

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: **A36-08008**
Date Received: 4/ 2/1990
Receipt No: S011738
Received By: _____

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

1. Name: AURORA FARMS INC 208-438-8864
Address: 1333W 120 AVE #317
WESTMINISTER CO 80234

2. Date of Priority: DEC 8, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	21E	16	NE	SE	SE		JEROME

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.840		

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

8. Total consumptive use is 942.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	21E	16	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	39.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	21E	16	NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
Section Acres							314.0
Total Acres							314.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
A36-02430

14. Remarks:

***** IDWR NOTE *****
A36-02430 WAS FILED BY LESSEE. IT CLAIMED EXPANDED RATE OF FLOW ABOVE LICENSED AMOUNT. THIS CLAIM IS FILED BY OWNER BASED ON LATER LICENSE WHICH EXPANDED THE RATE OF FLOW. THIS FILING IS MAKE TO PROTECT THE RIGHT ENCASE OF THE OTHER CLAIM BEING REJECTED AS FILED.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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Water Right Number - 36-08008

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
AURORA FARMS INC1 - 1333W 120 AVE #317
2 -
3 -
City- WESTMINISTER State- CO Zip- 80234
Phone - 208-438-8864*** D - DIR RPT OWNER ***
MILNER KIMAMA INVESTMENT GROUP1 - DBA CRESTVIEW #2
2 - 2709 E 800 S
3 -
City- HAZELTON State- ID Zip- 83335
Phone - 208-438-5437+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
12/08/1981 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 21E 16 NE SE SE (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.840+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.840 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 21E 16 NE SW 40.0 01 IRRIGATION (53) JEROME
09S 21E 16 NW SW 40.0 01 IRRIGATION (53) JEROME
09S 21E 16 SW SW 39.0 01 IRRIGATION (53) JEROME
09S 21E 16 SE SW 39.0 01 IRRIGATION (53) JEROME
09S 21E 16 NE SE 39.0 01 IRRIGATION (53) JEROME
09S 21E 16 NW SE 40.0 01 IRRIGATION (53) JEROME
09S 21E 16 SW SE 39.0 01 IRRIGATION (53) JEROME
09S 21E 16 SE SE 38.0 01 IRRIGATION (53) JEROME

Total Acres: 314.0

+ - - Diversion Means - 20"X 388' WELL, 200 HP TURBINE PUMP.

+ - - Non-Irrigation Use -

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Water right number - 36-08008

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use - 36-02430

+ - - - - - Remarks - - - - - +
USE OF THIS RIGHT WITH RIGHT NO. 36-02430 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1256 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 942 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 314 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-02430 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 07/09/1993 User Id: GIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 6/29/93 FORMER OWNER MILNER KIMAMA INVESTMENT GROUP NEW OWNER AURORA FARMS INC. COPY OF WARRANTY
DEED SUBMITTED WITH FORM.

+ - - Audit Fields - - +
07/09/93 GIVENS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/29/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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JUL 12 1993

Department of Water Resources
Adjudication Bureau

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
Drainage Basin Water System

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as director
of the Idaho Department of Water
Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION
OF PARTY

vs.

United States; State of Idaho; and all
unknown claimants to the use of water
from the Snake River Drainage Basin
Water System,

Respondents.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory

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requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. **You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.**

☐ **CHANGE IN ADDRESS**

My name is _____

I am the claimant of _____

(Insert each water right number(s))

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

☐ **CONSENT TO SUBSTITUTION OF PARTY**

My name is AURORA FARMS, INC.

My address is 1333 W. 120TH AVE. STE 317
WESTMINSTER, COLORADO 80234

My phone number is: G. OSTERHOUT, MGR. Work 208-438-8864 G. OSTERHOUT, MGR. Home 208-438-8864

The name and address of the party who I wish to be substituted for are:

MILNER KIMAMA INVESTMENT GROUP DBA CRESTVIEW #2

2709 E. 800 S., HAZELTON, ID 83335

I am the new claimant/purchaser of A36-08008 and
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

WARRANTY DEED

**MILNER KIMAMA INVESTMENT
GROUP DBA CRESTVIEW #2**

BY: 
(Signature of prior claimant/seller)

AURORA FARMS, INC.

BY: 
(Signature of new claimant/purchaser)

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____
(Identify party/claimant)

My address and phone number are _____

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5. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

A handwritten signature in cursive script, reading "Sharon Hart Strickland", written over a horizontal line.

Signature of person or attorney mailing the form

9:30126

01-05-1993

11:52AM

FROM BASDHH TWIN FALLS IDAHO

TO

13248961 P.02

RECORDED AT REQUEST

of Land Title & Escrow, Inc.

JAN 7 3 08 PM '93

JEROME COUNTY, IDAHO

FEES 36.00 SEP

COPY

WARRANTY DEED

FOR VALUE RECEIVED, IDAHO CONSOLIDATED DAIRY FARMS, a general partnership, hereinafter called "Grantor," hereby grants, bargains, sells and conveys unto AURORA FARMS, INC., a Colorado Corporation, whose mailing address is 1333 S. 120th Ave., Ste. 317, Westminster, Colorado 80234, hereinafter called "Grantee," the following described premises, in Jerome County, Idaho, to wit:

SEE EXHIBIT "A"

Together with the water rights appurtenant thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "B"

Together with the fixtures attached thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "C"

Together with the mobile homes attached thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "D"

TO HAVE AND TO HOLD the said premises, with their 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 they are free from encumbrances, except as described above, and subject to, any restrictions, easements or rights-of-way of record and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 5 day of January, 1993.

IDAHO CONSOLIDATED DAIRY FARMS,
a California general partnership

By: 
Duane L. Kent
Its: Managing General Partner

RECORDED AT REQUEST

Land Title & Escrow, Inc.

JAN 5 2 44 PM '93

JEROME COUNTY, IDAHO

FEES 36.00 SEP

9:30049

This Warranty Deed is being re-recorded to correct the legal description.

WARRANTY DEED
FILED 441 WARRDEED

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STATE OF IDAHO)

County of Jerome)

ss.

On this 5th day of January, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Duane L. Kent, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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.

Rick Bernsen
NOTARY PUBLIC

Residing: Jerome Idaho

My Commission Expires: 7-30-97

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT JEROME, IDAHO
MY COMMISSION EXPIRES JULY 30, 1997

EXHIBIT "A"

BURLEY FARMS

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$,

EXCEPTING THEREFROM the following described
parcel of land:

Beginning at the Northeast corner of Section
16;

Thence West along the North line of Section
16, a distance of 674 feet;

Thence South parallel with the East line of
Section 16, 327 feet;

Thence East parallel with the North line of
Section 16, 674 feet, more or less, to
the East line;

Thence North along said East line, 327 feet to
THE POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$;

EXCEPTING THEREFROM a tract of land in the
E $\frac{1}{2}$ E $\frac{1}{4}$, Section 17 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16,
Township 9 South, Range 21, East of the Boise
Meridian, Jerome County, Idaho, more
particularly described as follows:

Beginning at the Northeast corner of said
Section 17 also being the Northwest
corner of said Section 16;

Thence South 89°44'20" West, 1,320.16 feet to
the Northwest corner of said E $\frac{1}{2}$ E $\frac{1}{4}$,
Section 17;

Thence South 0°07'52" East, 3,201.08 feet
along the Westerly boundary of said E $\frac{1}{2}$ E $\frac{1}{4}$,
Section 17;

EXHIBIT "A" Page 1

PAFILEM-44\EXHIBITA

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Thence North 89°43'25" East, 1,318.92 feet to
a point on the Easterly boundary of said
Section 17;

Thence North 0°06'32" West, 3,060.73 feet
along the Easterly boundary of said
Section 17;

Thence North 89°46'14" East, 945.00 feet
parallel with the Northerly boundary of
said Section 16;

Thence North 0°06'32" West, 140.00 feet
parallel with the Westerly boundary of
said Section 16 to the Northerly boundary
of said Section 16;

Thence South 89°46'14" West, 945.00 feet
along the Northerly boundary of said
Section 16 to THE POINT OF BEGINNING.

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at the Northeast corner of Section
16;

Thence West along the North line of Section
16, a distance of 674 feet;

Thence South parallel with the East line of
Section 16, 327 feet;

Thence East parallel with the North line of
Section 16, 674 feet, more or less, to
the East line;

Thence North along said East line, 327 feet to
THE POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

CRESTVIEW

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 21: S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 28: All of Section 28;
Section 29: $E\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}$;
Section 32: $N\frac{1}{2}NE\frac{1}{4}$;
Section 33: $N\frac{1}{2}NW\frac{1}{4}$; $SE\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}$;

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: $S\frac{1}{2}$;

EXCEPTING THEREFROM the highway.

SCHAFER FARM

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 17: $SW\frac{1}{4}NW\frac{1}{4}$; $NW\frac{1}{4}SW\frac{1}{4}$;

Section 18: $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}SW\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$;

SCHODDE FARM

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 22: $SE\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}SE\frac{1}{4}$;

Section 27: $E\frac{1}{2}$; $NW\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}$; $NW\frac{1}{4}NW\frac{1}{4}$; $S\frac{1}{2}SW\frac{1}{4}$;

$NE\frac{1}{4}SW\frac{1}{4}$, EXCEPTING THEREFROM the following
described parcel of land:

From a point of Beginning located at 714.75
feet, more or less, North from the
Southwest corner of Section 27, to the

point of intersection of said Section line or County road center line with the North boundary of the Oregon Short Line Railroad North Side Branch right of way; Thence running North along the Section line or center line of said County road, 275.27 feet;
Thence North 78°46' East and parallel to the said railroad right of way center line, 2691.57 feet, more or less, to the point of intersection with the North-South mid-section line;
Thence South along said mid-section line 275.27 feet, more or less, to the point of intersection with the North railroad right-of-way boundary;
Thence South 78°46' West and along said North railroad right-of-way boundary, 2691.57 feet, more or less, to THE POINT OF BEGINNING.

AND EXCEPTING THEREFROM railroad rights of way.

TOGETHER WITH a permanent easement and right of way, including the perpetual right to enter upon the excepted portion of the above described property in the SW $\frac{1}{4}$ of Section 27, Township 9 South, Range 21, East of the Boise Meridian, for the purpose of constructing, maintaining and repairing underground pipelines for irrigation water as set forth in Easement Agreement recorded May 15, 1963 in Book 174 Page 53 as Instrument Number 154714, Jerome County records.

Section 34: N $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$;

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 27: NE $\frac{1}{2}$ NW $\frac{1}{4}$;

EXHIBIT "B"

BURLEY FARM

WATER RIGHT NO.

36-08005 ✓

36-08011 ✓

A36-02310 ✓

A36-02376 ✓

A36-07351 ✓

PURPOSE

IRRIGATION

STOCKWATER
DOMESTIC

IRRIGATION

IRRIGATION

IRRIGATION

CRESTVIEW I

WATER RIGHT NO.

A36-10907 ✓

A36-02254 ✓

36-08113 ✓

36-08014 ✓

A36-02284 ✓

PURPOSE

DOMESTIC

IRRIGATION
DOMESTIC

DOMESTIC

STOCKWATER
COMMERCIAL
DOMESTIC

IRRIGATION

CRESTVIEW II

WATER RIGHT NO.

A36-02430 ✓

A36-08008 ✓

PURPOSE

IRRIGATION

IRRIGATION

SCHAFFER FARM ✓**WATER RIGHT NO.**

✓ 36-08016 ✓

✓ 36-08004 ✓

✓ A36-02319 ✓

PURPOSESTOCKWATER
DOMESTIC

IRRIGATION

IRRIGATION

SCHODDE FARM ✓**WATER RIGHT NO.**

✓ A36-02248 ✓

✓ A36-02249 ✓

✓ 36-07688 ✓

✓ A36-14601 ✓

PURPOSE

IRRIGATION

IRRIGATION

IRRIGATION

DOMESTIC

DAIRY HEIFER ✓

✓ 36-8163 ✓

DOMESTIC

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

- ☐ Water Right Number(s): 36-08008
- ☐ Name and Address of
Former Claimant: MILNER KIMAMA INVESTMENT GROUP
DBA CRESTVIEW #2
2709 E. 800 S.
HAZELTON, ID 83335
- ☐ New Claimant(s): AURORA FARMS, INC.
- ☐ New Mailing Address: 1333 W. 120TH AVE. STE. 317, WESTMINSTER, CO
80234
- ☐ New Telephone Number: (208) 438-8864.
- ☐ Does the change in ownership result in a splitting of the water right claimed?
_____ Yes _____ ☒ No
- ☐ If yes, then describe the portion of the water right that is now claimed by the new owner:

- ☐ Attach proof of ownership
Describe proof attached: Warranty Deed
- ☐ Signature of New Claimant(s): AURORA FARMS, INC.
BY: [Signature]
Date: 6-28-93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7/9/93 By: SC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7/9/93 By: SC

Claim numbers of Split, if any:

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JUN 30 1993

Department of Water Resources
Southern Region Office

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☐ Signature of Former Claimant(s): _____

Date: _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim numbers of Split, if any:

06259322.SHS

9:30126

RECORDED
Land Title & Escrow, Inc.
JAN 7 3 08 PM '93
JEROME COUNTY, IDAHO
FEES 36.00

COPY

WARRANTY DEED

FOR VALUE RECEIVED, IDAHO CONSOLIDATED DAIRY FARMS, a general partnership, hereinafter called "Grantor," hereby grants, bargains, sells and conveys unto AURORA FARMS, INC., a Colorado Corporation, whose mailing address is 1333 S. 120th Ave., Ste. 317, Westminster, Colorado 80234, hereinafter called "Grantee," the following described premises, in Jerome County, Idaho, to wit:

SEE EXHIBIT "A"

Together with the water rights appurtenant thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "B"

Together with the fixtures attached thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "C"

Together with the mobile homes attached thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "D"

TO HAVE AND TO HOLD the said premises, with their 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 they are free from encumbrances, except as described above, and subject to, any restrictions, easements or rights-of-way of record and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 5 day of January, 1993.

