

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 22-13664

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

SOURCE: GROUND WATER

QUANTITY: 0.55 CFS
83.10 AFY

PRIORITY DATE: 03/03/1977

POINT OF DIVERSION: T05N R45E S24 NWSW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.55 CFS 83.10 AFY

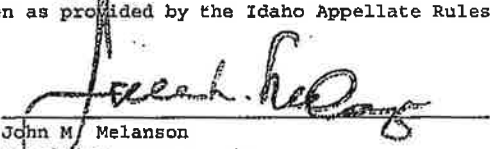
PLACE OF USE: Irrigation Within Teton County
T05N R45E S23 NESE 20.0 NWSE 7.7
27.7 Acres Total

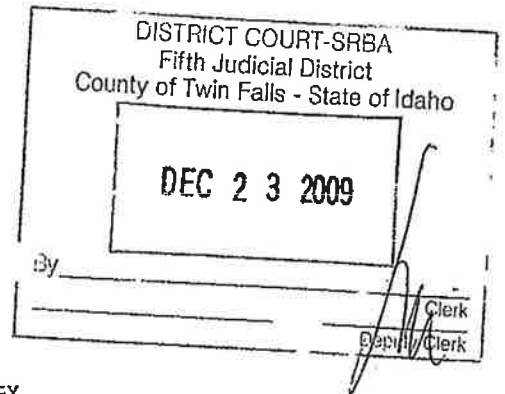
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

RIGHT NUMBER: 22-13664

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.550 CFS
83.10 AFY

PRIORITY DATE: 03/03/1977

POINT OF
DIVERSION:

T05N R45E S24 NWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.550 CFS
83.10 AFY

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S23

NESE

20.00

T05N R45E S23

NWSE

7.70

27.7 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

Use of this right is combined with water from the Grand Teton Canal Co.

This right is a split from former right 22-7215A.

CREATED BY

JUN 04 2008

J LARSEN

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

RIGHT NUMBER: 22-13664

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.33~~ 0.550 CFS
~~58.10~~ 83.10 AFY

PRIORITY DATE: 03/03/1977

POINT OF
DIVERSION:

T05N R45E S24 NWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	~~0.33~~ 0.550 CFS ~~58.10~~ 83.10 AFY
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S23	NESE ~~13.0~~ 20.00	T05N R45E S23 NWSE ~~3.6~~ 7.70
	16.6 27.7 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

Use of this right is combined with water from the Teton Canal Co.

This right is a split from former right 22-7215A.

Identification No. 22 7215
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant James E. Hatch Phone: 354-8248
post office address Box 2, Driggs, Idaho 83422
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24 Township 5N
Range 45E B.M. Teton County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 2.40 for Irrigation purpose from Apr. 15 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 2.40 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, 80 Hp pump, pipeline

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 16 inches; proposed depth of well is 200 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 18,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

Name of municipality to be served _____ or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

RECEIVED
MAY 19 1964

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	45E	24									20								20
		23													40	40	10	10	100

Total number of acres to be irrigated 120

c. Describe any other water rights used for the same purposes as described above.

