

10/24/2005

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

RIGHT NUMBER: 22-13430

NAME AND ADDRESS: NORTHLAND FROZEN FOODS INC
903 E 3000 N
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS
103.38 AFY

PRIORITY DATE: 07/15/1974

POINT OF DIVERSION:
T06N R40E S8 NWNENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.500 CFS 103.38 AFY

PLACE OF USE: INDUSTRIAL Within MADISON County
T06N R40E S08 NENE

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

This right is a split from former right 22-7097.



Idaho Department of Water Resources

SRBA Recommendation:

22-13430

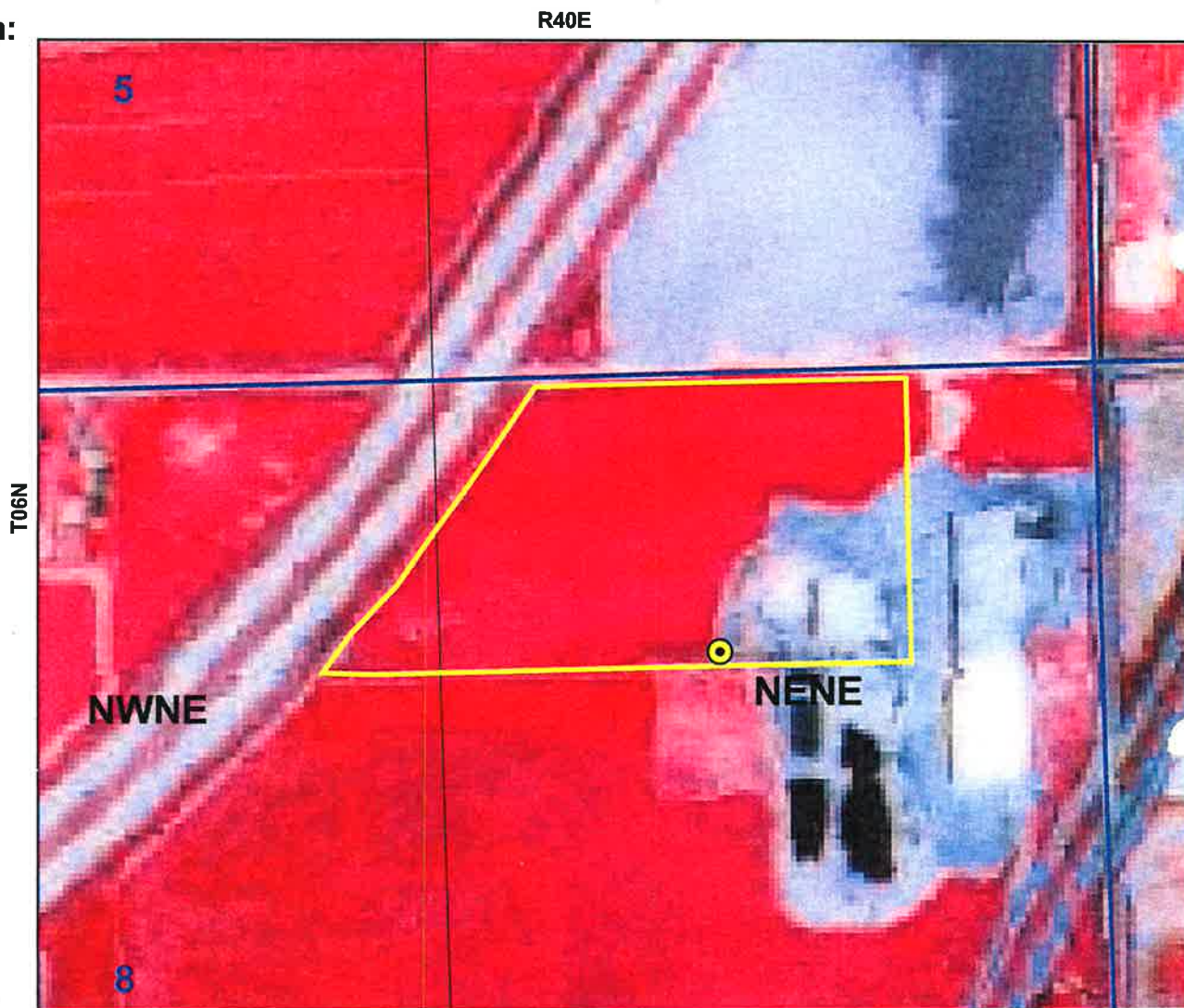
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



0 0.1 0.2 Miles



Prepared by J. Crabtre
On Friday, September 8, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 17, 2006

DICKINSON FROZEN FOODS
600 NW 21 ST
PO BOX 1010
FRUITLAND ID 83619

RE: Notice of Change of Address for 22-13430
and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On March 15, 2006, the Idaho Department of Water Resources (IDWR) received returned mail for the above referenced water right(s). Based on this mail, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been changed.

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: Michael Creamer, Givens Pursley

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: 22-13430

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change **DICKINSON FROZEN FOODS**

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

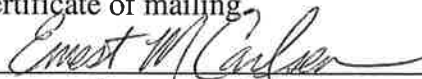
☐ period of use ☐ nature of use

☐ 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: March 15, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 17, 2006, 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:
DICKINSON FROZEN FOODS
600 NW 21 ST
PO BOX 1010
FRUITLAND ID 83619

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

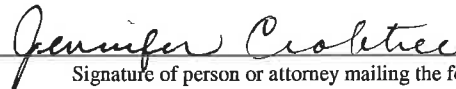
Each party in the subcase, or attorney of record
MICHAEL CREAMER
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701

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

03/16/2006

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

RIGHT NUMBER: 22-13430

NAME AND ADDRESS: DICKINSON FROZEN FOODS
600 NW 21 ST
PO BOX 1010
FRUITLAND ID 83619

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS
147.13 AFY

PRIORITY DATE: 07/15/1974

POINT OF
DIVERSION: T06N R40E S8 NENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.300 CFS 43.75 AFY
INDUSTRIAL	01/01 12/31	0.500 CFS 103.38 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R40E S08	NENE	12.00	T06N R40E S08	NWNE	0.50
---------------	------	-------	---------------	------	------

INDUSTRIAL Within MADISON County

T06N R40E S08	NENE
---------------	------

12.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 22-7097



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 10, 2006

DICKINSON FROZEN FOODS
600 NW 21 ST
FRUITLAND ID 83619

RE: Notice of Change of Water Right Ownership (NCO) for 22-13430 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On February 6, 2006, 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: Northland Frozen Foods
Michael Creamer, Givens Pursley

PROFILED

SCANNED

MAR 10 2006

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: 22-13430

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party **NORTHLAND - DICKINSON**
- ☐ 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: March 10, 2006

Ernest Carlson
Signature of IDWR Representative

SCANNED

MAR 10 2006

PROFILED

CERTIFICATE OF MAILING

I certify that on March 10, 2006, 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:
NORTHLAND FROZEN FOODS INC
903 E 3000 N
SUGAR CITY ID 83448

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
DICKINSON FROZEN FOODS
600 NW 21 ST
FRUITLAND ID 83619

4. One copy to:

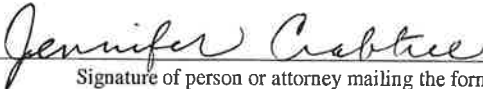
Each party in the subcase, or attorney of record
MICHAEL CREAMER
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2006

MICHAEL CREAMER
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701

RE: OWNERSHIP CHANGE & MODIFIED CLAIMS FOR 22-13429, 22-13430
(Sun-Glo and Dickinson)

Dear Mr. Creamer:

The above referenced claims have been modified per your ownership change request. Rather than splitting the rights, our office modified the elements for each one. If you have questions about this change, please call Water Rights Supervisor, Ernest Carlsen at 525-7161.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Sun-Glo
Dickinson Frozen Foods

PROFILED

SCANNED
FEB 21 2006

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Melissa A. Finocchio*
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Bradley V. Sneed

H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

Kenneth L. Pursley
RETIRED
*Licensed In California

February 6, 2006

Mr. Ernest Carlsen
Adjudication Supervisor
Eastern Regional Office
Idaho Department of Water Resources
900 North Skyline Dr.
Idaho Falls, ID 83402-6105

Re: Notice of Change in Water Right Ownership—Water Rights 22-13429 & 22-13430

Dear Mr. Carlsen:

Enclosed for filing with the Department please find the original and one copy of a *Notice of Change in Water Right Ownership* for water rights 22-13429 (commercial) and a portion of 22-13430 (irrigation). Please stamp the copy as received by your office and return it to me in the enclosed self-addressed, stamped envelope. I have also enclosed a check in the amount of \$125.00 in payment of the filing fee associated with the *Notice*.