IDAHO CONSOLIDATED DAIRY FARMS,
a California general partnership

By: 
Duane L. Kent
Its: Managing General Partner

RECORDED
Land Title & Escrow, Inc.
JAN 5 2 44 PM '93
JEROME COUNTY, IDAHO
FEES 36.00

This Warranty Deed is being re-recorded to correct the legal description.

WARRANTY DEED
FILED 441 WARRDEED

MICROFILMED
OCT 20 1994

9:30049

STATE OF IDAHO)

:

ss.

County of Jerome)

On this 5th day of January, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Duane L. Kent, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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.

Rick Bernsen
NOTARY PUBLIC

Residing: Jerome, IdahoMy Commission Expires: 7-30-97

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT JEROME, IDAHO
MY COMMISSION EXPIRES JULY 30, 1997

EXHIBIT "A"

BURLEY FARMS

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$,

EXCEPTING THEREFROM the following described
parcel of land:

Beginning at the Northeast corner of Section
16;

Thence West along the North line of Section
16, a distance of 674 feet;

Thence South parallel with the East line of
Section 16, 327 feet;

Thence East parallel with the North line of
Section 16, 674 feet, more or less, to
the East line;

Thence North along said East line, 327 feet to
THE POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$;

EXCEPTING THEREFROM a tract of land in the
E $\frac{1}{2}$ E $\frac{1}{2}$, Section 17 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16,
Township 9 South, Range 21, East of the Boise
Meridian, Jerome County, Idaho, more
particularly described as follows:

Beginning at the Northeast corner of said
Section 17 also being the Northwest
corner of said Section 16;

Thence South 89°44'20" West, 1,320.16 feet to
the Northwest corner of said E $\frac{1}{2}$ E $\frac{1}{2}$,
Section 17;

Thence South 0°07'52" East, 3,201.08 feet
along the Westerly boundary of said E $\frac{1}{2}$ E $\frac{1}{2}$,
Section 17;

Thence North 89°43'25" East, 1,318.92 feet to
a point on the Easterly boundary of said
Section 17;
Thence North 0°06'32" West, 3,060.73 feet
along the Easterly boundary of said
Section 17;
Thence North 89°46'14" East, 945.00 feet
parallel with the Northerly boundary of
said Section 16;
Thence North 0°06'32" West, 140.00 feet
parallel with the Westerly boundary of
said Section 16 to the Northerly boundary
of said Section 16;
Thence South 89°46'14" West, 945.00 feet
along the Northerly boundary of said
Section 16 to THE POINT OF BEGINNING.

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:
Beginning at the Northeast corner of Section
16;
Thence West along the North line of Section
16, a distance of 674 feet;
Thence South parallel with the East line of
Section 16, 327 feet;
Thence East parallel with the North line of
Section 16, 674 feet, more or less, to
the East line;
Thence North along said East line, 327 feet to
THE POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

CRESTVIEW

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 21: S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 28: All of Section 28;
Section 29: $E\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}$;
Section 32: $N\frac{1}{2}NE\frac{1}{4}$;
Section 33: $N\frac{1}{2}NW\frac{1}{4}$; $SE\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}$;

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: $S\frac{1}{2}$;

EXCEPTING THEREFROM the highway.

SCHAFER FARM

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 17: $SW\frac{1}{4}NW\frac{1}{4}$; $NW\frac{1}{4}SW\frac{1}{4}$;

Section 18: $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}SW\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$;

SCHODDE FARM

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 22: $SE\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}SE\frac{1}{4}$;

Section 27: $E\frac{1}{2}$; $NW\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}$; $NW\frac{1}{4}NW\frac{1}{4}$; $S\frac{1}{2}SW\frac{1}{4}$;

$NE\frac{1}{4}SW\frac{1}{4}$, EXCEPTING THEREFROM the following
described parcel of land:

From a point of Beginning located at 714.75
feet, more or less, North from the
Southwest corner of Section 27, to the

point of intersection of said Section line or County road center line with the North boundary of the Oregon Short Line Railroad North Side Branch right of way; Thence running North along the Section line or center line of said County road, 275.27 feet;
 Thence North 78°46' East and parallel to the said railroad right of way center line, 2691.57 feet, more or less, to the point of intersection with the North-South mid-section line;
 Thence South along said mid-section line 275.27 feet, more or less, to the point of intersection with the North railroad right-of-way boundary;
 Thence South 78°46' West and along said North railroad right-of-way boundary, 2691.57 feet, more or less, to THE POINT OF BEGINNING.

AND EXCEPTING THEREFROM railroad rights of way.

TOGETHER WITH a permanent easement and right of way, including the perpetual right to enter upon the excepted portion of the above described property in the SW $\frac{1}{4}$ of Section 27, Township 9 South, Range 21, East of the Boise Meridian, for the purpose of constructing, maintaining and repairing underground pipelines for irrigation water as set forth in Easement Agreement recorded May 15, 1963 in Book 174 Page 53 as Instrument Number 154714, Jerome County records.

Section 34: N $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$;

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
 JEROME COUNTY, IDAHO

Section 27: NE $\frac{1}{2}$ NW $\frac{1}{4}$;

EXHIBIT "B"

BURLEY FARM

<u>WATER RIGHT NO.</u>	<u>PURPOSE</u>
✓ 36-08005 ✓	IRRIGATION
✓ 36-08011 ✓	STOCKWATER DOMESTIC
✓ A36-02310 ✓	IRRIGATION
✓ A36-02376 ✓	IRRIGATION
✓ A36-07351 ✓	IRRIGATION

CRESTVIEW I

<u>WATER RIGHT NO.</u>	<u>PURPOSE</u>
✓ A36-10907 ✓	DOMESTIC
✓ A36-02254 ✓	IRRIGATION DOMESTIC
✓ 36-08113 ✓	DOMESTIC
✓ 36-08014 ✓	STOCKWATER COMMERCIAL DOMESTIC
✓ A36-02284 ✓	IRRIGATION

CRESTVIEW II

<u>WATER RIGHT NO.</u>	<u>PURPOSE</u>
✓ A36-02430 ✓	IRRIGATION
✓ A36-08008 ✓	IRRIGATION

SCHAFFER FARM**WATER RIGHT NO.**

✓ 36-08016 ✓

✓ 36-08004 ✓

A36-02319 ✓

PURPOSESTOCKWATER
DOMESTIC

IRRIGATION

IRRIGATION

SCHODDE FARM**WATER RIGHT NO.**

A36-02248 ✓

A36-02249 ✓

36-07688 ✓

A36-14601 ✓

PURPOSE

IRRIGATION

IRRIGATION

IRRIGATION

DOMESTIC

DAIRY HEIFER

✓ 36-8163 ✓

DOMESTIC



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 15, 1993

AURORA FARMS INC
1333W 120 AVE #317
WESTMINISTER CO 80234

RE: ADJUDICATION CLAIM(S) NO.(S) 36-08011, 08014, 02310, 07351,
02376, 08004, 08016, 08008, 08005, 02430, 02284, 08113,
02254A/B, 10907, 14601, 07688, 02249, 02248, 02319

Dear Claimant(s):

Pursuant to the notification that you now own the property with the above-referenced Adjudication Claim(s), we have changed the Department's record(s) as you have requested. Please note that the Director's Report for Basin 36 has been filed with the court and the recommendations for the above-listed right(s) remain listed in the former owners name.

Please review the record(s) and should you have any questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

c.c.

ROSHOLT ROBERTSON TOLMAN & TUCKER
ATTN: SHARON HART STRICKLAND

MICROFILMED
OCT 20 1994

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: A36-08008
Date Received: 3/26/1990
Receipt No: 5011738
Received By: 12/

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILNER KIMAMA INVESTMENT GROUP
Address: DBA CRESTVIEW #2
2709 E. 800 S.
HAZELTON, ID

208-438-5437

83335

2. Date of Priority: DEC 08, 1981

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	21E	16	NE	SE	SE		JEROME

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.840		

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

A.F.A.

8. Total consumptive use is

942.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	21E	16	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0

A36-08008

Page 1

Date: 03/26/90

MICROFILMED
FEB 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	21E	16	SE	SW	IRR	39.0
			NE	SE	IRR	39.0
			NW	SE	IRR	40.0
			SW	SE	IRR	39.0
			SE	SE	IRR	38.0

Section Acres 314.0

Total Acres 314.0

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
A36-02430

14. Remarks:

***** IDWR NOTE *****
A36-02430 WAS FILED BY LESSEE. IT CLAIMED EXPANDED RATE OF
FLOW ABOVE LICENSED AMOUNT. THIS CLAIM IS FILED BY OWNER
BASED ON LATER LICENSE WHICH EXPANDED THE RATE OF FLOW. THIS
FILING IS MADE TO PROTECT THE RIGHT ENCASE OF THE OTHER CLAIM
BEING REJECTED AS FILED.

15. Basis of Claim: LICENSE

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 a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Manager of Michael Kamama River Group Organization, that I have signed the foregoing document in the space below as Manager of Michael Kamama River Group Organization and that the statements contained in the foregoing document are true and correct.

Michael Kamama River Group
Signature of Authorized Agent
Manager Michael Kamama River Group
Title and Organization

4/2/90
Date

State of Idaho

County of Twin Falls) SS.

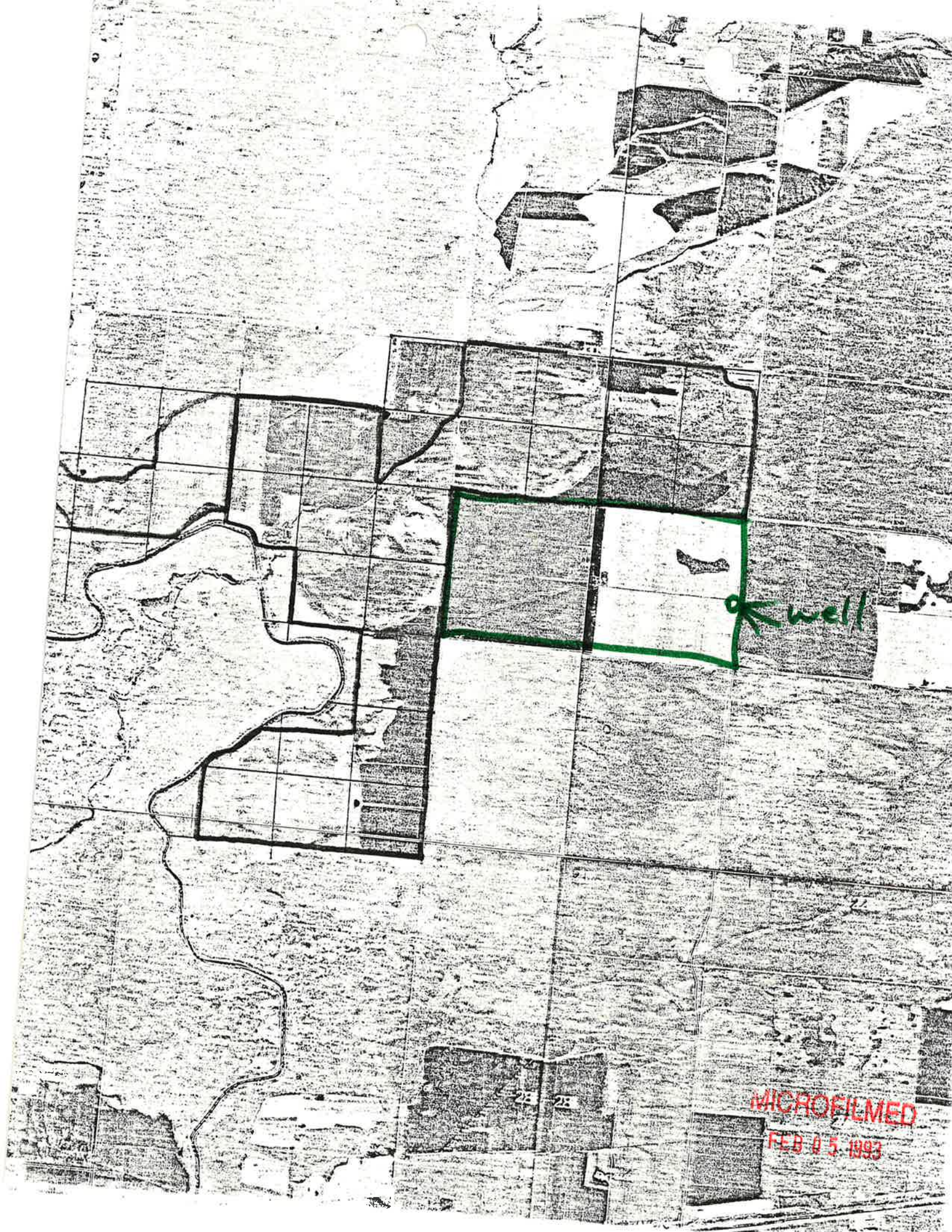
Subscribed and sworn (or affirmed) before me this 2nd day of April 19 90

Seal

Notary Public

Residing at Kimberly, ID.

