

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: A63-03570
Date Received: ~~4/09/1990~~ 4.12.90
Receipt No: W011929
Received By: _____

RECEIVED

APR 12 1990

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Department of Water Resources
Western Regional Office

1. Name: CON AGRA, INC.
Address: DBA ARMOUR FRESH MEATS
C/O BRIAN SWEET
PO BOX 470
NAMPA, ID

208-466-4627

83651

2. Date of Priority: DEC 07, 1966

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02W	36	NE	NE	NW		CANYON

5. Description of diverting works:
SEE W.R. EXAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	1.670		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

INDUSTRIAL/PLANT & PRODUCT CLEAN UP; DOMESTIC IN SHOP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02W	36	NE	NW		INDUST	
			NW	NW		DOMEST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:
ADDED DOMESTIC USE TO SHOP WHICH HAS BEEN IN USE SINCE APPROX.
1957.

15. Basis of Claim: LICENSE
Water Right Number: 33366

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Wastewater Manager of _____
Title

ConAgra Inc., that I have signed the foregoing
Organization

document in the space below as Wastewater Manager of _____
Title

ConAgra Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Brian Sweet
Signature of Authorized Agent

Wastewater Manager, ConAgra Inc.
Title and Organization

April 10, 1990
Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 10th day

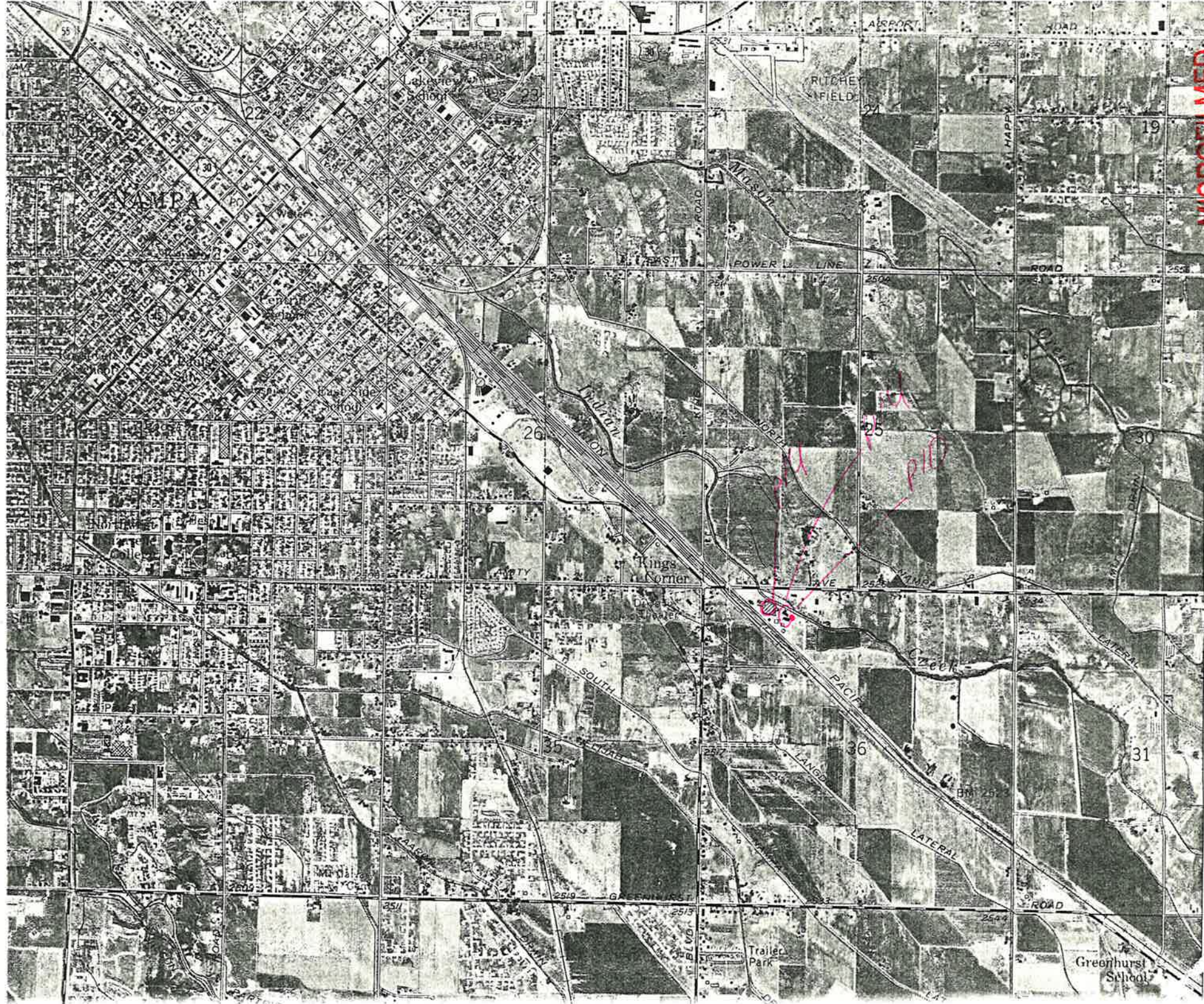
of April 19 90

Wayne Evanson
Notary Public

Seal

Residing at Armour Fresh Meats

My Commission Expires 7-21-94



4825
MICROFILMED
35
AUG 19 1992

4823
A63-3570

4824
T3N, R2W, Sec.

4822

T
T

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 63-03570

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 33366

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

ARMOUR & CO.

