

12/14/2006

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

RIGHT NUMBER: 22-11981

NAME AND ADDRESS: BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 12.00 CFS

PRIORITY DATE: 04/15/1925

POINT OF DIVERSION:

T05N R46E S19 NESESE 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	12.00 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S27	SWNW	40.00	T05N R45E S27	SENW	40.00
T05N R45E S27	NESW	40.00	T05N R45E S27	NWSW	40.00
T05N R45E S27	SWSW	40.00	T05N R45E S27	SESW	40.00
T05N R45E S27	NESE	40.00	T05N R45E S27	NWSE	40.00

320 ACRES TOTAL

Right Nos. 22-153 and 22-11981 are limited to the irrigation of a combined total of 320 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

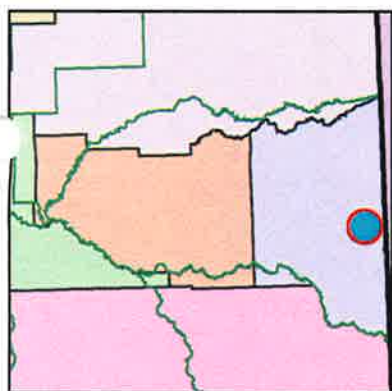
SRBA Recommendation:

22-11981

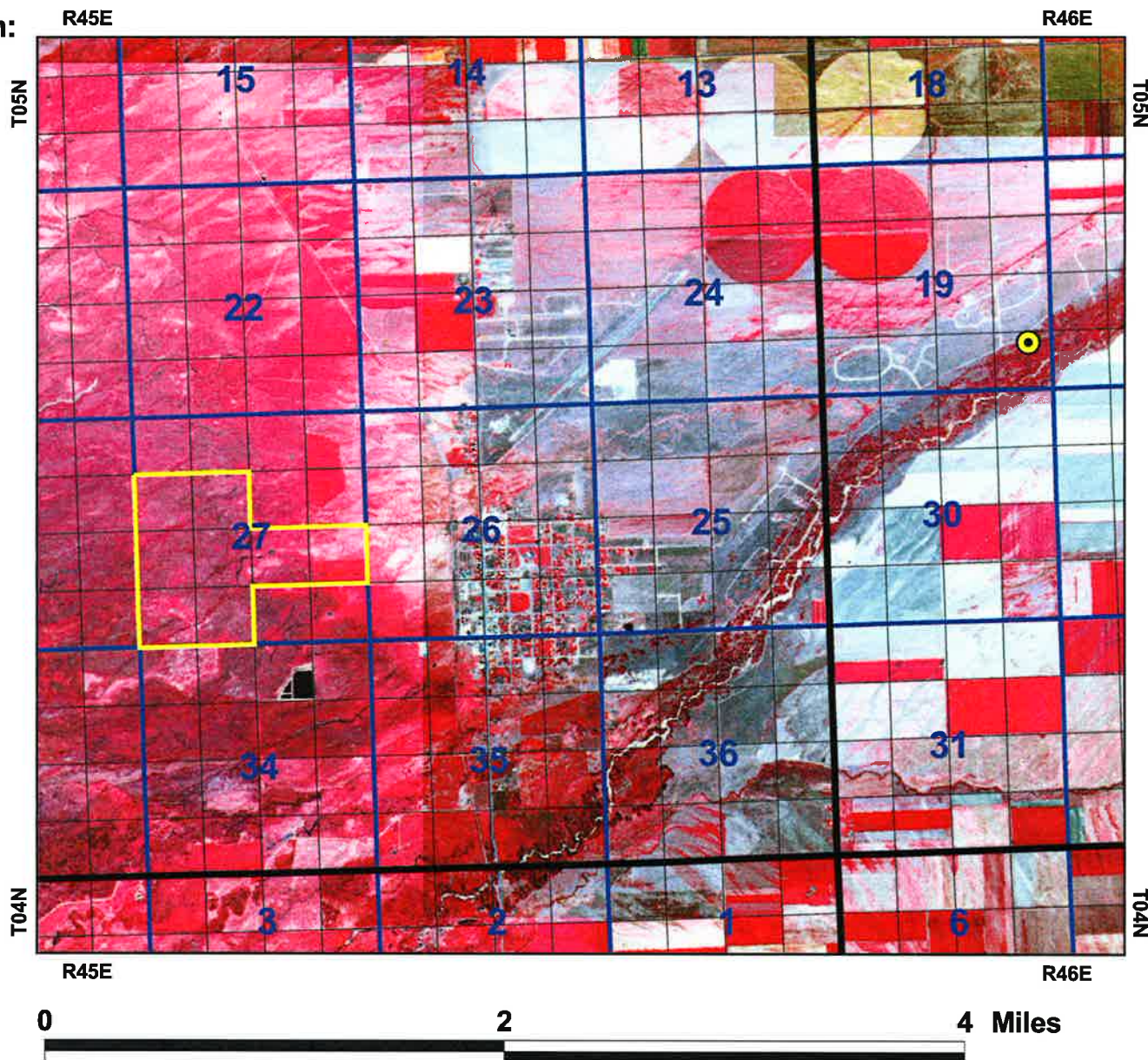
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22

