis, a married man dealing with his sole and separate property, the "Grantor", and Blackfoot Farms, L.C., whose mailing address is Attn: Tom Muir, 500 Huntsman Way, Salt Lake City, Utah, 84108, the "Grantee".

WITNESSETH, that 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

See Attached Legal Description

SUBJECT to all patent reservations, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and rights of way, easements and encumbrances of record, including but not limited to the following:

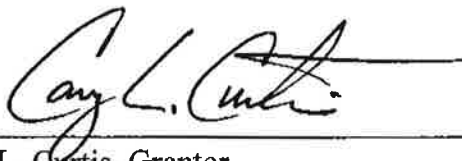
1. Each of the special exceptions on Schedule B-Section 2, Section C. Special Exceptions contained in Title Commitment No. 3040412909-G issued by Alliance Title & Escrow Corp, as updated December 9, 2004.
2. Any discrepancies between the described boundary and the fence lines as described on the record of survey performed by A W Engineering, as surveyed August 10, 2004, drawn August 17, 2004, and revised December 8, 2004, and the record of survey as surveyed July 27, 2004, drawn August 8, 2004, and revised December 1, 2004.

TOGETHER with all water rights appurtenant thereto, and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; 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, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

165250

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.



Cary L. Curtis, Grantor

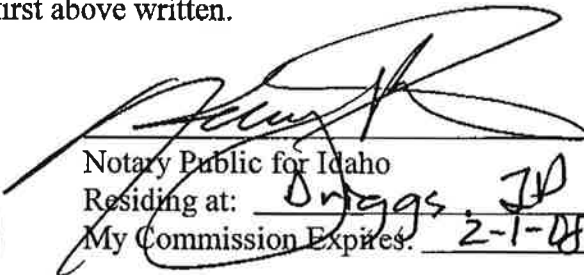
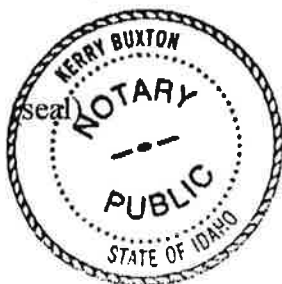


Brett B. Curtis, Grantor

STATE OF IDAHO)
)ss.
County of Teton)

On the 13 day of December, 2004, before me, the undersigned, a notary public, in and for said State, personally appeared Cary L. Curtis, a single man, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Notary Public for Idaho

Residing at: Driggs, ID

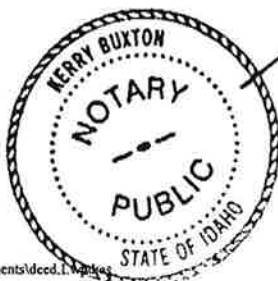
My Commission Expires: 2-1-08

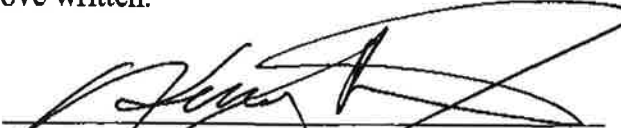
STATE OF IDAHO)
)ss.
County of Teton)

On the 13 day of December, 2004, before me, the undersigned, a notary public, in and for said State, personally appeared Brett B. Curtis, a married man dealing with his sole and separate property, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(seal)




Notary Public for Idaho

Residing at:

My Commission Expires:

Driggs, ID
2-1-08

G:\WPDATA\GLM\3142-001\Final documents\deed.1\Notary

DEED I

TOWNSHIP 5 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON
COUNTY, IDAHO.

Section 27: NE1/4NW1/4

165250



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 2, 2005

BLACKFOOT FARMS LC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 22-10649
HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

☐ FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)

☐ SIGNATURE

☒ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER
LEGAL DOCUMENT indicating your ownership of the property and water
rights in question, *

☐ LEGAL DESCRIPTION OF PROPERTY

☐ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

☐ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO
with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE
ENTIRE PACKET TO :

Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402

*Please provide a deed from Brett and Cary Curtis to Lowell and Julina Curtis.
This will complete the chain of title and we will be able to complete this
ownership change.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

November 5, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

HUNTSMAN SPRING INC
97 N HWY 33
DRIGGS ID 83422

RE: Notice of Change of Water Right Ownership (NCO) for 22-153, 22-10649, 22-11981, 22-13611, 22-13613 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On September 7, 2007, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

cc: Blackfoot Farms LLC.