1 - P.O. BOX 470

2 -

3 -

City- NAMPA

State- ID Zip- 83651

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/07/1966 14 L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

03N 02W 36 NE NW (27) CANYON

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

07 - INDUSTRIAL

1.670

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.670+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

03N 02W 36 NE NW 07 INDUSTRIAL (27) CANYON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - Remarks - - - - - +
No Remarks found.+ - - - - - - - - - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields -

MICROFILMED

AUG 19 1992

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 04/23/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 09/12/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | | | | |

AUG 19 1992

Receipt Details for ID W011929

| Status | Adjustment Type | Version |
|--------|------------------|---------|
| | Adjusted Receipt | 1 |

General Information:

| Date Received | Date Deposited | Region | Total Amount | Payment Type |
|----------------------|----------------|-------------------------|--------------|--------------|
| 4/12/1990 1:39:06 PM | 4/12/1990 | Western | \$828.00 | Check |
| Payer | | CONAGRA FRESH MEATS CO. | | |

Account Information:

| Check # | Account # | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 23610 | | | |
| Card Expiration Date | Credit Card Transaction # | | |
| | | | |

Comment LATE FEE**Fee Detail:**

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------------|--------|------|-------------|------------|--------|
| \$578.00 | ADJUDICATION CLAIM FEE | 410162 | 9337 | 0 | 0 | 6490 |
| \$250.00 | LATE FEE | 410162 | 9337 | 0 | 0 | 6490 |

Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount | Type |
|--------------|-----------------|--------------|----------|-------|
| 63 | 3277 | | \$170.00 | Claim |
| 63 | 3570 | | \$217.00 | Claim |
| 63 | 21951 | | \$25.00 | Claim |
| 63 | 21949 | | \$83.00 | Claim |
| 63 | 21952 | | \$83.00 | Claim |

[Print Report](#)

05/15/2006

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

RIGHT NUMBER: 63-3570

NAME AND ADDRESS: CON AGRA INC
DBA ARMOUR FRESH MEATS
C/O BRIAN SWEET
PO BOX 470
NAMPA ID 83651

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.670 CFS
692.460 AFY

PRIORITY DATE: 12/07/1966

POINT OF DIVERSION:

T03N R02W S36 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

1.670 CFS
692.46 AFY

Industrial use is for a slaughter house and meat packing facility.

PLACE OF USE: INDUSTRIAL Within CANYON County

T03N R02W S36 NENW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

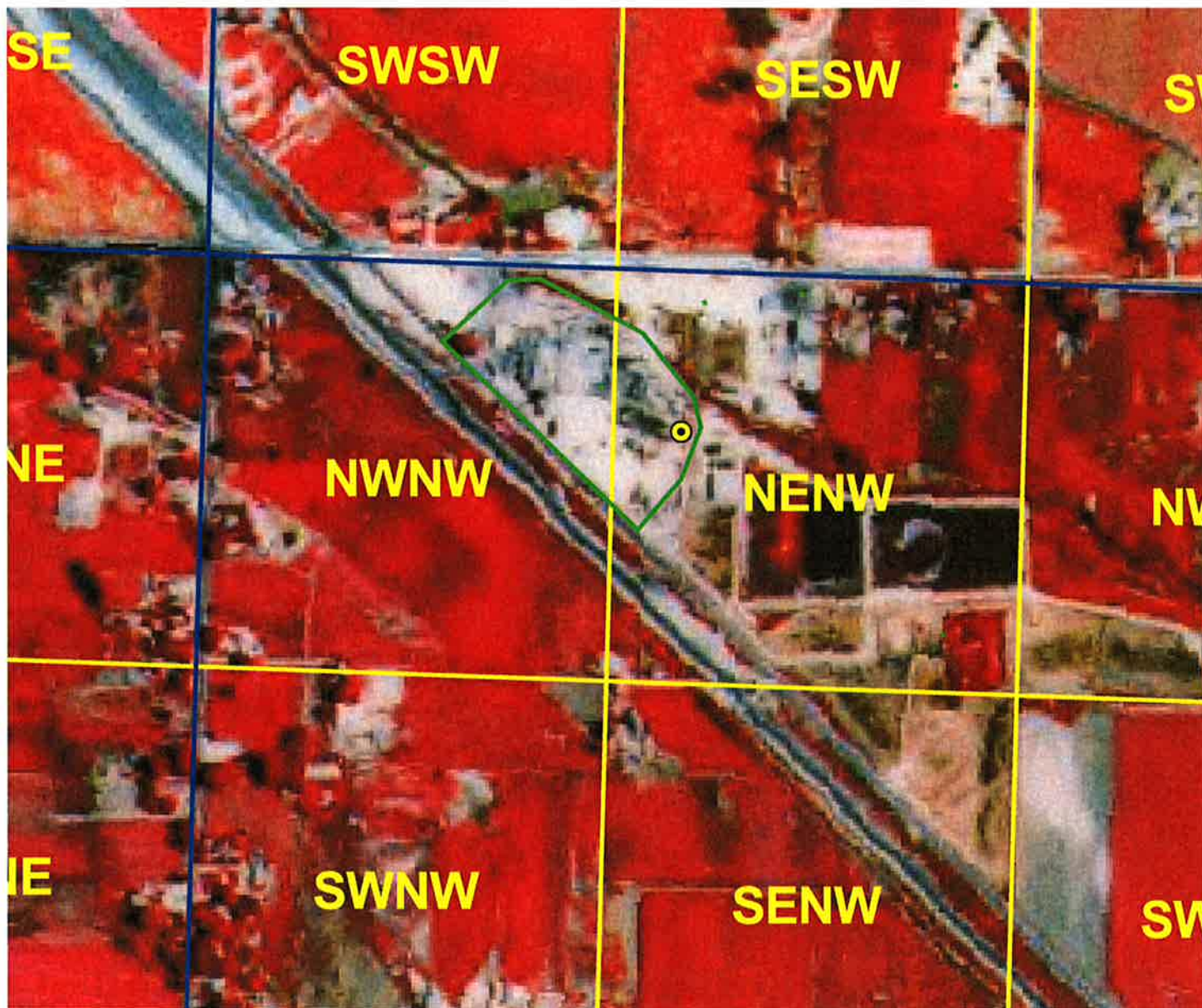
Parcel No. R2216000000.