I expect that you will recall that in late 2005, Sun-Glo of Idaho conveyed the above referenced portions of the commercial and irrigation components of the underlying water right (license number 22-7097) to Northland Frozen Foods, Inc ("Northland"). Mr. Jerry Rigby previously has forwarded you the Notices of Change of Ownership reflecting those splits. The enclosed *Notice* and attached documentation document the sale of the entire Northland property with the appurtenant water rights, to Dickinson Frozen Foods, Inc. by Northland on December 1, 2005.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,


Michael C. Creamer

Enclosures

cc: Jon Fabricius
Jerry Rigby

MCC:kdt SACLIENTS\7691\1\MCC Ltr to IDWR re Filing Change in Ownership.DOC

RECEIVED
FEB 08 2006

Department of Water Resources
Eastern Region

reversed.
If should
be
13429
d, i, i
13430
industrial

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not 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
22-13429					
22-13430		X			

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 diversion 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 claims(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 Northland Frozen Foods, Inc.
 Owner/Claimant(s) 903 East 3000 North, Sugar City, Idaho 83448
4. New Owner/Claimant(s) Dickinson Frozen Foods, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 600 N.W. 21st Street
 City, State and ZIP Code Fruitland, ID 83619
 New Telephone Number (208) 452-5200
5. Date you acquired the property December 1, 2005

RECEIVED

FEB 08 2006

Department of Water Resources
 Eastern Region

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>22-13430</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>0.3 cfs / 217 AF</u>	<u>12.5 Acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.3 cfs / 217 AF</u>	

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

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable) CEO President, Dickinson Frozen Foods, Inc.

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

For Office Use Only

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

Instrument # 324276

REXBURG, MADISON, IDAHO

2005-11-30 12:12:00 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 3.00

QUITCLAIM DEED

FOR VALUE RECEIVED, SUN-GLO OF IDAHO, INC., f.k.a. CRAPO ENTERPRISES, INC., an Idaho corporation, with its principle place of business located at 2935 N. 1000 E., Rexburg, Idaho 83440, does hereby remise, release and forever quitclaim unto NORTHLAND FROZEN FOODS, INC., a Maine corporation, duly authorized to conduct business within the State of Idaho, whose Idaho address is 903 E. 3000 N., Sugar City, Idaho 83448, the following described water right in Madison County, State of Idaho, to wit:

0.3 cfs of the total 0.8 cfs and 43.75 acre-feet of the total 217 annual acre-feet volume of Irrigation Use water from water right license #22-13430 (formerly 22-7097), issued by the Idaho Department of Water Resources. Licensed Place of use: 8.5 acres within the NE 1/4 NE 1/4 and 4 acres within the NW1/4 NE1/4 of Section 8, Twp. 6 N., Rge. 40 E. B.M.

DATED this 29 day of November 2005

SUN-GLO OF IDAHO, INC.

By: George M. Crapo
George Crapo, President

STATE OF IDAHO)
) ss.
County of Madison)

On this 29 day of November 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE CRAPO, known to me to be the President of SUN-GLO OF IDAHO, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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



Mandy Davis
Notary Public for Idaho
Residing at: Parker, Idaho
My Commission Expires: 6-24-11

QUITCLAIM DEED - 1

C:\Documents and Settings\Supervisor\Local Settings\Temporary Internet Files\OLK1\Revised Sun/Glo to Northland H2O Quitclaim Deed (Orig).DOC

QUITCLAIM DEED

FOR VALUE RECEIVED, SUN-GLO OF IDAHO, INC., f.k.a. CRAPO

ENTERPRISES, INC., an Idaho corporation, with its principal place of business located at 2935 N. 1000 E., Rexburg, Idaho 83440, does hereby remise, release and forever quitclaim unto **NORTHLAND FROZEN FOODS, INC.**, a Maine corporation, duly authorized to conduct business within the State of Idaho, whose Idaho address is 903 E. 3000 N., Sugar City, Idaho 83448, the following described water right in Madison County, State of Idaho, to wit:

.5 cfs of the total .8 cfs and 103.375 acre feet of the total 165.4 annual acre feet volume of Industrial Use water from water right license #22-7097, issued by the Idaho Department of Water Resources. Licensed Place of use: NE 1/4 NE 1/4 of Section 8, Twp. 6 N., Rge. 40 E. B.M.

DATED this 29th day of July, 2005

SUN GLO OF IDAHO, INC.

By: George M. Crapo
George Crapo, Pres.

STATE OF IDAHO)
) ss.
County of Madison)

On this 29th day of July, 2005 appeared before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE CRAPO, known to me to be the President of

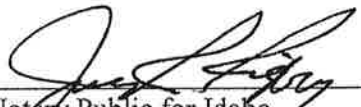
Quitclaim Deed - Page - 1
F:\WP6\SB\SUNGLOQC.WPD

Instrument # 322058
REXBURG, MADISON, IDAHO
 2005-08-23 10:53:00 No. of Pages: 2
 Recorded for : RAY RIGBY
 MARILYN R. RASMUSSEN Fee: 6.00
 Ex-Officio Recorder Deputy 

SUN GLO OF IDAHO, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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




Notary Public for Idaho
Residing at: *Rexburg*
Commission Expires: *11-09-05*

139578

When recorded return to:

Givens Pursley LLP
Attention: Michael C. Creamer
601 West Bannock Street
Boise, Idaho 83702

Instrument # 324569

REXBURG, MADISON, IDAHO
2005-12-12 04:39:00 No. of Pages: 5
Recorded for : FIRST AMERICAN TITLE
MARILYN R. RASMUSSEN Fee: 15.00
Ex-Officio Recorder Deputy

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, Northland Frozen Foods, Inc., a Maine corporation, ("Grantor"), whose address is 903 East 3000 North, Sugar City, Idaho 83448, does hereby grant, bargain, sell and convey unto Dickinson Frozen Foods, Inc., an Idaho corporation ("Grantee"), whose address is 600 N.W. 21st Street, Fruitland, Idaho 83619, the real property located in Madison County, Idaho, legally described on Exhibit A, which exhibit is attached hereto and incorporated herein by this reference (the "Premises");

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any way appertaining;

TO HAVE AND TO HOLD the Premises, with its appurtenances unto the Grantee, its successors and assigns, forever;

SUBJECT ONLY TO those liens, claims, and encumbrances of record and those easements of record or in existence ("Permitted Encumbrances");

AND the Grantor covenants and warrants that fee simple title of the Premises is hereby conveyed by the Grantor free from all encumbrances, except any placed thereon by Grantee and the Permitted Encumbrances.

[End of Text]

I CERTIFY THIS TO BE A
TRUE AND CORRECT COPY.
Kate Ball

SPECIAL WARRANTY DEED - 1

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this ____ day of December, 2005.

GRANTOR:

Northland Frozen Foods, Inc., a Maine corporation

By: 

Name: LINDA S PENNINGTON

Title: PRESIDENT

STATE OF IDAHO)
) ss.
County of Madison

On this 1 day of December, 2005, before me, a Notary Public in and for the State of Idaho, personally appeared Linda Pennington, known or identified to me to be the President/CEO of Northland Frozen Foods, Inc., a Maine corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of such corporation, and acknowledged to me that such corporation executed the same.

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



Sherry Richmond
Notary Public for _____
Residing at Shelley, Idaho
My Commission expires 12/14/07

**Exhibit A
Legal Description**

Exhibit "A"

Real property in the County of Madison, State of Idaho, described as follows:

TRACT 1:

A PARCEL OF LAND IN TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SECTION 8: BEGINNING AT A POINT ON THE SECTION LINE THAT IS 396.30 FEET S. 89°55'30" W. OF THE NORTHEAST CORNER OF SAID SECTION 8 AND CONTINUING S. 89°55'30" W. 750.55 FEET MEASURED (750.70 FEET RECORD) TO A POINT IN A LINE PARALLEL WITH AND 120.00 FEET SOUTHEASTERLY FROM THE CENTERLINE AND BEARS S. 56°29'39" E. FROM THE STATION 1714 + 82.18 OF US HIGHWAY 191 AND 20. PROJECT NUMBER ER-F-6471 (79 HIGHWAY SURVEY) THENCE SOUTHWESTERLY ALONG SAID PARALLEL LINE S. 33°30'21" W. 17.64 FEET TO A HIGHWAY RIGHT-OF-WAY MONUMENT AND THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 4703.66 FEET, A CHORD BEARING OF S. 37°47'09" W. AND A LENGTH OF 702.75 FEET; THENCE ALONG SAID CURVE A DISTANCE OF 702.75 FEET; THENCE N. 89°55'30" E. 1191.21 FEET, SAID POINT IS 60 FEET EAST AND 21 FEET SOUTH OF THE SOUTHEAST CORNER OF THE PROCESS FACILITY BUILDING; THENCE PARALLEL WITH SAID PROCESS FACILITY N. 00°04'30" W. 569.00 FEET TO THE POINT OF BEGINNING.

