

Townsend, KariLynn

To: Bill@hollifieldlawoffice.com
Subject: RE: Albers Dairy 1357

Hi Bill . . .

I've had a chance to review your e-mail of May 3, 2006 and here is my response. I think it agrees with your e-mail information - it's just a bit more specific. The easy answer is: Because the warranty deed from Oppedyk to Albers Dairy 1357 ONLY covers land in T4 S, R 6 E, Section 32, SW 1/4, then any land described in water rights 61-11969 thru 61-11972 other than the SW 1/4 will remain in the ownership of Oppedyk.

Water right 61-10075 is completely described by the warranty deed and so it will be changed in its entirety to the ownership of Albers Dairy 1357.

A breakdown of the separation of the affected water rights follows:

WR 61-11969 & 61-11971 - Irrigation - Section 32 - the NW 1/4 stays with Oppedyk
- the SW 1/4 goes to Albers Dairy 1357

WR 61-11970 & 61-11972 - Stockwater - Section 32 - the SW 1/4 goes to Albers Dairy 1357

- Commercial - Section 31 - the SE 1/4 stays with Oppedyk
- Section 32 - the NW 1/4 stays with Oppedyk
- Section 32 - the SW 1/4 goes to Albers Dairy

1357

- Section 6 - The NW 1/4 stays with Oppedyk

IDWR has received \$200.00 in filing fees (reference our receipt # S026721 dated 5-11-04). This ownership change request is for five (5) water rights. Four (4) of these water right will require a split and the fee for splitting a water right is \$100.00 per water right (\$400.00). Water right 61-10075 does NOT require a split so the fee is only \$25.00. The total filing fees required for this ownership change request is \$425.00. Since we have already received \$200.00 there remains a balance due of \$225.00 to IDWR. This will complete the filing fee requirements for ownership changes requiring splits on water rights 61-11969 thru 61-11972.

Please let me know if you concur with the above information or if you have additional concerns regarding this ownership change request.

Thank you, Kari Lynn Townsend
5-11-06

Townsend, KariLynn

From: Bill Hollifield [Bill@hollifieldlawoffice.com]
Sent: Wednesday, May 03, 2006 2:25 PM
To: Townsend, KariLynn
Subject: ALBERS DAIRY 1357

KARILYNN---

THE DEED FROM THE OPPEDYKS TRANSFERS T4S, RANGE 6 EBM SECTION 32 SW TO ALBERS DAIRY 1357, LLC. THIS IS 160 ACRES.

THE WATER RIGHTS INVOLVED IN THIS TRANSFER ARE NUMBERS 61-10075, 61-11969, 61-11970, 61-11971, AND 61-11972.

61-10075 NO SPLIT IS REQUIRED.

61-11969 THE S32-SWSESW MUST BE SPLIT FROM THE OTHER REAL PROPERTY NOT IN SECTION 32 SW. *NW 1/4 stays w/ Oppedyk*

61-11970 STOCKWATER PORTION IS OKAY. IT IS LOCATED IN S 32. *SW 1/4* *split NW 1/4 - 32*
 COMMERCIAL--MUST SPLIT OFF S32-NESW, NWSW, SWSW, SESW *split NW 1/4 - 6*

split 61-11971 MUST SPLIT OFF S32-NESW, SWSW, SESW *act* - *NW 1/4 stays w/ Oppedyk*

61-11972 STOCKWATER IS OKAY--IT IS LOCATED IN S32. *SW 1/4*
 COMMERCIAL--MUST SPLIT OFF S32-NESW, NWSW, SWSW, SESW. *act*

PLEASE REVIEW THE ABOVE AND SEE IF THIS INFORMATION IS WHAT IS NEEDED BY IDWR. I WILL THEN ATTACH IT AS AN EXHIBIT TO THE ORIGINAL APPLICATION FOR CHANGE OF OWNERSHIP.

THANK YOU FOR YOUR PATIENCE

BILL

WR 61-11969 & 11971 - Sec. 32 - NW 1/4 stays w/ Oppedyk
Irrigation *SW 1/4 goes to Albers Dairy*

WR 61-11970 & 11972
Stockwater - S32 - SW 1/4 goes to Albers Dairy
Commercial - S31 - SE 1/4 stays w/ Oppedyk
S32 - NW 1/4 stays w/ Oppedyk
- SW 1/4 goes to Albers Dairy
S6 - NW 1/4 stays w/ Oppedyk

5/3/2006

WARRANTY DEED

FOR VALUE RECEIVED

Edward Oppedyk and Drusilla Oppedyk, as Trustees of the Edward and Drusilla Oppedyk Family Trust, under Declaration of Trust dated February 15, 2002

GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Albers Dairy 1357, LLC,

GRANTEE(s) whose address is: 211 West State Street, Boise, Idaho 83702

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

Township 4 South, Range 6 East, Boise Meridian, Elmore County, Idaho

Section 32: Southwest Quarter

SAVE AND EXCEPT: (Well Lot) A portion of the Southwest Quarter more particularly described as follows:

Commencing at the Southwest corner of Section 32, Township 4 South, Range 6 East; thence East along the South boundary line 1,364 feet more or less to existing main line to the Point of Beginning; thence

North 170 feet; thence

West 70 feet; thence

South 170 feet more or less to a point on the South boundary line; thence

East 70 feet to the Point of Beginning.

Subject to: Taxes, easements and restrictions of record.

TO HAVE AND TO HOLD 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 all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 22, 2003

The Edward and Drusilla Oppedyk Family Trust, under Declaration of Trust dated February 15, 2002

Edward Oppedyk, Trustee
Edward Oppedyk, Trustee

Drusilla Oppedyk, Trustee
Drusilla Oppedyk, Trustee

State of California
County of Merced

On 12-23-03, before me, a notary public in and for said State, personally appeared Edward Oppedyk and Drusilla Oppedyk, known or identified to me to be the Trustees of the Edward and Drusilla Oppedyk Family Trust dated February 15, 2002, and the persons who subscribed their names to the foregoing instrument as Trustees, and acknowledged to me that they executed the same as Trustees.

WITNESS my hand and official seal.

R. C. Deke