Physical location of property is 3611 Amity Avenue, Nampa, Idaho.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 36
Water Right (s): 63-3570



1320 0 1320 Feet



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2006



Swift & Company

RECEIVED

MAY 11 2006

WATER RESOURCES
WESTERN REGION

Swift & Company
1770 Promontory Circle
Greeley, CO 80634-9038

Tom Siegrist
Phone: 970-506-7812
Fax: 970-506-8331

May 10, 2006

Vicky L. Music
Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RE: Evidence of Priority and Annual Volume Data, Snake River Basin Claim Numbers: A63-3570, A63-3277, and A63-21949

Attached are data summarizing monthly pumping data for wells covered by water right numbers 63-3570 and 63-3277. These data describe pumping rates from calendar 2003, the last year of full production at Swift's Nampa, Idaho plant. Note that production years since then have been affected by national concerns related to the potential presence of "mad cow" disease in Canada and the U.S., so production rates at the Nampa Plant have been lower than typical since 2003.

The Nampa Plant was originally built in 1916, and it operated until the mid-1950's under the King Meat Packing name. At that time, the plant was sold to Safeway. In 1957, Safeway sold the plant to Armour & Company. It's believed, though no confirming written record exists within Swift, that the wells covered by water right claims 63-3570 and 63-3277 were installed in the 1960's to supply water to the slaughter facility located at the site. Water right number 63-3570 was used to provide potable water and process-related water to the beef slaughter facility, while water right number 63-3277 was used to provide non-contact cooling water to the plant and to provide backup to the plant's main water supply.

The well associated with water right number 63-21949 was originally installed to provide water to livestock at a feedlot that was on the site. That feedlot was shutdown in the late 1990's, and the associated well has been out of service since at least mid-2001. (Mid-2001 is as far back as I can confirm this well being out of service, based on a conversation with Karl Merbach, a contract employee who began managing water and wastewater related issues for Nampa in 2001.)

Note that Swift's Nampa plant was temporarily "mothballed" in the early fall of calendar 2005, and the wells covered by water right numbers 63-3570 and 63-3277 were temporarily taken out of service at that time. Swift is in the final stages of selling the Nampa plant to a new owner, and that new owner will be responsible for all operations as of May 27, 2006.

If you have any questions or concerns about the information provided, please feel free to contact me at 970/506-7812.

Sincerely,

Tom Siegrist
Manager of Environmental Engineering
Swift & Company



Swift & Company®

Swift & Company
1770 Promontory Circle
Greeley, CO 80634-9038

Tom Siegrist
Phone: 970-506-7812
Fax: 970-506-8331

Water Right 63-2570

| <u>2003</u> | <u>Water Pumped</u>
(MG / month) |
|-------------|-------------------------------------|
| Jan | 20.0860 |
| Feb | 17.8330 |
| Mar | 18.0500 |
| Apr | 18.7430 |
| May | 18.3780 |
| Jun | 18.6000 |
| Jul | 18.9670 |
| Aug | 18.9860 |
| Sep | 19.3650 |
| Oct | 21.5030 |
| Nov | 18.0680 |
| Dec | 17.0580 |
| Total | 225.6370 |

Water Right 63-3277

| <u>2003</u> | <u>Water Pumped</u>
(MG / month) |
|-------------|-------------------------------------|
| Jan | 1.3561 |
| Feb | 1.5461 |
| Mar | 1.3675 |
| Apr | 1.3233 |
| May | 1.3436 |
| Jun | 1.3407 |
| Jul | 1.4084 |
| Aug | 1.3750 |
| Sep | 1.6950 |
| Oct | 1.3895 |
| Nov | 1.3451 |
| Dec | 1.3955 |
| Total | 16.8858 |

No Changes Necessary - per Agent review.

THOMPSON AND ASHCRAFT, L.L.P.

ATTORNEYS AND COUNSELORS AT LAW
161 E. Mallard Drive, Suite A
Post Office Box 699
Boise, Idaho 83701-0699

Telephone: (208) 344-9797
Facsimile: (208) 344-9737
E-mail: tab1@primenet.com

Kristen R. Thompson
Larry C. Ashcraft
Philip R. Miller
James A. Cook

Paralegal
Michelle M. Meyers

RECEIVED

DEC 21 1998

WATER RESOURCES
WESTERN REGION

Mountain Home Office
430 North 6th East
Post Office Box 506
Mountain Home, Idaho 83647-0506
Telephone: (208) 587-9797
Facsimile: (208) 587-7005
E-mail: tab@mhiconn.net

December 9, 1998

Judy Givens
State of Idaho, Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: ConAgra Inc., dba Armour Fresh Meats, Inc.
TAB File No. 0091-01

Dear Ms. Givens:

This letter is in response to your June 24, 1998 letter sent by you to my client, ConAgra Inc. dba Armour Fresh Meats, Inc. In that letter you asked that my client complete Form 42-248/42-1409(6) entitled "Notice Of Change Of Water Right Ownership."

ConAgra wishes to take whatever steps necessary to resolve any confusion regarding its claimed water rights. However, ConAgra is not a new owner of the Armour Fresh Meats, Inc. facility in Nampa, Idaho, the business for which notices of claims to water rights numbers A63-03570, A63-03277, A63-21949, & A63-21952 were filed. The facility was operated as CAG Subsidiary until a name change to Armour Food Company on January 12, 1984. Armour Food Company and ConAgra Inc. merged on August 12, 1985. The facility has done business under the dba of Armour Fresh Meats Inc. since that time. All of the notice of claims identified in your June 24, 1998 letter were filed for ConAgra Inc., dba Armour Fresh Meats in 1992.

