

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72670APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Cassia Creek Farms LLC Phone (208) 837-1450Post Office address PO Box 580 Danville, Ca. 94526

A. PURPOSE OF TRANSFER

- 1.
- ☐
- Change point of diversion
- ☐
- Add diversion point(s)
- ☒
- Change place of use

☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes
- To change a portion of This Water Right For a Proposed dairy. Remaining Water To Remain as irrigation Right.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-2472</u>	<u>7/7/1959</u>	<u>2.04 CFS / 812 AEA</u>	<u>stockwater</u>	<u>Jan 1 to Dec. 31</u>
		<u>2.04 CFS / 126 AEA</u>	<u>commercial</u>	<u>Jan 1 to Dec. 31</u>
				to _____
				to _____

2. Total amount of water being transferred
- 2.04
- cubic feet per second and/or
- 638
- acre-feet per annum.

3. Source of water
- ground water
- tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	SE	1	11S	26E	Cassia	Well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	27E	6					S	S	S	S	S	S							
11S	27E	6							C	C									
11S	26E	1	S																

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Total Acres _____

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Department of Water Resources
Southern Region

PART 1

6. General Information:

- a. Description of diversion system System will use existing irrigation pumps to fill storage tank and from there it will be piped to parlor and digester for commercial use and watering troughs for stockwater.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
a portion of this land will be converted to freestall barns and dry lots for dairy cattle. a milk parlor will be built on a portion. an effluent system and digester will be built on a portion. the remainder will continue to be irrigated for crops.
- d. Remarks:
the applicant wishes that any water not being diverted for stockwater or commercial use, remain as irrigation use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

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Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 43-02472 Decreed to Sun Valley Agribusiness
in case of SBA # 39576 vs. _____
dated 5/4/2004 in 5th Judicial district county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ Other Release of Mortgage, Quitclaim Deed3. Source of water ground water tributary to _____4. Date or priority 07/07/1959

5. Water is used for the following purposes:

amount 7 cfs/1440 AFY for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 7 cfs cubic feet per second and/or 1440 AFY acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	SE	1	11S	26E	Cassia	Well

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	1													38			35	73
11S	27E	6					40	40	40		40	44	43	40					287
																			360

Total Acres 3609. Describe any other water rights used for the same purpose as described above 43-2475 V2

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

N/D If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.04 / 512 for Stockwater purposes from Jan 1 to Dec 31
 (cfs/ac-ft)
 amount 2.04 / 126 for Commercial purposes from Jan 1 to Dec 31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	SE	1	11S	26E	Cassia	Well

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	27E	6					5	5	5	5	5	5							
11S	27E	6							C.	C.									
11S	26E	1	5																

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 4.96 / 802 for IRRIGATION purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	SE	1	11S	26E	Cassia	Well