My Commission Expires 6/30/98



well

MICROFILMED
FEB 05 1993

RECEIVED

MAR 27 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s):

08011A

08011B

Adjudication Claim No(s): 36-02310; 02376; 07351; 08005; 08011; 02254A; 02254B; 02284;
02430; 010907; (08004); 08016; 02319; 02248; 02249; 07688; 14601; 08008; 08014; 08113

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

Name and Address of Former
Owner/Claimant

SUNRISE ORGANIC FARMS, INC.

12050 NORTH PECOS, SUITE 200

WESTMINSTER CO 80234-2711

New Owner/Claimant(s)

HORIZON ORGANIC DAIRY, IDAHO FARM, INC.

New Mailing Address

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

6311 HORIZON LANE

City, State and ZIP Code

LONGMONT, CO 80503

New Telephone Number

(303) 530-2711

Date you acquired the property

MAY 29, 1997

If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate

Number and type of stock

Diversion rate in CFS

Number of homes

Other uses

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Signature of New Owner
or Claimant(s)HORIZON ORGANIC DAIRY, IDAHO FARM INC.
BARNEY FEINBLUM, PRESIDENT

* (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

LAW OFFICES OF

KRENDL HOROWITZ & KRENDL

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

370 SEVENTEENTH STREET, SUITE 5350

DENVER, COLORADO 80202

(303) 629-2400

Telecopier No. (303) 629-2406

JAMES R. KRENDL
JAY S. HOROWITZ
CATHY S. KRENDL
DANIEL F. WAKE
KIM B. DEHLER
LEE F. SACHNOFF
SHERI D. WAY
CHARLES D. BYBEE
PHILIP L. GORDON
ROBERT G. HUBSTON
R. LEE REICHERT
ROBERT T. FISHERMAN
JENNIFER A. D'ALESSANDRO

June 18, 1997

Internal Revenue Service
Attention: Taxpayer Services
1160 West 1200 South
Ogden, Utah 84201

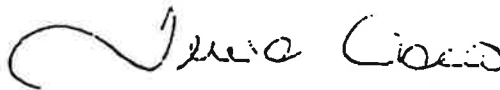
Re: Change of Corporate Name

Dear Sir or Madam:

Please change your records to reflect that our client, Sunrise Organic Farms, Inc. (FEIN # 82-0460690) changed its corporate name effective May 29, 1997 to Horizon Organic Dairy, Idaho Farm, Inc. Attached to evidence such name change is a copy of the Articles of Amendment as filed of record with the Colorado Secretary of State.

Sincerely,

KRENDL HOROWITZ & KRENDL



Teresa K. Ciacco
Paralegal

Enclosure

cc: Mr. Barnet Feinblum
Mr. Marc Peperzak

AMENDED AND RESTATED**ARTICLES OF INCORPORATION**

OF

19971086075 C
\$ 60.00
SECRETARY OF STATE
05-29-97 16:45:07**SUNRISE ORGANIC FARMS, INC.****n/k/a HORIZON ORGANIC DAIRY, IDAHO FARM, INC.**

These Amended and Restated Articles of Incorporation of Sunrise Organic Farms, Inc., which include amendments, correctly set forth the provisions of the corporation's Articles of Incorporation, as amended, and supersede the corporation's original Articles of Incorporation and all amendments thereto. These Amended and Restated Articles of Incorporation were recommended by the board of directors and approved by the shareholders of the corporation on May 14, 1997. The number of votes cast for such Amended and Restated Articles of Incorporation by each voting group entitled to vote separately on the amendment was sufficient for approval by that voting group.

FIRST: The name of the corporation is Horizon Organic Dairy, Idaho Farm, Inc.

SECOND: The corporation shall have and may exercise all of the rights, powers and privileges now or hereafter conferred upon corporations organized under the laws of Colorado. In addition, the corporation may do everything necessary, suitable or proper for the accomplishment of any of its corporate purposes. The corporation may conduct part or all of its business in any part of Colorado, the United States or the world and may hold, purchase, mortgage, lease and convey real and personal property in any of such places.

THIRD: (a) The aggregate number of shares which the corporation shall have authority to issue is 10,000,000 shares of common stock. The shares of this class of common

stock shall have unlimited voting rights and shall constitute the sole voting group of the corporation, except to the extent any additional voting group or groups may hereafter be established in accordance with the Colorado Business Corporation Act. The shares of this class shall also be entitled to receive the net assets of the corporation upon dissolution.

(b) Each shareholder of record shall have one vote for each share of stock standing in his name on the books of the corporation and entitled to vote, except that in the election of directors, each shareholder shall have as many votes for each share held by him as there are directors to be elected and for whose election the shareholder has a right to vote. Cumulative voting shall not be permitted in the election of directors or otherwise.

(c) Unless otherwise ordered by a court of competent jurisdiction, at all meetings of shareholders one-third of the shares of a voting group entitled to vote at such meeting, represented in person or by proxy, shall constitute a quorum of that voting group.

FOURTH: The number of directors of the corporation shall be fixed by the bylaws, or if the bylaws fail to fix such a number, then by resolution adopted from time to time by the board of directors, provided that the number of directors shall not be less than one nor more than nine.

FIFTH: The street address of the registered office of the corporation is 370 17th Street, Suite 5350, Denver, Colorado 80202. The name of the registered agent of the corporation at such address is Lee F. Sachnoff.

SIXTH: The address of the principal office of the corporation is 7490 Clubhouse Rd., Suite 103, Boulder, Colorado 80301.

SEVENTH: The following provisions are inserted for the management of the business and for the conduct of the affairs of the corporation, and the same are in furtherance of and not in limitation or exclusion of the powers conferred by law.

(d) Conflicting Interest Transactions. As used in this paragraph,

"conflicting interest transaction" means any of the following: (i) a loan or other assistance by the corporation to a director of the corporation or to an entity in which a director of the corporation is a director or officer or has a financial interest; (ii) a guaranty by the corporation of an obligation of a director of the corporation or of an obligation of an entity in which a director of the corporation is a director or officer or has a financial interest; or (iii) a contract or transaction between the corporation and a director of the corporation or between the corporation and an entity in which a director of the corporation is a director or officer or has a financial interest. No conflicting interest transaction shall be void or voidable, be enjoined, be set aside, or give rise to an award of damages or other sanctions in a proceeding by a shareholder or by or in the right of the corporation, solely because the conflicting interest transaction involves a director of the corporation or an entity in which a director of the corporation is a director or officer or has a financial interest, or solely because the director is present at or participates in the meeting of the corporation's board of directors or of the committee of the board of directors which authorizes, approves or ratifies a conflicting interest transaction, or solely because the director's vote is counted for such purpose if: (A) the material facts as to the director's relationship or interest and as to the conflicting interest transaction are disclosed or are known to the board of directors or the committee, and the board of directors or committee in good faith authorizes, approves or ratifies the conflicting interest transaction by the affirmative vote of a majority of the disinterested

directors, even though the disinterested directors are less than a quorum; or (B) the material facts as to the director's relationship or interest and as to the conflicting interest transaction are disclosed or are known to the shareholders entitled to vote thereon, and the conflicting interest transaction is specifically authorized, approved or ratified in good faith by a vote of the shareholders; or (C) a conflicting interest transaction is fair as to the corporation as of the time it is authorized, approved or ratified by the board of directors, a committee thereof, or the shareholders. Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or of a committee which authorizes, approves or ratifies the conflicting interest transaction.

(e) Loans and Guaranties for the Benefit of Directors.

Neither the board of directors nor any committee thereof shall authorize a loan by the corporation to a director of the corporation or to an entity in which a director of the corporation is a director or officer or has a financial interest, or a guaranty by the corporation of an obligation of a director of the corporation or of an obligation of an entity in which a director of the corporation is a director or officer or has a financial interest, until at least ten days after written notice of the proposed authorization of the loan or guaranty has been given to the shareholders who would be entitled to vote thereon if the issue of the loan or guaranty were submitted to a vote of the shareholders. The requirements of this paragraph (b) are in addition to, and not in substitution for, the provisions of paragraph (a) of Article SEVENTH.

(f) Indemnification. The corporation shall indemnify, to the maximum extent permitted by law, any person who is or was a director, officer, agent, fiduciary or employee of the corporation against any claim, liability or expense arising against or incurred by

such person made party to a proceeding because he is or was a director, officer, agent, fiduciary or employee of the corporation or because he is or was serving another entity as a director, officer, partner, trustee, employee, fiduciary or agent at the corporation's request. The corporation shall further have the authority to the maximum extent permitted by law to purchase and maintain insurance providing such indemnification.

(g) Limitation on Director's Liability. No director of this corporation shall have any personal liability for monetary damages to the corporation or its shareholders for breach of his fiduciary duty as a director, except that this provision shall not eliminate or limit the personal liability of a director to the corporation or its shareholders for monetary damages for: (i) any breach of the director's duty of loyalty to the corporation or its shareholders; (ii) acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law; (iii) voting for or assenting to a distribution in violation of Colorado Revised Statutes § 7-106-401 or the articles of incorporation if it is established that the director did not perform his duties in compliance with Colorado Revised Statutes § 7-108-401, provided that the personal liability of a director in this circumstance shall be limited to the amount of the distribution which exceeds what could have been distributed without violation of Colorado Revised Statutes § 7-106-401 or the articles of incorporation; or (iv) any transaction from which the director directly or indirectly derives an improper personal benefit. Nothing contained herein will be construed to deprive any director of his right to all defenses ordinarily available to a director nor will anything herein be construed to deprive any director of any right he may have for contribution from any other director or other person.

(h) Negation of Equitable Interests in Shares or Rights. Unless a person is recognized as a shareholder through procedures established by the corporation pursuant to Colorado Revised Statutes § 7-107-204 or any similar law, the corporation shall be entitled to treat the registered holder of any shares of the corporation as the owner thereof for all purposes permitted by the Colorado Business Corporation Act, including without limitation all rights deriving from such shares, and the corporation shall not be bound to recognize any equitable or other claim to, or interest in, such shares or rights deriving from such shares on the part of any other person including without limitation, a purchaser, assignee or transferee of such shares, unless and until such other person becomes the registered holder of such shares or is recognized as such, whether or not the corporation shall have either actual or constructive notice of the claimed interest of such other person. By way of example and not of limitation, until such other person has become the registered holder of such shares or is recognized pursuant to Colorado Revised Statutes §7-107-204 or any similar applicable law, he shall not be entitled: (i) to receive notice of the meetings of the shareholders; (ii) to vote at such meetings; (iii) to examine a list of the shareholders; (iv) to be paid dividends or other distributions payable to shareholders; or (v) to own, enjoy and exercise any other rights deriving from such shares against the corporation. Nothing contained herein will be construed to deprive any beneficial shareholder, as defined in Colorado Revised Statutes § 7-113-101(1), of any right he may have pursuant to Article 113 of the Colorado Business Corporation Act or any subsequent law.

EIGHTH: These Amended and Restated Articles of Incorporation shall become effective on the date that they are filed with the Colorado Secretary of State.

SUNRISE ORGANIC FARMS, INC., n/k/a
HORIZON ORGANIC DAIRY, IDAHO FARM,
INC.

By: 
Barnet M. Feinblum, President

Lee F. Sachnoff hereby agrees to continue as the registered agent for Sunrise Organic Farms, Inc., n/k/a Horizon Organic Dairy, Idaho Farm, Inc.


Lee F. Sachnoff

ACQUISITION AGREEMENT

THIS ACQUISITION AGREEMENT (the "Agreement") is made as of the 20th day of March, 1997 among HORIZON ORGANIC DAIRY, INC., a Colorado corporation ("Horizon"), HORIZON ORGANIC HOLDING CORPORATION, a Delaware corporation ("Holding Co."), SUNRISE ORGANIC FARMS, INC., a Colorado corporation ("Company"), and the shareholders of the Company other than Horizon who are listed on the signature page of this Agreement (collectively, the "Shareholders" and together with the Company, the "Sellers").