Surface Rights - 120" Grand Teton Canal

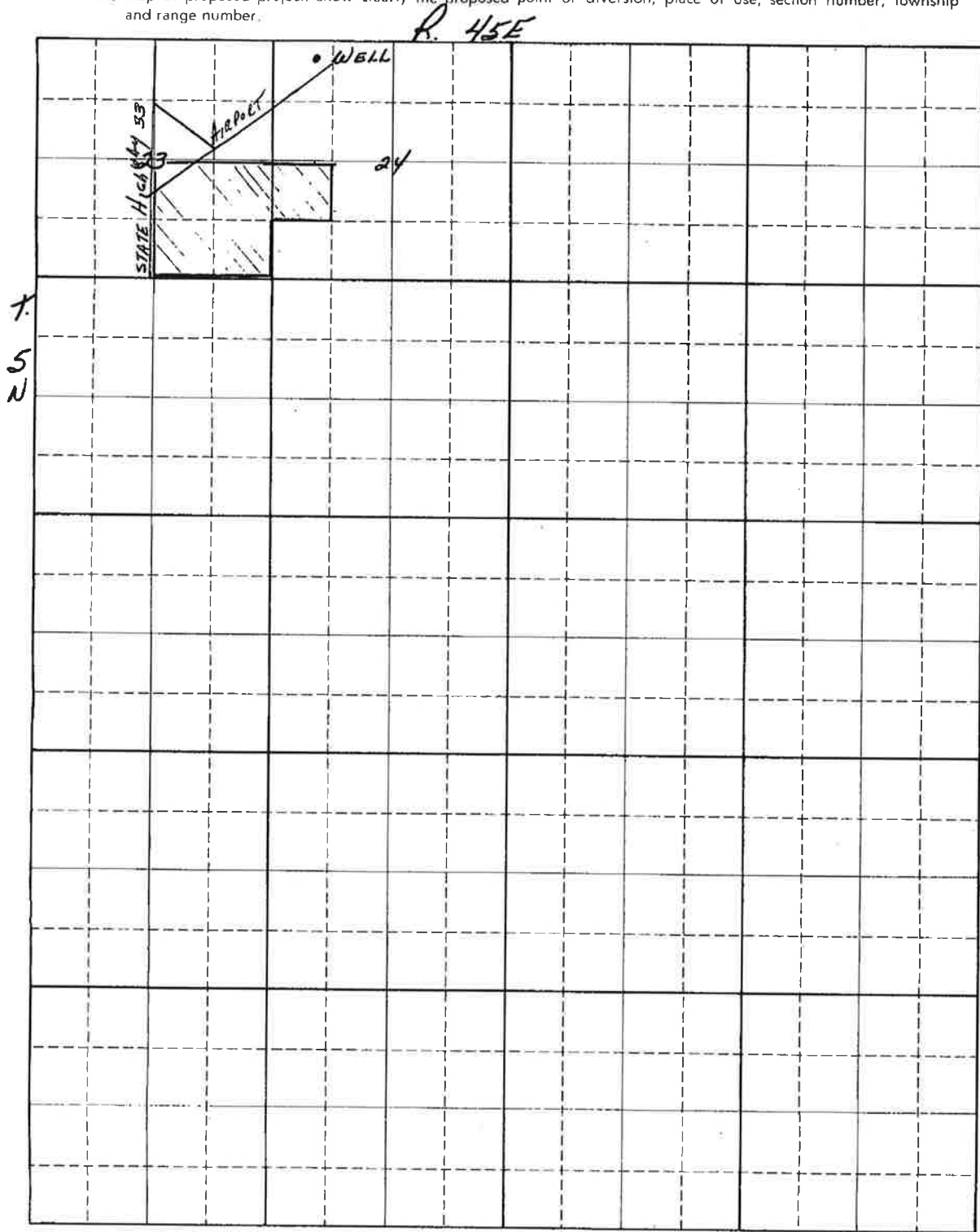
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

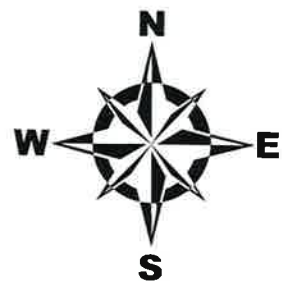
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



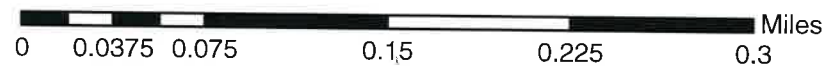
Scale: 2 inches equal 1 mile

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.

James E. Hall
(Applicant)



Blackfoot Farms LC 22-13664



Legend

-  Blackfoot_Farms_POD
-  Blackfoot_Farms_POU
-  Sections
-  QQ

TETON FAIR BOARD, BLACKFOOT FARMS LC - INFORMAL SETTLEMENT MTG.
GARRETT, T.J. BUDGE, BEN (FAIR BOARD), DIRK (F. BOARD)

- TJ BUDGE

1987 - LICENSE

SPLITS EQUAL LESS THAN 30 ACRES ON LICENSE

- DIRK - TRACK NO LONGER IN USE

- BEN - FAIRGROUND USUALLY WATERED w/
GRAND TETON CANAL WATER

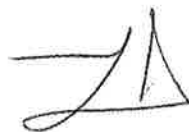
- HARVEY - LETTER FROM DAVE RICHARDSON SAYS
WELL WATER USED SUPPLEMENTAL TO
GRAND TETON CANAL WATER

NOTES TAKEN BY
JSZ 27 MAY 08

11-7-06

- After taking out the track & Buildings only 18.9 acres are irrigated.

$$- 0.6 \cdot 18.9 \div 30 = .38 \text{ ds}$$



- 1-18-07 Harvey called said he is coming in to file an objection.
- Talked to ernie. He said Harvey needs to come up with power records that show the pump was in use the past 20 years.
- Also a affidavit from one of the Fair Board members could be used if they can state it has been used once every 5 years since it was licensed.
- These things are needed in order for us to change our recommendation.