TRACT 2A:

AN EIGHT FOOT WIDE POWER LINE EASEMENT, THE CENTER LINE BEING DESCRIBED AS: BEGINNING AT A POINT THAT IS 449.00 FEET S. 89°55'30" W AND 30.00 FEET S. 00°38'20" E. OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS ON THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 3000 NORTH, AND RUNNING THENCE S. 00°38'20" E. 526.00 FEET; THENCE S. 90°00'00" W. 10.00 FEET, MORE OR LESS, TO THE ELECTRICAL TRANSFORMER PAD.

TRACT 2B:

AN EIGHT FOOT WIDE TELEPHONE LINE EASEMENT, THE CENTER LINE BEING DESCRIBED AS: BEGINNING AT A POINT THAT IS 297.60 FEET S. 89°55'30" W. AND 315.80 FEET S. 00°04'30" W. OF NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS LOCATED AT THE NORTHWEST CORNER OF THE OLD PROCESS BUILDING, AND RUNNING THENCE N. 75°57'00" W. 228.80 FEET, MORE OR LESS, TO THE NEW BUILDING.

TRACT 2C:

RAILROAD SIDING EASEMENT: BEGINNING AT A POINT THAT IS 292.00 FEET S. 00°12'00" E AND 30.00 FEET N. 90°00'00" W. FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 1000 EAST, AND RUNNING THENCE N. 90°00'00" W. 74.00 FEET; THENCE S. 00°12'00" E. 82.00 FEET; THENCE N. 90°00'00" W. 75.00 FEET, MORE OR LESS, TO THE EAST SIDE OF THE PROCESS BUILDING AT THE RETAINING WALL; THENCE S. 00°12'00" W. 140.00 FEET ALONG SAID BUILDING LINE TO THE SOUTH SIDE OF LOADING DOOR NO. 4, THENCE S. 90°00'00" E. 75.00 FEET; THENCE N. 00°12'00" W. 90.00 FEET; THENCE S. 90°00'00" E. 55.00 FEET; THENCE N. 00°12'00" W. 82.00 FEET; THENCE S. 90°00'00" E. 19.00 FEET TO THE COUNTY ROAD RIGHT-OF-WAY; THENCE N. 00°12'00" W. 50.00 FEET TO THE POINT OF BEGINNING.

TRACT 2D:

A STORM WATER DRAINAGE EASEMENT, BEING DESCRIBED AS BEGINNING AT A POINT THAT IS 396.30 FEET S. 89°55'30" W. AND 60.00 FEET S. 00°04'30" E. OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE S. 89°55'30" W. 150.00 FEET; THENCE S. 00°04'30" E. 80.00 FEET; THENCE N. 89°65'30" E. 180.00 FEET; THENCE N. 00°04'30" W. 80.00 FEET; THENCE S. 89°55'30" W. 30.00 FEET TO THE POINT OF BEGINNING.

11/30/2005 LSP

TRACT 2E:

WELL EASEMENT BEGINNING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, THENCE 396.30 FEET S. 89°55'30" W. TO THE EAST PROPERTY LINE; THENCE 569.00 FEET S. 00°04'30" E. TO THE SOUTH PROPERTY LINE; THENCE 355.57 FEET S. 89°55'30" W. ALONG SAID SOUTH LINE TO THE TRUE POINT OF BEGINNING, SAID POINT INTERSECTS A POINT 25.00 FEET SOUTHEAST OF THE WELL; THENCE AROUND A CURVE TO THE LEFT, THAT HAS A CHORD DISTANCE OF 33.95 FEET, A CHORD BEARING OF S. 89°55'30" W. AND A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE 37.32 FEET; THENCE N. 89°55'30" E. 33.95 FEET TO THE TRUE POINT OF BEGINNING.

Commonly known as: 903 East 3000 North, Sugar City, ID 83448

11/30/2005 LSP

SPECIAL WARRANTY DEED - 5

C:\DOCUME~1\eebrams\LOCALS~1\Temp\notes067C22\Special Warranty Deed GP01.DOC

 **MADISON COUNTY
CITY OF REXBURG
GEOGRAPHIC INFORMATION SYSTEMS**



Load Layers

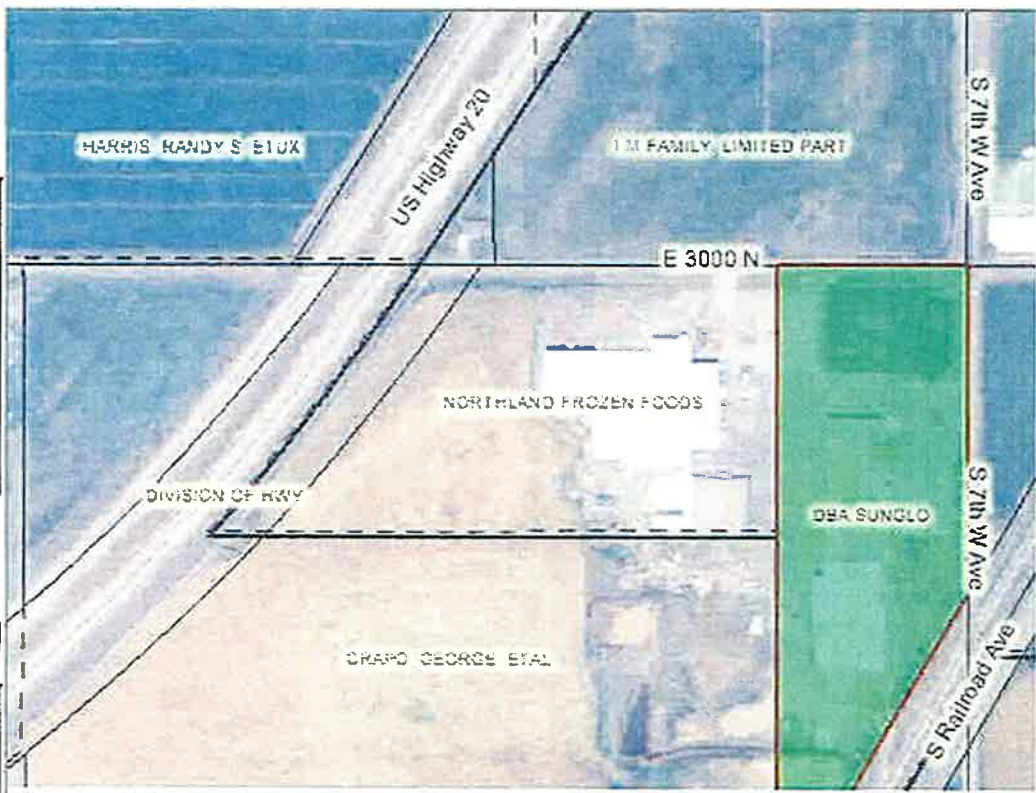
- Madison County / City of Rexburg GIS
 - Administrative Boundaries
 - Aerial Photos
 - ☒ Madison 2004 Color
 - ☐ Madison 2002 B&W
 - ☐ Madison 1992 B&W
 - ☐ Rexburg 2004 Color
 - ☐ Rexburg 2002 Color
 - ☐ Rexburg 2002 B&W
 - ☐ Rexburg 1995 B&W
 - ☐ Sugar City 2002 B&W
 - Land References

Parcels

[View Results in Excel](#)

Identify Results

PIN:	RPSUGCA0080005
Secondary:	DBA SUNGLO
Primary:	CRAPO GEORGE ETAL
Physical:	378 S 7th W Ave
Mailing:	1908 E 500 N ST ANTHONY, ID 83445
Zoned:	Heavy Industrial
Deed #:	281330 281329 281328 281327



NOTES

10-24-05

22-7097 { 22-13429 The rest of the right; one of the two wells
22-13430 Industrial only 0.5 cfs; the other of the two wells

From split, 22-13429 received all domestic and irrigation and 0.5 cfs of industrial. However, after the destruction of their facility from the Teton Flood, Sun-Glo abandoned most of their irrigation right. They began using canal water only except for on 1.2 ac. of lawn, which they have continued to irrigate from the well. Therefore, concentrated irrigation to 0.03 cfs/ac. on F04 = 0.36 cfs.

Recommendations

Irrigation 0.036 cfs

Industrial 0.3 cfs

Domestic 0.04 cfs

0.336 cfs

→ < 10 ac. = 0.03 cfs/ac. 1.2 ac x 0.03 cfs/ac = 0.036 cfs

Domestic is incidental to irrigation and industrial and is not included in total quantity.

PRE

SCANNED

JAN 10 2006



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 1, 1981

Sun-Glo Industries
P.O. Box 84
Rexburg, Idaho 83440

Dear Sirs,

A representative of this Department has made an examination of the works covered by your Permit No. 22-7097, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 1.38 cfs Source: groundwater

The maximum quantity diverted shall not exceed 383.6 acre feet per year.

Point(s) of diversion: 2 pts. NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, Twp. 6N, Rge. 40E, B.M.