SCANNED

NOV 29 2007

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)

Water Rights: 22-153, 22-10649, 22-
11981, 22-13611, 22-13613

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party BLACKFOOT FARMS – HUNTSMAN SPRINGS INC
- ☐ I.C. § 42-222 transfer
- ☐ point of diversion ☐ place of use
- ☐ period of use ☐ nature of use
- ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 13 November 2007

Ernest Calver

Signature of IDWR Representative

SCANNED

NOV 29 2007

CERTIFICATE OF MAILING

I certify that on Nov 16, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
HUNTSMAN SPRINGS INC
97 N HWY 33
DRIGGS ID 83422

4. One copy to:

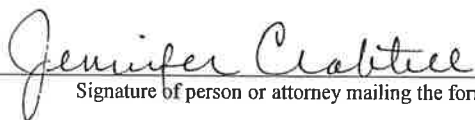
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

NOV 29 2007

RECEIVED

SEP 07 2007

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

Department of Water Resources
 Eastern 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 DWR will produce new water right number(s) for the split(s).

all ADJ
Needs NCAR

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-153		N	22-11973A		Y
22-10649		N			
22-11981		N			
22-13611		N			
22-13613		N			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

BLACKFOOT FARMS, L.C.
500 Huntsman Way, SLC, UTAH 84108

4. New Owner/Claimant(s)

HUNTSMAN SPRING, INC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

97 N. Highway 33

City, State and ZIP Code

DRIGGS, ID 83422

New Telephone Number

(208) 354-9660

PROFILED

SCANNED

NOV 29 2007

5. Date you acquired the property

March 22, 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>22-11973A</u>		
Irrigation	<u>8.36 cfs</u>	<u>413 acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Gary H. Walker POA

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date NOV 29 2007

188340 JUN 8 '07 AM 9:19

WHEN RECORDED, MAIL TO:

Richard H. Johnson, Esq.
Stoel Rives LLP
201 South Main Street, Suite 1100
Salt Lake City, UT 84111

First American Title Company

213623

Instrument # 188340

TETON COUNTY, IDAHO

2007-06-08

09:19:00 No. of Pages: 9

Recorded for: FIRST AMERICAN TITLE

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Fee: 27.00

Index to: DEED, GRANT

GRANT DEED

FOR VALUE RECEIVED, BLACKFOOT FARMS, L.C., a Utah limited liability company, Grantor, does hereby grant to HUNTSMAN SPRING, INC., an Idaho corporation, Grantee(s), whose address is 97 N Highway 33, Driggs ID 83422, the following described property situated in Teton County, Idaho:

See Attached Legal Description

TOGETHER WITH all and singular the tenements, hereditament, and appurtenances thereunto belonging, or otherwise appertaining, including water rights, and all estate, right, title and interest in and to the said property.

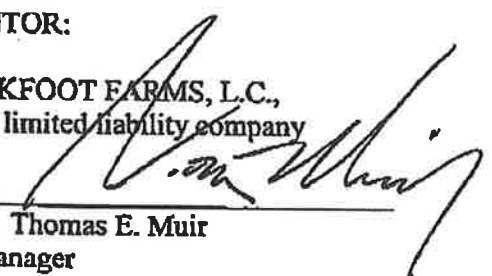
SUBJECT TO: Taxes and assessments for the current year and future years, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions and other matters as may appear of record or on the land.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed this 22 day of

March, 2007.

GRANTOR:

BLACKFOOT FARMS, L.C.,
a Utah limited liability company

By: 

Name: Thomas E. Muir

Its: Manager

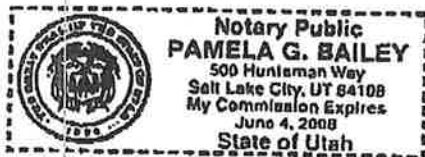
SCANNED

NOV 29 2007

STATE OF Utah)
) ss.
County of Salt Lake)

On this 22nd day of March, 20 07, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas E. Muir, known or identified to me to be the Manager of BLACKFOOT FARMS, L.C., the limited liability company that executed the within and foregoing 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.

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



Pamela G. Bailey
Notary Public
Residing at Salt Lake City, UT
My commission expires: June 4, 2008

GRANT DEED LEGAL DESCRIPTIONThe Guy Hillman Family Credit Shelter Trust Property:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 23: Beginning 330 feet North of the SE corner of the NE1/4NW1/4, thence North 330 feet; thence West 2640 feet; thence South 660 feet; thence East 1320 feet; thence North 330 feet; thence East 1320 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM: Beginning 660 feet North of the Southwest corner of the NW1/4NW1/4 of Section 23, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho; and running thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM the existing county road right-of-way along the West boundary of the above described property.

ALSO LESS AND EXCEPTING THEREFROM the existing State Hwy right-of-way along the East boundary of the above described property.