RECITALS

WHEREAS, the Company is a corporation duly organized and existing under the laws of the State of Colorado;

WHEREAS, Horizon currently holds 107,666 (approximately twenty-seven percent (27%)) of the Company's issued and outstanding stock;

WHEREAS, Horizon and Holding Co. desire to acquire the remaining approximately seventy-three percent (73%), which is 293,694 shares, of the Company's issued and outstanding stock (the "Company Stock");

WHEREAS, the agreed upon value of the Company's common stock is \$20.2394 per share, for an aggregate purchase price of \$5,944,190;

WHEREAS, it is the intent of the parties that the shareholders of the Company transfer some of their shares in the Company in a nonrecognition exchange under Section 351 of the Internal Revenue Code to Holding Co., and for the shareholders of Horizon to transfer all their shares to Holding Co., resulting in Horizon and the Company becoming wholly-owned subsidiaries of Holding Co.; and

WHEREAS, the Board of Directors of Horizon and the Board of Directors of the Company (both of which corporations are hereinafter collectively referred to as "Constituent Corporations") deem it advisable and in the best interests of the Constituent Corporations and their respective shareholders that Horizon acquire at this time a portion of the Shareholders' stock in the Company for subordinated promissory notes, and subsequently have Holding Co. acquire the remaining shares in the Company in exchange for shares in Holding Co. pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements, representations, warranties, provisions and covenants herein contained, the parties hereto hereby agree as follows:

shall be placed in escrow and not released until the earlier of the Second Closing or such other events more fully described in the Escrow Agreement substantially in the form attached hereto as Exhibit 7.18. While such shares of the Company Stock are in escrow, the Shareholders shall have the right to receive any dividends or other distributions, if any, on such shares, and they shall have the right to vote such shares in the event any matter is submitted to the vote of Company's shareholders.

8. COVENANTS AFTER CLOSING.

8.1 Release From Guarantees. After the Closing, Horizon and Holding Co. shall use their best efforts to have the Shareholders released from those personal guarantees specified on Schedule 8.1 of indebtedness of the Company.

8.2 Continued Operations. Horizon and Holding Co. agree to operate the Company as it has been historically operated, subject to legal compliance, until such time that the releases identified on Schedule 8.1 have been obtained.

8.3 Officers and Directors. The parties agree that following the First Closing, they shall cause the following individuals to be elected to as directors of the Company until their successors are duly elected and qualified: Barnet M. Feinblum, Marcus B. Peperzak, Mark A. Retzloff and Paul B. Repetto. The parties further agree that following the First Closing, they shall cause the following individuals to be elected to the following offices of the Company:

<u>Officer</u>	<u>Office</u>
President	Barnet M. Feinblum
Vice President	Barney Little
Vice President	Marcus B. Peperzak
Secretary	Paul B. Repetto
Treasurer	Mark A. Retzloff

8.4 Name Change. Immediately following the Second Closing, Horizon shall cause the Company to amend its Articles of Incorporation to change the corporation's name to "Horizon Organic Farms, Inc." and to make such other changes necessary to conform the Company's articles of incorporation to the Colorado Business Corporations Act of 1994.

8.5 Subordination of Notes. The Shareholders agree to execute the standard form subordination agreement(s) which the then current commercial lender, facilities lender or principal lender, and any successors thereto, of Company, Horizon and/or Holding Co. shall require from time to time in order to subordinate the Notes to any debt owed to such lenders.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

HORIZON ORGANIC DAIRY, INC.

By: B. M. Feinblum
Barnet M. Feinblum, President

HORIZON ORGANIC HOLDING CORPORATION

By: B. M. Feinblum
Barnet M. Feinblum, President

SUNRISE ORGANIC FARMS, INC.

By: M. B. Peperzak
Marcus B. Peperzak, President

SHAREHOLDERS:

M. B. Peperzak
Marcus B. Peperzak

Barney Little
Barney Little

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

HORIZON ORGANIC DAIRY, INC.

By: _____
Barnet M. Feinblum, President

HORIZON ORGANIC HOLDING CORPORATION

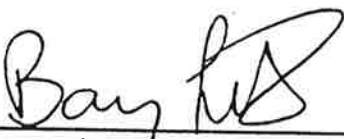
By: _____
Barnet M. Feinblum, President

SUNRISE ORGANIC FARMS, INC.

By: _____
Marcus B. Peperzak, President

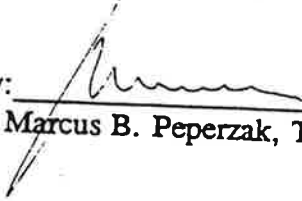
SHAREHOLDERS:

Marcus B. Peperzak

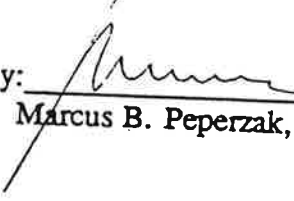


Barney Little

AURORA DAIRY CORPORATION PENSION &
PROFIT SHARING PLAN

By: 
Marcus B. Peperzak, Trustee

AURORA DAIRY CORPORATION

By: 
Marcus B. Peperzak, President

David Sumrall

Gregory S. McDonald

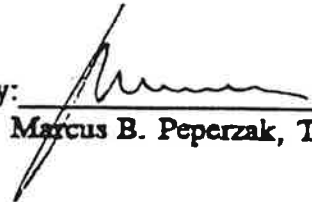
THE MCCLOSKEY CHILDREN'S TRUST

By: _____
William R. Jordan, III, Trustee

ID CONSOLIDATED

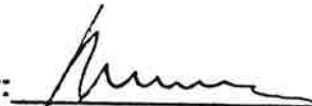
By: _____
Gregory S. McDonald, General Partner

**AURORA DAIRY CORPORATION PENSION &
PROFIT SHARING PLAN**

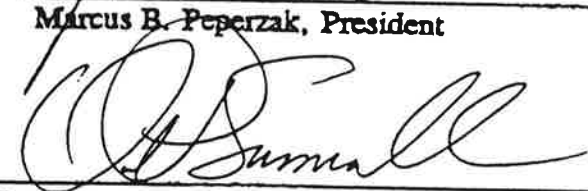
By: 

Marcus B. Peperzak, Trustee

AURORA DAIRY CORPORATION

By: 

Marcus B. Peperzak, President



David Sumrall

Gregory S. McDonald

THE MCCLOSKEY CHILDREN'S TRUST

By: _____
William R. Jordan, III, Trustee

ID CONSOLIDATED

By: _____
Gregory S. McDonald, General Partner

AURORA DAIRY CORPORATION PENSION &
PROFIT SHARING PLAN

By: _____
Marcus B. Peperzak, Trustee

AURORA DAIRY CORPORATION

By: _____
Marcus B. Peperzak, President

David Sumrall

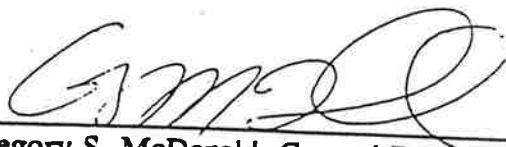


Gregory S. McDonald

THE MCCLOSKEY CHILDREN'S TRUST

By: _____
William R. Jordan, III, Trustee

ID CONSOLIDATED

By: 

Gregory S. McDonald, General Partner

AURORA DAIRY CORPORATION PENSION &
PROFIT SHARING PLAN

By: _____
Marcus B. Peperzak, Trustee

AURORA DAIRY CORPORATION

By: _____
Marcus B. Peperzak, President

David Sumrall

Gregory S. McDonald

THE MCCLOSKEY CHILDREN'S TRUST

By: William R. Jordan, III, Trustee
William R. Jordan, III, Trustee

ID CONSOLIDATED

By: _____
Gregory S. McDonald, General Partner

NO. OF CLAIMS IN POLYGON 2
 CLAIM NUMBERS 36-02430 36-08008 DATE 8/7/97
 AGENT [Signature]

TRANSFER NUMBER _____
 OBJECTION FILED no
 TOTAL ACRES FROM RECOMMENDATION 314
 GEOGRAPHIC INFO SYSTEM 310.42

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	09S	21E	16									40	40	39	39	39	40	39	38
GIS												40.04	37.95	38.07	40.02	36.94	40.09	38.54	38.94
													-2	-1	+1	-2			+1
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

B36-DBPOU.DBF 310 ✓
 B36-DBPOD.DBF 278 ✓

POLYGON # _____
 ATTRIBUTES OF B36-POU.SHP (310) ✓
 ATTRIBUTES OF B36-POD.SHP 6781 NESESE-16

** only 1.2% under*

P/U CONFLICT yes () no (☒)
 P/D CONFLICT yes () no (☒)
 SENT FOR DECREE yes (☒) no ()

1997 FEB 24 PM 3:07
 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
 DISTRICT COURT
 TWIN FALLS CO., IDAHO

In Re SRBA

**NOTICE OF COMPLETED
 ADMINISTRATIVE PROCEEDINGS**

Case No. 39576

SUB CASE NOS. 36-02248, 36-02249,
 36-02254A, 36-02254B, 36-02284,
 36-02310, 36-02319, 36-02376, 36-02430,
 36-07351, 36-07688, 36-08004, 36-08005,
 36-08008, 36-08113,

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Aurora Farms Inc
 1333 W 120th Ave Ste 317
 Westminster CO 80234
 Phone: (208) 438-5437

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

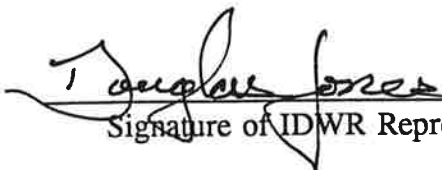
Sunrise Organic Farms Inc
 12050 N Pecos Ste 200
 Westminster CO 80234-2711
 Phone: (208) 280-1010

The Claimant has filed Objections or Responses to the following water rights: None

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: 2/14/97


 Signature of IDWR Representative

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING Water Right(s): 36-02248, 36-02249, 36-02254A, 36-02254B,
 5/21/96 36-02284, 36-02310, 36-02319, 36-02376, 36-02430, 36-07351, 36-07688, 36-08004,
 36-08005, 36-08008, 36-08113, 36-14601

CERTIFICATE OF MAILING

I certify that on 2-24, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Aurora Farms Inc
1333 W 120th Ave Ste 317
Westminster CO 80234
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Sunrise Organic Farms Inc
12050 N Pecos Ste 200
Westminster CO 80234-2711
Rosholt Robertson & Tucker
PO Box 1906
Twin Falls ID 83303-1906
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy 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

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING Water Right(s): 36-02248, 36-02249, 36-02254A, 36-02254B,
5/21/96 36-02284, 36-02310, 36-02319, 36-02376, 36-02430, 36-07351, 36-07688, 36-08004,
36-08005, 36-08008, 36-08113, 36-14601

AJ5856NP

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

DATE: FEB-11-1997

PAGE: A-13

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-08008

NAME & ADDRESS: SUNRISE ORGANIC FARMS INC
12050 N PECOS STE 200
WESTMINSTER CO 80234-2711

SOURCE: GROUNDWATER

QUANTITY: 0.84 CFS

USE OF RIGHT NOS 36-02430 AND 36-08008 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.34 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1256 AFA.

PRIORITY DATE: 12/08/1981

POINT OF DIVERSION: T09S R21E S16 NESESE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.84 CFS

PLACE OF USE:	IRRIGATION	Within JEROME County			
	T09S R21E S16	NESW 40.0	NWSW 40.0	SWSW 39.0	SESW 39.0
		NESE 39.0	NWSE 40.0	SWSE 39.0	SESE 38.0
	314.0 ACRES TOTAL				

USE OF RIGHT NOS. 36-02430 AND 36-08008 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 314 ACRES IN A SINGLE
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF RIGHT NOS. 36-02430 AND 36-08008 IS LIMITED TO A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 942 AFA.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT NOS. 36-02430 AND 36-08008 ARE DIVERTED THROUGH THE POINT
OF DIVERSION DESCRIBED ABOVE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

February 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SUNRISE ORGANIC FARMS INC
12050 N PECOS STE 200
WESTMINSTER CO 80234-2711

RE: SRBA Claim(s) 36-02248, 36-02249, 36-02254A, 36-02254B,
36-02284, 36-02310, 36-02319, 36-02376,
36-02430, 36-07351, 36-07688, 36-08004,
36-08005, 36-08008, 36-08011A, 36-08011B,
36-08014, 36-08113
Decreed Water Rights 36-08016, 36-10907, 36-14601

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the decreed water rights noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Also enclosed is your copy of the Notice of Completed Administrative Proceeding the department filed with the SRBA Court. This conforms with Administrative Order 11 which requires IDWR to report to the court all changes to SRBA Claims in basins where a Director's Report has been filed and decrees have not been issued.

