

RECEIVED

FEB 02 2009

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

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

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

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| 27-11243             |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

**OR**

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

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

The Pillsbury Company, Inc.

434 S Emerson St

Shelley, ID 83274

4. New Owner/Claimant(s)

Basic American, Inc.

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

New Mailing Address

600 Montgomery Street, 28th Floor

City, State and ZIP Code

San Francisco, CA 94111

New Telephone Number

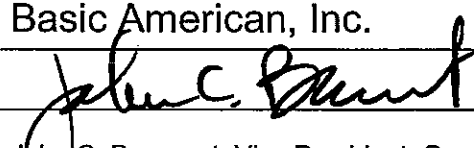
( ) (415) 705-5100 Email: jbarnecut@baf.com

5. Date you acquired the property January 1, 1999

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

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

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

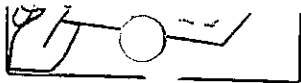
7. Signature(s) of New Owner(s) or Claimant(s) Basic American, Inc.  
  
 (title if applicable)  
 John C. Barnecut, Vice President, General Counsel and Secretary

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

For IDWR Office Use Only:

Received by \_\_\_\_\_ Date 2/4/09  
 Received by LR Date 2/9/09  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_

Receipt Amt. \$25.00  
 Receipt No. 0087984  
 WR \_\_\_\_\_ Date \_\_\_\_\_



FIR  AMERICAN TITLE COMPANY

472876

BINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO

FEE 18.00 SEP 24P

DEED

98 DEC 31 AM 11:52

RECORDED AT THE REQUEST OF  
FOR VALUE RECEIVED, The Pillsbury Company, a corporation duly organized and  
existing under the laws of the State of Delaware, Grantor, does hereby bargain, sell, convey  
and quitclaim unto Grantee, the following described real estate, situated in Bingham County,  
Idaho, to-wit: Basic American, Inc.,

See Attachment A.

together with all tenements, hereditaments and appurtenances belonging thereto including, without  
limitation, all water, water rights, ditch and ditch rights, if any. Grantor covenants and represents that:

1. This Deed conveys after-acquired title; and  
2. Grantor has not made, done, executed or suffered any act or thing whereby the above-described  
property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered  
in any manner, and Grantor will warrant the title to the above-described property against all persons  
claiming the same from or through Grantor as a result of any such act or thing.

Dated: December 31, 1998

THE PILLSBURY COMPANY

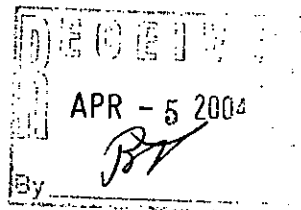
By David E. Schmitt  
Its Vice President

STATE OF MINNESOTA )  
 )ss.  
COUNTY OF HENNEPIN )

On this 29<sup>th</sup> day of December, 1998, before me, a Notary Public in and for  
said State, personally appeared David E. Schmitt of the  
corporation that executed this instrument or the persons who executed the instrument on  
behalf of said corporation, and acknowledged to me that such corporation executed the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day  
and year in this certificate first above written.



Richard G. Erstad  
Notary Public for the State of Minnesota  
Residing at St. Paul



Attachment A

TRACT A:

Lot 7 in Block 28 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof; TOGETHER WITH that portion of Vacated Elm Street between Blocks 28 and 29 of said City of Shelley from the Westerly line of the intersection of Elm Street and South Emerson and running thence Westerly to the Railroad right-of-way line.

TRACT B:

All of Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof, EXCEPT fractional Lot 9; TOGETHER WITH that portion of Vacated Alley lying between Lots 2, 3, 4, 5, 6, 7 and 8 in said Block 29.