TH



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 3, 2007

BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

RE: Notice of Change of Water Right Ownership (NCO) for
22-7215A and Notice of Completed Administrative Proceeding
(NCAP)

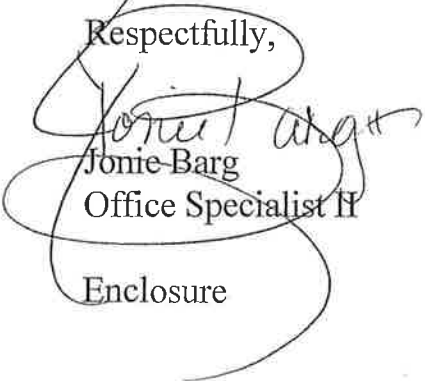
Dear Blackfoot Farms LLC:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

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 the water right(s) as recorded in the SRBA.

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

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

SCANNED
OCT 11 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 3, 2007

COUNTY OF TETON FAIR BOARD
235 S 5TH E
DRIGGS ID 83422

RE: Notice of Change of Water Right Ownership (NCO) for
22-7215A and Notice of Completed Administrative Proceeding
(NCAP)

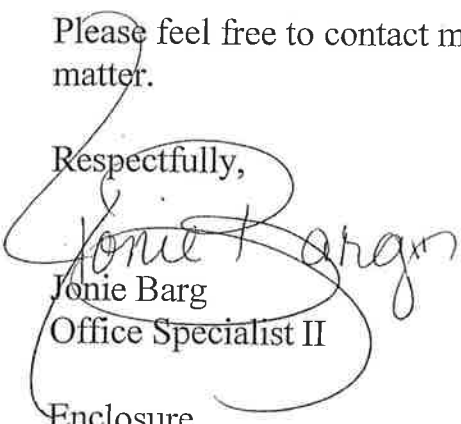
Dear County of Teton Fair Board:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

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 the water right(s) as recorded in the SRBA.

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

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

SCANNED

OCT 11 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-7215A SPLIT
INTO 22-13664 & 22-13665

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party TETON FAIR BRD-TETON FAIR BRD, BLACKFOOT FARMS
- ☐ 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: Oct 3, 2007

Ernest Calhoun

Signature of IDWR Representative

SCANNED

OCT 11 2007

CERTIFICATE OF MAILING

I certify that on October 12, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
County of Teton Fair Board
235 S 5th E
Driggs ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
County of Teton Fair Board
235 S 5th E
Driggs ID 83422

Blackfoot Farms LLC
500 Huntsman Way
Salt Lake City UT 84108

4. One copy to:

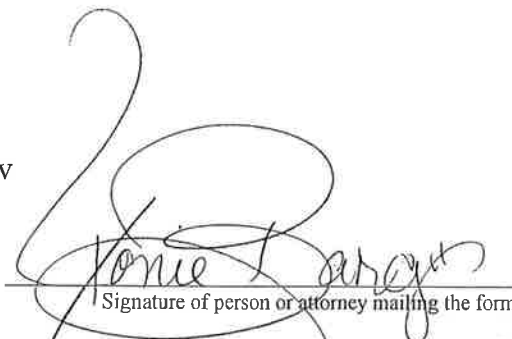
Each party in the subcase, or attorney of record

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

O&V ✓

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.

part of transfer

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
NCAP 22-13664		X			
~~22-7215A~~					
22-7215B					
22-7215C					

OK to change

OK per JC

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) See attachment A
4. New Owner/Claimant(s) Blackfoot Farms, LLC
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address City, State and ZIP Code 500 Huntsman Way
Salt Lake City, UT 84108
- New Telephone Number (801) 584-5700
5. Date you acquired the property June 22, 2006