Sincerely,

Trish Fawcett
Technical Records Specialist

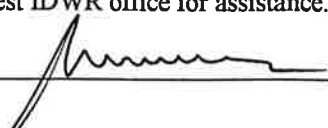
enc.

cc: Aurora Farms Inc., Rosholt, Robertson & Tucker

RECEIVED
DEC 06 1996
Water Resource
Southern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) 36-02310; 02376; 07351; 08005; 08011; 02254A; 02254B; 02284; 02430; 10907; 08004; 08016; 02319; 02248; 02249; 07688; 14601; 08008; 08014; 08113
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) AURORA FARMS, INC.
1333 W. 120th AVENUE, SUITE 317; WESTMINISTER, CO 80234
4. New Owner/Claimant(s) SUNRISE ORGANIC FARMS, INC.
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 12050 NORTH PECOS, SUITE 200
City, State and ZIP Code WESTMINISTER, CO 80234-2711
New Telephone Number (208) 280-1010
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second *
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  Date 12/3/96
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

No. C102571 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FEE REQUIRED		Annual Report Form Due No Later Than November 30, 1996		2. Registered Agent and Office NOT A P.O. BOX GREGORY S McDONALD 2536 KIMBERLY RD TWIN FALLS ID 83301	
* FIRST NOTICE *		1. Mailing Address - Please Correct, If Not Correct SUNRISE ORGANIC FARMS, INC. MARCUS B PEPPERZAK 12050 N PECOS, STE 200 WESTMINSTER CO 80234		3. Organized Under the Laws of: CO C102571	
4. Corporations: Enter Names and Addresses of President, Secretary and Directors Limited Liability Companies: Enter Names and Addresses of ☐ Managers or ☐ Members (check one)					
Office held	Name	Street or P.O. Address	City	State	Zip
President:	Marcus B. Peperzak	12050 N. Pecos, Ste. 200	Westminster	CO	80234
Secretary:	Christina Krueger	12050 N. Pecos, Ste. 200	Westminster	CO	80234
Directors:	Marcus B. Peperzak	"same"			
	Gregory S. McDonald	2536 Kimberly Road	Twin Falls,	ID	83301
	Barney Little	Rt. 2, Box 2668	Paul,	ID	83347
	David P. Sumrall	12050 N. Pecos, Ste. 200	Westminster,	CO	80234
	Thomas McCloskey	12050 N. Pecos, Ste. 200	Westminster,	CO	80234
5. NATURE OF BUSINESS DAIRY FARMING		6. I certify that this Annual Report has been examined by me and is to the best of my knowledge true, correct and complete. Signature _____ Date _____ Name (Typed or Printed) _____ Title _____			
ISSUED: 07-06-1996		4468			

C

Fold, seal and mail this portion.

Detach at this perforation and discard this lower portion.

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

- 1.) Please pay special attention to the mailing address. If it is incorrect, please make the appropriate corrections.
NOTE: The name of the business entity cannot be altered on the annual report form.
- 2.) If the registered agent has changed or moved, please make that correction on this form. The registered agent must be found IN IDAHO at a PHYSICAL ADDRESS. PO Boxes WILL NOT be accepted. If report is for a Limited Liability please refer to #4 below.
- 3.) Corporation: Enter names and addresses of ONLY the president, secretary, and directors in block 4.
Limited Liability Company: Enter the names and addresses of the managers or members in block 4.
NOTE: Putting "same as last year" WILL NOT be accepted.
- 4.) Corporation: If the pre-filled information pertaining to the nature of business, in block 5, is incorrect please correct it. If the block says "any lawful" please enter the nature of business. Please be specific. "Nonprofit" or "General Business" is too broad.
Limited Liability Company: If the registered agent has been changed in block 2, then the NEW registered agent must accept that position by signing in block 5.
- 5.) Block 6 must be signed by an authorized person.

If the business entity is no longer doing business in Idaho, please contact the Secretary of State's office at 208 334-2301 for further instructions.

NOTE: The annual report must be received by the Office of the Secretary of State on or before November 30 or the Business Entity will forfeit its right to do business. Postmark date will not be accepted. If a corporation does forfeit, there will be a \$20.00 fee due to reinstate. If a limited liability company does cancel there will be a \$10.00 fee due to reinstate.

DUE NO LATER THAN NOVEMBER 30

CHANGE OF NAME

Mail to: Secretary of State
Corporations Section
1560 Broadway, Suite 200
Denver, CO 80202
(303) 894-2251
Fax (303) 894-2242

For office use only

951068496 C \$25.00
SECRETARY OF STATE
05-24-95 15:11

MUST BE TYPED
FILING FEE: \$25.00
MUST SUBMIT TWO COPIES

Please include a typed
self-addressed envelope

ARTICLES OF AMENDMENT
TO THE
ARTICLES OF INCORPORATION

Pursuant to the provisions of the Colorado Business Corporation Act, the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation:

- FIRST: The name of the corporation is Aurora Dairy Corporation of Idaho
- SECOND: The following amendment to the Articles of Incorporation was adopted on May 22, 19 95, as prescribed by the Colorado Business Corporation Act, in the manner marked with an X below:
- No shares have been issued or Directors Elected - Action by Incorporators
- No shares have been issued but Directors Elected - Action by Directors
- Such amendment was adopted by the board of directors where shares have been issued.
- X Such amendment was adopted by a vote of the shareholders. The number of shares voted for the amendment was sufficient for approval.

"I. Name. The name of the corporation is: **Sunrise Organic Farms, Inc.**"

- THIRD: The manner, if not set forth in such amendment, in which any exchange, reclassification, or cancellation of issued shares provided for in the amendment shall be effected, is as follows:

If these amendments are to have a delayed effective date, please list that date: _____
(Not to exceed ninety (90) days from the date of filing)

AURORA DAIRY CORPORATION OF IDAHO

By: Marcus B. Peperzak
Marcus B. Peperzak, President



STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

*I, VICTORIA BUCKLEY, Secretary of State of the State of
Colorado hereby certify that ACCORDING TO THE RECORDS OF
THIS OFFICE,*

*SUNRISE ORGANIC FARMS, INC.
(COLORADO CORPORATION)*

*BECAME INCORPORATED UPON THE ISSUANCE OF A CERTIFICATE OF
INCORPORATION DATED 04/27/93.*

Dated: MAY 24, 1995

Victoria Buckley

SECRETARY OF STATE

ARTICLES OF MERGER

The undersigned corporations, in accordance with Section 7-111-101 of the Colorado Business Corporation Act, hereby adopt the following Articles of Merger:

Article 1. The parties hereto agree to effect this merger.

Article 2. The parties to these Articles of Merger are Aurora Dairy Corporation of Idaho, a Colorado corporation ("ADCI") and Aurora Farms, Inc., a Colorado corporation ("Farms").

Article 3. The corporation to survive the Merger is Aurora Dairy Corporation of Idaho, a Colorado corporation, which shall continue under the same name.

Article 4. No amendment to the Articles of Incorporation of the surviving corporation is to be effected by the Merger.

Article 5. The total number of shares capital of stock of all classes which the parties hereto have authority to issue is as follows:

<u>Corporation</u>	<u>Class of Stock</u>	<u>Number of shares authorized</u>
ADCI	Common	100,000
Farms	Common	100,000

Article 6. The manner and basis of exchanging and converting the issued and outstanding stock of Farms is as follows: Each share of issued and outstanding Common Stock of Farms shall be converted into .082 shares of Common Stock of ADCI. Upon the surrender of certificates representing shares of Farms stock by holders thereof, certificates for 82 shares of ADCI stock will be issued in exchange by ADCI. Shares of the Common Stock outstanding at the date of this Merger shall not be converted or exchanged but shall remain outstanding as shares of Common Stock of the surviving corporation.

Article 7. The principal offices of both Farms and ADCI are located in Westminster, Colorado.

Article 8. The Plan of Merger was duly adopted by the directors of Farms and ADCI by a Unanimous Consent of all of the directors of each corporation pursuant to C.R.S. § 7-108-202 and approved by the shareholders of Farms by an informal action pursuant to C.R.S. § 7-107-104 in which 100% of the shareholders of Farms voted in favor of the Plan of Merger.

Article 9. Shareholder approval of the Plan of Merger by the shareholders of ADCI was not required pursuant to C.R.S. § 7-111-103(7) because,

- (a) the articles of incorporation of the Corporation, as the surviving corporation, will not differ from its articles of incorporation before the merger,

(b) each shareholder of the Corporation whose shares were outstanding immediately before the merger will hold the same number of shares, with identical designations, preferences, limitations, and relative rights, immediately after the merger,

(c) the number of shares, which shares entitle their holders to vote unconditionally in elections of directors, outstanding immediately after the merger, plus the number of such shares issuable as a result of the merger either by the conversion of securities issued pursuant to the merger or by the exercise of rights or warrants issued pursuant to the merger, will not exceed by more than twenty percent the total number of such shares of the Corporation outstanding immediately before the merger, and

(d) the number of shares, which shares entitle their holders to participate without limitation in distributions, immediately after the merger, plus the number of such shares issuable as a result of the merger either by the conversion of securities issued pursuant to the merger, or by the exercise of rights or warrants issued pursuant to the merger, will not exceed by more than twenty percent the total number of such shares outstanding immediately before the merger;

Article 10. The Plan of Merger is as follows:

10.1. The Articles of Incorporation of ADCI, as in effect on the effective date of the Merger, shall continue in full force and effect as the Articles of Incorporation of ADCI and shall not be changed or amended by the Merger.

10.2. ADCI reserves the right and power, after the effective date of the Merger, to alter, amend, change, or repeal any of the provisions contained in its Articles of Incorporation in the manner now or hereafter prescribed by statute, and all rights conferred on officers, directors, or stockholders herein are subject to this reservation.

10.3. The By-Laws of ADCI, as such By-Laws exist on the effective date of the Merger, shall remain and be the By-Laws of ADCI until altered, amended, or repealed, or until new By-Laws shall be adopted in accordance with the provisions thereof, the Articles of Incorporation, or in the manner permitted by the applicable provisions of law.

10.4. The directors of ADCI as of the effective date of the Merger shall continue in office until the next Annual Meeting of the shareholders of ADCI. The number of directors shall be one (1) and shall be the following person: Marcus B. Peperzak.

10.5. The following officers of ADCI immediately prior to the effective date of the Merger shall continue in office after the effective date of the Merger and until the next Annual Meeting of the board of directors of ADCI:

Marcus B. Peperzak President
Donna Getman Secretary

10.6. Each share of issued and outstanding Common Stock of Farms shall be converted into .082 shares of Common Stock of ADCI. Upon the surrender of certificates representing shares of Farms stock by holders thereof, certificates for 82 shares of ADCI stock will be issued in exchange by ADCI. Shares of the Common Stock outstanding at the date of this Merger shall not be converted or exchanged but shall remain outstanding as shares of Common Stock of the surviving corporation.

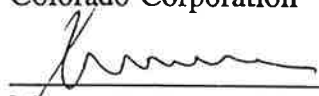
10.7. On the effective date of the Merger, the separate existence of Farms shall cease (except to the extent continued by statute), and all of its property, rights, privileges, and franchises, of whatsoever nature and description, shall be transferred to, vest in, and devolve upon the surviving corporation, without further act or deed. Confirmatory deeds, assignments, or other like instruments, when deemed desirable by ADCI to evidence such transfer, vesting, or devolution of any property, right, privilege, or franchise, shall at any time, or from time to time, be made and delivered in the name of Farms by the last acting officers thereof, or by the corresponding officers of the surviving corporation.

Article 11. The effective date of the Merger shall be the date when these Articles of Merger are executed by ADCI.

IN WITNESS WHEREOF, ADCI has caused these Articles of Merger to be signed in its corporate names and on its behalf by its Directors as of the date or dates indicated below.

11/24/94
Date

Aurora Dairy Corporation of Idaho, a
Colorado Corporation



Marcus B. Peperzak,
Director & President
Aurora Dairy Corporation

12/14/94
Date

Aurora Farms, Inc., a Colorado Corporation



Marcus B. Peperzak,
Director
Aurora Farms, Inc.

**UNANIMOUS CONSENT OF THE DIRECTORS OF
AURORA FARMS, INC.**

The undersigned, being all of the Board of Directors of Aurora Farms, Inc., a Colorado corporation (the "Corporation"), in accordance with Section 7-108-202 of the Colorado Business Corporation Act, hereby consent to the following actions without a meeting, which actions shall be effective, December 15, 1994.

RESOLVED, that the Board of Directors adopt the attached PLAN OF MERGER of the Corporation into Aurora Dairy Corporation of Idaho, a Colorado corporation ("ADCI") pursuant to C.R.S. § 7-111-103(1);

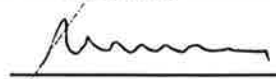
RESOLVED, that such PLAN OF MERGER shall be submitted to the shareholders of the Corporation for approval pursuant to C.R.S. § 7-111-103(1).

This Consent of the Board of Directors may be executed in counterparts.

This Consent of the Board of Directors, when signed by the undersigned, may be certified by any proper officer of the Corporation as having been unanimously adopted by a vote of the Directors on the 29th day of November, 1994.

IN WITNESS WHEREOF, the undersigned being all of the directors of the Corporation have signed this UNANIMOUS CONSENT OF THE DIRECTORS OF AURORA FARMS, INC. on the date or dates indicated below, to be effective on the date specified above.

12/4/94
Date of Execution



Marcus B. Peperzak
Director, Aurora Farms, Inc.

