

07/17/2003

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

RIGHT NUMBER: 25-11143

NAME AND ADDRESS: SOUTH FORK POTATO HOLDING LLC
PO BOX 356
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
33.000 AFY

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION:

T04N R39E S30 NWNWNW Within JEFFERSON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.200 CFS

33.00 AFY

PLACE OF USE: INDUSTRIAL Within JEFFERSON County

T04N R39E S30

NWNW

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

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

EXPLANATORY MATERIAL: Beneficial Use

Water Right 25-11143

SCANNED

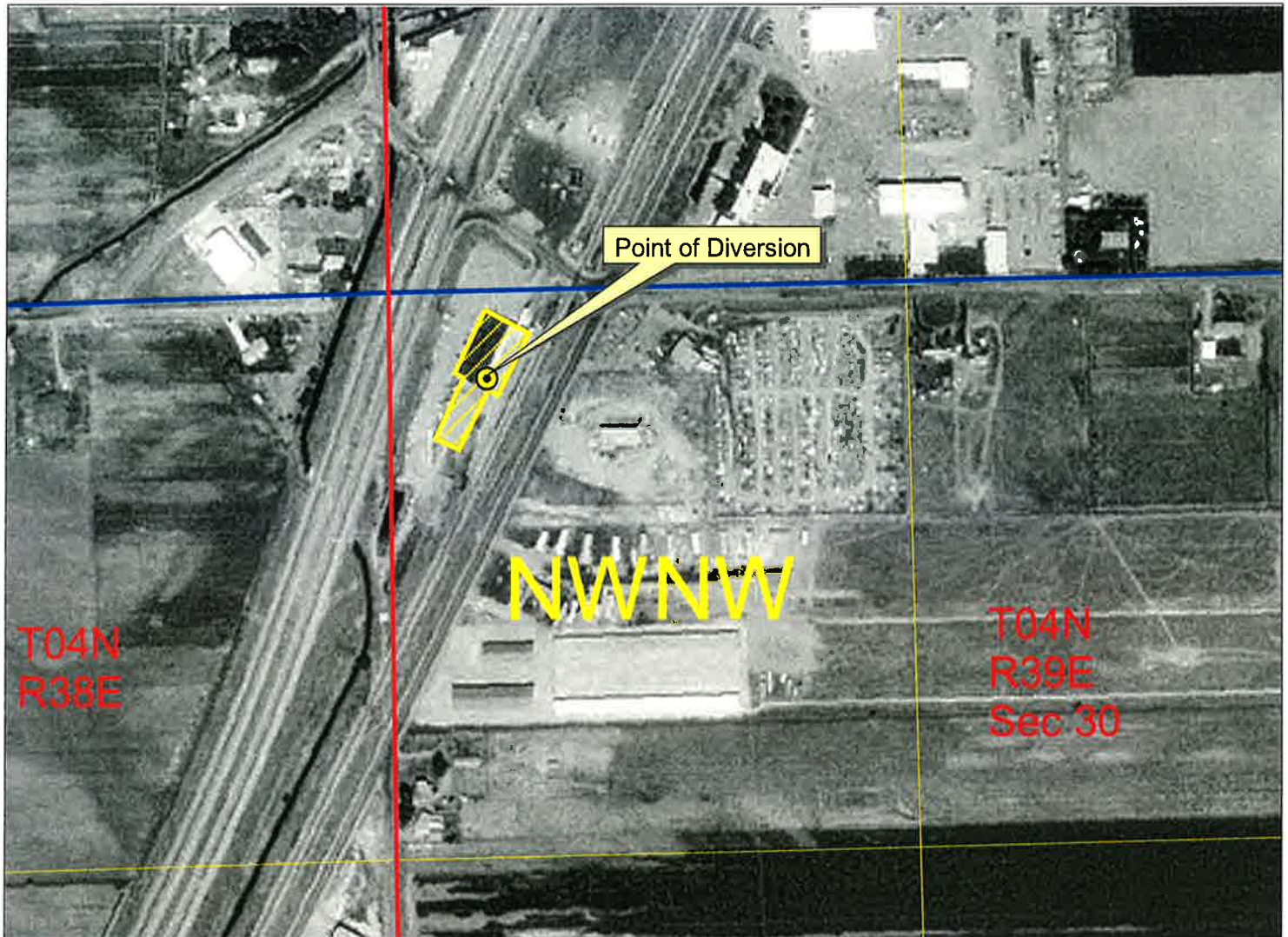
1

NOV 01 2004

PROFILED



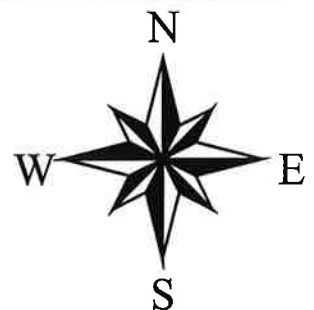
State of Idaho Department of Water Resources Eastern Region Claim No.: 25-11143