Recently, ConAgra responded to a letter from the Idaho Department of Water Resources dated June 22, 1998, a copy of which is enclosed. Along with that letter was enclosed a Confirmatory Deed and Assessor's Tax Number Lists Canyon County concerning ConAgra's Nampa, Idaho facility. The deed is between the Greyhound corporation and

Judy Givens
December 9, 1998
Page 2

Armour and Company. ConAgra is not specifically identified on the deed, as it bought Armour and Company and all of its assets, including the Nampa facility as explained above.

If you have any questions or concerns, feel free to contact me.

Sincerely,

THOMPSON AND ASHCRAFT, L.L.P.

Kristen R. Thompson

cc: Gene Gibson

THOMPSON AND ASHCRAFT, L.L.P.

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December 1, 1998

Mountain Home Office
430 North 6th East
Post Office Box 506
Mountain Home, Idaho 83647-0506
Telephone: (208) 587-9797
Facsimile: (208) 587-7005
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Re: ConAgra Inc., dba Armour Fresh Meats, Inc.
TAB File No. 0091-01

Dear Ms. Givens:

I am writing in response to a letter dated June 22, 1998 sent by you to my client, ConAgra Inc. dba Armour Fresh Meats, Inc., requesting the legal description included on the Warranty Deed for ConAgra's Nampa, Idaho facility. Enclosed is a Confirmatory Deed and Assessor's Tax Number Lists Canyon County concerning ConAgra's Nampa, Idaho facility. Note that the deed is between the Greyhound corporation and Armour and Company. ConAgra is not specifically identified on the deed, as it later bought Armour and Company and all of its assets, including the Nampa facility.

If you have any questions or concerns, feel free to contact me.

Sincerely,

THOMPSON AND ASHCRAFT, L.L.P.

Kristen R. Thompson

KRT:ldg
Enclosure
cc: Gene Gibson

THOMPSON AND ASHCRAFT, L.L.P.

ATTORNEYS AND COUNSELORS AT LAW

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Kristen R. Thompson
Larry C. Ashcraft
Philip R. Miller
James A. Cook

Paralegal
Michelle M. Meyers

September 11, 1998

RECEIVED

SEP 14 1998

Department of Water Resources

Mountain Home Office
430 North 6th East
Post Office Box 506
Mountain Home, Idaho 83647-0506
Telephone: (208) 587-9797
Facsimile: (208) 587-7005
E-mail: tab@mhiconn.net

Judy Givens
State of Idaho, Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

DEC 08 1998

WATER RESOURCES
WESTERN REGION

Re: ConAgra Inc., dba Armour Fresh Meats, Inc.
TAB File No. 0091-01

Dear Ms. Givens:

I am writing in response to two letters sent by you to my client, ConAgra Inc. dba Armour Fresh Meats, Inc., dated June 22, 1998 and June 24, 1998. In the letter of June 22, 1998 you asked for the legal description included on the Warranty Deed for ConAgra's Nampa, Idaho facility. In the letter of June 24, 1998 you requested my client complete and return to you Form 42-248/42-1409(6).

I am currently gathering information responsive to both requests and hope to have that to you shortly. If you have any questions or concerns, feel free to contact me.

Sincerely,

THOMPSON AND ASHCRAFT, L.L.P.


Kristen R. Thompson

cc: Gene Gibson

THOMPSON AND ASHCRAFT, L.L.P.

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Paralegal
Michelle M. Meyers

December 1, 1998

RECEIVED
DEC 03 1998

Department of Water Resources

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430 North 6th East
Post Office Box 506
Mountain Home, Idaho 83647-0506
Telephone: (208) 587-9797
Facsimile: (208) 587-7005
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TAB File No. 0091-01

RECEIVED
DEC 08 1998

WATER RESOURCES
WESTERN REGION

Dear Ms. Givens:

I am writing in response to a letter dated June 22, 1998 sent by you to my client, ConAgra Inc. dba Armour Fresh Meats, Inc., requesting the legal description included on the Warranty Deed for ConAgra's Nampa, Idaho facility. Enclosed is a Confirmatory Deed and Assessor's Tax Number Lists Canyon County concerning ConAgra's Nampa, Idaho facility. Note that the deed is between the Greyhound corporation and Armour and Company. ConAgra is not specifically identified on the deed, as it later bought Armour and Company and all of its assets, including the Nampa facility.

If you have any questions or concerns, feel free to contact me.

Sincerely,

THOMPSON AND ASHCRAFT, L.L.P.

Kristen R. Thompson

KRT:ldg
Enclosure
cc: Gene Gibson

ATTN: KEN M. BUVALA
3033 N. Central Ave., Ste 100
Phoenix, AZ 85012

INSTRUMENT NO. 967871

CONFIRMATORY DEED

THIS DEED is made this 2nd day of February 1983, by and between ARMOUR AND COMPANY, a Delaware corporation, ARMOUR AND COMPANY, an Arizona corporation, and THE GREYHOUND CORPORATION, an Arizona corporation, each having its principal office at 111 West Clarendon Avenue, Phoenix, Maricopa County, Arizona, hereinafter referred to as "Grantors", and ARMOUR FOOD COMPANY, an Arizona corporation, having its principal office at 111 West Clarendon Avenue, Phoenix, Maricopa County, Arizona, hereinafter referred to as "Grantee",

Grantors, 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 considerations in hand paid by Grantee, the receipt whereof is hereby acknowledged, by these presents do hereby grant, bargain, sell, remise, release, convey, enfeoff, alien and confirm unto Grantee, its successors and assigns, forever, the premises described on attached Exhibit A.

TOGETHER with all and singular the easements appurtenant to or beneficial to the said premises, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim or demand whatsoever of the Grantors, either in law or equity, of, in and to the said premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises, with the appurtenances, unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, each of the Grantors has caused these presents to be signed by one of its Vice Presidents, and its corporate seal hereunto affixed and attested by one of its Assistant Secretaries, the day and year first above written.