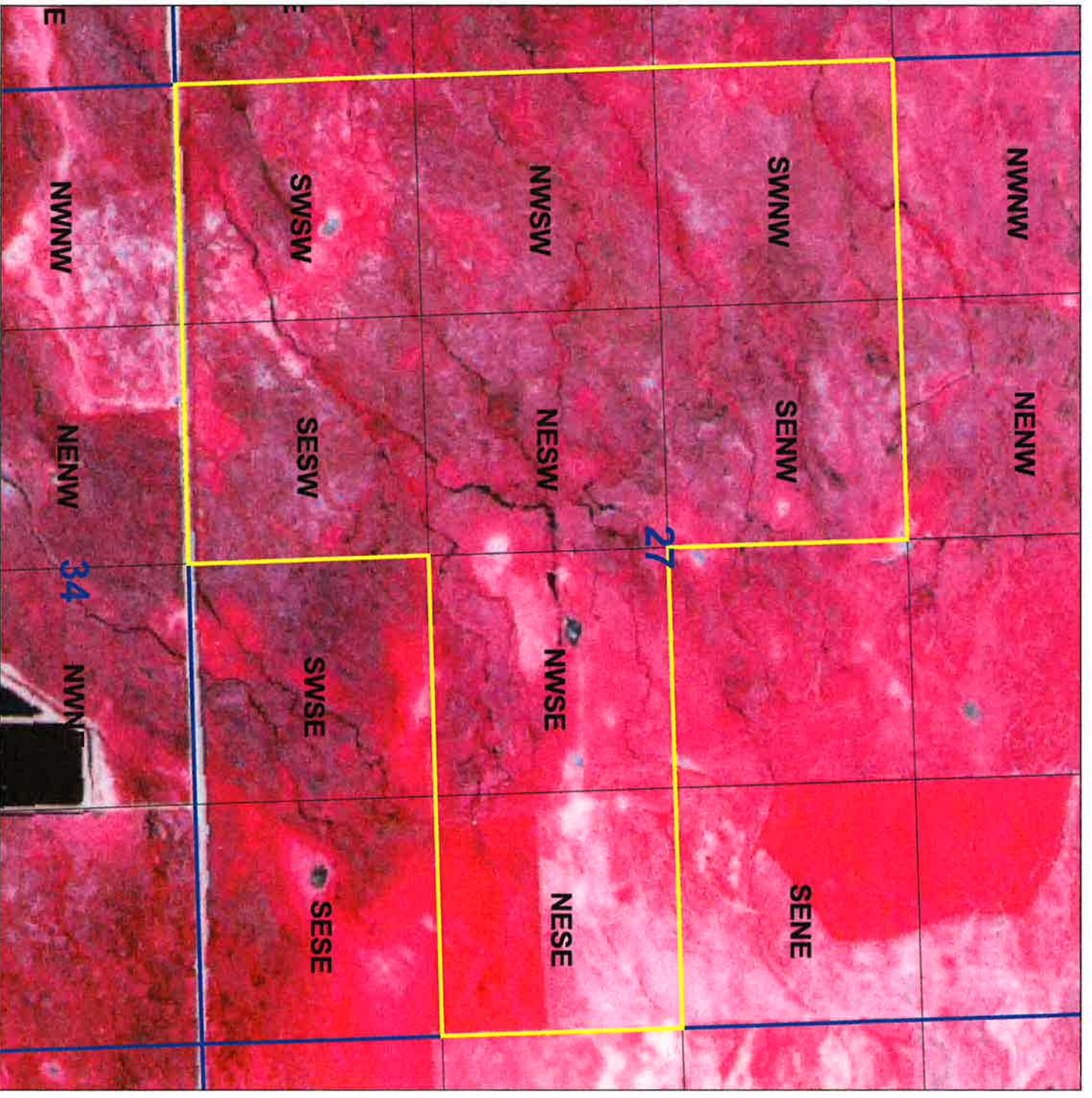
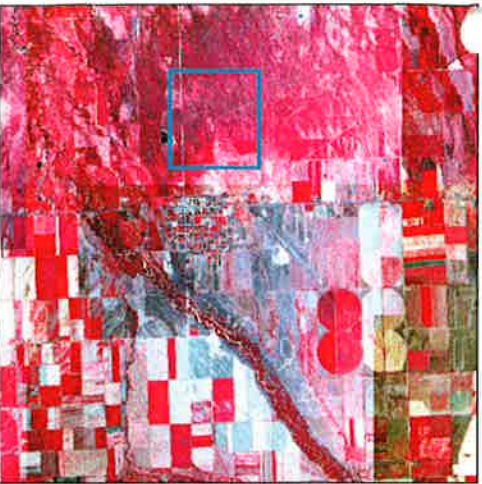