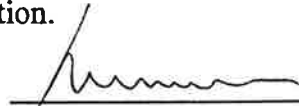
**INFORMAL ACTION
OF THE SHAREHOLDER
OF AURORA FARMS, INC.**

Pursuant to the provisions of Section 7-107-104 of the Colorado Business Corporations Act, the undersigned, being the shareholder of Aurora Farms, Inc., a Colorado corporation (the "Corporation") entitled to cast a vote on this matter, does hereby adopt and approve the following action:

RESOLVED, that the attached PLAN OF MERGER of the Corporation into Aurora Dairy Corporation of Idaho, a Colorado corporation shall be approved pursuant to C.R.S. § 7-111-103(2).

IN WITNESS WHEREOF, the undersigned shareholder has evidenced his approval of the above proceedings as of the date of execution.

12/14/94
Date of Execution



Marcus B. Peperzak,
Shareholder, Aurora Farms, Inc.

COUNTY OF BOULDER)
) ss.
STATE OF COLORADO)

The foregoing ARTICLES OF MERGER was subscribed, sworn to and acknowledged before me this 14th day of Dec., 1994 by Marcus B. Peperzak the Director + President of Aurora Dairy Corporation of Idaho, a Colorado corporation.

My Commission expires: Feb. 18, 1996

Anne M. Trott



MY COMMISSION EXPIRES
02/18/96
BOULDER
COLORADO 80302

Notary Public

COUNTY OF BOULDER)
) ss.
STATE OF COLORADO)

The foregoing ARTICLES OF MERGER was described, sworn to and acknowledged before me this 14th day of December, 1994 by Marcus B. Peperzak, the Director of Aurora Farms, Inc., a Colorado corporation.

My Commission expires:

April 9, 1998



Elaine J. Gama
Notary Public



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

July 5, 1995

KARL J. DREHER
DIRECTOR

RECEIVED

JUL 07 1995

Department of Water Resources
Southern Region

DAVID M BROWN
SENIOR COUNSEL
MONY AGRICULTURAL INVESTMENT
MUTUAL OF NEW YORK
ONE MID RIVERS DR SUITE 120
ST PETERS MO 63376

RE: Snake River Basin Adjudication (SRBA)
Notices of Claims #36-02248, 36-02249, 36-02254A,
36-02254B, 36-02284, 36-02310, 36-02319, 36-02376,
36-02430, 36-07351, 36-07688, 36-08004, 36-08005,
36-08008, 36-08011, 36-08014, 36-08016, 36-08113,
36-10907, and 36-14601
MONY Loan No. 40162-MS
Aurora Farms, Inc.

Dear Mr. Brown:

Regretfully and apologetically, I must admit a very long time has passed since you notified this agency by letter your company has a security interest in Aurora Farms, Inc. (Aurora). Although staff in this office acknowledged receipt of your letter, I do not want some information about the water right claims you may not know to go unstated.

In 1992 prior to your interest in this matter, a Director's Report of these water right claims was submitted to the Court. This action moved these claims out of the sole arena of IDWR. Receiving notice about these water right claims with absolute certainty requires more than giving IDWR notice.

The Court requires a party who acquires an interest in a piece of property with water rights within the area of a Director's Report to give notice to the Court of such interest. By becoming a substituting party with the Standard Form 3 (SF3), you would assure you receive notice relative to these water right claims.

IDWR's records are not used after a Director's Report is filed for the purpose of sending notice to claimants about Court activities on specific sub-cases. For broad basin-wide matters, IDWR's records have been used by order of the Court for sending notices in the past.

MICROFILMED

DEC 5 1996

David M. Brown
Senior Counsel
MONY Agricultural Investment

Mutual Of New York
One Mid Rivers Drive, Suite 120
St. Peters, Missouri 63376
314 278-5555
Telecopier - 314 278-6763



January 4, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Re: MONY Loan No. 40162-MS
Aurora Farms, Inc.
Water Rights - Lienholder's Interest

RECEIVED
MAR 12 1993
original rec'd 3-16-93, returned
to MONY 3-23-93
Department of Water Resources

Dear Mr. Spackman:

The Mutual Life Insurance Company of New York (MONY) has closed a loan transaction with Aurora Farms, Inc. In connection with said loan transaction, MONY has mortgaged certain real estate owned by Aurora Farms, Inc., and taken a security interest in the water rights appurtenant to and used in connection with said real property.

It is my understanding that State of Idaho Department of Water Resources now has all water rights on a computer system and that a notice of MONY's security interest will be entered into that system. For your use, I now enclose duplicate copies of the legal descriptions for the real property encumbered by MONY's mortgage and the water rights appurtenant thereto. It is my understanding that one copy will be dated the day that you receive it and returned to me to acknowledge receipt, and that the second copy will be retained by your department for your file.

The lienholder's name and address to be registered in you system and used for all required notifications and correspondence is as follows:

The Mutual Life Insurance Company of New York
One Mid Rivers Mall Drive
Suite 120
St. Peters, MO 63376

Copy to:
The Mutual Life Insurance Company of New York
1740 Broadway
New York, NY 10019

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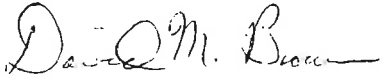
DEC 5 1996

Idaho Department of Water Resources
January 4, 1993
Page 2

Upon receipt of this letter I request that you return one copy of the legal description and appurtenant water rights with your date stamp attached for our records. If there is anything further you require to register MONY's lienholder's interest in these water rights please contact me at your earliest convenience.

Thank you for your cooperation and assistance in this regard.

Yours very truly,



David M. Brown
Senior Counsel
MONY Agricultural Investment

Enclosures

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DEC 5 1996

BURLEY FARM

Legal Description

Parcel No. 1:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Northeast corner of Section 16;
Thence West along the North line of Section 16, a distance of 674 feet;
Thence South parallel with the East line of Section 16, 327 feet;
Thence East parallel with the North line of Section 16, 674 feet, more or less, to the East line;
Thence North along said East line, 327 feet to THE POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$;

EXCEPTING THEREFROM a tract of land in the E $\frac{1}{2}$ E $\frac{1}{2}$, Section 17 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 9 South, Range 21, East of the Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of said Section 17 also being the Northwest corner of said Section 16;

Thence South 89°44'20" West, 1,320.16 feet to the Northwest corner of said E $\frac{1}{2}$ E $\frac{1}{2}$, Section 17;

Thence South 0°07'52" East, 3,201.08 feet along the Westerly boundary of said E $\frac{1}{2}$ E $\frac{1}{2}$, Section 17;

Thence North 89°43'25" East, 1,318.92 feet to a point on the Easterly boundary of said Section 17;

Thence North 0°06'32" West, 3,060.73 feet along the Easterly boundary of said Section 17;

Thence North 89°46'14" East, 945.00 feet parallel with the Northerly boundary of said Section 16;

Thence North 0°06'32" West, 140.00 feet parallel with the Westerly boundary of said Section 16 to the Northerly boundary of said Section 16;

Thence South 89°46'14" West, 945.00 feet along the Northerly boundary of said Section 16 to THE POINT OF BEGINNING.

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DEC 5 1996

BURLEY FARM - Page 2

Legal Description (Continued)

Parcel No. 2:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at the Northeast corner of Section 16;
Thence West along the North line of Section 16, a
distance of 674 feet;
Thence South parallel with the East line of Section
16, 327 feet;
Thence East parallel with the North line of Section
16, 674 feet, more or less, to the East line;
Thence North along said East line, 327 feet to THE
POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

Water Rights:

WATER RIGHT NO.	PURPOSE	CFS
A36-08005	IRRIGATION	5.000
A36-08011	STOCKWATER DOMESTIC	0.650 0.180
A36-02310	IRRIGATION	5.820
A36-02376	IRRIGATION	0.660
A36-07351	IRRIGATION	1.680

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DEC 5 1996

CRESTVIEW I FARM

Legal Description:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 21: S $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 28: All of Section 28;
Section 29: E $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$;
Section 32: N $\frac{1}{4}$ NE $\frac{1}{4}$;
Section 33: N $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$;

Water Rights:

WATER RIGHT NO.	PURPOSE	CFS
A36-10907	DOMESTIC	0.040
A36-02254	IRRIGATION	5.120
	DOMESTIC	0.140
A36-08113	DOMESTIC	0.080
A36-08014	STOCKWATER	0.120
	COMMERCIAL	0.040
	DOMESTIC	0.100
A36-02284	IRRIGATION	3.060

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DEC 5 1996

CRESTVIEW II

Legal Description:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: S $\frac{1}{2}$;

EXCEPTING THEREFROM the highway.

Water Rights:

WATER RIGHT NO.	PURPOSE	CFS
A36-02430	IRRIGATION	4.900
A36-08008	IRRIGATION	0.840

SCHAFER FARM

Legal Description:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME
COUNTY, IDAHO

Section 17: SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 18: N $\frac{1}{2}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Water Rights:

WATER RIGHT NO.	PURPOSE	CFS
A36-08016	STOCKWATER	0.330
	DOMESTIC	0.040
A36-08004	IRRIGATION	2.000
A36-02319	IRRIGATION	3.080

MICROFILMED
DEC 5 1996

SHODDE FARM AND FEEDLOT

Legal Description:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 22: SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 27: E $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{4}$ SW $\frac{1}{4}$;

NE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM the following described
parcel of land:

From a Point of Beginning located 714.75 feet, more
or less, North from the Southwest corner of
Section 27, to the point of intersection of said
Section line or County road center line with the
North boundary of the Oregon Short Line Railroad
North Side Branch right of way;

Thence running North along the Section line or cen-
ter line of said County road, 275.27 feet;

Thence North 78°46' East and parallel to the said
railroad right of way center line, 2691.57 feet,
more or less, to the point of intersection with
the North-South mid-section line;

Thence South along said mid-section line 275.27
feet, more or less, to the point of intersection
with the North railroad right-of way boundary;

Thence South 78°46' West and along said North rail-
road right of way boundary, 2691.57 feet, more
or less, to THE POINT OF BEGINNING.

AND EXCEPTING THEREFROM railroad rights of way.

TOGETHER WITH a permanent easement and right of
way, including the perpetual right to enter upon
the excepted portion of the above described prop-
erty in the SW $\frac{1}{4}$ of Section 27, Township 9 South,
Range 21, East of the Boise Meridian, for the pur-
pose of constructing, maintaining and repairing
underground pipelines for irrigation water as set
forth in Easement Agreement recorded May 15, 1963
in Book 174 Page 53 as Instrument Number 154714,
Jerome County records.

Section 34: N $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{4}$ NE $\frac{1}{4}$;

Parcel No. 7:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$;

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DEC 5 1996

SHODDE FARM AND FEEDLOT - Page 2

Water Rights:

WATER RIGHT NO.	PURPOSE	CFS
A36-02248	IRRIGATION	2.740
A36-02249	IRRIGATION	3.330
A36-07688	IRRIGATION	9.310
A36-14601	DOMESTIC	0.040

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DEC 5 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 20 1994

36-08008

RECEIVED

JUL 12 1993

Department of Water Resources
Adjudication Bureau

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
Drainage Basin Water System

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as director
of the Idaho Department of Water
Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION
OF PARTY

vs.

United States; State of Idaho; and all
unknown claimants to the use of water
from the Snake River Drainage Basin
Water System,

Respondents.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory

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OCT 20 1994

requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. **You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.**

☐ **CHANGE IN ADDRESS**

My name is _____

I am the claimant of _____

(Insert each water right number(s))

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

RECEIVED

☐ **CONSENT TO SUBSTITUTION OF PARTY**

My name is AURORA FARMS, INC.

My address is 1333 W. 120TH AVE. STE 317
WESTMINSTER, COLORADO 80234

My phone number is: G. OSTERHOUT, MGR. G. OSTERHOUT, MGR.
Work 208-438-8864 Home 208-438-8864

The name and address of the party who I wish to be substituted for are:

MILNER KIMAMA INVESTMENT GROUP DBA CRESTVIEW #2

2709 E. 800 S., HAZELTON, ID 83335

I am the new claimant/purchaser of A36-08008 and
(Insert each water right number)

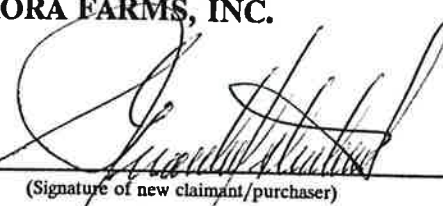
I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

WARRANTY DEED

**MILNER KIMAMA INVESTMENT
GROUP DBA CRESTVIEW #2**

BY: 
(Signature of prior claimant/seller)

AURORA FARMS, INC.

BY: 
(Signature of new claimant/purchaser)

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____
(Identify party/claimant)

My address and phone number are _____

MICROFILMED
OCT 20 1994

VERIFICATION

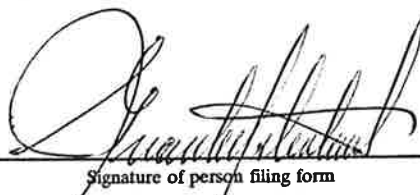
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of TWIN FALLS

GRANT OSTERHOUT, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

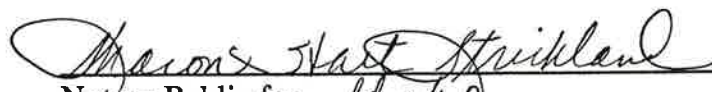
That I am the person or entity filing this form, that I am a water claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.



Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on July 2, 1993
(Insert Date)



Notary Public for Idaho
Residing at: Boonin
My commission expires: 12-17-97



INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on July 8, 1993, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

Milner Kimama Investment Group d/b/a Crestview #2
2709 E. 800 S.
Hazelton, Idaho 83335

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

MICROFILMED
OCT 20 1994

5. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

A handwritten signature in cursive script, reading "Marion Hart Strickland". The signature is written in dark ink and is positioned above a horizontal line.

Signature of person or attorney mailing the form

9:30126

RECORDED - REQUEST

of Land Title & Escrow, Inc.

JAN 7 3 08 PM '93

JEROME COUNTY, IDAHO

FEES 36.00 SEP

COPY

WARRANTY DEED

FOR VALUE RECEIVED, IDAHO CONSOLIDATED DAIRY FARMS, a general partnership, hereinafter called "Grantor," hereby grants, bargains, sells and conveys unto AURORA FARMS, INC., a Colorado Corporation, whose mailing address is 1333 S. 120th Ave., Ste. 317, Westminster, Colorado 80234, hereinafter called "Grantee," the following described premises, in Jerome County, Idaho, to wit:

SEE EXHIBIT "A"

Together with the water rights appurtenant thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "B"

Together with the fixtures attached thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "C"

Together with the mobile homes attached thereto including, but not limited to, the following, to wit:

SEE EXHIBIT "D"

TO HAVE AND TO HOLD the said premises, with their 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 they are free from encumbrances, except as described above, and subject to, any restrictions, easements or rights-of-way of record and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 5 day of January, 1993.

IDAHO CONSOLIDATED DAIRY FARMS,
a California general partnership

By:

Duane L. Kent

Its: Managing General Partner

RECORDED - REQUEST

Land Title & Escrow, Inc.

JAN 5 2 44 PM '93

JEROME COUNTY, IDAHO

FEES 36.00 SEP

This Warranty Deed is being re-recorded to correct the legal description.

WARRANTY DEED
P:\FILEU-44\WARDEED

-1-

MICROFILMED

OCT 20 1994

9:30049

STATE OF IDAHO)
 : ss.
County of Jerome)

On this 5th day of January, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Duane L. Kent, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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
Residing: Jerome, Idaho
My Commission Expires: 7-30-97

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, IDAHO
MY COMMISSION EXPIRES JULY 30, 1997

EXHIBIT "A"

BURLEY FARMS

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$,

EXCEPTING THEREFROM the following described
parcel of land:

Beginning at the Northeast corner of Section
16;

Thence West along the North line of Section
16, a distance of 674 feet;

Thence South parallel with the East line of
Section 16, 327 feet;

Thence East parallel with the North line of
Section 16, 674 feet, more or less, to
the East line;

Thence North along said East line, 327 feet to
THE POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$;

EXCEPTING THEREFROM a tract of land in the
E $\frac{1}{2}$ E $\frac{1}{2}$, Section 17 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16,
Township 9 South, Range 21, East of the Boise
Meridian, Jerome County, Idaho, more
particularly described as follows:

Beginning at the Northeast corner of said
Section 17 also being the Northwest
corner of said Section 16;

Thence South 89°44'20" West, 1,320.16 feet to
the Northwest corner of said E $\frac{1}{2}$ E $\frac{1}{2}$,
Section 17;

Thence South 0°07'52" East, 3,201.08 feet
along the Westerly boundary of said E $\frac{1}{2}$ E $\frac{1}{2}$,
Section 17;

101-05-1005 11:53AM FROM: [REDACTED] TO: [REDACTED]
Thence North 89°43'25" East, 1,318.92 feet to
a point on the Easterly boundary of said
Section 17;
Thence North 0°06'32" West, 3,060.73 feet
along the Easterly boundary of said
Section 17;
Thence North 89°46'14" East, 945.00 feet
parallel with the Northerly boundary of
said Section 16;
Thence North 0°06'32" West, 140.00 feet
parallel with the Westerly boundary of
said Section 16 to the Northerly boundary
of said Section 16;
Thence South 89°46'14" West, 945.00 feet
along the Northerly boundary of said
Section 16 to THE POINT OF BEGINNING.

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:
Beginning at the Northeast corner of Section
16;
Thence West along the North line of Section
16, a distance of 674 feet;
Thence South parallel with the East line of
Section 16, 327 feet;
Thence East parallel with the North line of
Section 16, 674 feet, more or less, to
the East line;
Thence North along said East line, 327 feet to
THE POINT OF BEGINNING.

EXCEPTING THEREFROM the highway.

CRESTVIEW

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 21: S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 28: All of Section 28;
Section 29: $E\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}$;
Section 32: $N\frac{1}{2}NE\frac{1}{4}$;
Section 33: $N\frac{1}{2}NW\frac{1}{4}$; $SE\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}$;

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: $S\frac{1}{2}$;

EXCEPTING THEREFROM the highway.

SCHAFFER FARM

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 17: $SW\frac{1}{4}NW\frac{1}{4}$; $NW\frac{1}{4}SW\frac{1}{4}$;

Section 18: $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}SW\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$;

SCHODDE FARM

Parcel No. 1.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 22: $SE\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}SE\frac{1}{4}$;

Section 27: $E\frac{1}{2}$; $NW\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}$; $NW\frac{1}{4}NW\frac{1}{4}$; $S\frac{1}{2}SW\frac{1}{4}$;

$NE\frac{1}{4}SW\frac{1}{4}$, EXCEPTING THEREFROM the following
described parcel of land:

From a point of Beginning located at 714.75
feet, more or less, North from the
Southwest corner of Section 27, to the

point of intersection of said Section line or County road center line with the North boundary of the Oregon Short Line Railroad North Side Branch right of way; Thence running North along the Section line or center line of said County road, 275.27 feet;
 Thence North 78°46' East and parallel to the said railroad right of way center line, 2691.57 feet, more or less, to the point of intersection with the North-South mid-section line;
 Thence South along said mid-section line 275.27 feet, more or less, to the point of intersection with the North railroad right-of-way boundary;
 Thence South 78°46' West and along said North railroad right-of-way boundary, 2691.57 feet, more or less, to THE POINT OF BEGINNING.

AND EXCEPTING THEREFROM railroad rights of way.

TOGETHER WITH a permanent easement and right of way, including the perpetual right to enter upon the excepted portion of the above described property in the SW $\frac{1}{4}$ of Section 27, Township 9 South, Range 21, East of the Boise Meridian, for the purpose of constructing, maintaining and repairing underground pipelines for irrigation water as set forth in Easement Agreement recorded May 15, 1963 in Book 174 Page 53 as Instrument Number 154714, Jerome County records.

Section 34: N $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$;

Parcel No. 2.:

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
 JEROME COUNTY, IDAHO

Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$;

EXHIBIT "B"

BURLEY FARM

WATER RIGHT NO.

✓ 36-08005 ✓

✓ 36-08011 ✓

✓ A36-02310 ✓

✓ A36-02376 ✓

✓ A36-07351 ✓

PURPOSE

IRRIGATION

STOCKWATER
DOMESTIC

IRRIGATION

IRRIGATION

IRRIGATION

CRESTVIEW I

WATER RIGHT NO.

✓ A36-10907 ✓

✓ A36-02254 ✓

✓ 36-08113 ✓

✓ 36-08014 ✓

✓ A36-02284 ✓

PURPOSE

DOMESTIC

IRRIGATION
DOMESTIC

DOMESTIC

STOCKWATER
COMMERCIAL
DOMESTIC

IRRIGATION

CRESTVIEW II

WATER RIGHT NO.

✓ A36-02430 ✓

✓ A36-08008 ✓

PURPOSE

IRRIGATION

IRRIGATION

SCHAFER FARM**WATER RIGHT NO.**

✓ 36-08016 ✓

✓ 36-08004 ✓

✓ A36-02319 ✓

PURPOSESTOCKWATER
DOMESTIC

IRRIGATION

IRRIGATION

SCHODDE FARM**WATER RIGHT NO.**

✓ A36-02248 ✓

✓ A36-02249 ✓

✓ 36-07688 ✓

✓ A36-14601 ✓

PURPOSE

IRRIGATION

IRRIGATION

IRRIGATION

DOMESTIC

DAIRY HEIFER

✓ 36-8163 ✓

DOMESTIC

Phone _____

DIRECTOR'S REPORT CONVERSATION MEMO 11:45 am and 3:45 pm

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

NATHAN STONE OF
NEUMAN + COBB (LAW FIRM)
1507 Pine St. Boulder, CO
80302

2. SUBJECT OF INQUIRY:

Neuman + Cobb are involved
in a real estate transaction for property in Idaho.
They requested information on the status of the
following claims that are included in this transaction.
He read off the following adjudication claim
identification claim numbers:

A36-08005, A36-08011, A36-02310, A36-02376, A36-07351 /
A36-10907, A36-02254, A36-08113, A36-08014, A36-02284 /
A36-02430, A36-08008, A36-08016, A36-08004, A36-02319 /
A36-02248, A36-02249, A36-07688 and A36-14601.

He asked me to check on these claims and send
them copies.

3. RESPONSE TO INQUIRY:

I told him these claims were all under
the court's jurisdiction at this time, but I could
mail them copies of the claims as they are
recommended by Idaho Department of Water Resources -
which I mailed on 12/31/92 after 4 pm.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

ROBERT V. Worstell 12/31/92

ROBERT V. Worstell R.V.W.

see above - 19

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OCT 20 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

DAVE PATTERSON

900 W 300 N

PAUL ID

(438-8397)

2. SUBJECT OF INQUIRY:

WATER RIGHTS OF PROSPECTIVE FARM

PURCHASE, ARE THEY VALID & ACCURATE?

1ST PLACE:

36-02430

36-08008

36-08402

2ND PLACE:

T08S R21E S83

NW 1/4

SEELY FARM

Is priority of post 1975 in jeopardy with the lawsuit pending by the Canal Companies? He has been told they will try to shut down all wells in use after 1975.

3. RESPONSE TO INQUIRY:

36-02430 & 36-08008 used in combination and limited diversion in Remarks. I read off the amounts & priorities & Remarks to Dave. 36-08402 is a permit, appears to be from same well (?) Priority of 1988. I cannot speculate on the outcome of the Canal Co. lawsuit. At this point all wells & water rights after 1975 with validity in this Decree will be useable.

2ND Query: DOD query turned up Water Rights 36-08003 and 36-02424. Combined use rights from same well. I read off the priorities, amounts, acres and Remarks to Dave.

4. IDWR STAFF AND DATE:

Steve Clelland

11-3-92

Print name and initial

STEVE CLELLAND

WATER RIGHT CLAIM (Nos.):

A36-02430, A36-08008, A36-02424

A36-08003

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OCT 20 1994

R PROOF



CVR



MAPS



PHOTOS



MISC



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5 1993

Water Right Number - R36-08008

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

MILNER KIMAMA INVESTMENT GROUP

1 - DBA CRESTVIEW #2

2 - 2709 E. 800 S.

3 -

City- HAZELTON

Phone - 208-438-5437

State- ID Zip- 83335

*** P - PRESENT OWNER ***

H & S FARMS INC.

1 - 3434-A E. 4000 N.

2 -

3 -

City- KIMBERLY

Phone - 208-733-2499

State- ID Zip- 83341

+ - - Priority Date - - +
12/08/1981+ - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
L - LICENSE

+ - - - Status - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09S 21E 16 NE SE SE (53) JEROME

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

01 - IRRIGATION

03/15

11/15

0.840

+ - Total Div. Rate - + + - Total Div. Volume - +
0.840+ - Total Consumptive Use - + + - KW Usage - +
0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S	21E	16	NE SW	40.0	01	IRRIGATION	(53) JEROME
09S	21E	16	NW SW	40.0	01	IRRIGATION	(53) JEROME
09S	21E	16	SW SW	39.0	01	IRRIGATION	(53) JEROME
09S	21E	16	SE SW	39.0	01	IRRIGATION	(53) JEROME
09S	21E	16	NE SE	39.0	01	IRRIGATION	(53) JEROME
09S	21E	16	NW SE	40.0	01	IRRIGATION	(53) JEROME
09S	21E	16	SW SE	39.0	01	IRRIGATION	(53) JEROME
09S	21E	16	SE SE	38.0	01	IRRIGATION	(53) JEROME

Total Acres: 314.0

+ - - Diversion Means - 20"X 388' WELL, 200 HP TURBINE PUMP.