The James W. and Marlene T. Price Charitable Remainder Trust Property:

Township 5 North, Range 45 East, Boise Meridian, Teton County Idaho,
Section 26: SW 1/4 NW 1/4, NW1/4SW1/4

22-13613
22-13611
Also Tax No. 841 being described as follows: Beginning at the Northwest Corner of the SE 1/4NW1/4 of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence South 80 rods; thence East 581.4 feet to the Railroad Right-of-Way; thence North 80 rods along the Railroad Right-of-Way; thence West 560 feet to the point of beginning.

Also Tax No. 146 being described as follows: Beginning at the Southwest Corner of the NE1/4SW1/4 of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence East 578 feet; thence North 1320 feet; thence West 581 feet, thence South 1320 feet to the point of the beginning.

The Verle C. Jardine and Nancy B. Jardine Property:

Parcel 1: South 1/2 Southwest 1/4 of Section 22, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Parcel 2: Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$ of Section 27, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

The Steve J. Harrop Property:

Parcel 1: Southwest $\frac{1}{4}$ Southwest $\frac{1}{4}$ of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Parcel 2: Tax # 147, in Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:

Beginning at the Southwest corner of the Southeast $\frac{1}{4}$ Southwest $\frac{1}{4}$ of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence East 576 feet; thence North 1320 feet; thence West 576 feet; thence South 1320 feet to the point of beginning.

Parcel 3: South $\frac{1}{2}$ Southeast $\frac{1}{4}$ of Section 27, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

The Bryan LeRoy Schultz and Fauneil A. Schultz Property:

Beginning 660 feet North of the SW corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 23, T5N, R45E, Boise Meridian, Teton County, Idaho, and running thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the existing county road along the West boundary of the above described property.

The Lowell B. Curtis and Julina L. Curtis Properties:

22-11973A ✓ PARCEL A:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.
Section 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Beginning at the Northwest corner of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence South 40 rods; thence East 80 rods; thence North 12 rods; thence East 80 rods; thence North 28 rods; thence West 160 rods to the point of beginning. Excepting therefrom the rail road right of way.

Beginning at the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence North 52 rods; thence East 115 feet; thence Southeasterly along the railroad right of way to a point that is 560 feet East of the Southwest corner of the Northeast Quarter of the Northwest Quarter; thence West 560 feet to the point of beginning.

The South Half of the Northwest Quarter of the Northwest Quarter, Section 26, Township 5

North, Range 45 East, Boise Meridian, Teton County, Idaho.

22-153
22-11981
22-11973A

The North Half of the Southeast Quarter; the Southwest Quarter; the East Half of the Northeast Quarter; and the Southwest Quarter of the Northeast Quarter of Section 27, Township 5 North, Range 45 East Boise Meridian, Teton County, Idaho.

Less and Excepting therefrom: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from John D. Killpack, Jr., et ux, by Warranty Deed dated May 11, 1910, filed for record December 3, 1912, in Book 10 of Deeds at Page 561 of the Records of Fremont County, Idaho, being described in said deed as follows:

A strip of land 100 feet wide, being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 5 North, Range 45 East, Boise Meridian. The course of said centerline of main track being more particularly described as follows, to-wit:

Beginning at a point in the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 23 and 372.2 feet Easterly from the Northwest corner thereof; thence South 31°01' East, 1562 feet to a point in the South line of said Section 23 and 1198 feet Easterly from the Southwest corner thereof.

Also excepting therefrom: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from Pratt Ranch Company, et al, by Warranty Deed dated May 12, 1910 filed for record December 3, 1912 in Book 10 of Deeds at page 569 of the records of Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 26, Township 5 North, Range 45 East of the Boise Meridian.

The course of said centerline of main track being more particularly described as follows, to wit: Beginning at a point in the North line of said NW $\frac{1}{4}$ of Section 26 and 1198 feet easterly from the Northwest corner thereof; thence South 32°1' East 868.4 feet; thence Southerly along a spiraled curve to the right with a radius of 1910.1 feet for a distance of 678.3 feet, more or less, to a point in the South line of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 26 and 1953.2 feet, more or less, Easterly from the Southwest corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ thereof."

22-11981

✓ **PARCEL B:** S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 27, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

22-11973A

✓ **PARCEL C:** The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

22-11973A

✓ **PARCEL D:** The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 45 East, Boise meridian, Teton County, Idaho.

22-11973A

✓ **PARCEL E:** The W $\frac{1}{2}$ NE $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Less: All of that certain strip of land hereinafter acquired by Yellowstone Park Railroad

Company, (predecessor to Oregon Short Line Railroad Company) from Emery M. Seymour et ux, by Warranty Deed dated May 17, 1910 filed for record December 3, 1912, in Book 10 of Deeds, page 567 Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide, being 60 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park railroad as located across the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22, Township 5 North, Range 45 East, Boise Meridian.