Prepared by E. Carlsen
On Thursday, December 14, 2006
1987/88 Aerial Photography

Owner: Blackfoot Farms Llc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

22-11981





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:

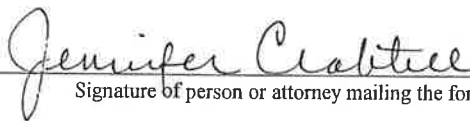
Each party in the subcase, or attorney of record
N/A

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 NCAP

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 _____
 Receipted 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:

First American Title Company

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

213623

Instrument # 188340

TETON COUNTY, IDAHO

2007-06-08

09:19:00 No. of Pages: 9

Recorded for: FIRST AMERICAN TITLE

MARY LOU HANSEN

Fee: 27.00

Ex-Officio Recorder Deputy *M. Hansen*

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: *Thomas E. Muir*

Name: Thomas E. Muir

Its: Manager

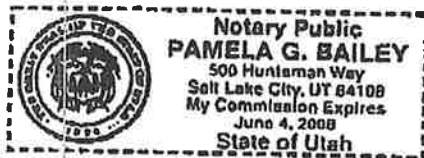
SCANNED

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 SE1/4NW1/4 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.

PARCELF: 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.

PARCELG: 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 PARCELI: 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 $32^{\circ}1'$ 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 $32^{\circ}1'$ 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 $32^{\circ}01'$ 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
✓

PARCELO: 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 Engineering 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.

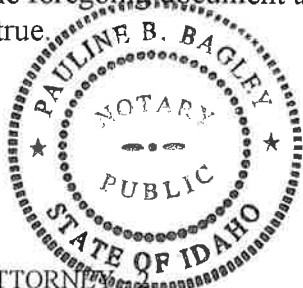
IN WITNESS WHEREOF, we have executed this Limited Power of Attorney this 26 day of October, 2006.