TRACT C:

A portion of the SE $\frac{1}{4}$  of Section 32, Township 1 North, Range 37 E. B. M., Bingham County, Idaho, described as: Beginning at a point which is W. 728.5 feet along the East-West centerline from the E $\frac{1}{4}$  of said Section 32, and running thence S. 393.3 feet; thence E. 408.4 feet; thence S. 926.7 feet; thence W. 1299.9 feet; thence N. 551 feet; thence W. 100 feet to the railroad right-of-way; thence N. 30°00'00" E. along said right-of-way to its intersection with the E. line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 32; thence N. to the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 32; thence E. along said North line (East-West centerline) 591.5 feet, to the point of beginning, EXCEPTING THEREFROM Railroad right-of-way; ALSO EXCEPTING a strip 1 rod wide along the East side of the railroad; ALSO EXCEPTING: Beginning at the point of intersection of the centerlines of Park Avenue and Fir Street in the City of Shelley, Bingham County, Idaho, and running thence W. along the centerline of said Fir Street 756.98 feet; thence S. 00°01'40" W. 642.12 feet to the TRUE POINT OF BEGINNING; running thence S. 00°01'40" W. 244.00 feet; thence S. 89°56'57" W. 535.22 feet; thence N. 00°03'03" W. 244 feet; thence N. 89°56'57" E. 535.55 feet to the TRUE POINT OF BEGINNING. ALSO EXCEPTING: Beginning at a point 1714.12 feet N. 89°47'36" E. and 1570.78 feet N. 0°22'06" W. from the S $\frac{1}{4}$  corner of Section 32, Township 1 North, Range 37 E.B.M.; and running thence N. 0°22'06" W. 90.00 feet; thence S. 89°37'54" W. 50.00 feet; thence S. 0°22'06" E. 90.00 feet; thence N. 89°37'54" E. 50.00 feet to the point of beginning.

TRACT D:

The Northerly 9.85 feet of Fir Street, between Emerson Avenue and the Union Pacific Railroad, in Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof.

(Continued)

The land description continues:

TRACT E:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet running thence S. 00°01'40" W. 132.48 feet from the E $\frac{1}{4}$  corner of said Section 32, and 00°01'40" E. 240 feet; thence E. 127 feet; thence S. 00°01'40" W. 132.3 feet; thence S. 89°58'20" E. 57 feet, more or less, to the point of beginning.

TRACT F:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point which is W. 643.5 feet from the E $\frac{1}{4}$  corner of said Section 32, and running thence S. 241 feet; thence E. 323.4 feet; thence S. 152.3 feet; thence W. 408.4 feet; thence N. 393.3 feet; thence E. 85 feet to the point of beginning.

TRACT G:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 504 feet W. of the NE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 32, and running thence S. 240 feet; thence W. 70 feet; thence N. 240 feet; thence E. 70 feet to the point of beginning.

TRACT H:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 574 feet W. of the NE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 32, and running thence S. 240 feet; thence W. 69.5 feet; thence N. 240 feet; thence E. 69.50 feet to the point of beginning.

TRACT I:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet running thence N. 89°58'20" W. 57 feet, thence N. 00°01'40" E. 132.3 feet, thence E. 57 feet, thence S. 00°01'40" W. 132.32 feet to the point of beginning.

(Continued)

The land description continues:

PARCEL J:

A portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, Township 1 South, Range 35 E.B.M., Bingham County, Idaho, described as:  
Beginning at a point that is S. 89°54'15" E. 2640.26 feet along the section line to the S $\frac{1}{4}$  corner of said Section 26 and N. 00°00' E. 1844.24 feet along the North-South center section line and N. 90°00' 25.00 feet to the True Point of Beginning from the SW corner of said Section 26, said True Point of Beginning being 25 feet W. and 795 feet S. of the NE corner of said SW $\frac{1}{4}$  and running thence S. 69°08'00" W. 45.70 feet; thence S. 90°00' W. 317.58 feet; thence S. 30°30' E. 509.12 feet; thence S. 90°00' E. 120.00 feet to the westerly right-of-way of a county road; thence N. 04°25'47" W. 192.73 feet along said westerly right-of-way; thence N. 00°42'14" W. 262.82 feet along said westerly right-of-way to the point of beginning.