The course of said centerline of main track being more particularly described as follows to wit: Beginning at a point on the North line of said Section 22 and 2105 feet, more or less, Westerly from the Northeast corner thereof; thence South 32°1' East 1464.4 feet to a point in the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 22 and 1242.7 feet Southerly from the North line of said Section 22."

Also less: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from E. E. Seymour, et ux. By Warranty Deed dated May 6, 1910, filed for record December 3, 1912, in Book 8 of Deeds at part 285 of the records of Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 45 East of the Boise Meridian.

The course of said centerline of main track being more particularly described as follows, to-wit: Beginning at a point in the North line of said 40-acre tract and 453.1 feet Westerly from the Northeast corner thereof; thence South 32°1' East 857 feet to a point on the East line of Section 22 and 3377 feet South of the Northeast corner thereof.

PARCELE: Beginning 28 rods South and 250 feet West of the Northeast corner of the NW $\frac{1}{4}$ of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and thence running South 200 feet, thence West to the Union Pacific Railroad right of way thence Northwesterly along right of way to a point that is 773 feet more or less West of the point of beginning, thence East 773 feet more or less to point of beginning.

Less: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from Pratt Ranch Company, et al, by Warranty Deed dated May 12, 1910 filed for record December 3, 1912 in Block 10 of Deeds at page 569 of the records of Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide being 50 feet in width on each side of the center-line of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25, Township 5 North, Range 45 East of the Boise Meridian.

PARCEL G: Beginning at the N $\frac{1}{4}$ corner of Section 26, Township 5 North, Range 45 East, Boise Meridian, and running thence West 200 feet; thence South 165 feet, thence East 200 feet, thence North 165 feet to the place of beginning.

22-10649 PARCEL I: Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho. Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL K: All of that certain strip of land hereinafter acquired by Yellowstone Park Railroad Company, (predecessor to Oregon Short Line Railroad Company) from Emery M. Seymour et ux, by Warranty Deed dated May 17, 1910 filed for record December 3, 1912, in Book 10 of Deeds, page 567 Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide, being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park railroad as located across the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22, Township 5 North, Range 45 East, Boise Meridian.

The course of said centerline of main track being more particularly described as follows to wit: Beginning at a point on the North line of said Section 22 and 2105 feet, more or less, Westerly from the Northeast corner thereof; thence South 32°1' East 1464.4 feet to a point in the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 22 and 1242.7 feet Southerly from the North line of said Section 22."

PARCEL L: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from E. E. Seymour, et ux. By Warranty Deed dated May 6, 1910, filed for record December 3, 1912, in Book 8 of Deeds at page 285 of the records of Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 45 East of the Boise Meridian.

The course of said centerline of main track being more particularly described as follows, to-wit: Beginning at a point in the North line of said 40- acre tract and 453.1 feet Westerly from the Northeast corner thereof; thence South 32°1' East 857 feet to a point on the East line of Section 22 and 3377 feet South of the Northeast corner thereof.

PARCEL M: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from John D. Killpack, Jr., et ux, by Warranty Deed dated May 11, 1910, filed for record December 3, 1912, in Book 10 of Deeds at Page 561 of the Records of Fremont County, Idaho, being described in said deed as follows:

A strip of land 100 feet wide, being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 5 North, Range 45 East, Boise Meridian. The course of said centerline of main track being more particularly described as follows, to-wit: Beginning at a point in the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 23 and 372.2 feet Easterly from the Northwest corner thereof; thence South 32°01' East, 1562 feet to a point in the South line of said Section 23 and 1198 feet Easterly from the Southwest corner thereof.

PARCEL N: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from Pratt Ranch Company, et al, by Warranty Deed dated May 12, 1910 filed for record December 3, 1912 in Book 10 of Deeds at page 569 of the records of Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide being 50 feet in width on each side of the center-line of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the N $\frac{1}{2}$ NW $\frac{1}{4}$ of

Section 26, Township 5 North, Range 45 East of the Boise Meridian.

The course of said centerline of main track being more particularly described as follows, to wit: Beginning at a point in the North line of said NW $\frac{1}{4}$ of Section 26 and 1198 feet easterly from the Northwest corner thereof; thence South $32^{\circ}1'$ East 868.4 feet; thence Southerly along a spiraled curve to the right with a radius of 1910.1 feet for a distance of 678.3 feet, more or less, to a point in the South line of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 26 and 1953.2 feet, more or less, Easterly from the Southwest corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ thereof."