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 Cohen

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:

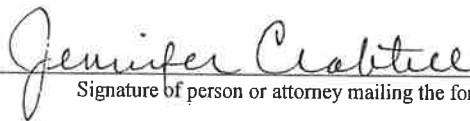
Each party in the subcase, or attorney of record
N/A

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

11/07/2007

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

RIGHT NUMBER: 22-11981

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

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 12.000 CFS

PRIORITY DATE: 04/15/1925

POINT OF
DIVERSION:

T05N R46E S19 NESESE 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	12.000 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S27 SWNW	40.00	T05N R45E S27 SENW 40.00
	T05N R45E S27 NESW	40.00	T05N R45E S27 NWSW 40.00
	T05N R45E S27 SWSW	40.00	T05N R45E S27 SESW 40.00
	T05N R45E S27 NESE	40.00	T05N R45E S27 NWSE 40.00

320 ACRES TOTAL

Right Nos. 22-153 and 22-11981 are limited to the irrigation of a combined total of 320 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - 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 Cohen

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:

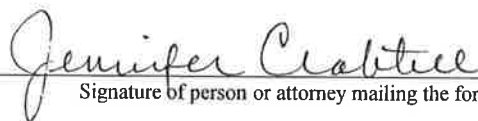
Each party in the subcase, or attorney of record
N/A

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

11/07/2006

**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: 22-11981

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: _____ SIGNATURE: _____

Please print your name: _____

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

SCANNED

APR 26 2007

PROFILED

December 13, 2006

Blackfoot Farms, LLC
97 N Hwy 33
Driggs, Idaho 8342

I, Lowell Curtis write this letter to verify that my father, Byron J. Curtis purchased the property in 1925 and used the Price-Fairbanks canal water. I purchased the property in 1968 and also used the Price-Fairbanks canal water for agriculture production until 2004 when I sold the property.

This information pertains to State of Idaho water Ident. Number A22-11981

Sincerely,

A handwritten signature in black ink that reads "Lowell Curtis". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Lowell Curtis
2040 E 2200 N
Twin Falls, Idaho 83301

SCANNED

APR 26 2007

PROF

12/11/06

Dear Sirs:

I have been asked to write a letter of my recollections of delivery of water out of Teton Creek to Mrs. Lowell Curtis through the Price - Fairbanks Canal.

I worked as a deputy watermaster for Water District 01 from 1978 - 2000.

During that time, I would deliver water through the Price - Fairbanks as long as the decrees were still good according to what was being regulated. The water was divided and actually delivered through individual lateral ditches that I was not involved with.

My main contact person for this canal was Mr. James Price. If there needed to be a cut made in the amount that was being delivered, I would contact him and he would usually notify the others involved.

I knew that the water was going to Mrs. Curtis, Mr. Price and others, even though I didn't know exactly who had what shares. Please contact me if there are questions.

SCANNED

APR 26 2007

Sincerely
Dee D'Brien

Price-Fairbanks Canal

shares

James Price

80 plus high water 29

Lowell Curtis

40 plus high water 14 107.96

Aspen Subdivision
c/o Bill Nisbet

52 07 52

Cobblecrest Subdivision
c/o Frank Betts

40

Dean Nealey

67

All these water rights are filed by the individuals.

279

SCANNED

APR 26 2007

December 11, 2006

State of Idaho
Department of Water Resources
900 N Skyline Dr., Ste A
Idaho Falls, ID 83402

We, as water master for the Grand Teton Canal Company, have, in the past and present, delivered water in the Central & Price Fairbanks Canals. Even though the companies have gone on the way side, the water has been delivered and canals maintained as private water rights. This water has been delivered over a forty year period between the two water masters.

Present Water Master



John Letham

Former Water Master



Lavell Johnson

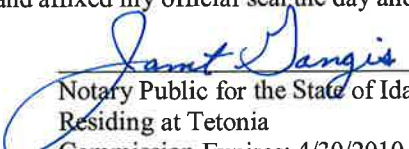
JANET GANGIS
NOTARY PUBLIC
STATE OF IDAHO

State of Idaho)
) ss.
County of Teton)

On this 11th day of December, 2006 before me, a Notary Public in and for said State, personally appeared John Letham + Lavell Johnson, known, or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/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.