Beneficial use: Irrigation of 62 acres and domestic use for 1 unit and industrial use within the NE $\frac{1}{4}$, Sec. 8, Twp. 6N, Rge. 40E.

Priority date established: July 15, 1974

Conditions (if any): Industrial use is for washing & transporting Idaho Potatoes.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

SCANNED
JAN 10 2006

6-22-79

JAN 10 2023

DATE OF EXAM 14th day of August, 1979

ACREAGE
Found 62.2
Recommended 62.2

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .80 c.f.s. V = 217.00 AF/Ann. from April 1 to Nov. 1
Domestic Q = .04 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Livestock Q = .80 c.f.s. V = 165.00 AF/Ann. from Jan 1 to Dec 31
Industrial .80 c.f.s. 1.38 383.20

Is water co-mingled? yes no X

Name source: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Total Q measured 2.08 cfs Method of measurement Theoretical
2.08 cfs Meter No. 73-4-548 type MO Condition std

Total Q recommended 1.38

Total V recommended 383.20 AF/yr

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:
* Theoretical of 2 production wells $Q = (15.1 \times .80)(8.814) = 1.07 \text{ cfs} \times 2 \text{ identical wells} = 2.08 \text{ cfs capacity}$

Q Irrig - measured $360 \text{ gpm} \div 448.8 = .80 \text{ cfs}$ $V = 62 \times 3.5 = 217 \text{ AF/yr}$
Q Domestic $.04 \text{ cfs by assignment}$ $V_{Domestic} = 1.20 \text{ AF/yr}$
Q Industrial $360 \text{ gpm} \div 448.8 \text{ gpm/cfs} = .80 \text{ cfs}$
SYSTEM DESCRIPTION: $V_{ind} = .80 \text{ cfs} \times 33 \text{ day} \times 1.4835 \text{ AF/day/cfs} \times 315 \text{ operating days} = 165 \text{ AF/yr}$

See Reverse side for system description See Back for Volume Calculations

REMARKS: Allow 1.38 cfs as per permit
System shown and described by Terry Hastings - Manager

Examining Signature Anthony R. Kozlowski Date 2-1-80

Checked by John D. Carlson Date 4/9/80

Approved by [Signature] Date 3/26/81

RECEIVED

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JAN 10 2005

MICROFILMED

Groundwater, ... limited from 2-8" ...
 wells having depth of 83' but by 1-15 H.P.
 submerged pump/motors of unknown make,
 model, and I.D. Groundwater is
 conveyed to and open discharged into a
 concrete sump where it is lifted by a 15 H.P.
 U.S. motors 3ph vertical pump motor ID # -
 9309-01-65 17875-630 and by a Johnston
 vertical turbine pump 5ph-T4075 mfr 6E.
 The recited water can be diverted for
 irrigation or industrial use. Domestic
 water bypasses the sump and is conveyed
 directly into the plant to serve a means
 restroom - 2 toilets - 1 urinal - large circular
 wash basin, and a women's restroom -
 3 toilets - 1 wash basin. There are also
 2 drinking fountains in the plant and
 a sink in the kitchen and
 Industrial water is used for washing and
 transporting like waste. Please note
 that the industrial water ~~is~~ recycled.
 It is collected and conveyed to a
 settling pond where it can be conveyed
 back to the sump and reused again
 for irrigation or industrial use.
 Hecaplex may be irrigated by 10 solid
 set handlines of various lengths
 this system can divert groundwater for
 irrigation, industrial, & domestic purposes
 of an diverted recycled water for
 irrigation and for industrial use.

JRC

1 *012 - 1012-10

$$1 \text{ unit} \times 1.2 = \underline{1.2} \checkmark$$

1 *012 - 1012-10

$$62 \text{ AC} \times 3.5 = 217.0 \checkmark$$

$$.8 \times 1.9835 \times 214 = 339.6$$

1 *012 - 1012-10

$$.0143 \times 445.8 = 360 \text{ gpm}$$

$$360 \text{ gpm} \times 60 = 21600 \text{ gph}$$

$$21600 \times 8 = 172800 \text{ gp day}$$

$$172800 \times 6 = 1036800 \text{ gp wk}$$

$$1036800 \times 52 = 53913600 \text{ gp yr}$$

$$\frac{53913600}{325,900} = \underline{165.4} \text{ AF} \checkmark$$

$$A - 280^{225} \text{ AF (73\%)}$$

$$B - 103^{375} \text{ AF (27\%)}$$

SCANNED
JAN 10 2005

$$\frac{18.5}{1.31}$$

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that SUN GLO INDUSTRIES

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from January 1 to December 31	at 04 cfs and	1.2 acre feet
Irrigation	from April 1 to November 30	at 88 cfs and	217 acre feet
Industrial	from January 1 to December 31	at 165.4 cfs and	165.4 acre feet

Description and location of place of use:

[illegible]

Industrial use is for washing & transporting Idaho potatoes.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30th day of April, 19 81.

Director

SCAN[®] 1000

JAN 10 2001

1 + 0.12 = 1.12

$$1.12 \times 1.2 = \underline{1.2} \checkmark$$

1 + 0.12 = 1.12

$$62 \text{ AC} \times 3.5 = \underline{217.0} \checkmark$$

$$.8 \times 1.9835 \times 214 = 339.6$$

1 + 0.12 = 1.12

$$.2 \times 445.8 = 89.16 \text{ gpm}$$

$$89.16 \text{ gpm} \times 60 = 5349.6 \text{ gph}$$

$$5349.6 \times 8 = 42796.8 \text{ gpd}$$

$$42796.8 \times 6 = 256780.8 \text{ gpwk}$$

$$256780.8 \times 52 = 13352599.36 \text{ gpyr}$$

$$\frac{13352599.36}{81400} = \underline{165.4} \text{ AF} \checkmark$$

$$A - 280^{225} \text{ AF (73\%)}$$

$$B - 103^{375} \text{ AF (27\%)}$$

JAN 10 2005

SCANNED

$$\begin{array}{r} 1.5 \\ 1.34 \\ \hline 1.84 \end{array}$$

Water Right No(s). A 22-13430

Northland Frozen Foods Inc - Doing Business AS;
NorSun Food Group Inc.

GPS data - 2479922
1409850

GPS File
2213430

GPS DATA:

Existing Tag 00011099
Existing Tag # E6008337 - DEQ Location: on well casing

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: Submersed Model: _____ Hp: 15
SN: NA

PUMP

Make: Submersed Model: 10" casing Disch: _____
SN: _____

NOTES:

Split of right 22-7097 - No irrigation.
Facility has 200 employees. water is used to wash
potatoes, clean linens & bathrooms. work has 3 shifts, 20
hours a day, 5 days a week.

Field Exam Date: 10-17-2005 Agent: J. Wilson

PROFILED

SCANNED
JAN 10 2006

REPORTED

JAN 10 2006

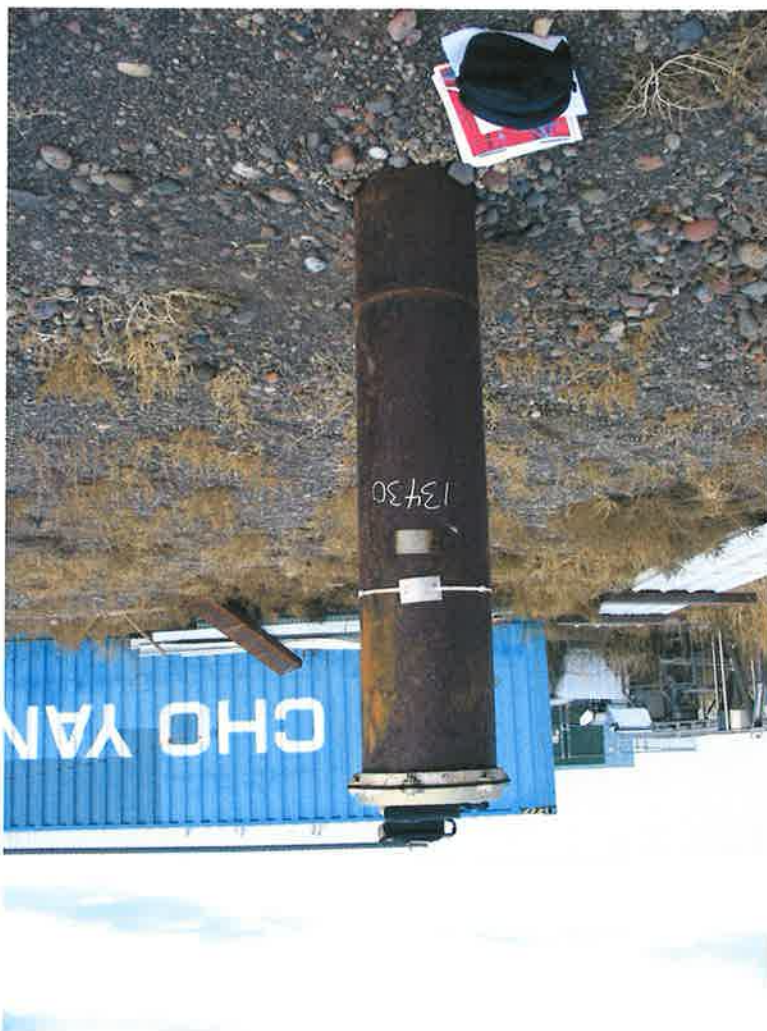
SCANNED

A 22-13430, P.O.U., Factory



SCANNED
JAN 10 2006

A2a-13430, P.O.D, Locking waf



T6N, R40E

City of Sugar City

54
89

Sun-Glo
22-13429

Northland Frozen Foods
22-13430

Highway 20

SCANNED
JAN 10 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 15, 2005

NORTHLAND FROZEN FOODS INC
903 E 3000 N
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR 22-7097

Dear Sir or Madam:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-7097 split into:

22-13429: 0.5 cfs, 103.375 afa, industrial, Northland Frozen Foods Inc.