22-11973A
✓

PARCEL O: The NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Burnside Property:

A PARCEL OF LAND within the Southwest $\frac{1}{4}$ of Section 26, Township 5 North, Range 45 East of the Boise Meridian, Teton County, Idaho; said parcels being a portion of that property described in Instrument #179945 as recorded in the miscellaneous records of the Teton County, Idaho Clerks Office:

Said PARCEL IS MORE PARTICULARLY DESCRIBED as follows:

COMMENCING at the South $\frac{1}{4}$ Corner of Section 26 as recorded in Corner Perpetuation and Filing Record, Instrument #120195;

thence N $89^{\circ}40'47''$ W, a distance of 742.69 feet along the south line of Section 26 to a rebar with aluminum cap stamped "AW Enginccring 2860" recovered on the westerly right of way line of the Old Oregon Shortline Railroad;

thence N $00^{\circ}22'58''$ E, a distance of 581.10 feet along the westerly right of way line of the Old Oregon Shortline Railroad to a $\frac{5}{8}$ " diameter rebar with aluminum cap stamped "JORGENSEN ASSOCIATES PLS 10897" and the TRUE POINT OF BEGINNING of this description;

thence, N $00^{\circ}22'58''$ E, a distance of 734.59 feet along the westerly right of way line of the Old Oregon Shortline Railroad to a rebar with plastic cap stamped "AW ENGINEERING 2860" recovered at the Southwest Corner of that parcel described in Instrument #139716, said point being coincident with the Northwest Corner of the parcel being described herein;

thence, S $89^{\circ}51'12''$ E, a distance of 140.00 feet along the south boundary of that parcel described in Instrument #139716 to a rebar with aluminum cap stamped "JORGENSEN ASSOCIATES PLS 10897" recovered on the westerly boundary of a parcel described in Instrument #149619, said point being situated on the north and easterly boundaries of the parcel being described herein;

thence, S $7^{\circ}28'40''$ E, a distance of 87.77 feet to a rebar with aluminum cap stamped

"JORGENSEN ASSOCIATES PLS 10897" recovered at an angle point in the westerly boundary of that parcel described in Instrument #149619, said point being situated on the easterly boundary of the parcel being described herein;

thence, S 0°22'58" W, a distance of 647.75 feet to a rebar with aluminum cap stamped "JORGENSEN ASSOCIATES PLS 10897" recovered at an angle point in the westerly boundary of that parcel described in Instrument #149619, said point being situated on the south and easterly boundaries of the parcel being described herein;

thence N 89°47'52" W, 152.00 feet along the boundary of that parcel described in Instrument #149619 to the TRUE POINT OF BEGINNING;

LIMITED POWER OF ATTORNEY

HUNTSMAN SPRINGS, LLC, WILLIAM E. REID, CEO, of 97 North Highway 33, Driggs, Idaho 83422, designate and appoint HARVEY WALKER of 2338 North 2930 West, Arco, ID 83213, as our attorney in fact and agent (subsequently called "agent") to act in our name and for our benefit. We grant to our agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

Specific Powers

Our agent shall have and may exercise the following specific power:

- a. To handle all affairs and do all that needs done, including signing of documents, pertaining to water rights, wells and all water issues.

Revocability

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

Interpretation

This instrument is to be construed and interpreted as a limited power of attorney.

Disability of Principal

This Limited Power of Attorney shall not be affected by disability of the principal.

SCANNED

NOV 29 2007

Third-Party Reliance

Third parties may rely upon the representations of our agent as to all matters relating to any power granted to our agent, and no person who may act in reliance upon the representations of our agent or the authority granted to our agent shall incur any liability to us or our estate as a result of permitting our agent to exercise any power.

Expiration

Unless sooner revoked in the manner above provided, this Limited Power of Attorney shall expire at midnight on April 30, 2008.

Governing Law

This Limited Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, we have executed this Limited Power of Attorney this 26 day of October, 2006.

HUNTSMAN SPRINGS, LLC, Principal

By William E. Reid
WILLIAM E. REID, CEO

STATE OF IDAHO)
) ss.
County of Teton)

On this 26 day of October, 2006, personally appeared before me WILLIAM E. REID, who, being by me first duly sworn, declared that he is the CEO of HUNTSMAN SPRINGS, LLC, that he signed the foregoing document as CEO of the corporation, and that the statements therein contained are true.



Pauline Bagley
Notary Public for Idaho
My Commission Expires: 8/2011

11/07/2007

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

RIGHT NUMBER: 22-10649

NAME AND ADDRESS: HUNTSMAN SPRINGS INC
97 N HWY 93
DRIGGS ID 83422

SOURCE: SPRINGS

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.720 CFS

PRIORITY DATE: 04/01/1968

POINT OF
DIVERSION:

T05N R45E S27 NENENW Within TETON County
T05N R45E S27 NWNENW Within TETON County
T05N R45E S27 SENENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.720 CFS
STOCKWATER	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S27 NENW 36.00

STOCKWATER in TETON County

T05N R45E S27 NENW

36 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

November 5, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

HUNTSMAN SPRING INC
97 N HWY 33
DRIGGS ID 83422

RE: Notice of Change of Water Right Ownership (NCO) for 22-153, 22-10649, 22-11981, 22-13611, 22-13613 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On September 7, 2007, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Blackfoot Farms LLC.