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

SCANNED

OCT 11 2007

5. Date you acquired the property _____

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>22-72154</u>		
Irrigation	<u>.55 cfs 83 af</u>	<u>27.7 acres</u>
Stock		
Domestic		
Other		
Totals	<u>.55 cfs 83 af</u>	<u>27.7 acres</u>
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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

7. Signature(s) of New Owner(s) or Claimant(s) Joseph H. Walker Blackfoot Farms LLC
 POA (title if applicable)

 (title if applicable)

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

For IDWR Office Use Only:

Received by _____
 Receipted by _____
 Processed by _____ AJ

Date _____
 Date _____
 Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED

OCT 11 2007

RECEIVED

JUL 11 2007

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

177946

RECEIVED

JUN 21 2006

TETON CO. ID
JUN 21 2006

Instrument # 177946

DRIGGS, TETON, IDAHO

2006-06-21

03:04:23 No. of Pages: 4

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 12.00

Ex-Officio Recorder Deputy *N. Boyle*

Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 166467-T (tm)

Date: June 20, 2006

For Value Received, **A.I.R. Associates, a General Partnership**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Blackfoot Farms, L.C., a Utah Limited Liability Company**, hereinafter called the Grantee, whose current address is **500 Huntsman Way, Salt Lake City, UT 84108**, the following described premises, situated in **Teton County, Idaho**, to-wit:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT, TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO. 97347.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

RECEIVED

JUL 11 2007

177946

SCANNED

Department of Water Resources
Eastern Region

OCT 11 2007

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

174617

FEB 06 2006

TETON CO., ID
CLERK RECORDER

Instrument # 174617

DRIGGS, TETON, IDAHO

2006-02-06 01:54:37 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 143774-T (tm)

Date: January 09, 2006

For Value Received, **The Guy Hillman Family Credit Shelter Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Blackfoot Farms L.C., a Utah Limited Liability Company**, hereinafter called the Grantee, whose current address is **500 Huntsman Way, Salt Lake City, UT**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 23: Beginning 330 feet North of the SE corner of the NE1/4NW1/4, thence North 330 feet; thence West 2640 feet; thence South 660 feet; thence East 1320 feet; thence North 330 feet; thence East 1320 feet to the point of beginning.

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

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

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

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, including all water rights, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and that Grantor will warrant and defend the same from all claims whatsoever.

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

174617

OCT 11 2007

March 1, 2007

Idaho Department of Water Resources

To Whom It May Concern:

I, Dave Richardson, have knowledge of the Teton County Fair Board Water, from well site AO 013858, being used on all 36 acres of the farm ground, now being used as the Teton County Fairgrounds.

Water from the Grand Teton Canal Co. is used for our irrigation needs with the water from the above mentioned well, being used as a supplemental source of water if the Grand Teton Canal goes dry before our irrigation season is over.

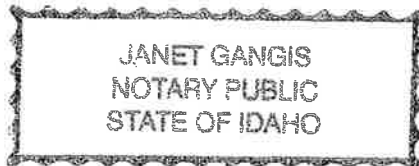
Sincerely,

Dave Richardson

Dave Richardson

State of Idaho)
County of Teton) ss

On this 8th day of March, 2007 before me, a Notary Public in and for said State, personally appeared Dave Richardson known, or identifies to me to be the person (s) whose name (s) is subscribed to the within instrument, and acknowledged to me that he ~~she~~ they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.



Janet Gangis
Residing in Teton
My Commission
Expires 4/30/10

SCANNED RECEIVED

OCT 11 2007 JUL 11 2007

Department of Water Resources
Eastern Region

MEMORANDUM OF AGREEMENT

This agreement is made this ____ day of June, 2006, between Blackfoot Farms, LLC, of 500 Huntsman Way, Salt Lake City, Utah 84108, (hereinafter called "Buyer"), and the County of Teton Fairboard, of P.O. Box 146, Driggs, ID 83422, (hereinafter called "Seller"), for the transfer of water rights, from Seller to Buyer in exchange for fair and adequate consideration as described below.