22-13430: 1.14 cfs, 280.225 afa, 62 acres irrigation, Sun-Glo Industries

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. **Please note: the elements of your water right could change after the field exam and final review by our office.**

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

Enclosure

SCANNED

JAN 10 2006

PROFILE

Form 42-248/42-1469(6) July, 2000

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
22-7097	same	B			

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

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

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

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

OR

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

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

Sun-Glo Industries

Box 98 Rexburg, ID 83440

4. New Owner/Claimant(s)

Northland Frozen Foods, Inc.

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

New Mailing Address

903E. 3000N.

City, State and ZIP Code

Sugar City, ID 83448

New Telephone Number

() 208-356-4149

5. Date you acquired the property

7-29-05

RECEIVED

AUG 26 2005

Department of Water Resources
 Eastern Region

SCANNED

JAN 10 2006

Form 42-248/42-1409(6) July, 2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>22-7097 B</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>Industrial</u>	<u>.5 cfs / 103.375 AF</u>	_____
Total	<u>.5 cfs or 103.375 AF</u>	_____

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

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


NORTHLAND FROZEN FOODS INC
DBA Newsum Food Group, Inc

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

For Office Use Only

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

SCANNED

JAN 10 2006

QUITCLAIM DEED

FOR VALUE RECEIVED, SUN-GLO OF IDAHO, INC., f.k.a. CRAPO

ENTERPRISES, INC., an Idaho corporation, with its principal place of business located at 2935 N. 1000 E., Rexburg, Idaho 83440, does hereby remise, release and forever quitclaim unto **NORTHLAND FROZEN FOODS, INC.**, a Maine corporation, duly authorized to conduct business within the State of Idaho, whose Idaho address is 903 E. 3000 N., Sugar City, Idaho 83448, the following described water right in Madison County, State of Idaho, to wit:

.5 cfs of the total .8 cfs and 103.375 acre feet of the total 165.4 annual acre feet volume of Industrial Use water from water right license #22-7097, issued by the Idaho Department of Water Resources. Licensed Place of use: NE 1/4 NE 1/4 of Section 8, Twp. 6 N., Rge. 40 E. B.M.

DATED this 29th day of July, 2005

SUN GLO OF IDAHO, INC.

By: George M. Crapo
George Crapo, Pres.

STATE OF IDAHO)
) ss.
County of Madison)

On this 29th day of July, 2005 appeared before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE CRAPO, known to me to be the President of

Quitclaim Deed - Page - 1
F:\WP6\SB\SUNGLOQC.WPD

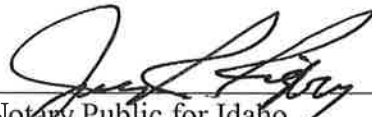
Instrument # 322058
REXBURG, MADISON, IDAHO
2005-08-23 10:53:00 No. of Pages: 2
Recorded for : RAY RIGBY
MARILYN R. RASMUSSEN
Ex-Officio Recorder Deputy  Fee: 6.00

JAN 10 2006

SUN GLO OF IDAHO, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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




Notary Public for Idaho
Residing at: *Meridian*
Commission Expires: *11-09-05*

This document is being re-recorded to correct the legal description in the Warranty Deed recorded in Madison County, November 15, 1999, WARRANTY DEED ~~and~~ instrument number 281318. **281327** ST

FOR VALUE RECEIVED, SUN-GLO INDUSTRIES LIMITED PARTNERSHIP, an Idaho Limited Partnership, % Delmar H. Raybould, 3215 North 2000 West, Madison County, Rexburg, Idaho 83440, hereinafter called the "Grantor", does hereby grant, bargain, sell and convey unto **SUN GLO INDUSTRIES, L.L.C.**, an Idaho Limited Liability Company, with its principal place of business located at 2935 N. 1000 E., Sugar City, Idaho, 83448, hereinafter called the "Grantee", the following described property:

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, Madison County, Idaho, and running thence West 120 rods; thence South 106 rods; thence East 97 rods to the West line of the Oregon Shortline Railroad right-of-way; thence Northeasterly along the right-of-way line to its intersection with the East line of said Sec. 8, thence North 54 rods to the point of beginning.

LESS: A parcel of land being on both sides of the centerline of U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the N1/2NE1/4 of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, described as follows, to-wit:

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, thence Westerly along the North line of said Section a distance of 1147.0 feet, more or less, to a point in a line parallel with and 120.0 feet Southeasterly from the centerline and bears South 56°29'39" East from Station 1714+82.18 of said U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79) Highway Survey, and being the REAL POINT OF BEGINNING; thence Southwesterly along said parallel line as follows; South 33°30'21" West 17.64 feet to a point opposite Station 1720+97.71 back equals Station 1714+64.54 ahead of said Highway Survey Southwesterly along a 4703.66 foot radius curve right 1230.0 feet, more or less, to a point in the West line of the tract of land as described in that certain Warranty Deed dated July 22, 1974, recorded August 8, 1974, as Instrument No. 153390, and opposite Station 1708+87.22 of said Highway Survey; thence Northerly along said West line 325.0 feet, more or less, to a point in a line parallel with and 120.0 feet Northwesterly from the centerline and radially from Station 1711+06.50 of said Highway Survey; thence Northeasterly along said parallel line, being a 4463.66 foot radius curve left 820.0 feet, more or less, to a point in the North line of said Section 8 and opposite Station 1719+50.56 of said Highway Survey; thence Easterly along said North line 291.0 feet, more or less, to the REAL POINT OF BEGINNING.