SCANNED

NOV 29 2007

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)

Water Rights: 22-153, 22-10649, 22-
11981, 22-13611, 22-13613

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party BLACKFOOT FARMS – HUNTSMAN SPRINGS INC
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 13 November 2007

Ernest Carlson

Signature of IDWR Representative

SCANNED

NOV 29 2007

CERTIFICATE OF MAILING

I certify that on Nov 16, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
HUNTSMAN SPRINGS INC
97 N HWY 33
DRIGGS ID 83422

4. One copy to:

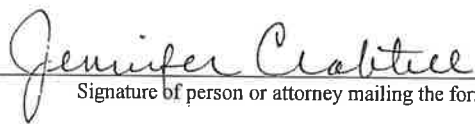
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

Contacts Data Entry Form

Water Right No. A2210649

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>CLEO KIRKHAM</u>					
Name connector: and						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B.M. CLAIM. 40" (.80 CFS)OTHER WATER RIGHTS USED
STOCK WATER 40 HEAD RANGE CATTLE.FE. pad/pou conveyance/system

Reviewer: _____

Date: _____

PROFILED

SCANNED
MAY 05 2005

Water Right No(s). A8210649

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

MAY 05 2005

PROFILED

Claim Number: A 22 10699

Water Right Priority Date: _____ **Water Right Basls:** _____

Claimed Priority Date: 1 April 1969 Claimed Basis: B.U.

Recommended Priority Date: _____ Recommended Basis B. U

 Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

B.H. Clark

Reviewer: _____

Date: _____

PROFIT

SCANNED
MAY 05 2005

Point of Diversion and Source Data Entry Form

Claim Number: 92210649

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 5N, R 45E, Sec. 27, 1/4 NE 1/4, 1/4 NW. County: TetonSource: Spring. Tributary: unnamed stream

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

pod. 5N 45E 27 SE NE 1/4 Teton Spring Trib unnamed stream

GPS Coordinates: _____

05N 45E 27 NENE NW Teton "

GPS Coordinates: _____

05N 45E 27 NW NE NW Teton "

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? pod. Tag

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

SCANNED

Date: MAY 05 2005

PROFILED

Place Of Use Data Entry Form

Claim Number: A2210649☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	4SE	27	NENW		TETON		40	Irrigation
"	"	"	NENW		"			Stock

Total Acres 40

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
105N	4SE	27	NENW		Teton		36.0	Irrigation
"	"	"	NENW		"			Stockwater

Total Acres 36.0

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

PROFILED

SCANNED
MAY 05 2005

Period of Use and Quantity Data Entry Form

Claim Number: A 2210 649☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15		.80 cfs
Stock	4/15	10/15		.02 cfs

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/31		0.72 cfs
Stockwater	4/15	10/31		0.02 cfs