500 0 500 1000 Feet

Industrial

- Well.shp
- ▨ Place of use.shp
- ▭ Townships
- ▭ Sections
- ▭ QQ



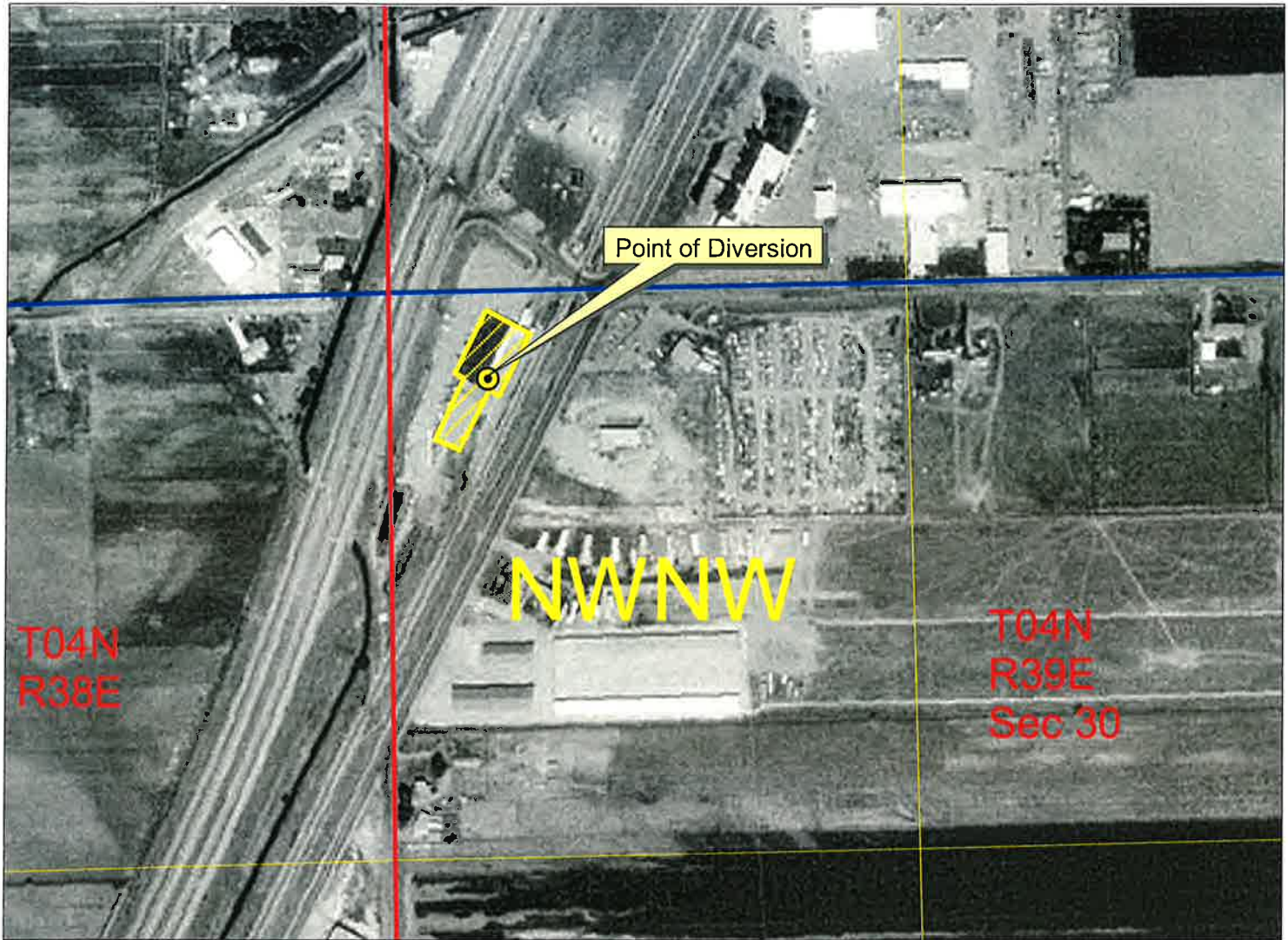
GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: July, 2003