WHEREAS, Seller acquires water from a well located on property in the County of Teton, State of Idaho, described as follows:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT,
TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL
PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO.
97347

WHEREAS, Buyer has entered into contracts and agreements to purchase the above-described property and aforementioned well;

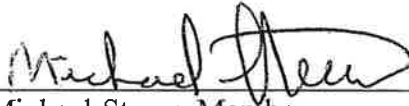
WHEREAS, Fairboard has a claim to Water Right Number 22-7215A for 0.600CFS and 90.00 acre feet from April 15 to October 15 from the Well;

WHEREAS, David Richardson, of 583 West 200 South, Driggs, ID 83422, is the Chairman of the County of Teton Fairboard and has received authority from the necessary governmental bodies to transfer the aforementioned water right on behalf the County of Teton Fairboard;

Seller hereby transfers eighty-three (83) Acre Feet of its Water Right Number 22-7215A, retaining seven (7) acre feet, to Buyer in exchange for the sum of sixty thousand dollars (\$60,000);

Seller further agrees to cooperate in facilitating the transfer of ownership of the aforementioned well and water rights to Buyer by entering into any documents required by the Idaho Department of Water Resources.

Signed and Agreed this ____ day of June, 2006.


Michael Stears, Member
Blackfoot Farms, LLC


David Richardson, Chairman
County of Teton Fairboard

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

SCANNED

OCT 11 2007

30
34

STATE OF IDAHO)

:SS

County of Teton)

On this _____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Michael Stears, who, being by me first duly sworn, declared that he is a Member of Blackfoot Farms, LLC, that he signed the foregoing document as a Member of the entity, and that the statements therein contained are true.



Mandi Wilkinson

Notary Public for Idaho

Residing at: *Driggs Idaho*

My Commission Expires: *3/19/09*

STATE OF IDAHO)

:SS

County of Teton)

On this _____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me David Richardson, who, being by me first duly sworn, declared that he is the Chairman of the County of Teton Fairboard, that he signed the foregoing document as a Chairman of the entity, and that the statements therein contained are true.



Mandi Wilkinson

Notary Public for Idaho

Residing at: *Driggs Idaho*

My Commission Expires: *3/19/09*

RECEIVED

JUL 11 2007

SCANNED

OCT 11 2007

Department of Water Resources
Eastern Region

MEMORANDUM OF AGREEMENT

This agreement is made this ____ day of June, 2006, between Blackfoot Farms, LLC, (hereinafter called "Buyer"), AIR Associates, (hereinafter called "AIR"), Thomas M. Underhill, (hereinafter called "Underhill"), and the County of Teton Fairboard, (hereinafter called Fairboard), for the transfer of a well, column, and pump, (hereinafter called the "Well") and associated water rights, from AIR, Underhill, and Fairboard, to Buyer in exchange for fair and adequate consideration as described below.

WHEREAS, AIR, and Underhill, collectively own the Well located on property in the County of Teton, State of Idaho, described as follows:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT, TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO. 97347

WHEREAS, AIR has a one-half (1/2) ownership interest in the Well on the aforementioned property;

WHEREAS, AIR has a claim to Water Right Number 22-7215C for 0.400 CFS from April 15 to October 15 from the Well;

WHEREAS, Underhill has a one-half (1/2) ownership interest in the Well on the aforementioned property;

WHEREAS, Underhill has a claim to Water Right Number 22-7215B for 0.680CFS and 102.00 acre feet from April 15 to October 15 from the Well;

WHEREAS, Fairboard has a claim to Water Right Number 22-7215A for 0.600CFS and 90.00 acre feet from April 15 to October 15 from the Well;

AIR and Underhill hereby agree and commit to convey their interest in the Well as follows:

AIR transfers its one-half (1/2) ownership interest in the Well to Buyer in exchange for the sum of three thousand dollars (\$3,000);

Underhill transfers his one-half (1/2) ownership interest in the Well to Buyer in exchange for the sum of three thousand dollars (\$3,000);

AIR, Underhill, and Fairboard, hereby agree and commit to convey their interest in the aforementioned water rights as follows;

AIR transfers its entire Water Right Number 22-7215C to Buyer in exchange for the sum of thirty-six thousand dollars (\$36,000);

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

Underhill transfers his entire Water Right Number 22-7215B to Buyer in exchange for the sum of sixty-one thousand, two hundred dollars (\$61,200);

Fairboard transfers eighty-three (83) Acre Feet of its Water Right Number 22-7215A, retaining seven (7) acre feet, to Buyer in exchange for the sum of sixty thousand dollars (\$60,000);

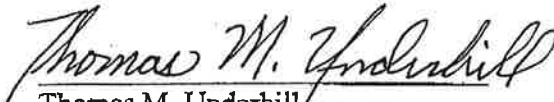
AIR, Underhill, and Fairboard, further agree to cooperate in facilitating the transfer of ownership of the aforementioned well and water rights to Buyer by entering into any documents required by the Idaho Department of Water Resources,

Signed and Agreed this 22 day of June, 2006.