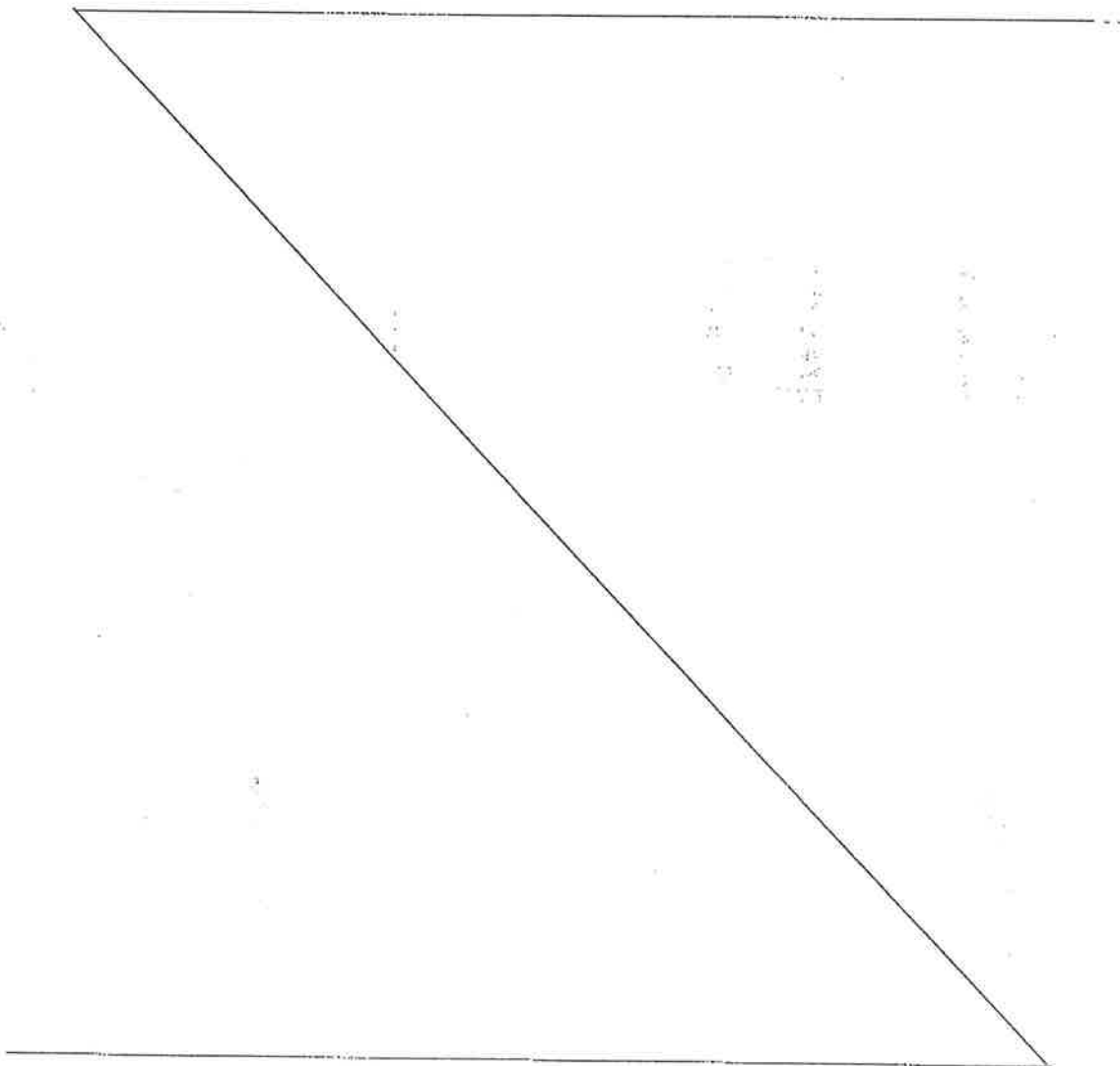
SCANNED

JAN 10 2006

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

TOGETHER With any and all water and water rights, including but not limited to all water licenses and permits.

Grantor covenants and warrants that fee simple title, to the property, is conveyed to Grantee by this Deed, free from all encumbrances.



SCANNED
JAN 10 2006

281327

DATED This 5 day of November, 1999.BY: Warren J. Walters
Warren J. WaltersBY: George M. Crapp
George Crapp.BY: Golden C. Linford
Golden C. LinfordBY: Delmar H. Raybould
Delmar H. Raybould

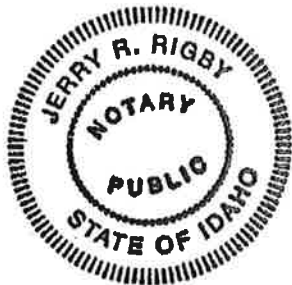
SCANNED

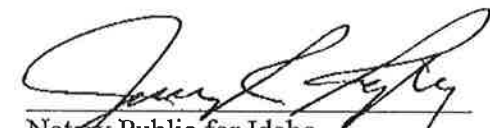
JAN 10 2006

Limited Partnership Acknowledgment

STATE OF IDAHO)
 ss.
County of Madison.)

On this 1st day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Warren J. Walters, George Crapo, Golden C. Linford, and Delmar H. Raybould**, known to me to be the General Partners of **Sun-Glo Industries Limited Partnership**, an Idaho limited partnership, and the General Partners who subscribed the limited partnership name to the foregoing instrument, and acknowledged to me that they executed the same in the limited partnership name.




Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission expires: 11-9-05

Microfilm No. 281327
Day NOV 16 1999
At 1420 O'clock p m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 12.00 Deputy
Recorded At Request of Rigby Thatchers

~~Microfilm No. 281318
Day NOV 16 1999
At 9:00 O'clock A m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 12.00 Deputy
Recorded At Request of Rigby Thatchers~~

SCANNED
JAN 10 2006

This Deed is being re-recorded to correct the legal description on Exhibit "A" on the Warranty Deed recorded in Madison County on November 15, 1999, instrument number 28139. ~~281319~~
WARRANTY DEED SJ **281328**

FOR VALUE RECEIVED, SUN-GLO INDUSTRIES, L. L. C., an Idaho Limited Liability Company, with its principal place of business located at 2935 N. 1000 E., Sugar City, Idaho, 83448, hereinafter called "Grantor", does hereby grant, bargain, sell, warrant and convey unto the following persons and entities, hereinafter called "Grantees", in the following interests:

<u>Grantee</u>	<u>Interest</u>
GEORGE CRAPO and LINDA CRAPO, husband and wife:	25.0%
GOLDEN C. LINFORD, a married man dealing with his sole and separate property:	12.5%
JEFFREY W. ANDREW, as Trustee of the Betty Lou Linford Testamentary Trust:	12.5%
RAYBOULD FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership:	25.0%
WARREN WALTERS and BARBARA WALTERS, husband and wife:	2.5%
W-B FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership:	16.25%
W. JEFFREY WALTERS, a married man dealing with his sole and separate property:	1.0416%
BARRY J. WALTERS, a married man dealing with his sole and separate property:	1.0417%
NAN JENSEN, a married woman dealing with her sole and separate property:	1.0417%
JULIE ANN GNEITING, a married woman dealing with her sole and separate property:	1.0417%
KALLE DAVIS, a married woman dealing with her sole and separate property:	1.0417%
SHAWN J. WALTERS, a married man dealing with his sole and separate property:	1.0416%
Total:	100.00%

the following described real property in Madison County, Idaho, to-wit:

See legal description in attached exhibit "A".

Together with all water and water rights, including but not limited to all water licenses and permits.

Subject to easements of record or in existence for roads, streets and utilities.

281328

281319

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining..

Grantor covenants and warrants that fee simple title to the above described property is conveyed to Grantees by this Deed free from all encumbrances except any assumed by or placed therein by Grantees and accruing 1999 property taxes.

DATED This 15th day of November, 1999.

SUN-GLO INDUSTRIES, L.L.C.

BY: Warren J. Walters
Warren J. Walters, Managing Member

BY: George Crapo
George Crapo, Managing Member

BY: Golden C. Linford
Golden C. Linford, Managing Member

BY: Delmar H. Raybould
Delmar H. Raybould, Managing Member

Acknowledgment by Limited Liability Company

STATE OF IDAHO,)

ss.

County of Madison.)

On this 15th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared, **Warren J. Walters, George Crapo, Golden C. Linford and Delmar H. Raybould** known to me to be the Managing Member and Member respectively of **SUN-GLO INDUSTRIES, L.L.C.**, the Limited Liability Company that executed the foregoing instrument and acknowledged to me that such Company executed the same.



Jerry R. Rigby
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 11-9-05

Exhibit "A"
Legal Description of Entire Parcel

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, Madison County, Idaho, and running thence West 120 rods; thence South 106 rods; thence East 97 rods to the West line of the Oregon Shortline Railroad right-of-way; thence Northeasterly along the right-of-way line to its intersection with the East line of said Sec. 8, thence North 54 rods to the point of beginning.

LESS: A parcel of land being on both sides of the centerline of U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the N1/2NE1/4 of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, described as follows, to-wit:

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, thence Westerly along the North line of said Section a distance of 1147.0 feet, more or less, to a point in a line parallel with and 120.0 feet Southeasterly from the centerline and bears South 56°29'39" East from Station 1714+82.18 of said U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79) Highway Survey, and being the REAL POINT OF BEGINNING: thence Southwesterly along said parallel line as follows; South 33°30'21" West 17.64 feet to a point opposite Station 1720+97.71 back equals Station 1714+64.54 ahead of said Highway Survey Southwesterly along a 4703.66 foot radius curve right 1230.0 feet, more or less, to a point in the West line of the tract of land as described in that certain Warranty Deed dated July 22, 1974, recorded August 8, 1974, as Instrument No. 153390, and opposite Station 1708+87.22 of said Highway Survey; thence Northerly along said West line 325.0 feet, more or less, to a point in a line parallel with and 120.0 feet Northwesterly from the centerline and radially from Station 1711+06.50 of said Highway Survey; thence Northeasterly along said parallel line, being a 4463.66 foot radius curve left 820.0 feet, more or less, to a point in the North line of said Section 8 and opposite Station 1719+50.56 of said Highway Survey; thence Easterly along said North line 291.0 feet, more or less, to the REAL POINT OF BEGINNING.

281328

Microfilm No. _____
Day NOV 16 1999
At 1422 O'clock P m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 9- Deputy
Recorded At Request of
Philip Thatcher

SCANNED

JAN 10 2006

WARRANTY DEED

FOR VALUE RECEIVED, GOLDEN C. LINFORD, a married man dealing with his sole and separate property; JEFFERY W. ANDREW, as Trustee of the Betty Lou Linford Testamentary Trust; RAYBOULD FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership; WARREN WALTERS and BARBARA WALTERS, husband and wife; W-B FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership; W. JEFFREY WALTERS, a married man dealing with his sole and separate property; BARRY J. WALTERS, a married man dealing with his sole and separate property; NAN JENSEN, a married woman dealing with her sole and separate property; JULIE ANN GNEITING, a married woman dealing with her sole and separate property; KALLE DAVIS, a married woman dealing with her sole and separate property; SHAWN J. WALTERS, a married man dealing with his sole and separate property, hereinafter called "Grantors", do hereby grant, bargain, sell, warrant and convey unto **GEORGE CRAPO and LINDA CRAPO, husband and wife, of 726 N. 2100 E., St. Anthony, Idaho 83445, hereinafter called "Grantees", 100% of Grantors' interest in and to the following described real property in Madison County, Idaho, to-wit:**

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, Madison County, Idaho, and running thence West 120 rods; thence South 106 rods; thence East 97 rods to the West line of the Oregon Shortline Railroad right-of-way; thence Northeasterly along the right-of-way line to its intersection with the East line of said Sec. 8, thence North 54 rods to the point of beginning.