State of Idaho Department of Water Resources Eastern Region

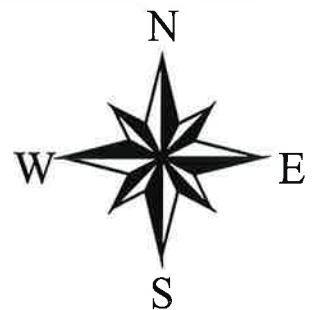
Claim No.: 25-11143

Southfork Potato Holdings



500 0 500 1000 Feet

Industrial



-  Well.shp
-  Place of use.shp
-  Townships
-  Sections
-  QQ

SCANNED

NOV 01 2004

PROFILED

GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: July, 2003

Memo

To: file 25-11143
From: Roger Warner *[Signature]*
CC:
Date: 7/17/2003
Re: sonic meter analysis of diversion

I visited the site this morning at about 10:00 am. Claimant, Craig Hart accompanied me to an area where a good strait length of pipe was found for measurement. This was at the back of the plant near the flume where potatoes are received.

Upon equipment preparation, the processing began and all appropriate water hoses were turned on. The meter, when flows stabilized, read consistently at 90 gallons per minute.

Since the claimant indicates that the pump was recently replaced, it is assumed that the system is near optimum in capacity. Therefore, the amount of 90 gallons per minute (converted to cfs) will be recommended for their water right.

SCANNED

NOV 01 2004

PROFILE

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
25-11143					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *(No Fee because of adjudication)*
- 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)

Muir-Roberts Co. Inc.
P.O. Box 356

4. New Owner/Claimant(s)

Rigby, ID 83442

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

New Mailing Address

Same

City, State and ZIP Code

New Telephone Number

208 745-6651

5. Date you acquired the property

July 31, 2001

South Fork Potato Holding, LLC

*data entry complete
K-F*

SCANNED

NOV 01 2004

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

SCANNED

NOV 01 2004

PROFILED

WARRANTY DEED

GRANTOR, MUIR-ROBERTS CO., INC., an Oregon corporation, of Salt Lake County, Utah, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto SOUTH FORK POTATO HOLDINGS, LLC, an Idaho limited liability company, whose current mailing address is P.O. Box 356, Rigby, Idaho, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Jefferson County, Idaho:

See Exhibit "A"

TOGETHER with all improvements, water, water rights, easements, hereditaments, and appurtenances thereto, and subject to such rights, easements, covenants, restrictions, and zoning regulations as appear of record or based upon the premises.

GRANTOR, for itself, its successors and assigns, does hereby covenant, warrant, and shall defend the quiet and peaceable possession of said premises by GRANTEE, its successors and assigns forever against all lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name to this instrument this 31st day of July, 2001.

"Grantor"

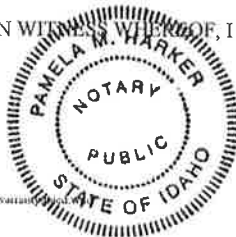
MUIR-ROBERTS CO., INC., an Oregon corporation


Phillip R. Muir
Its: President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 31 day of July, 2001, before me, a Notary Public for said state, personally appeared Phillip R. Muir, known or identified to me to be the President of MUIR-ROBERTS CO., INC., the corporation that executed the within instrument, and acknowledged to me that said corporation executed the same.

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




Notary Public
Residing At: Idaho Falls, ID
My Commission Expires: 01-23-2007

SCANNED

NOV 01 2004

PROFILE

EXHIBIT "A"

Township 4 North, Range 38 East of the Boise Meridian, Jefferson County, Idaho.
Section 25: That portion of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 25 lying West of the Railroad Right of Way and East of the U.S. Highway 20 Right of Way and North and East of the Ucon Canal.

ALSO:

Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho.
Section 19: A parcel of land being on the Southeasterly side of the centerline of U.S. Highway No. 20, Project No. F-FG 6471 (29) Highway Survey as Shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of Government Lot 4.