APR 26 2007


Notary Public for the State of Idaho
Residing at Tetonia
Commission Expires: 4/30/2010

BLACKFOOT FARMS, L.C.22 - 153
22 - 11973A
22 - 11981

August 25, 2005

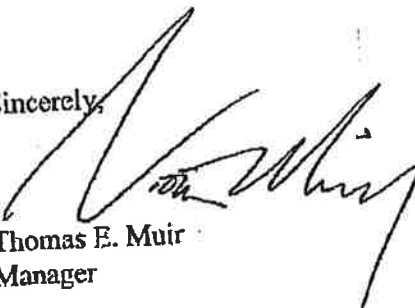
To Whom It May Concern:

On behalf of Blackfoot Farms, L.C., Mr. Harvey Walker has been provided signatory authority to sign various Application for Permit with State of Idaho, Department of Water Resources, for the appropriation of public waters of the State of Idaho as indicated on the respective permits.

Should you have any questions, please feel free to contact me directly at 801/584-5864.

Thank you.

Sincerely,



Thomas E. Muir
Manager

PROCESSED

SCANNED

DEC 14 2005

BLACKFOOT FARMS, L.C.

500 Huntsman Way • Salt Lake City, Utah 84108 • 801-584-5700 • Fax 801-584-5788

Harvey Walker RI Box 200, Arco 83213
208-527-3254

DELOG
AR 1-28-05
RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPOK
JC 9-2-05
JAN 26 2005
Department of Water Resources
Eastern RegionPlease 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
A22-00153					
A22-11981					

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

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

Lowell B. Curtis or Juliana Curtis

4. New Owner/Claimant(s)

*BlockFoot Farms,
L.C.*

Mike R. Stearns and/or Assigns

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

414 W 525 S

500 Huntsman Way

City, State and ZIP Code

Victor, ID 83455

Salt Lake City, UT 84108

New Telephone Number

(801) 584-5864

5. Date you acquired the property

12/17/04

ORIGINAL
IN
22-153

*done
Kato 9/10/05*

June 22, 2004

Dear Sir:

In 1982 and again in 1983, I was
the watermaster for Water District #1
for Teton Valley.

On June 29th, 1982, I measured
the Price-Fairbanks Canal at 34 c.f.s.
Teton Creek was at flood stage (1065
cfs) and we were diverting high
water where possible.

On June 7th, 1983, I measured
the Price-Fairbanks again at 34 cfs.

Sincerely yours,
Lee O'Brien

MAILED
16 March 04

March 16, 2004

LOWELL B CURTIS
97 N HWY 33
DRIGGS ID 83422

P.O. Fairbanks
P.O. Water

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11981

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, 1925, from TETON CREEK.

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.

.....
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)

Contacts Data Entry Form

Claim Number: 2211981

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: Howell B. Curtis Phone No.: 208-354-2534

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B. U.

BASED ON OVER LPP IN SEC. 27 WITH 22-00153
OTHER WATER RIGHTS USED 2200153

FE. pod/pou. COMPREHENSIVE/SYSTEM

Reviewer: _____ Date: _____

Water Right No(s). 2211981

GPS DATA:

Tag # A0013831 Location: Price Fairbanks canal headgate

Diversion Data:

Source: Teton Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Price Fairbanks PDD.
The PDD is approx 2 mi. northeast of POU.

Field Exam Date: 10/2/04 Agent: DO

Point of Diversion and Source Data Entry Form

Claim Number: 2211981Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
51N	46E	19		NE SE SE	Teton	Teton Creek	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:Also has Paico-Kairbanks Private Rt. 22-153 AND GRAND TETON SPAROS.This water is combined w/ 22-153 AND CANAL water on all POD w/ this claim.

10/2/04 A field exam showed that series of canals and ditches deliver water from Teton Creek. It appears that most of the water used on this claim is flood water from fields that are east of this ground. The water is collected in ditches and dams are used to irrigate.

Reviewer: _____ Date: _____

Claim Number: 2211981

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	4SE	27	SWNW		Teton		40	Irrigation
"	"	"	SENW		"		40	"
"	"	"	NESW		"		40	"
"	"	"	NWSW		"		40	"
"	"	"	SSW		"		40	"
"	"	"	SESW		"		40	"
"	"	"	NENE		"		40	"
"	"	"	NWSE		"		40	"
						Total acres		

Total acres

320

[illegible]

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Document how the POU was verified:

Field exam showed the 40 acres NESE is irrigated w/ flood water from ground to the east. a series of ditches are used. In the western lands of this claim there are a series of small streams and sloughs that can be dammed to flood and bring in the sub-water.