ATTEST:

By Carol Kotek
Carol Kotek
Assistant Secretary
(SEAL)

ATTEST:

By Carol Kotek
Carol Kotek
Assistant Secretary
(SEAL)

ATTEST:

By Carol Kotek
Carol Kotek
Assistant Secretary
(SEAL)

ARMOUR AND COMPANY

By Gene Lemon
Gene Lemon
Vice President

ARMOUR AND COMPANY

By R. P. Jones
R. P. Jones
Vice President

THE GREYHOUND CORPORATION

By Armen Ervanian
Armen Ervanian
Vice President

EXHIBIT "A"

Page 1 of 2

All those certain lots, pieces or parcels of land situate in the City of Nampa, County of Canyon and State of Idaho, known and described as follows, to-wit:

Parcel No. 1: Lots 3, 4, 5, 6 and 7, Block 1, Gateway Park Subdivision of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 3 N.R. 2 W.B.M., according to the plat filed in Book 2 of Plats, Page 21, records of said County.

Parcel No. 2: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 3 N.R. 2 W.B.M.

Parcel No. 3: Commencing at the point on Section line 759.32 feet East of the NW corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 36, Twp. 3 N.R. 2 W.B.M., Canyon County, Idaho, and running thence South parallel to the quarter section line a distance of 1150 feet to the center of Indian Creek; thence SE $\frac{1}{4}$ along the center of said Indian Creek to the South line of the said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 36; thence East 420 feet more or less to the SE corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; thence North 1320 feet, more or less to the NE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36; thence West 560.68 feet, more or less to the point of beginning.

Parcel No. 4: Beginning at the point of intersection of the half section line of Section 36, Township 3 N.R. 2 W.B.M. and the center line of Indian Creek, which point is 718 feet, more or less, South of the Northwest corner of the NE $\frac{1}{4}$ of said Section 36; running thence South on said half section line to the Southwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 36; thence East 900 feet to the center of Indian Creek; thence in a Northwesterly direction following the center of the Creek to the place of beginning.

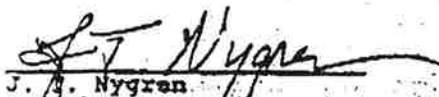
Parcel No. 5: All of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, North of the Oregon Short Line Railroad right-of-way in Section 36, Township 3 N.R. 2 W.B.M.

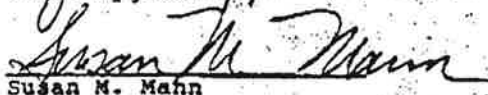
Parcel No. 6: Commencing 1 rod East of the North Quarter corner of Section 36, Township 3 North, Range 2 W.B.M., in Canyon County, Idaho; thence East 298 feet; thence South 790 feet to the center of Indian Creek; thence NW $\frac{1}{4}$ on the center of said Indian Creek, 318 feet to a point lying 1 rod East of the West line of the NE $\frac{1}{4}$ of said Section 36; thence North 718 feet to the point of beginning.

Parcel No. 7: Beginning at the Northwest corner of the NE $\frac{1}{4}$ of said Section 36, Township 3 N.R. 2 W.B.M.; running thence Easterly along said Section line 16 $\frac{1}{2}$ feet to a point; thence Southerly and at right angles a distance of 718 feet to Indian Creek; thence Westerly along said Indian Creek, 16 $\frac{1}{2}$ feet to the Section Line; thence Northerly 718 feet to the point of beginning.

Signed, Sealed and Delivered
in the Presence of:

This instrument was drafted by
Susan M. Mann, Attorney-at-Law
The Grayhound Corporation
Grayhound Tower, Phoenix, AZ


J. J. Nygren

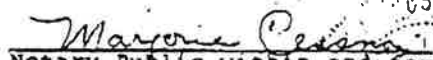

Susan M. Mann

Being all or part of the same property conveyed by Deed recorded
Instrument Nos. 495882, 518520, 669101, 683827.

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, Marjorie Cessna, a notary public in and for said County, in the State aforesaid, residing in the City of Phoenix, in said County and State, DO HEREBY CERTIFY that L. Gene Lemon, R. P. Jones and Armen Ervanian, personally known to me to be Vice Presidents of Armour and Company, a Delaware corporation, Armour and Company, an Arizona corporation, and The Grayhound Corporation, an Arizona corporation, respectively, and Carol Kotek, personally known to me to be an Assistant Secretary of each corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice Presidents and Assistant Secretary, they signed and delivered the said instrument as Vice Presidents and Assistant Secretary of the respective corporations, and caused the corporate seal of the respective corporations to be affixed thereto, pursuant to authority, given by the Boards of Directors of the respective corporations as their free and voluntary acts, and as the free and voluntary acts and deeds of the respective corporations, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 2nd day of
February, A.D. 1983.


Notary Public within and for
the County of Maricopa and
State of Arizona

My commission expires:

January 24, 1986.

Send tax bills to:
Armour Food Company
111 W. Clarendon Avenue
Phoenix, AZ 85077

EXHIBIT "A"

Page 2 of 2

ALSO:

All that part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 3 North, Range 2 West B.M., lying South of the Oregon Short Line Railroad Company right of way, together with all water rights, ditches and rights of way for ditches thereto belonging or used in connection therewith.

ALSO:

That certain 6" strip of land, being the Westerlymost 6" of Tax Lot No. 7, situate in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 3 North, Range 2 W.B.M.

ALSO:

A tract of land situated in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36 Twp. 3 N., R. 2 W.B.M., in Canyon County, Idaho, particularly bounded and described as follows:

Beginning at a point on the section line which bears E. 316.82 feet from a Brass Cap Monument marking the quarter-section corner common to Sections 25 and 36; Twp. 3 N., R. 2 W. B.M., Canyon County, Idaho; thence S. 839.40 feet to a point on the centerline of Indian Creek; thence S. 76° 28' E. along said centerline, 162.33 feet to a point, thence S. 48° 45' E. along said centerline, 242.01 feet to a point; thence S. 34° 12' 30" E. along said centerline, 186.27 feet to a point; thence N. 1191.00 feet to a point on said section line common to said Sections 25 and 36; thence W. 444.50 feet to the Real Point of Beginning.