Commencing at the SW Corner of Government Lot 4 of said Section 19 and running thence Easterly (shown of record to be East) along the South line of said Government Lot 4 a distance of 165.0 feet more or less to a point in a line parallel with and 100.0 feet Southeasterly from the centerline of said U.S. Highway No. 20, Project No. F-FG-6471 (29) Highway Survey and being the Real Point of Beginning; thence Northeasterly along said parallel line being a 6266.20 foot radius curve right 195.0 feet more or less to a point in a line parallel with and 50.0 feet Southwesterly from the centerline and bears South $39^{\circ}20'30''$ West from Station 8+81.76 of the County Road Crossing Survey as shown on the plans of said Highway Survey; thence $S50^{\circ}39'30''E$ along said last parallel line 219.20 feet to a point in the Northwesterly right of way line of the Union Pacific Railroad (Yellowstone Branch and opposite Station 6+62.56 of said County Road Crossing Survey; thence Southwesterly along said Northwesterly Railroad right of way line 44.0 feet more or less to a point in the South line of said Government Lot 4; thence Westerly (shown of record to be West) along said South line 225.0 feet more or less to the Real Point of Beginning

ALSO:

Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho.
Section 30: Commencing at the NW Corner of said Section 30 and running thence due South along the West Section line of said Section 30 to the point where the Section line intersects the West Boundary of the Railroad right of way of the Oregon Short Line Railroad; thence Northeasterly along said railroad right of way to the point where said railroad right of way intersects the North line of said Section 30; thence West along said North line of said Section 30 to the point of beginning.

EXCEPTING THEREFROM:

Beginning at the NW Corner of Government Lot 1 of Section 30, Township 4 North, Range East of the Boise Meridian, Jefferson County, Idaho, running thence Southerly (shown of record to the South) along the West line of said Government Lot 1, a distance of 440.0 feet more or less to a point in a line parallel with and 100.0 feet Southeasterly from the centerline of said U.S. Highway No. 20 Project No. F-FG-6471 (29) Highway Survey; thence along said parallel line as follows: $N20^{\circ}09'17''E$ 350.0 feet more or less to a point opposite Station 793+46.63 of said Highway Survey; thence Northeasterly along 6266.20 foot radius curve right 123.0 feet more or less to a point in the North line of said Government Lot 1; thence Westerly (shown of record to be West) along said North line 165.0 feet more or less to the point of beginning.

SCANNED

NOV 01 2004

PROFILED

TAX RECONCILIATION STATEMENT

Dates: 7/31/01

Order No. 2306J

IDAHO TITLE & TRUST, REAL ESTATE AGENT OR LENDING INSTITUTION ACCEPT NO RESPONSIBILITY FOR THE ACCURACY OF TAX ESTIMATES AND ARE TO BE HELD HARMLESS FOR ANY VARIATIONS.

As per your instructions on the Purchase and Sale Agreement, taxes have been prorated using the last available assessment as a basis.

The Buyer and Seller acknowledge that they are aware that taxes are based on estimates for the current year.

In the event that Seller has given excess credit, buyer agrees to reimburse Seller for the difference.

In the event that Buyer does not receive enough credit based on the estimate, Seller agrees to reimburse Buyer.

Buyer and Seller shall have 90 days from the date tax notices are received to reimburse the other.

If the amount of the new tax bill issued by the Tax Collector after close of escrow is more or less than the amount used for proration purposes, the difference, if any, will be adjusted.

PRORATED TAX FIGURE BASED ON THE PREVIOUS YEARS TAXES \$3,970.10

PERSONAL PROPERTY TAXES \$ 1,311.16



SOUTH FORK POTATO HOLDINGS LLC



MUIR-ROBERTS & COMPANY INC. BY
PHILLIP R. MUIR - PRES.



Witness: TERESA VILHAUER

SCANNED
NOV 01 2004
PROFILED

State of Idaho Department of Water Resources
900 N. Skyline Dr., Suite A, Idaho Falls, Id 83402-1718
(208)525-7161

In Regards to Water Right Number 25-11143

The well located at 3908 E 200 N was put in by Ray Miles and became operational in June of 1956. It was used to wash and flume potatoes at the business located at this address. In 1959 Muir- Roberts purchased the company and that same well is still being used to wash and flume potatoes.