Michael Stears, Member
Blackfoot Farms, LLC

Kent Hillman, Partner
AIR Associates


Thomas M. Underhill

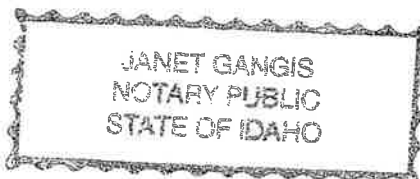
David Richardson,
President, County of Teton Fairboard

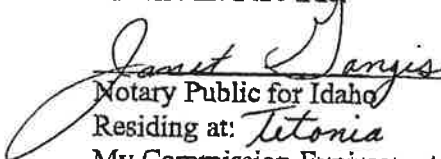
STATE OF IDAHO)

:ss

County of Teton)

On this 3rd day of August, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Michael Stears, who, being by me first duly sworn, declared that he is a Member of Blackfoot Farms, LLC, that he signed the foregoing document as a Member of the entity, and that the statements therein contained are true.




Notary Public for Idaho

Residing at: Tetonia

My Commission Expires: 4/30/10

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

SCANNED

OCT 11 2007

STATE OF IDAHO

)

33

Country of Teton

)

On this ____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Kent Hillman, who, being by me first duly sworn, declared that he is a Partner of AIR Associates, that he signed the foregoing document as a Partner of the entity, and that the statements therein contained are true.

Notary Public for Idaho

Residing at:

My Commission Expires:

STATE OF IDAHO

)

ES:

County of Teton

)

On this _____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me David Richardson, who, being by me first duly sworn, declared that he is the President of the County of Teton Fairboard, that he signed the foregoing document as a President of the entity, and that the statements therein contained are true.

Notary Public for Idaho

Residing at:

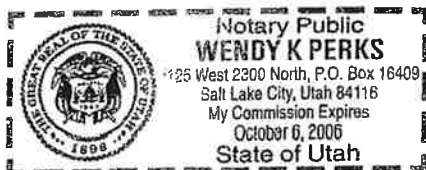
My Commission Expires:

STATE OF ~~IDAHO~~ UTAH)

:55

County of ~~Teton~~ SALT LAKE)

On this 22nd day of June, 2006, before me, a Notary Public in and for said State, personally appeared Thomas M. Underhill, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



MEMORANDUM OF AGREEMENT

This agreement is made this 21 day of June, 2006, between Blackfoot Farms, LLC, of 500 Huntsman Way, Salt Lake City, Utah 84108, (hereinafter called "Buyer"), and AIR Associates, of P.O. Box 81, Driggs, Idaho 83422, (hereinafter called "Seller"), for the transfer of a column and pump, (hereinafter called the "Pump") and associated water rights, from Seller to Buyer in exchange for fair and adequate consideration as described below.

WHEREAS, Seller has one-half (1/2) ownership interest in the Pump located on property in the County of Teton, State of Idaho, described as follows:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT,
TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL
PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO.
97347

WHEREAS, Seller has entered into a Real Estate Purchase and Sale Contract with the Buyer to transfer its interest in the above-described property;

WHEREAS, Seller has a claim to Water Right Number 22-7215C for 0.400 CFS from April 15 to October 15 from the Well;

WHEREAS, Kent Hillman, of 93 South 4th East, Driggs, ID 83422, is partner of Air Associates and has received authority from the partnership to transfer the aforementioned water right on behalf Air Associates;

Seller hereby conveys its one-half (1/2) ownership interest in the Pump to Buyer in exchange for the sum of three thousand dollars (\$3,000). Seller also hereby agrees to transfer its entire Water Right Number 22-7215C to Buyer in exchange for the sum of thirty-six thousand dollars (\$36,000);

Seller further agrees to cooperate in facilitating the transfer of ownership of the aforementioned pump and water rights to Buyer by entering into any documents required by the Idaho Department of Water Resources.