SUBJECT to the liens and assessments of Nampa & Meridian Irrigation District, and the rights, powers and easements of said district as by law provided.

SUBJECT to rights of way for irrigation and drainage and canals.

SUBJECT to an Agreement granting permission to construct and maintain an irrigation ditch, running to adjoining property, and access for maintenance of said ditch, as shown in Book 3 of Bonds and Agreements, page 343, records of Canyon County, Idaho.

ASSESSOR'S TAX NUMBER LIST CANYON COUNTY

Year 19

Section 36, T3N. R2W.B.M.

J. CALDWELL 84787

DESCRIPTION

Beginning at a point 759.32 feet East of the quarter section corner between sections 25 & 36, T3N. R2W.B.M. Thence South 1150 feet to the center of Indian Creek. Thence Southeasterly following center of Indian Creek to its intersection with the East line of the ~~NENW~~ of Section 36, thence North along the East line of said NENW, to the Northeast corner of said ~~NENW~~. Thence West to the place of beginning, containing 17 acres more or less.

NW 1/4

NW 1/4

ASSESSOR'S TAX NUMBER LIST CANYON COUNTY

Year 19____

CANYON PRINTERS, CALDWELL 34727

Section 36, T3N. R2W.B.M.

NUMBER

DESCRIPTION

7

Beginning at a point on the section line 314.32 feet East of the quarter section corner between sections 25 & 36, T3N. R2W.B.M. and running thence East 445 feet. Thence South 1150 feet to the center of Indian Creek. Thence in a Northwesterly direction with said Indian Creek 567 feet. Thence North 790 feet to the place of beginning, containing 10 acres more or less.
Book 83 Deeds page 65. Inst #92987.

1. JUL 2. 1998. 11:59 AM

DE: F ACTION: L

PRESS <01 RETURN> TO VIEW ANOTHER ACCOUNT

TRQK101

REAL PROPERTY INQUIRY

| | | | |
|------------------------------------|-----------------------|----------------------|---------------|
| 1 8R32389-010- -0 144-00 N SCH1311 | 10 | 20,000 | 1.00 |
| | 14 | 42.525 | 17.00 |
| C A G SUBSIDIARY, INC | 19 | | .49 |
| | 31 | 39.800 | |
| | 32 | 125 | |
| | 36 | 109,250 | |
| ATTN: HORNER, DOUGLAS P | | | |
| NE CONAGRA DR CC 362 | | | |
| MAHA NE 68102-5001 | | | |
| 6-3N-2W NW | TOTAL | 211,700 | 18.50 |
| ENW N&E OF RR & NWNE LESS TX 7&8 | | | |
| 915 AMITY AVE, NA | SURVEY | INST | |
| | DRAIN | OR VALUE | APPR KGE |
| | CLASS R2 | REAP 95 | MAN 94 UNIT 1 |
| | PARCEL 9R03N02W364200 | H&O N C/B N | |
| | PRIOR ACCOUNT | 8R32389-010- -0 | |
| | | 02 MH on Property NO | |
| | | 03 Traits Inquiry | |

OGON ID: PLAT.TAX

PORT ID: 632

GROUP: USERA

WICK709E L4 TRQK101(98/01/30) W0ESIGN709E HP2392 (c) COGNOS INCORPORATED.

1. JUL 2, 1998, 11:59 AM

DE:F ACTION:L

PRESS (01 RETURN) TO VIEW ANOTHER ACCOUNT

TR0K101

REAL PROPERTY INQUIRY

| | | | |
|------------------------------------|----|--------|-------|
| 1 9R32389-000- -0 144-00 N SCH1311 | 01 | 12,400 | 17.50 |
| | 05 | 400 | 12.00 |
| C A G SUBSIDIARY, INC | 14 | 22,400 | 8.99 |
| | 19 | | 1.51 |
| | 32 | 18,175 | |

ATTN: HORNER, DOUGLAS P
NE CONAGRA DR CC 362
MAHA NE 68102-5301

6-3N-2W NW
ENE

TOTAL 53,375 40.00

MITY AVE, NA

SURVEY INST 0994664
DRAIN OR VALUE APPR KGE
CLASS BF REAP 95 MAN 94 UNIT 0
PARCEL 9R03N02W360100 H/D N C/S N
PRIOR ACCOUNT 9R32389-000- -0
02 MH on Property NO
03 Traits Inquiry

JGON ID: PLAT.TAX

PORT ID: 332

GROUP: LISRA

UICK709E L4 TR0K101(98/01/30) QDESIGN709E HP2392 (6) COSNOS INCORPORATED.

JUL 2, 1998, 11:59 AM

SELF ACTION:L

PRESS <01 RETURN> TO VIEW ANOTHER ACCOUNT

TRCK101

REAL PROPERTY INQUIRY

| | | | |
|------------------------------------|----|-------|------|
| 1 9832390-000- -0 144-00 N SCH1311 | 01 | 6,800 | 9.50 |
| | 19 | | .50 |
| C A G SUBSIDIARY, INC | 32 | 1,625 | |

ITIN: HORNER, DOUGLAS P
NE CONAGRA DR CC 362
MAHA NE 68102-5001

6-3N-2W NE
X 7 IN NWNE

TOTAL 8,425 10.00

MITY AVE, NA

SURVEY INST
DRAIN OR VALUE APPR KGE
CLASS SF REAP 95 MAN 94 UNIT 0
PARCEL 9803N02W360700 H/O N C/B N
PRIOR ACCOUNT 8832390-000- -0
02 MH on Property NO
03 Traits Inquiry

DBGN ID: PLAT.TAX

PORT ID: 332

GROUP: USERA

DICK709E L4 TRCK101(98/01/30) 00DESIGN709E HP2392 (C) COGNOS INCORPORATED.