PARCEL K:

That portion of the S $\frac{1}{4}$ SW $\frac{1}{4}$  lying easterly of the East Branch of the Snake River Valley Irrigation Canal and westerly of Sand Creek, all in Section 2, Township 1 South, Range 37 E.B.M., Bingham County, Idaho; EXCEPTING THEREFROM the S. 25 feet for road right-of-way. ALSO, Township 1 South, Range 37 E.B.M., Bingham County, Idaho  
Section 2: Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; EXCEPTING THEREFROM: Beginning at a point that is E. 1546.48 feet along the section line, from the NW corner of said Section 2, thence E. 136.31 feet along said Section line; thence S. 0°18'57" W. 356.24 feet; thence S. 88°35'45" W. 97.59 feet; thence N. 12°33'10" W. 164.16 feet; thence N. 0°17'31" W. 197.95 feet to the point of beginning.

(Continued)

The land description continues:

PARCEL L:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 3: ~~N~~~~W~~~~1~~/~~4~~, ~~S~~~~W~~~~1~~/~~4~~, Lots 3 and 4; EXCEPTING from said Lots 3 and 4: Beginning at a point that is E. 1,249.8 feet along the Section line from the NW corner of said Section 3; and running thence E. along the Section line 395 feet to the center line of the Union Pacific Railroad spur track; thence following said center line of spur track southwesterly along a 10° curve to the right 456.3 feet; thence N. 0°42' W. 209.2 feet to the point of beginning, less the strip of land 10 feet wide lying northerly and parallel to said spur track measured at right angles from the center line of said spur track, also less 33 feet across the north side of the above-described property contained in present road right-of-way; ALSO EXCEPTING THEREFROM: Beginning at the NW corner of said Section 3; thence E. along the Section line 1249.80 feet; thence S. 0°42' E. 387.42 feet; thence S. 89°08'23" W. 1054.64 feet; thence N. 0°00'42" W. 46.91 feet; thence S. 89°44' W. 200.10 feet; thence N. 0°00'52" E. 357.24 feet to the point of beginning.

PARCEL M:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 11: ~~N~~~~W~~~~1~~/~~4~~; ~~S~~~~W~~~~1~~/~~4~~; ~~N~~~~W~~~~1~~/~~4~~; and that portion of the ~~SE~~~~1~~/~~4~~ and ~~NE~~~~1~~/~~4~~ lying West of Sand Creek, EXCEPTING THEREFROM: County road right-of-way along the N. 25 feet of the ~~N~~~~W~~~~1~~/~~4~~, and County Road along the West Section line of said Section 11.

(Continued)

The land description continues:

PARCEL N:

Part of the S $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, Township 1 South, Range 36 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°41'10" W. 486.93 feet along the section line to the E. bank of the Great Western Canal from the SE corner of said Section 14; and running thence N. 89°41'10" W. 2157.37 feet along the section line to the S $\frac{1}{4}$  corner of said Section 14; thence N. 00°01'51" W. 1330.74 feet along the North-South center section line to the NW corner of said S $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence S. 89°53'51" E. 2462.18 feet along the N. line of said S $\frac{1}{4}$ SE $\frac{1}{4}$  to the westerly right-of-way of a County road; thence along said Westerly County right-of-way the following three (3) courses (1) S. 13°07'04" W. 539.86 feet; (2) thence S. 01°33'33" W. 87.74 feet; (3) thence S. 16°35'53" E. 43.97 feet to the N. corner of Deed Instrument No. Book 43, Page 435; thence along said deed and easterly bank of said Great Western Canal following three (3) courses (1) S. 27°43'36" W. 106.44 feet; (2) thence S. 13°33'20" W. 506.99 feet; (3) thence S. 13°46'57" W. 98.28 feet to the point of beginning.

172876