Signed and Agreed this 21 day of June, 2006.



Michael Stears, Member
Blackfoot Farms, LLC



Kent Hillman, Partner
AIR Associates

SCANNED
OCT 11 2007

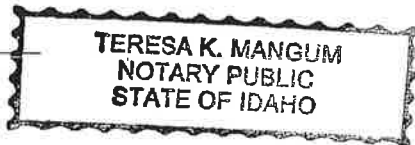
RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

STATE OF IDAHO)
)
) :ss
County of Teton)

On this 21st day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Michael Stears, who, being by me first duly sworn, declared that he is a Member of Blackfoot Farms, LLC, that he signed the foregoing document as a Member of the entity, and that the statements therein contained are true.

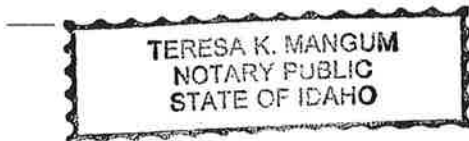


Teresa K. Mangum

Notary Public for Idaho
Residing at: Driggs
My Commission Expires: 07-24-09

STATE OF IDAHO)
)
) :ss
County of Teton)

On this 21st day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Kent Hillman, who, being by me first duly sworn, declared that he is a Partner of AIR Associates, that he signed the foregoing document as a Partner of the entity, and that the statements therein contained are true.



Teresa K. Mangum

Notary Public for Idaho
Residing at: Driggs
My Commission Expires: 07-24-09

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

SCANNED

OCT 11 2007

LIMITED POWER OF ATTORNEY

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

Specific Powers

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

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

Revocability

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

Interpretation

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

Disability of Principal

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

SCANNED
OCT 11 2007

RECEIVED
JUL 11 2007

Third-Party Reliance

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

Expiration

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

Governing Law

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

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

BLACKFOOT FARMS, LLC, Principal

By William E. Reid
WILLIAM E. REID, CEO

STATE OF IDAHO)
) ss.
County of Teton)

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



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

LIMITED POWER OF ATTORNEY
1006 Blackfoot-Walker-POA

FOAMED
OCT 11 2007

RECEIVED
JUL 11 2007

Department of Water Resources
Eastern Region

* See comment on 2nd pageClose**TRANSFER NO. 73308**

COUNTY OF TETON FAIR BOARD

PO BOX 146

DRIGGS ID 83422, has filed Application No. 73308 for changes to the following water rights within
County: TETON

Applicant's Statement of Purpose: Sale of water right and well retained portion of water right, would
like to add to water right 22-7602

Purpose of Transfer	Water Right Number
Change Point Of Diversion	22-7215A

Right No. 22-7215A**Priority** Mar 3 1977 12:00AM**Source** GROUND WATER,**Use** IRRIGATION(18.9 acres) 0.38 CFS 66.15 AFA,**Total Amount** 0.38 CFS 66.15 AFA**Point(s) of Diversion**

Township	Range	Section	OOO	OO	Quarter	GovernmentLotNumber
05N	45E	24		NW	SW	

Place Of Use

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract Acres	Lot	Tract Acres	Lot	Tract Acres	Lot	Tract Acres
05N	45E	23		NESE 13		NWSE 5.9				

Total Acres: 18.9

The purpose of the transfer is to change the above rights a follows:

Proposed Right No. 22-13665**Priority** Mar 3 1977 12:00AM**Source** GROUND WATER,**Use** IRRIGATION(2.3 acres) 0.05 CFS 7 AFA,**Total Amount** 0.05 CFS 7 AFA