3. Lands irrigated or place of use:

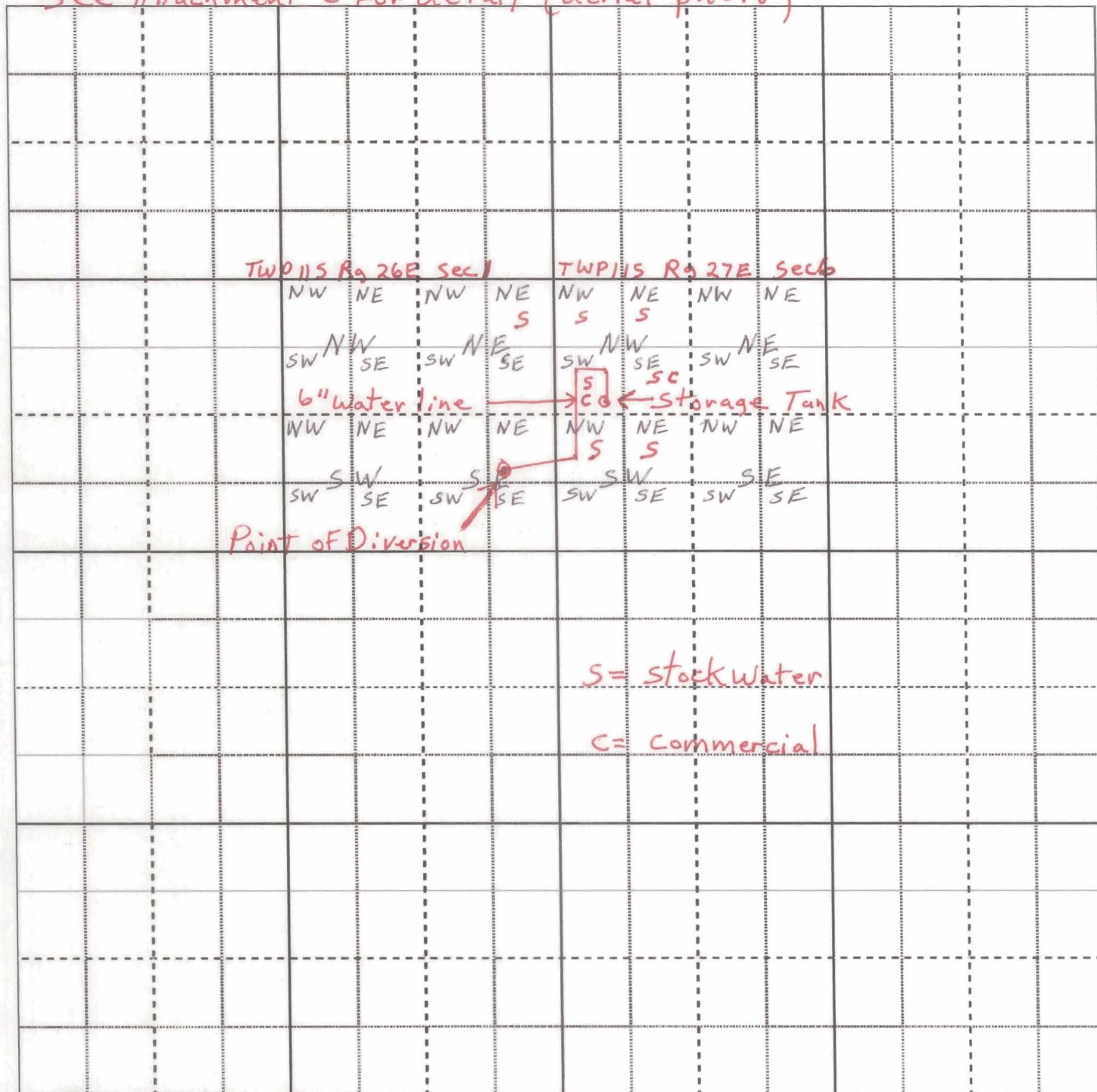
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	1													38			35	73
11S	27E	6					5	10			30	20	10						75

Total Acres 148

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

see Attachment c For detail (aerial photo)



Scale: 2 inches equal 1 mile. Draw plan in ink.

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Transfer No. _____

PART 3

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B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
	stockwater	2.04 / .512	12 / 365	1/1 to 12/31
	Commercial	2.04 / 126	12 / 365	1/1 to 12/31

2. Quantity and quality of return flows and location of discharge: The return flow will be less than 20% of usage and will be land applied at agronomic rates per the state approved NMP.

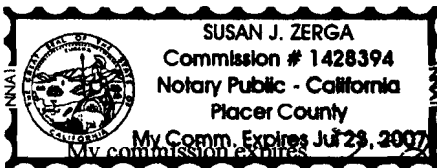
3. Describe effects on other water uses resulting from the proposed change:
There will be no negative impact to water usage because it will be less than or equal to the amount currently being used. There will be benefits from these changes in that there will be additional beneficial uses added for the same amount of water being used.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

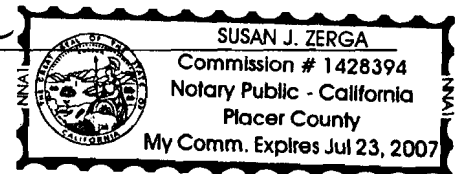
I understand that any willful misrepresentations made in this application may result in voiding its approval.

R. KRETZ MGR. (Signature of Applicant) CASSIA CREEK FARM

Subscribed and sworn to before me this 30 day of December, 2005.