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR Std 504. 4/15 To 10/31

Reviewer: _____

Date: _____

PROFILED

SCANNED
MAY 05 2005

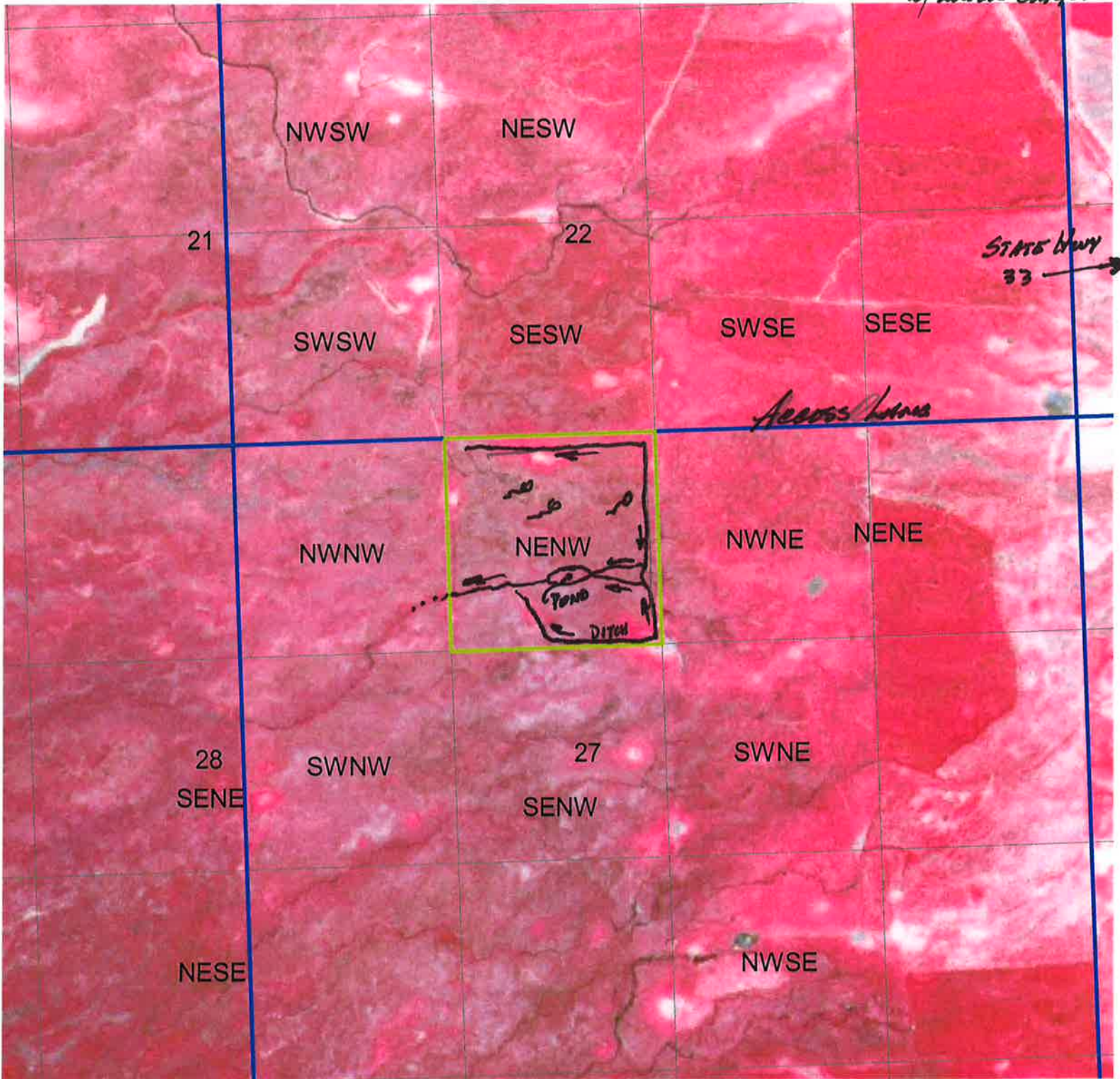
Claim no. A2210649

Claimant Contact Log

[illegible]

22-10649

7/15/04 *ABR*
w/ Lower Charges



SCANNED
MAY 05 2005

PROFILED

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

DELOG
AR
2/9/05
RECEIVED
FEB 08 2005

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

Department of Water Resources
 Eastern Region

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>A22-10649</u>	<u>39576</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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) are 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)

Cleo Kirkham
Blanche Kirkham

4. New Owner/Claimant(s)

Cary L. Curtis and Brett B. Curtis
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

97 N. Hwy 33

City, State and ZIP Code

Driggs, Id 83422

New Telephone Number

(208) 354-2534

5. Date you acquired the property

Feb 5, 1991

FILED

CONTINUED
 MAY 05 2005

July 23, 2004

To whom it may concern:

My husband and I established the ditches on the following property: Township 5 North, Range 45 East, Section 27, NE 1/4, NW 1/4 in Teton County. The ditches were established in 1968 for the purpose of irrigating the pasture and providing water for livestock. Water rights were filed on 8/04/1988; id # A22-10649 and Receipt # E001077.

Blanche Kirkham

Blanche Kirkham

PROFILED

SCANNED
MAY 05 2005

TETON Co. Id.
Clerk Recorder

WARRANTY DEED

For Value Received

CLEO KIRKHAM AND BLANCHE KIRKHAM, husband and wife

the grantors, do hereby grant, bargain, sell, and convey unto

CARY L. CURTIS AND BRETT B. CURTIS, both single men
97 North Highway 33
Driggs, Idaho 83422

the grantees, the following described premises, to-wit:

TOWNSHIP 5 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO.

Section 27: NE1/4NW1/4

TOGETHER with all Oil and Mineral rights now owned by Grantor.

AND TOGETHER with all appurtenant Water Rights.

Subject to reservations in United States and State Patents; existing and recorded Right-of-ways, Easements, Zoning, Building and Subdivision ordinances; Taxes and Assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: Feb. 5, 1991

Cleo Kirkham
Cleo Kirkham

Blanche Kirkham
Blanche Kirkham

STATE OF IDAHO,
COUNTY OF Madison

On this 5th day of Feb.
1991 before me, a notary public in
and for said State, personally
appeared

Cleo Kirkham and Blanche
Kirkham, husband and wife

known to me to be the persons whose
names are subscribed to the within
instrument, and acknowledged to me
that they executed the same.