+ - - Non-Irrigation Use -

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FEB 05 1993

Water right number - R36-08008

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 36-02430

+ - - - - - Remarks - - - - - +
USE OF THIS RIGHT WITH RIGHT NO. 36-02430 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1256 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 942 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 314 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 36-02430 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
09/06/91 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 09/06/1991	Old Judicial District	-
Claim Received Date	- 11/29/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
12/14/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-08008

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			AD	N		2nd review by KKC 8-14-91	AD	
POINT OF DIV	Y			N	6			
SOURCE				N				
PLACE OF USE	Y			N	6			
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
12/14/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-08008

LAST: MILNER KIMAMA INVESTMENT GROUP FIRST:
ADDRESS: DBA CRESTVIEW #2
2709 E. 800 S.
CITY: HAZELTON STATE: ID ZIP: 83335
PHONE NUMBER: 208-438-5437

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: ***** IDWR NOTE *****
A36-02430 WAS FILED BY LESSEE. IT CLAIMED EXPANDED RATE OF
FLOW ABOVE LICENSED AMOUNT. THIS CLAIM IS FILED BY OWNER
BASED ON LATER LICENSE WHICH EXPANDED THE RATE OF FLOW. THIS
FILING IS MAKE TO PROTECT THE RIGHT ENCASE OF THE OTHER CLAIM
BEING REJECTED AS FILED.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 5/28/91

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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FEB 05 1993

A. AJ CLAIM: # A36-08008 PRIORITY DATE: 12-08-1981 STAGE: L

B. WR RECORD: # 36-08008 PRIORITY DATE: 12-08-1981 STAGE: L

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
12-08-1981

REVIEWED BY

DATE

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FEB 05 1993

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FEB 05 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-08008	09S	21E	16	NE	SE	SE		JEROME

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-02430 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-02430
36-08402

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-08008	09S	21E	16		SE	SE		JEROME

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-02430

A36-02430 NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER

REMARKS:

Continued by review of license, etc.
P/D marked on an ASCS photo by the field agent.
KKC
8-11-91

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
_____	_____	_____	OK	As	drilled	_____	_____

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DATE:

AD~ 5/28/91

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FEB 05 1993

A. ROOT WATER RIGHT NUMBERS: A36-08008

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	21E	16	NE	SW		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /40.0	36-08008 /40.0	40.0		40.0
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		40	
						H & S FARMS INC.		36-08402 /40.0			
09S	21E	16	NW	SW		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /40.0	36-08008 /40.0	41.0		
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		40	40
						H & S FARMS INC.		36-08402 /40.0			
09S	21E	16	NW	SE		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /40.0	36-08008 /40.0	39.0		
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		40	40
						H & S FARMS INC.		36-08402 /40.0			
09S	21E	16	SW	SW		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /39.0	36-08008 /39.0	36.0		
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		39	39
						H & S FARMS INC.		36-08402 /40.0			
09S	21E	16	SE	SW		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /39.0	36-08008 /39.0	37.0		
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		39	39
						H & S FARMS INC.		36-08402 /40.0			
09S	21E	16	SW	SE		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /39.0	36-08008 /39.0	39.0		
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		39	39.0
						H & S FARMS INC.		36-08402 /40.0			
09S	21E	16	SE	SE		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /38.0	36-08008 /38.0	40.0		
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		38	38
						H & S FARMS INC.		36-08402 /40.0			
09S	21E	16	NE	SE		MILNER KIMAMA INVESTMENT GROUP	A36-08008 /39.0	36-08008 /39.0	40.0		
						H & S FARMS INC.	A36-02430 /40.0	36-02430 /40.0		39	39
						H & S FARMS INC.		36-08402 /40.0			
TOTAL ACRES							A36-08008	314.00	314.00	312.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

314

MICROFILMED

FEB 05 1993

PRESUMPTION FLAG:

REMARKS:

P/U matches the field examination report
accept P/U as claimed
KKC 8-14-91

MICROFILMED

FEB 05 1993

RECOMMENDATIONS:

TOTAL ACRES: 314

REVIEWED BY: AD~

DATE: 5/28/91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-08008 IRRIGATION	FROM 03-15 TO 11-15	.840 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.840 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-08008 IRRIGATION	FROM 03-15 TO 11-15	.840 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.840 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐) Explain in remarks, below.

REMARKS:

the recommended div rate determined by the field examiner and the 0.84 CFS reflects the additional div rate available for the system.

*System capacity = 3.50 from 36-2430
 .84 from 36-8008
 4.34 TOTAL*

*the system is licensed at capacity
~~the~~ system capacity remark EØ1
will show the 4.34 sys capacity*

*KKC
8-14-91*

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.840 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.840 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-02430

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-08008	GROUNDWATER	MILNER KIMAMA INVESTMENT GROUP	0.840	0.002		
A36-02430	GROUNDWATER	H & S FARMS INC.	4.900	0.015		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 314 x 0.02 CFS/ACRE = 6.28 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 942.0 AF/A

ACRES 314 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 942 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 314 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 1256 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

Overlap with 76-02430.

place in Remark E p 1
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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 0.840	DATABASE EXAMINER 1286	DATABASE EXAMINER 942.0
TOTAL FOR THIS RIGHT		0.840		942.0

REVIEWED BY:

DATE:

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
()
()
()

NEEDS
REVIEW
(X)
()
()

?

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-08008

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.840

EXAMINER

CFS

N/A

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-08008

0.840

-

36-08008

0.840

TOTAL CFS

0.840

0.840

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: 5/28/91

NAME OF FIELD EXAMINER: _____

TITLE: _____

A36-02430

A36-08008

AD-

5/28/91

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FEB 05 1991



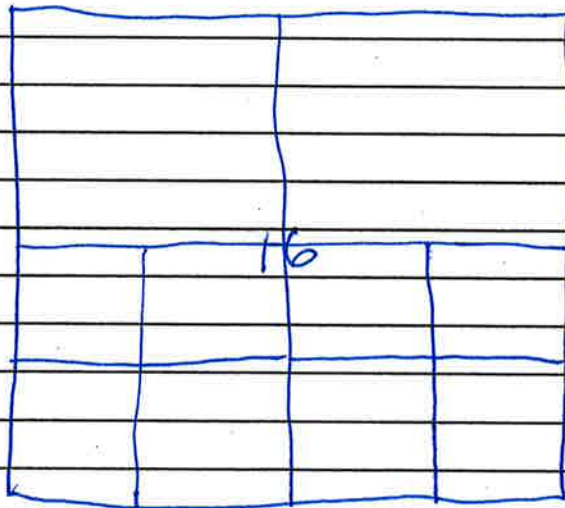
CONVERSATION MEMORANDUM

NAME OF PARTY Jerome Co. Assessor
 EMPLOYEE: ADM

DATE 5/23/91
 FILE AGG-08008
AGG-02430

RE: Due to ownership question I
phoned assessor to find out the ownership of
the S $\frac{1}{2}$ Sec 16 T9S, R21E, D.M.

They indicated that: H&S Farms c/o
Mike Kimenz Investment
Group.
Aurore Capital



All have some
sort of possessory
interest in the land.

5/28/91 Talked with Don Shiff. Don
suggested put "P" record of other
claimant of same land in each
claim so each will get notice of
the recommendation.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No.

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

b) Volume Calculations for Irrigation:

$$V_{in} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.0 = 1256.0 \text{ AFA}$$

$$V_{on} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 408.2 \text{ AFA}$$

$$V = \text{Smaller of } V_{in} \text{ and } V_{on} =$$

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: 01-0014, 36-2430

b) Other water rights with same point of diversion: 36-2430

c) Analysis: 36-2430 - Lic., 3.5 cfs/320 ac. = 0.0109375
same pld & same plu cfs/ac.
see copy below permit.

System as used presently:

$$4.34 \text{ cfs} / 314 \text{ ac.} = 0.0138217 \text{ cfs/ac.}$$

✓ show all land on this license,
allow remainder of capacity

$$✓ 4.34 - 3.5 = 0.84 \text{ cfs allowable}$$

no volume amt. shown on 36-2430

$$\text{whole system} = 4.34 \text{ cfs} \times 1.9835 \times 245 = 2109.1 \text{ AFA}$$

FEB 05 1993

For Annubar Measurements

Pipe size / Annubar Model No.	C ← Based ON Annubar Model No.	% Difference
6"	3.75	+2.60
8"	3.87	+ .10
10"	3.94	-2.34
12"	3.99	-3.64
14" & 16"	4.01	-4.16
18" & 24"	4.02	-4.42
30" & larger	4.03	-4.68

$$\frac{(12^2) \times (\sqrt{11.5}) \times 3.99}{448.8} = 4.34 \text{ cfs}$$

kw
7/27/87

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IDWP SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: Carol Funderburg

Date: 8/2/1984

Owner: Crestview Farms, Inc.

Permit #: 36-8008

Description of well &/or measuring site (give distance to restrictions upstream and downstream): 1/4 mile to Borehole Hand line

Measured inside diameter of pipe in inches

12"

Size of Annubar used in test

12.00

State ID# of Annubar used

091430

Size Eagle Eye Meter used

Wauquette

State ID# of Meter used

Date of Last Calibration of Meter

Observed inches of H2O read on Meter

11.5"

Adjusted inches of H2O from Last Calibration

✓

CALCULATION:

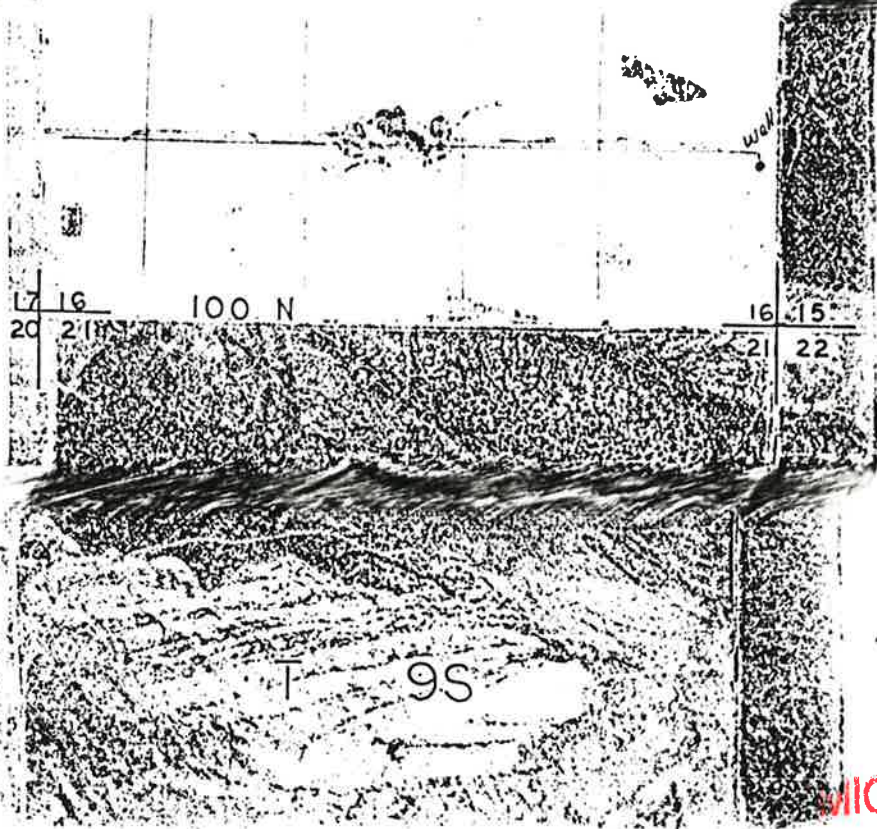
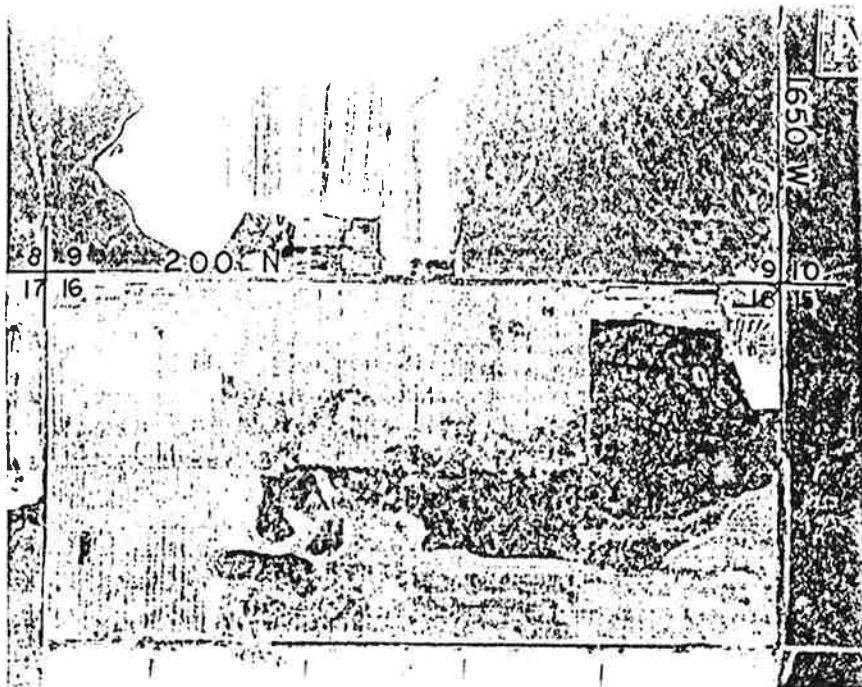
$$\frac{(3.85) \times (A)^2 \times (\sqrt{B})}{448.8} = 4.18 \text{ cfs measured}$$

Where A and B are measured in inches
and 3.85 is a constant for the model
75 Annubar

SKETCH:

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