This west 1/2 of Sec 27 is part of the swampy area west of a ridge that depends so much on heavy use of water out of Teton Creek

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 2211981Water 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		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

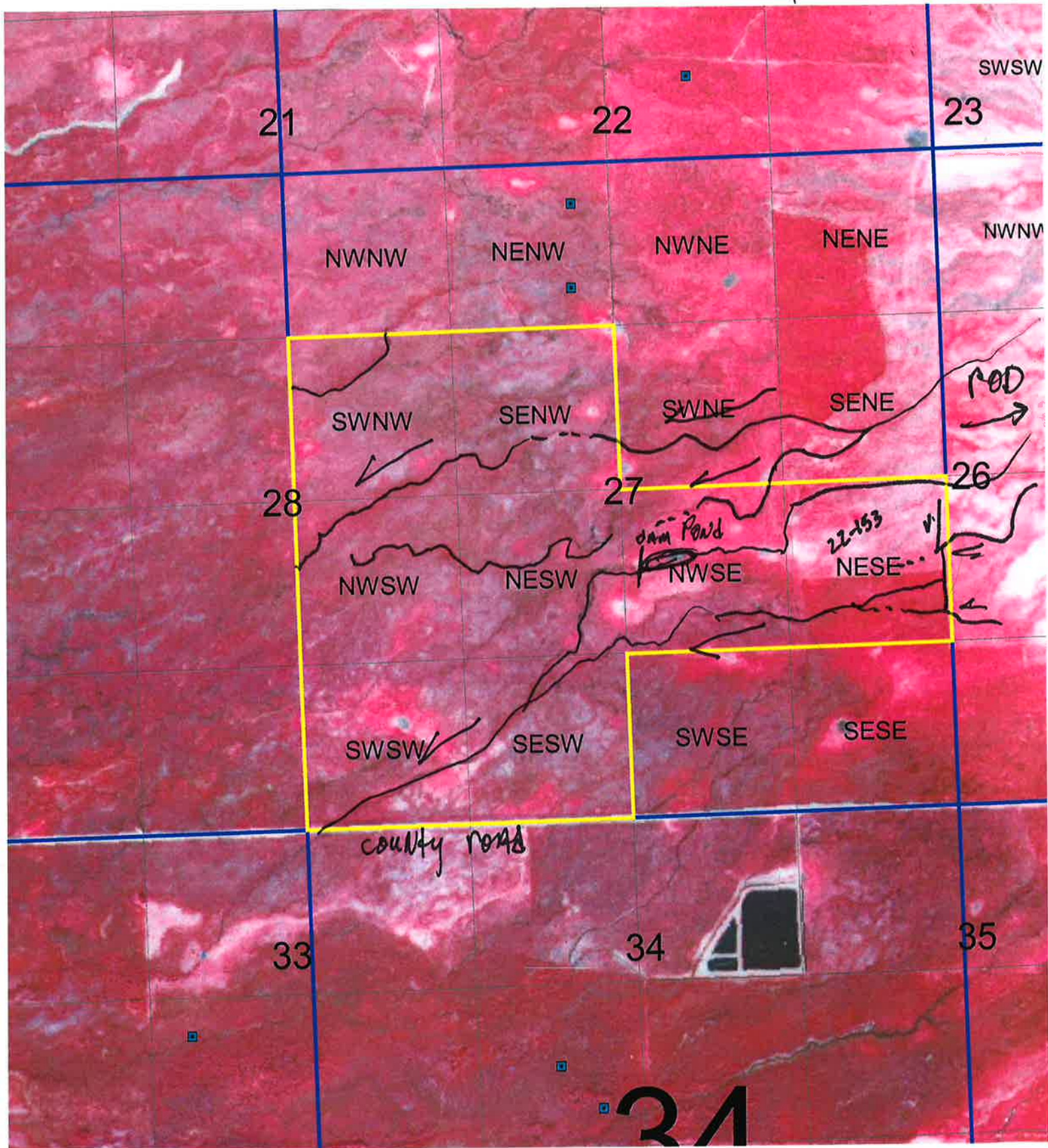
Document how the Period of Use and/or Diversion Rate were verified:IDWR STD. S'ou. 4/15 - 10/31Mr. Curtis states this land requires > 0.02 cfs/ac - He will contact NRCS for Doc. supporting > 0.02/ac.