H.D. Steggell
H.D. Steggell
Former Manager-Muir Roberts

STATE OF IDAHO
COUNTY OF Idaho
On this 18 day of June, in the year 2003
before me a Notary Public in and for the said State, personally
appeared H.D. Steggell
known or identified to me to be the person whose
name is is/are subscribed to the within instrument, and
acknowledged to me that he executed the same.
WITNESS my hand and official seal
Steve Hiltbrand
Notary Public for Idaho
Residing at Idaho Falls, ID
My commission expires 4-9-2004



SCANNED
NOV 01 2004
FILED

Muir Roberts Theoretical

A25-11143

$$GPM = \frac{\text{Water horsepower} \times 3960}{(30 + 10 + 40 \times 2.31)} = 75 \text{ gpm}$$

$$\text{Water horsepower} = 5 \text{ hp} \times 50\% \text{ eff} = 2.5 \text{ hp}$$

$$\left\{ \begin{array}{l} 30' \text{ 1.4 ft} \\ 10' \text{ friction} \\ 40 \times 2.31 \text{ discharge head @ 40 psi} \end{array} \right\} \text{TDH}$$

Joyce G. Carter 8/16/95

April 29, 1991

Muir - Roberts Company, Inc.
P.O. Box 356
Rigby, ID 83442

RE: **Evidence of Priority**

Dear Don Steggell:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

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

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

MICROFILMED

NOV 11 1992

Muir - Roberts Comapny, INC.

Page 2

Please submit the required evidence supporting the priority date by **May 29, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-11143
MUIR - ROBERTS COMPANY, INC.
P.O. BOX 356

RIGBY ID 83442

MICROFILMED
NOV 11 1992

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: A25-11143
Date Received: 11/14/1988
Receipt No: E004008
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MUIR - ROBERTS COMPANY INC 208-745-6651
Address: PO BOX 356
RIGBY ID 83442

2. Date of Priority: JUN 1, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	39E	30	NW	NW	NW		JEFFERSON

5. Description of diverting works:
90' WELL (30' TO WATER) W/ 5HP PUMP TO POTATO WAREHOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.240		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL USE FOR WASHING, PROCESSING FRESH-PACK POTATOES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	30	NW	NW		INDUST	

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

NONE

14. Remarks:

CLAIM AMENDED 8/99 PER THEORETICAL CALCULATION REDUCING DIVERSION
RATE FROM 0.28 CFS TO 0.24 CFS. BCONTOR.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Asst Manager of
Title

Muir-Roberts Co, Inc., that I have signed the foregoing
Organization

document in the space below as Asst Manager of
Title

Muir Roberts Co Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Brent Steggell

Brent Steggell
Signature of Authorized Agent

Asst. Manager - Muir-Roberts Co.
Title and Organization

8-16-99

Date

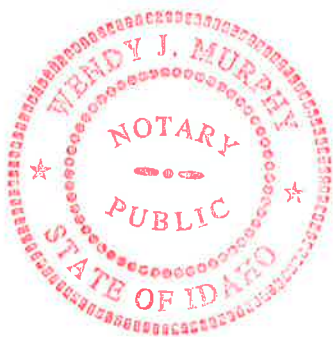
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of August 19 99

Wendy J. Murphy
Notary Public

Seal



Residing at Idaho Falls

My Commission Expires 6/23/00

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: A25-11143
Date Received: 11/14/1988
Receipt No: E004008
Received By: SEV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MUIR - ROBERTS COMPANY, INC. 208-745-6651
Address: P.O. BOX 356
RIGBY, ID 83442

2. Date of Priority: JUN 01, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	39E	30	NW	NW	NW		JEFFERSON

5. Description of diverting works:
90' WELL (30' TO WATER) W/ 5HP PUMP TO POTATO WAREHOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.280		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL USE FOR WASHING, PROCESSING FRESH-PACK POTATOES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	30	NW	NW		INDUST	

11. Place of use in counties: JEFFERSON

A2511143



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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Assn't Manager of
Title
Muir-Roberts Co., Inc. that I have signed the foregoing
Organization
document in the space below as Assn't Manager of
Title
Muir-Roberts Co., Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Don Stegell
Signature of Authorized Agent

Assn't Manager M-R Co.
Title and Organization

14 Nov 88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day

of November 19 88

[Signature]
Notary Public

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994
Date: 11/14/88

A25-11143

Page

2

MICROFILMED

NOV 11 1992

NOV 1 1992