Marlene J. Lyle
Notary Public
Residing at Driggs, Idaho
Comm. Expires 3/24/94

107479

FILED

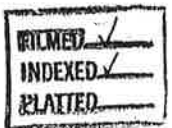
AT THE REQUEST OF

Julina Curtis
AT 05 MINUTES PAST 3 P.M.

DATE Feb 6, 1991

Asa J. Drake
CLERK OF RECORDER

BY *Rora Hill*
DEPUTY



THIS INDENTURE, Made this 4th day of May
in the year of our Lord one thousand nine hundred and Sixty-seven, between

D. M. BALER & ELLA V. BALER, his wife,
of Tetonia, County of Teton, State of Idaho

the parties of the first part, and

CLEO KIRKHAM & BLANCHE KIRKHAM, his wife,
of Thornton, County of Madison, State of Idaho
the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

One Dollar and other valuable consideration ----- DOLLARS,
lawful money of the United States of America,

to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in, County of Teton, State of Idaho, to-wit:

The Northeast Quarter of the Northwest
Quarter of Section 27, Township 5 North, Range
45 E.B.M., together with all water rights of
every kind and nature thereunto belonging or
in anywise appertaining.

SCANNED

MAY 05 2005

RECORDED



TOGETHER, With all and singular the tenements, hereditaments and 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 the said property, as well
in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever,
and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said parties of the second part, their heirs and assigns, against the said parties
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

D. M. Baler [Seal]
Ella V. Baler [Seal]
[Seal]
[Seal]

STATE OF IDAHO,

COUNTY OF *Madison.* ss.

On this *4th* day of *May* in the year *1967*, before me
the undersigned, a Notary Public

in and for said State, personally appeared

D. M. BALER & ELLA V. BALER, his wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Mary Smith

Notary Public for the State of Idaho,
Residing at *Rexburg*, Idaho.

FILED
INDEXED
PLATED
No. *64654*

WARRANTY DEED

D. M. BALER

et ux

— TO —

CLEO KIRKHAM

et ux

Dated *May 4*, 19*67*

STATE OF IDAHO,

COUNTY OF *TETON* ss.

I hereby certify that this instrument was filed for record at request of

D. M. Baler
at *55* minutes past *3*
o'clock *P.* M., this *5th* day
of *May* *1967*, A. D. 19*67*
in my office, and duly recorded in Book

Deed Book 104
By *Cleo Kirkham*
Fees, \$ *1.50*
Duty.

Mail to *Cleo Kirkham*
Teton

March 3, 2004

CLEO KIRKHAM
162 W 9000 S
REXBURG ID 83440

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10649

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date of APRIL 1, 1968, from SPRINGS.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED

MAY 05 2005

PROFILE

mailed
3-3-04

This property belongs to
Cary & Brett Curtis

Marion
Loren Curtis
97N Hwy 33

Diggs 83422

Phi 354-2534

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

SCANNED
MAY 05 2005

PROFIT

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: A22-10649
Date Received: 8/04/1988
Receipt No: E001077
Received By: ESV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEO KIRKHAM 208-356-6675
Address: 162 W. 9000 S.
REXBURG, ID 83440
OR
Name: BLANCHE KIRKHAM 208-356-6675
Address: 162 W. 9000 S.
REXBURG, ID 83440

A2210649



2. Date of Priority: APR 01, 1968

3. Source: SPRINGS Trib. to: UNNAMED STREAM

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	27	NE	NE	NW		TETON
			SE	NE	NW		TETON
			NW				

5. Description of diverting works:
SPRINGS RISE ON PROPERTY/DRAIN DITCHES USED TO IRR. PASTURE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		
STOCKWATER	04/15	10/15	0.020		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 40 HEAD OF RANGE CATTLE

A22-10649

Page 1

Date: 08/04/88

PROFILED

SCANNED
MAY 05 2005

MICROFILMED
NOV 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	27	NE	NW		IRR	40.0
			NE	NW		STOCK	
						Section Acres	40.0
						Total Acres	40.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:
ORIGINALLY LAND SUBIRRIGATED. WHEN CLAIMANT PURCHASED PROPERTY
HE DRAINED PASTURE AND PUT IN DITCHES TO BETTER REGULATE
APPLICATION OF WATER TO ENTIRE PASTURE.

15. Basis of Claim: BENEFICIAL USE

PROFILED

SCANNED
MAY 05 2005

UNPROFILMED
NOV 05 1992

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: X 2

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): Blanche Kirkham Date: Aug. 4, 1988

Date: _____

State of Idaho)
County of Koonceville) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

PROFILED

SCANNED
MAY 05 2005

RECORDED
NOV 05 1992

7'30"

4 91000m.E.

230 000 FEET (WYO. 4 WEST)