Reviewer: _____

Date: _____

22-11981

DD
10/2/04



11/07/2006

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

RIGHT NUMBER: 22-11981
NAME AND ADDRESS: BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

Disallowed

SOURCE: TETON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 6.400 CFS

PRIORITY DATE: 04/01/1925

POINT OF DIVERSION:
T05N R46E S19 NESESE 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	6.400 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S27 SWNW	40.00	T05N R45E S27 SENW 40.00
	T05N R45E S27 NESW	40.00	T05N R45E S27 NWSW 40.00
	T05N R45E S27 SWSW	40.00	T05N R45E S27 SESW 40.00
	T05N R45E S27 NESE	40.00	T05N R45E S27 NWSE 40.00
	320 ACRES TOTAL		

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-11981

WATER RIGHT NUMBER: 22-11981

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOWELL B CURTIS 1935 E 2200 N TWIN FALLS, ID 83301 (208)655-4461
Current Owner	BLACKFOOT FARMS LLC 500 HUNTSMAN WAY SALT LAKE CITY, UT 84108 (801)584-5700
Original Owner	JULINA L CURTIS 1935 E 2200 N TWIN FALLS, ID 83301 (208)655-4461

Priority Date: 04/01/1925

Basis: Beneficial Use

Status: Active

Source

TETON CREEK

Beneficial Use

IRRIGATION

Annual VolumeLocation of Point(s) of Diversion

TETON CREEK

TETON County

Twp 05N, Rge 46E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	45E	27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	320.0
									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			

Total Acres: 320

Conditions of Approval:

- This right is based on water use from the Price-Fairbanks Canal. Claimants' family first settled there ~1925. Water has been used on P/U since that time. This right is not based on an existing water right. Overlap in NE1/4 SE1/4 of SEC27 with A22-00153.

Remarks:

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: A22-11981
Date Received: 9/28/1988
Receipt No: 1001457
Received By: DPH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWELL B. CURTIS 208-354-2534
Address: 97 N HIWAY 33
DRIGGS, ID 83422
OR
Name: JULINA CURTIS 208-354-2534
Address: 97 N HIWAY 33
DRIGGS, ID 83422

A2211981

2. Date of Priority: APR 01, 1925

3. Source: TETON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	46E	19	NE SE SE		TETON

5. Description of diverting works:
HEADGATE TO DITCH TO P/U FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	12.000		

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

8. Total consumptive use is 640.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-11981

Page 1

Date: 09/28/88

MICROFILMED

NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	27	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	320.0
						Total Acres	320.0

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:
A22-00153

14. Remarks:

This right is based on water use from the Price-Fairbanks Canal. Claimants' family first settled there ~1925. Water has been used on P/U since that time. This right is not based on an existing water right. Overlap in NE1/4 SE1/4 of SEC27 with A22-00153.

15. Basis of Claim: BENEFICIAL USE

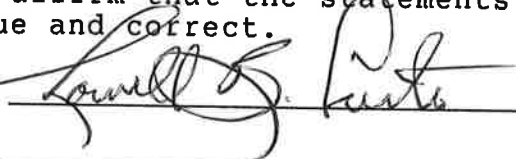
16. Signature(s)

(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: 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):  Date: 9-28-88
Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of Sept 19 88