Susan J. Zerga
(Notary Public)



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Attachment A

RECEIVED

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Department of Water Resources
Southern Region

305405

QUITCLAIM DEED

FOR VALUE RECEIVED, WOOD RIVER INVESTMENTS, LLC, a California limited liability company, ("Grantor"), does hereby quitclaim, transfer and convey to CASSIA CREEK FARMS LLC, an Idaho limited liability company, ("Grantee") whose current address is P.O. Box 580, Danville, CA, 94526, all of Grantor's right, title and interest in and to the real property situate in Cassia County, Idaho, subject to all easements, liens, and encumbrances of record, more particularly described on Exhibit A attached and incorporated by this reference.

TO HAVE AND TO HOLD unto the Grantee, its administrators and assigns.

The Grantor merged into the Grantee effective January 18, 2005; and this instrument is made solely for the purpose of conforming and clarifying the Cassia County, Idaho real property records.

DATED effective the 18th day of January, 2005.

WOOD RIVER INVESTMENTS, LLC

By

Robert J. Kretz, Manager

HAWAII
STATE OF CALIFORNIA)

: ss.

County of *Maui*)
~~Contra Costa~~

On this *10th* day of November, 2005, before me, the undersigned, a notary public in and for said county and state, personally appeared Robert J. Kretz personally known to me – OR – proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

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



QUITCLAIM DEED - 1

Kathleen Evans
NOTARY PUBLIC ~~FOR California~~

Residing at: *MAUI, HAWAII*

My commission expires: *7-31-08*

RECORDED
702 W Idaho St
Boise 83702
2005 NOV 29 PM 1 43

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE *18.00*
DEPUTY *Jan*

305405

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: Lots 2, 3, and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPTING Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of said Section 30, which shall be the True Point of Beginning;

Thence North 0°01' West for 208.71 feet along the Section line to a point;

Thence South 89°55' East for 208.71 feet to a point;

Thence South 0°01' East for 208.71 feet to a point on the Section line;

Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 30, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project center line; thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 63.505 meters (208.35 feet), Station 62+31.217, 2.108 meters (6.92 feet) right of said Project centerline and being the True Point of Beginning;

Thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 862.684 meters (2830.32 feet) to the S $\frac{1}{4}$ corner of said Section 30, Station 70+93.909, 3.699 meters (12.14 feet) right of said Project centerline;

Thence North 89°35'47" East along the South boundary of said Section 30 for a distance of 807.070 meters (2647.86 feet) to the Southeast corner of said Section 30, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;

Thence North 00°28'50" West along the East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30 for a distance of 14.946 meters (49.04 feet), Station 79+00.941, 12.192 meters (40.00 feet) left of said Project centerline;

Thence South 89°39'48" West and being parallel with the centerline of said Project for a distance of 807.063 meters (2647.84 feet) to a point on the West boundary of the SE $\frac{1}{4}$ of said Section 30, Station 70+93.910, 12.192 (40.00 feet) left of said Project centerline;

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.910 meters (1817.29 feet), Station 65+40.000, 12.192 (40.00 feet) left of said Project centerline;

Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station 65+40.000, 13.716 (45.00 feet) left of said Project centerline;

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 308.773 meters (1013.03 feet), Station 62+31.227, 13.716 (45.00 feet) left of said Project centerline;

Thence South 00°26'47" East for a distance of 15.824 meters (51.92 feet) to the True Point of Beginning.

PARCEL NO. 2:

**TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 31: NE¼, NE¼NW¼, Lots 1 and 2

LESS, part of Lot 1 and Lot 2 of said Section 31, described as follows:

**Beginning at the Southwest corner of Lot 2 of said Section 31, which shall be the
True Point of Beginning;**

Thence North 0°01' West along section line for 1617.50 feet to a point;

Thence South 89°54' East for 1394.28 feet to a point;

**Thence South 0°01'30" East for 1617.50 feet to a point on the South line of
Lot 2;**

**Thence North 89°54'30" West along said South line for 1395.0 feet to the True
Point of Beginning.**

ALSO EXCEPTING THEREFROM the following described tract:

**Beginning at the Northwest corner of said Section 31, Station 61+67.712, 1.990
meters (6.53 feet) right of said Project centerline;**

**Thence North 89°37'26" East along the North boundary of said Section 31 for a
distance of 926.189 meters (3038.67 feet) to the N¼ corner of said
Section 31, Station 70+93.909, 3.699 meters (12.14 feet) right of said
Project centerline;**