HU, JUL 2, 1998, 11:59 AM

MODE: F ACTION: L PRESS (01 RETURN) TO VIEW ANOTHER ACCOUNT TRQK101

REAL PROPERTY INQUIRY

| | | | |
|---|---------|--|-----------------|
| 01 PR22160-000- -0 144-00 N SCH1311 | 01 | 13.975 | 15.52 |
| | 14 | 262,500 | 17.50 |
| C A G SUBSIDIARY, INC | 36 | 3,734,425 | |
| ----- | | | |
| ATTN: HORNER, DOUGLAS P
ONE CONAGRA DR CD 362
OMAHA NE 68102-5001 | | | |
| ----- | | | |
| 36-3N-2W NW GATEWAY PARK
LTS 3,4,5,6 & 7 BLK 1 | 3050 | TOTAL | 4,010,900 33.02 |
| ----- | | | |
| 3611 AMITY AVE, NA | Pg 115D | SURVEY INST
DRAIN DR VALLE APPR JRC
CLASS IN REAP 98 MAN 97 UNIT 0
PARCEL 9R03050001003A H/O N C/S N
PRIOR ACCOUNT 8R22160-000- -0
02 MH on Property YES
03 Traits Inquiry | |

LOGON ID: PLAT.TAX

PORT ID: 332

GROUP: USERA

QUICK709E L4 TRQK101(98/01/30) ODESIGN709E HP2392 (c) COGNOS INCORPORATED.

JUL 21 1998 11:59 AM

DEF ACTION: L

PRESS (01 RETURN) TO VIEW ANOTHER ACCOUNT

TRQK101

REAL PROPERTY INQUIRY

| | | | | | | |
|-------------------|--------|---|--------|----|-------|-------|
| 1 9R32391-000- -0 | 144-00 | N | SCH131 | 01 | 9,500 | 17.00 |
|-------------------|--------|---|--------|----|-------|-------|

C A G SUBSIDIARY, INC

ATTN: HORNER, DOUGLAS P
NE CONAGRA DR CC 362
MAHA NE 68102-5001

6-3N-2W NE
X 8 IN NWNE

| | | |
|-------|-------|-------|
| TOTAL | 9,500 | 17.00 |
|-------|-------|-------|

MITY AVE. NA

| | |
|-------------------------------|----------------------|
| SURVEY | INST |
| DRAIN DR VALUE | APPR KGE |
| CLASS REAP 95 MAN | UNIT 0 |
| PARCEL 9R03N02W360600 | H/O N C/S N |
| PRIOR ACCOUNT 3R32391-000- -0 | |
| | 02 MH on Property NO |
| | 03 Traits Inquiry |

JGON ID: PLAT.TAX

PORT ID: 332

GROUP: USERA

DICK709E L4 TRQK101(98/01/30) DOESIGN709E HP2392 (c) COGNOS INCORPORATED.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-3570

WATER RIGHT NUMBER: 63-3570

Owner Type Name and Address
Current Owner CON AGRA INC
DBA ARMOUR FRESH MEATS
C/O BRIAN SWEET
PO BOX 470
NAMPA, ID 83651
(208)466-4627

Priority Date: 12/07/1966

Basis: License

Status: Active

Source Tributary
GROUND WATER

| Beneficial Use | From | To | Diversion Rate | Annual Volume |
|-------------------------|------|-------|----------------|---------------|
| ~~DOMESTIC~~ | 7/01 | 12/31 | 0.040 CFS | |
| INDUSTRIAL | 1/01 | 12/31 | 1.670 CFS | |
| <u>Total Diversion:</u> | | | 1.670 CFS | |

Location of Point(s) of Diversion
GROUND WATER NE1/4NW1/4 Sec. 36, Twp 03N, Rge 02W, B.M.
CANYON County

Place of Use
DOMESTIC

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 03N | 02W | 36 | | X | | | |

INDUSTRIAL

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 03N | 02W | 36 | | X | | | |

industrial use
Don use it for shop in slaughter house/meat packing plant.

- ADDED DOMESTIC USE TO SHOP WHICH HAS BEEN IN USE SINCE APPROX. 1957.

physical address 3611 Amity Ave Nampa
 $(1.67)(1.0835)(365) = 1209 \text{ afa or } 225,637,000 / 325,950 = 692.46 \text{ afa}$
view parcel # R2216000000
physical location = 3611 Amity Nampa

claimed domestic - otherwise claimed as license

not licensed?

692.46 - not licensed

wild deer brand pt. metal tag # E0006497

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3570

WATER RIGHT NUMBER: 63-3570

| | |
|-------------------|--|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | ARMOUR & CO
PO BOX 470
NAMPA, ID 83651 |

Priority Date: 12/07/1966

Basis: License

Status: Active

| | |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|

GROUND WATER

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| INDUSTRIAL | / to / | 1.670 CFS | |
| | <u>Total Diversion:</u> | 1.670 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| GROUND WATER | NE1/4NW1/4 | Sec. 36, Twp 03N, Rge 02W, B.M. |
| CANYON County | | |

Place of Use

INDUSTRIAL

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N | 02W | 36 | | | | | X | | | | | | | | | | | | |

Conditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3570

05/15/2006

1

| ater Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Source | Name |
|--------------|-------------|-----|-----|-----|----|----|-----|--------------|--------------------|
| 63-3570 | Claim | 03N | 02W | 36 | NE | NW | | GROUND WATER | CON AGRA INC |
| 63-21952 | Claim | 03N | 02W | 36 | NE | NW | | GROUND WATER | CON AGRA INC |
| 63-31036 | Claim | 03N | 02W | 36 | NE | NW | | GROUND WATER | CON AGRA INC |
| 63-2391 | Water Right | 03N | 02W | 36 | NE | NW | | GROUND WATER | MARTIN LARSEN |
| 63-3570 | Water Right | 03N | 02W | 36 | NE | NW | | GROUND WATER | ARMOUR & CO |
| 63-23600 | Water Right | 03N | 02W | 36 | NE | NW | | GROUND WATER | DOROTHY D MITCHELL |