Township	Range	Section	OOO	OO	Quarter	GovernmentLotNumber
05N	45E	23		NW	SE	

Place Of Use

Place of Use Legal Description: IRRIGATION TETON County

SCANNED

OCT 1 1 2007

7/25/07 1:46 PM

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	45E	23		NWSE	2.3									

Total Acres: 2.3

Proposed Right No. 22-13664 is the remainder of Right No. 22-7215A

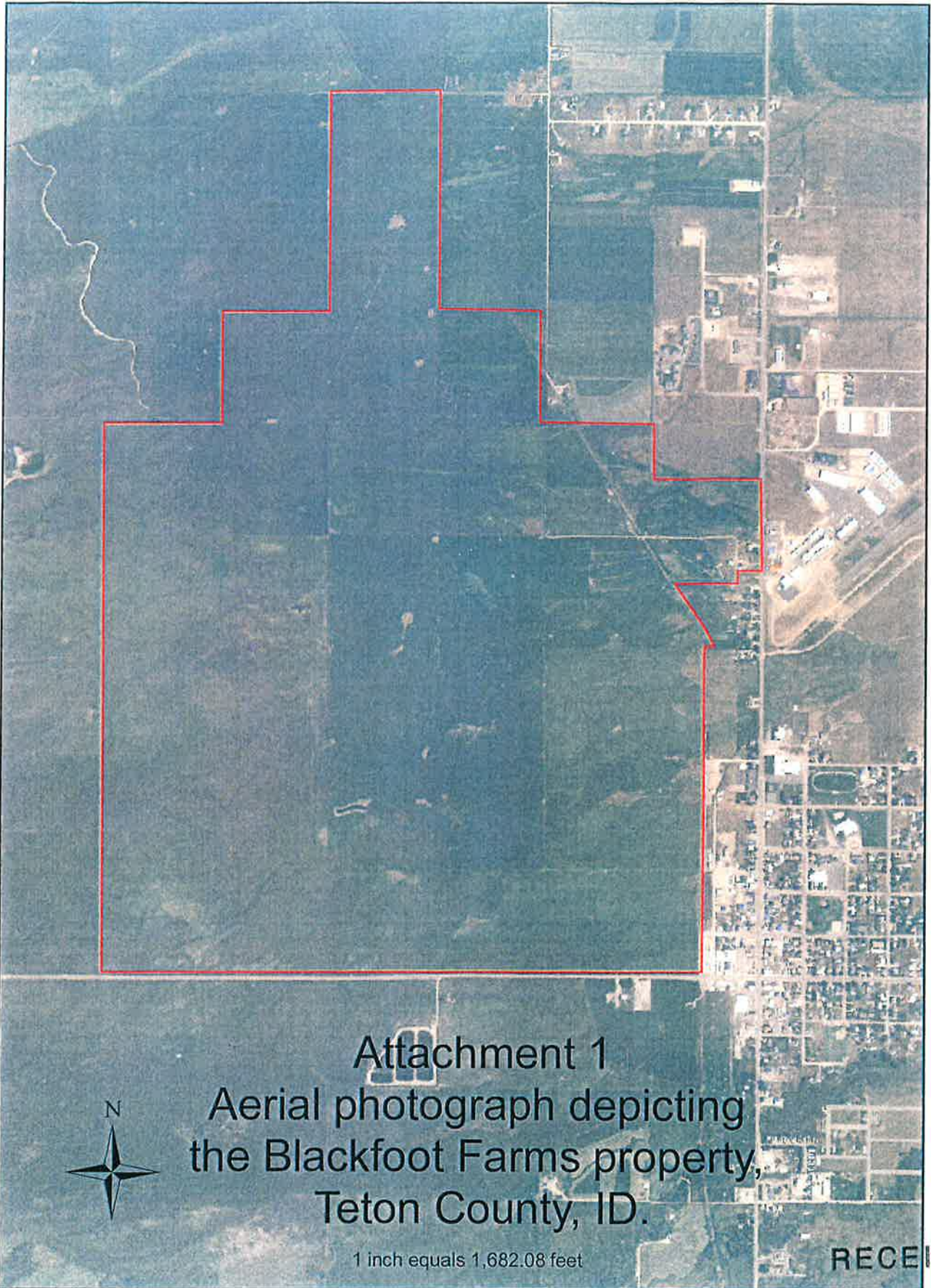
RECEIVED

JUL 11 2007

Department of Water Resources
Fountain, Arkansas

84ac

WR #	Diversion Rate	Annual Volume
22-7215A	0.60 cfs	90 AF
22-7215B	0.68 cfs	102 AF
22-7215C	0.40 cfs	60 AF



Attachment 1
Aerial photograph depicting
the Blackfoot Farms property,
Teton County, ID.

1 inch equals 1,682.08 feet

RECEIVED

JUL 11 2007

SCANNED

OCT 11 2007

Department of Water Resources
Eastern Region



17 acres

W2

F2

F1

W1

Airport

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region