**Thence North 89°35'47" East along the North boundary of said Section 31 for a
distance of 807.070 meters (2647.86 feet) to the Northeast corner of said
Section 31, Station 79+00.978, 2.754 meters (9.04 feet) right of said
Project centerline;**

**Thence South 00°32'10" East along the East boundary of the NE¼ of said
Section for a distance of 9.438 meters (30.97 feet), Station 79+01.011,
12.192 meters (40.00 feet) right of said Project centerline;**

**Thence South 89°39'48" West and being parallel with the centerline of said
Project for a distance of 807.105 meters (2647.98 feet) to a point on the
West boundary of the NE¼ of said Section 31, Station 70+93.876,
12.192 (40.00 feet) right of said Project centerline;**

**Thence South 89°31'05" West and being parallel with the centerline of said
Project for a distance of 553.876 meters (1817.17 feet), Station
65+40.000, 12.192 (40.00 feet) right of said Project centerline;**

**Thence South 00°28'55" East for a distance of 1.524 meters (5.00 feet), Station
65+40.000, 13.716 (45.00 feet) right of said Project centerline;**

**Thence South 89°31'05" West and being parallel with the centerline of said
Project for a distance of 280.000 meters (918.63 feet), Station
62+60.000, 13.716 (45.00 feet) right of said Project centerline;**

**Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station
62+60.000, 12.192 (40.00 feet) right of said Project centerline;**

**Thence South 89°31'05" West and being parallel with the centerline of said
Project for a distance of 92.290 meters (302.79 feet) to a point on the
West boundary of Government Lot 1 of said Section 31, Station**

61+67.714, 12.192 (40.00 feet) right of said Project centerline;
Thence North 00°28'14" West along the West boundary of Government Lot 1 for
a distance of 10.202 meters (33.47 feet) to the Northwest corner of said
Section 31 and being the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: SE¼

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: SE¼NW¼

PARCEL NO. 5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: N¼

EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of said Section 32, Station 79+00.978, 2.754
meters (9.04 feet) right of said Project centerline;
Thence North 89°45'08" East along the North boundary of said Section 32 for a
distance of 808.396 meters (2652.22 feet) to the N¼ corner of said
Section 32, Station 87+09.374, 4.006 meters (13.14 feet) right of said
Project centerline;
Thence North 89°37'03" East along the North boundary of said Section 32 for a
distance of 493.668 meters (1619.64 feet), Station 92+03.095, 0.628
meters (2.06 feet) left of said Project centerline;
Thence South 00°20'12" East for a distance of 13.201 meters (43.31 feet),
Station 92+03.095, 12.573 (41.25 feet) right of said Project centerline;
Thence South 89°39'48" West for a distance of 163.383 meters (536.03 feet),
Station 90+40.000, 16.165 (53.03 feet) right of said Project centerline;
Thence North 00°51'22" East for a distance of 4.620 meters (15.16 feet), Station
90+40.00, 11.545 (37.88 feet) right of said Project centerline;
Thence South 89°39'48" West for a distance of 330.355 meters (1083.84 feet) to
a point on the West boundary of the NE¼ of said Section 32, Station
87+09.400, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°39'48" West and being parallel with the centerline of said
Project for a distance of 808.389 meters (2652.19 feet) to a point on the
West boundary of the NW¼ of said Section 32, Station 79+01.011,
12.192 (40.00 feet) right of said Project centerline;

Thence North 00°32'10" West along the West boundary of NW¼ of said Section 32 for a distance of 9.438 meters (30.97 feet) to the Northwest corner of said Section 32 and being the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: S½

PARCEL NO. 7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: N½N½

PARCEL NO. 8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SW¼

PARCEL NO. 9:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: ALL

PARCEL NO. 10:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: NW¼

LESS, commencing at the Northwest corner of said Section 12, running
Thence South 50 feet;
Thence East on a line parallel with the North boundary line of the said Section 12 and 50 feet South therefrom to the East boundary line of the NW¼ of said Section 12;
Thence North 50 feet to the North boundary line of said Section 12;
Thence West 2640 feet along the North boundary line of said Section 12 to the Point of Beginning.