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3570

02/07/2006

1

| Right # | Type | Twp | Rge | Sec | QQ | Q | Lot | Purpose of Use | Acres/Total | Name |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|--------------------|
| 2391 | Water Right | 03N | 02W | 36 | NE | NW | | IRRIGATION | 5/13 | MARTIN LARSEN |
| 21952 | Claim | 03N | 02W | 36 | NE | NW | | STOCKWATER | | CON AGRA INC |
| 31036 | Claim | 03N | 02W | 36 | NE | NW | | STOCKWATER | | CON AGRA INC |
| 23600 | Water Right | 03N | 02W | 36 | NE | NW | | STOCKWATER | | DOROTHY D MITCHELL |
| 3570 | Claim | 03N | 02W | 36 | NE | NW | | INDUSTRIAL | | CON AGRA INC |
| 31036 | Claim | 03N | 02W | 36 | NE | NW | | INDUSTRIAL | | CON AGRA INC |
| 3570 | Water Right | 03N | 02W | 36 | NE | NW | | INDUSTRIAL | | ARMOUR & CO |
| 31036 | Claim | 03N | 02W | 36 | NE | NW | | DOMESTIC | | CON AGRA INC |
| 23600 | Water Right | 03N | 02W | 36 | NE | NW | | DOMESTIC | | DOROTHY D MITCHELL |
| 9014 | Water Right | 03N | 02W | 36 | NW | NW | | IRRIGATION | 4/4 | ALVA LITTLE |
| 21392 | Water Right | 03N | 02W | 36 | NW | NW | | STOCKWATER | | CINDY DEGITZ |
| 3277 | Claim | 03N | 02W | 36 | NW | NW | | INDUSTRIAL | | CON AGRA INC |
| 3277 | Water Right | 03N | 02W | 36 | NW | NW | | INDUSTRIAL | | ARMOUR & CO |
| 3570 | Claim | 03N | 02W | 36 | NW | NW | | DOMESTIC | | CON AGRA INC |
| 4866 | Water Right | 03N | 02W | 36 | NW | NW | | DOMESTIC | | DONNA L GORDON |
| 21210 | Water Right | 03N | 02W | 36 | NW | NW | | DOMESTIC | | RYAN A ORR |
| 21392 | Water Right | 03N | 02W | 36 | NW | NW | | DOMESTIC | | CINDY DEGITZ |

Address all communications to:

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41592

Permit No. G 33366

Water District No. _____

1. Name of applicant: ARMOUR & COMPANY
Post office address Box 470, Nampa County CANYON State IDAHO
2. Quantity of water claimed: 2.22 CFS
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36
Twp. 3N, Rge. 2W, B.M., County of CANYON
5. Water is to be used for: INDUSTRIAL
6. If for domestic, municipal, industrial or recreational purposes give:
 - (a) Point of use of water is in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36
Twp. 3N, Rge. 2W, B.M.
 - (b) Waste water or sewage effluent is to be returned to: INDIAN CREEK
at a point in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Twp. 3N, Rge. 2W, B.M.
7. Kind of Works: Pump, Pipes
8. Estimated cost of works: \$21,000⁰⁰
9. (a) Is reservoir to be used? _____
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: _____
 - (b) Amount of capital stock \$ _____ (c) Amount paid in: \$ _____
 - (d) Names and addresses of directors: _____

33366

Remarks:

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Chromaw and Company
Applicant
By H. J. Quinn Agent

33366

Approval of State Reclamation Engineer

The number of this permit is G 33366
Recorded in Book 116 Page 33366 Approved DEC 13 1966

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$_____ to be filed before_____

One-fifth of the work above specified to be completed on or before June 13, 1969

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before December 13, 1971

Witness my hand this 13th day of December, 19 66

R. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,

and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 13th day of December, 19 66

Countersigned by

By Louis E. Clapp
Secretary of State

STATE OF IDAHO

By Robert E. Smylie
Governor

No. G 33366

PERMIT

Date of first receipt at office of State Reclamation Engineer

December 7, 1966 2:30 P.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.50

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

33366

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-33366

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant (James V. Bohlman of Armour and Company)

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the NE 1/4 of Section 36
T. 3 N R. 2 W County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:
50 HP UNICLOSED GEAR MOTOR # 4018830
JUCUZZI CENTRIFUGAL # R50GH 4-Y-D
4" DISCHARGE - GATE VALVE - INTO 5'
DIA X 50' STORAGE PRESSURE TANK - 8"
OUTLET THROUGH PROCESSING PLANT (CROWN)

5. Water is used for: industrial purposes

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4, sec. 36, T. 3 N, R. 2 W, B.M. industrial

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Mr. Harold J. O'Brien contacted

Mr. J. V. Bohlman contacted

NOT POSSIBLE TO MEASURE

PLANT ENGINEER STATES DESIGN CAPACITY

FOR 750 GPM

This examination was made on the 19th day of Oct, 1967

(Signed) J.R.

Examiner.

33366

Plat

NAME OF APPLICANT ARMOUR & Company

Form No. 0

Hand-drawn plan on a grid showing:

- Red text: **R 2 W** (top center)
- Black text: **RD.** (center, with a line pointing to the left)
- Red text: **36** (center, below RD.)
- Red text: **T**, **3**, **N** (left side, vertically aligned)
- Blue stamp: **APPR**, **DEC 1 1966**, **33366**, **STATE RECLAMATION ENGINEER** (bottom left)

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

33366