LESS: A parcel of land being on both sides of the centerline of U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the N1/2NE1/4 of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, described as follows, to-wit:

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, thence Westerly along the North line of said Section a distance of 1147.0 feet, more or less, to a point in a line parallel with and 120.0 feet Southeasterly from the centerline and bears South 56°29'39" East from Station 1714+82.18 of said U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79) Highway Survey, and being the REAL POINT OF

BEGINNING: thence Southwesterly along said parallel line as follows; South $33^{\circ}30'21''$ West 17.64 feet to a point opposite Station 1720+97.71 back equals Station 1714+64.54 ahead of said Highway Survey Southwesterly along a 4703.66 foot radius curve right 1230.0 feet, more or less, to a point in the West line of the tract of land as described in that certain Warranty Deed dated July 22, 1974, recorded August 8, 1974, as Instrument No. 153390, and opposite Station 1708+87.22 of said Highway Survey; thence Northerly along said West line 325.0 feet, more or less, to a point in a line parallel with and 120.0 feet Northwesterly from the centerline and radially from Station 1711+06.50 of said Highway Survey; thence Northeasterly along said parallel line, being a 4463.66 foot radius curve left 820.0 feet, more or less, to a point in the North line of said Section 8 and opposite Station 1719+50.56 of said Highway Survey; thence Easterly along said North line 291.0 feet, more or less, to the REAL POINT OF BEGINNING.

ALSO LESS: A parcel of land in Twp. 6 N., Rge. 40 E., Boise Mer., Madison County, Idaho, Sec. 8: Beginning at a point on the section line that is 396.30 feet South $89^{\circ}55'30''$ West of the Northeast corner of said Sec. 8 and continuing South $89^{\circ}55'30''$ West 750.55 feet measured (750.70 feet record) to a point in a line parallel with and 120.00 feet southeasterly from the centerline and bears South $56^{\circ}29'39''$ East from Station 1714 + 82.18 of U.S. Highway 191 and 20, Project Number ER-F-6471 (79 Highway Survey) thence southwesterly along said parallel line South $33^{\circ}30'21''$ West 17.64 feet to a highway right-of-way monument and the beginning of a curve to the right with a radius of 4703.66 feet, a cord bearing of South $37^{\circ}47'09''$ West and a length of 702.75 feet; thence along said curve a distance of 702.75 feet; thence North $89^{\circ}55'30''$ East 1191.21 feet, said point is 60 feet East and 21 feet South of the Southeast corner of the Process Facility Building; thence parallel with said Process Facility North $00^{\circ}04'30''$ West 569.00 feet to the point of beginning.

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

TOGETHER With the following described water rights: One-half of the licensed water right No. No. 22-7097, which has been modified under permit no. 22-99-E-0069-000, and any and all other water and water rights held in irrigation canal companies and storage rights held with Fremont Madison Irrigation District.

Subject to easements of record or in existence for roads, streets and utilities.

Together with all and singular the tenements, hereditaments, and appurtenances

thereunto belonging or in any wise appertaining.

Grantors covenant and warrant that fee simple title to the above described property is conveyed to Grantees by this Deed free from all encumbrances except any assumed by or placed therein by Grantees.

DATED This 30th day of November, 1999.

Golden C. Linford
Golden C. Linford
Jeffery W. Andrew
Jeffery W. Andrew
Trustee of the Betty Lou Linford
Testamentary Trust

Raybould Family Limited Partnership

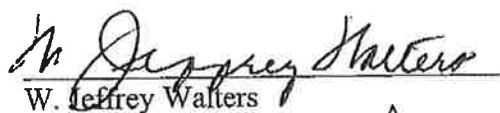
Delmar H. Raybould
By: Delmar H. Raybould
General Partner
Vera Mae Raybould
By: Vera Mae Raybould
General Partner

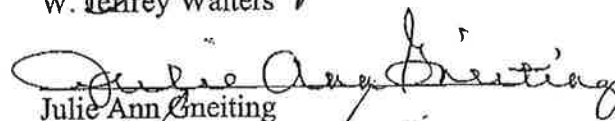
Warren J. Walters
Warren J. Walters
Barbara Walters
Barbara Walters

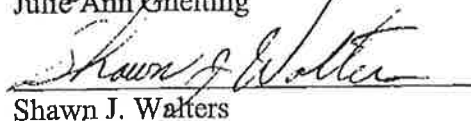
W-B Family Limited Partnership

Warren J. Walters
By: Warren J. Walters
Barbara Walters
By: Barbara Walters

281895


W. Jeffrey Walters


Julie Ann Gneiting


Shawn J. Walters

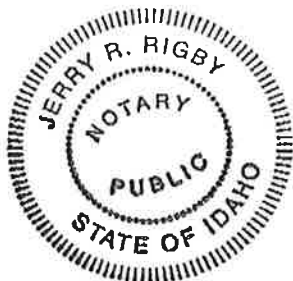
Limited Partnership Acknowledgment

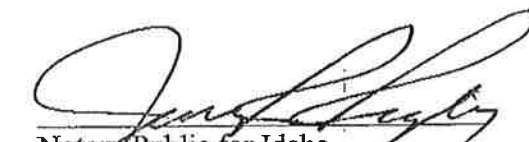
STATE OF IDAHO)

ss.

County of Madison.)

On this 30th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Delmar H. Raybould and Vera Mae Raybould**, husband and wife, known to me to be the General Partners of **Raybould Family Limited Partnership**, an Idaho limited partnership, and the General Partners who subscribed the limited partnership's name to the foregoing instrument, and acknowledged to me that they executed the same in the limited partnership's name.

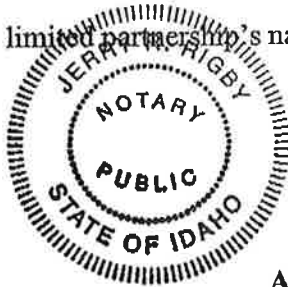



Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission expires: 11-09-05

Limited Partnership Acknowledgment

STATE OF IDAHO)
 ss.
 County of Madison.)

On this 30th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Warren J. Walters and Barbara Walters**, husband and wife, known to me to be the General Partners of **W-B Family Limited Partnership**, an Idaho limited partnership, and the General Partners who subscribed the limited partnership's name to the foregoing instrument, and acknowledged to me that they executed the same in the limited partnership's name.



[Signature]
 Notary Public for Idaho
 Residing at: Rexburg, Idaho
 My Commission expires: 11-09-05

Acknowledgment by Trustee

STATE OF IDAHO)
 ss.
 County of Madison.)

On this 30th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Jeffery W. Andrew**, known to me to be person whose name is subscribed to the within instrument as the Trustee of the **Betty Lou Linford Testamentary Trust**, and acknowledged to me that he executed the same as such Trustee.



[Signature]
 Notary Public for Idaho
 Residing at: Rexburg, Idaho
 My Commission expires: 11-09-05

281895

Acknowledgment

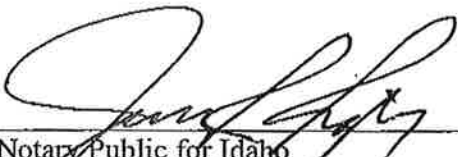
STATE OF IDAHO,)

ss.

County of Madison)

On this 30th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Golden C. Linford, Warren J. Walters and Barbara Walters, husband and wife, W. Jeffrey Walters, Julie Ann Gneiting, Shawn J. Walters, George Crapo and Linda Crapo**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.




Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 11-09-05

281895

Kalle Davis
Kalle Davis

Acknowledgment

STATE OF COLORADO,)

ss.

County of Boulder)

On this 1st day of DECEMBER ~~November~~, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Kalle Davis**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.



Dixie K. Feld
Notary Public for Colorado

Residing at: 368 S. McCaslin, Louisville

My Commission Expires: 12-17-2000

SCANNED

JAN 10 2006

281895

Barry J. Walters
Barry J. Walters

Acknowledgment

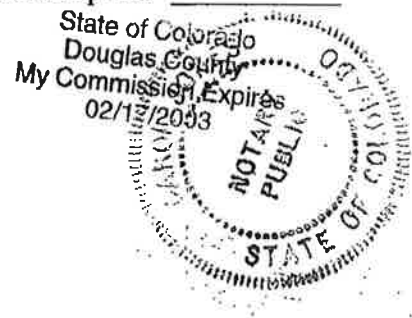
STATE OF COLORADO,)

ss.