Notary Public

Seal

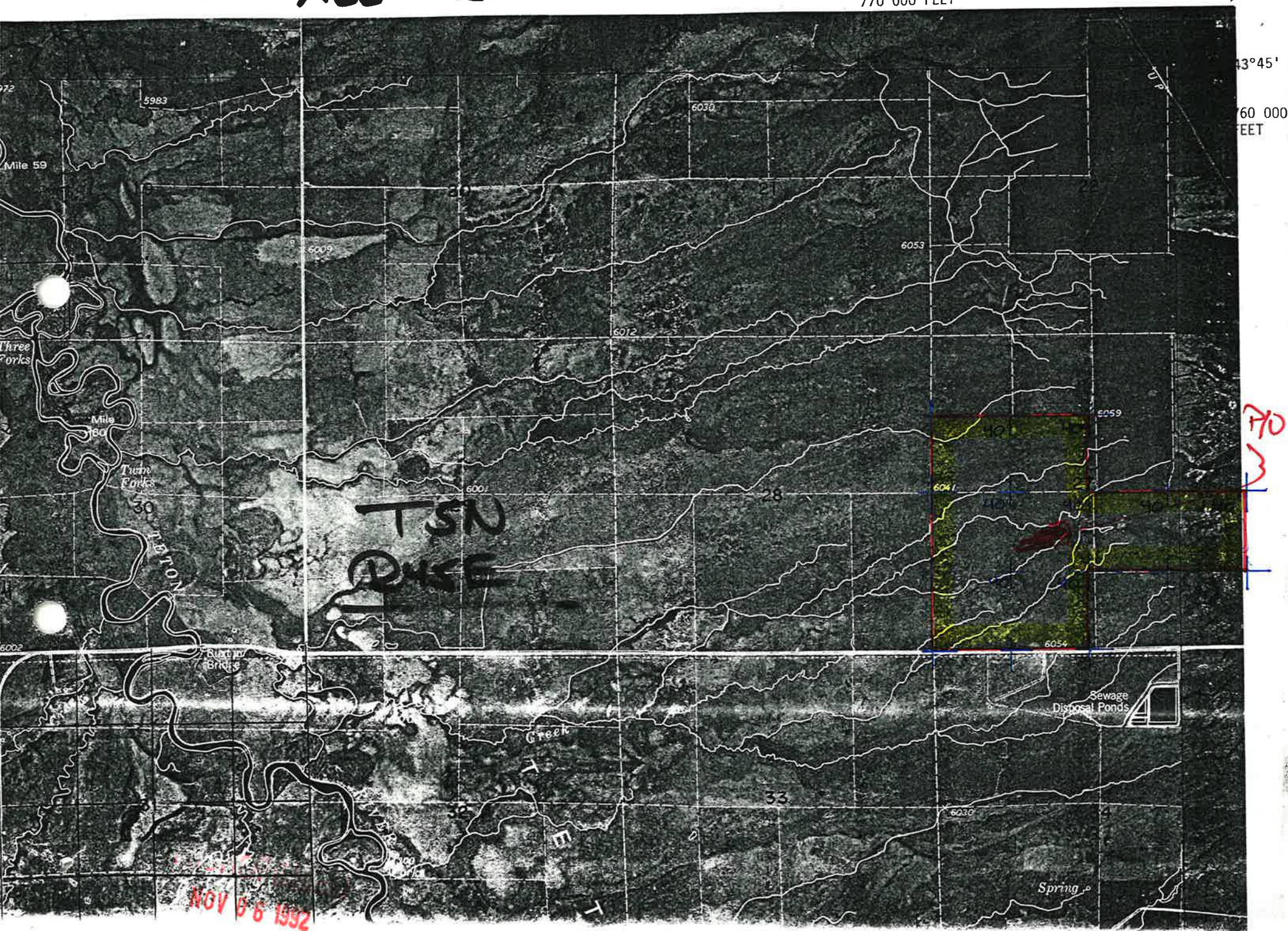
Residing at Idaho Falls
My Commission Expires 9-12-94

R45E

A22-11981

770 000 FEET

111°07'30"



OF WATER RESOURCES

A22-11981

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R45E

TSN

R46E

111°07'30"

491000m.E.

230 000 FEET(WYO. 4 WEST)