County of Douglas)

On this 30th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Barry Walters**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Carol Jones
Notary Public for Colorado
Residing at: 10615 Oakwood Ct
My Commission Expires: _____



SCANNED

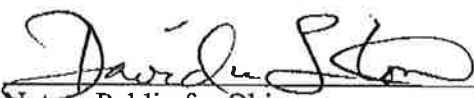
JAN 10 2006


Nan Jensen

Acknowledgment

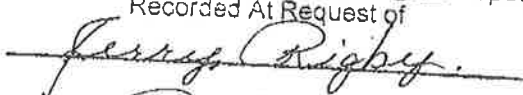
STATE OF OHIO,)
County of Hamilton ss.

On this 17 day of December, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Nan Jensen**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.


Notary Public for Ohio
Residing at:
My Commission Expires: 4/5/2004



DAVID W. SEXTON
Notary Public, State of Ohio
My Commission Expires April 5, 2004

Microfilm No. 281895
Day DEC 30 1999 At 1552
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 17- 75 Deputy
Recorded At Request of

PO Box 250
Rexburg Id

SCANNED
JAN 10 2006

WARRANTY DEED

FOR VALUE RECEIVED, GEORGE CRAPO and LINDA CRAPO, husband and wife, of 726 N. 2100 E., St. Anthony, Idaho 83445, hereinafter called "Grantors", do hereby grant, bargain, sell, warrant and convey unto **CRAPO ENTERPRISES, INC., dba Sun-Glo of Idaho**, an Idaho corporation, with it principal place of business located at 2935 N. 1000 E., Rexburg, Idaho 83440, hereinafter called "Grantees", 100% of Grantors' interest in and to the following described real property in Madison County, Idaho, to-wit:

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, Madison County, Idaho, and running thence West 120 rods; thence South 106 rods; thence East 97 rods to the West line of the Oregon Shortline Railroad right-of-way; thence Northeasterly along the right-of-way line to its intersection with the East line of said Sec. 8, thence North 54 rods to the point of beginning.

LESS: A parcel of land being on both sides of the centerline of U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the N1/2NE1/4 of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, described as follows, to-wit:

Commencing at the Northeast corner of Sec. 8, Twp. 6 N., Rge. 40 E., Boise Meridian, thence Westerly along the North line of said Section a distance of 1147.0 feet, more or less, to a point in a line parallel with and 120.0 feet Southeasterly from the centerline and bears South 56°29'39" East from Station 1714+82.18 of said U.S. Highway No.'s 191 and 20, Project No. ER-F-6471(79) Highway Survey, and being the REAL POINT OF BEGINNING: thence Southwesterly along said parallel line as follows; South 33°30'21" West 17.64 feet to a point opposite Station 1720+97.71 back equals Station 1714+64.54 ahead of said Highway Survey Southwesterly along a 4703.66 foot radius curve right 1230.0 feet, more or less, to a point in the West line of the tract of land as described in that certain Warranty Deed dated July 22, 1974, recorded August 8, 1974, as Instrument No. 153390, and opposite Station 1708+87.22 of said Highway Survey; thence Northerly along said West line 325.0 feet, more or less, to a point in a line parallel with and 120.0 feet Northwesterly from the centerline and radially from Station 1711+06.50 of said Highway Survey; thence Northeasterly along said parallel line, being a 4463.66 foot radius curve left 820.0 feet, more or less, to a point in the North line of said Section 8 and opposite Station 1719+50.56 of said Highway Survey; thence Easterly along said North line 291.0 feet, more or less, to the REAL POINT OF BEGINNING.

ALSO LESS: A parcel of land in Twp. 6 N., Rge. 40 E., Boise Mer., Madison County, Idaho, Sec. 8: Beginning at a point on the section line that is 396.30 feet South 89°55'30" West of the Northeast corner of said Sec. 8 and continuing South 89°55'30" West 750.55 feet measured (750.70 feet record) to a point in a line parallel with and 120.00 feet southeasterly from the centerline and bears South 56°29'39" East from Station 1714 + 82.18 of U.S. Highway 191 and 20, Project Number ER-F-6471 (79 Highway Survey) thence southwesterly along said parallel line South 33°30'21" West 17.64 feet to a highway right-of-way monument and the beginning of a curve to the right with a radius of 4703.66 feet, a cord bearing of South 37°47'09" West and a length of 702.75 feet; thence along said curve a distance of 702.75 feet; thence North 89°55'30" East 1191.21 feet, said point is 60 feet East and 21 feet South of the Southeast corner of the Process Facility Building; thence parallel with said Process Facility North 00°04'30" West 569.00 feet to the point of beginning.

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

TOGETHER With the following described water rights: One-half of the licensed water right No. No. 22-7097, which has been modified under permit no. 22-99-E-0069-000, and any and all other water and water rights held in irrigation canal companies and storage rights held with Fremont Madison Irrigation District.

Subject to easements of record or in existence for roads, streets and utilities.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

Grantors covenant and warrant that fee simple title to the above described property is conveyed to Grantees by this Deed free from all encumbrances except any assumed by or placed therein by Grantees.

DATED This 18th day of December, 1999.

George M Crapo
George Crapo
Linda Crapo
Linda Crapo

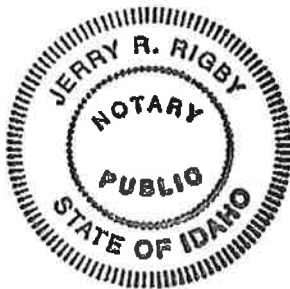
Acknowledgment

STATE OF IDAHO,)

ss.

County of Madison)

On this 18th day of December, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **George Crapo and Linda Crapo**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Jerry R. Rigby
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 11-09-05

281896

Microfilm No. _____
Day DEC 30 1999 At 1554
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 9- 00 Deputy
Recorded At Request of

Jerry R. Rigby

ARTICLES OF AMENDMENT
to the
ARTICLES OF INCORPORATION
OF
CRAPO ENTERPRISES, INC.

FILED
12/20/1999

Pursuant to the provisions of Sec. 30-1-61 of Idaho Business Corporation Act, the undersigned corporation adopts the following Articles of Amendment to its original Articles of Incorporation:

FIRST: The present name of the corporation is CRAPO ENTERPRISES, INC.

SECOND: The following amendments of the Articles of Incorporation were adopted by the shareholders of the corporation on December 14, 1999, in the manner prescribed by the Idaho Business Corporation Act:

The following paragraph was amended:

FIRST: The name of the corporation is SUN-GLO OF IDAHO, INC.

CRAPO ENTERPRISES, INC.

By: George Crapo
George Crapo, President

STATE OF IDAHO)

ss.

County of Madison)

GEORGE CRAPO, being duly sworn, states as follows:

That he is the President of CRAPO ENTERPRISES, INC., in the foregoing Articles of Amendment to the Articles of Incorporation; that he has read the Articles of Amendment to the Articles of Incorporation and the facts therein stated are true to the best of his knowledge.

George Crapo
GEORGE CRAPO

SUBSCRIBED AND SWORN to before me this 14th day of December, 1999.



IDAHO SECRETARY OF STATE
12/20/1999 09:00
CK: 12499 CT: 2552 BH: 274600
Marsha L. Mahoney
Notary Public for Idaho
Residing at: Redding, Id
Commission Expires: 4-10-2000 C131299

SCANNED

JAN 10 2006

STATE OF IDAHO)

SS.

County of Madison)

On this 14th day of December, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE CRAPO, known to me to be the President, of CRAPO ENTERPRISES, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.



Marsha L. Mahary
Notary Public for Idaho
Residing at: Highway 84
My Commission Expires: 4-10-2000

SCANNED

JAN 10 2006

SOLD TO S. NOR-SUN 1000.1

Red-is Northlands
Frozen Foods -JVC.
Remainder is
Sunglow.

Form # 95
Tract 607

11.3

Map of Tract 607

SCANNED

JAN 10 2006

0.07 0 0.07 0.14 0.21 0.28 Miles

N
Map Printed: Oct 15, 2003

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 22-13430
Date Received: 9/14/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

NORTHLAND FROZEN FOODS INC Phone: (208)356-4149
903 E 3000 N
SUGAR CITY ID USA 83448

2. Date of Priority: 07/15/1974

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	8	NE NE	MADISON	

5. Description of diverting works:

POTATO PROCESSING PLANT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.5	103.375 <i>ok</i>

7. Total Quantity Appropriated is:
0.5 C.F.S. and/or 103.375 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	40E	8	NE NE	INDUSTRIAL	

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

2 P/D IN NENE, S8, T6N, R40E.

This right is a split from former right 22-7097 .

Right Nos. 22-13429 and 22-13430 are limited to a total combined diversion rate of 1.38 cfs.

15. Basis of Claim: License