PARCEL NO. 11:

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 4: ALL

PARCEL NO. 12:

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 5: ALL

PARCEL NO. 13:

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 6: E½

PARCEL NO. 14:

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 6: W½

PARCEL NO. 15:

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 8: ALL

305403

Attachment A

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JAN 05 2006
Department of Water Resources
Southern Region

RELEASE OF MORTGAGE

The undersigned, WOOD RIVER INVESTMENTS, L.L.C., a California limited liability company, hereby releases and discharges, fully and completely, that certain Mortgage (and the lien created thereby) dated November 7, 2000, and recorded November 13, 2000, at Burley, Idaho, as Cassia County Instrument No. 272118, as amended by Modification of Mortgage recorded September 9, 2002 as Cassia County Instrument No. 283794, wherein SUN VALLEY AGRIBUSINESS PARTNERS, L.L.C., is Mortgagor and the undersigned is Mortgagee. The property, which is the subject of said Mortgage, is described on *Exhibit A* attached hereto and incorporated herein by this reference.

The undersigned represents and warrants that it is the legal owner and holder of all indebtedness secured by said Mortgage. The undersigned acknowledges and agrees this Release, once executed and recorded, constitutes an absolute bar to foreclosure of the Mortgage, provided, however the undersigned, by this Release, does not intend to release or in anyway impair its right to pursue collection of the indebtedness secured by the Mortgage.

DATED this 10th day of NOVEMBER, 2005.

WOOD RIVER INVESTMENTS, LLC

By

Robert J. Kretz, It's Managing Member

HAWAII
STATE OF ~~CALIFORNIA~~

)

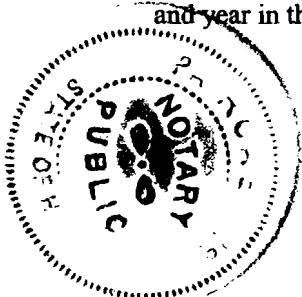
: ss.

MAUI
County of ~~Contra Costa~~

)

On this 10th day of November, 2005, before me, the undersigned, a notary public in and for said county and state, personally appeared Robert J. Kretz personally known to me – OR – proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

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



Patricia Evans
NOTARY PUBLIC ~~FOR California~~

Residing at: MAUI, HAWAII

My commission expires: 7-31-09

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: Lots 2, 3, and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of said Section 30, which shall be the True Point of Beginning;
Thence North 0°01' West for 208.71 feet along the Section line to a point;
Thence South 89°55' East for 208.71 feet to a point;
Thence South 0°01' East for 208.71 feet to a point on the Section line;
Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 30, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project center line; thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 63.505 meters (208.35 feet), Station 62+31.217, 2.108 meters (6.92 feet) right of said Project centerline and being the True Point of Beginning;
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Thence North 89°35'47" East along the South boundary of said Section 30 for a distance of 807.070 meters (2647.86 feet) to the Southeast corner of said Section 30, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;
Thence North 00°28'50" West along the East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30 for a distance of 14.946 meters (49.04 feet), Station 79+00.941, 12.192 meters (40.00 feet) left of said Project centerline;
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Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.910 meters (1817.29 feet), Station 65+40.000, 12.192 (40.00 feet) left of said Project centerline;
Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station 65+40.000, 13.716 (45.00 feet) left of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 308.773 meters (1013.03 feet), Station 62+31.227, 13.716 (45.00 feet) left of said Project centerline;
Thence South 00°26'47" East for a distance of 15.824 meters (51.92 feet) to the True Point of Beginning.

PARCEL NO. 2:

**TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 31: NE¼, NE¼NW¼, Lots 1 and 2

LESS, part of Lot 1 and Lot 2 of said Section 31, described as follows:

**Beginning at the Southwest corner of Lot 2 of said Section 31, which shall be the
True Point of Beginning;
Thence North 0°01' West along section line for 1617.50 feet to a point;
Thence South 89°54' East for 1394.28 feet to a point;
Thence South 0°01'30" East for 1617.50 feet to a point on the South line of
Lot 2;
Thence North 89°54'30" West along said South line for 1395.0 feet to the True
Point of Beginning.**

ALSO EXCEPTING THEREFROM the following described tract:

**Beginning at the Northwest corner of said Section 31, Station 61+67.712, 1.990
meters (6.53 feet) right of said Project centerline;
Thence North 89°37'26" East along the North boundary of said Section 31 for a
distance of 926.189 meters (3038.67 feet) to the N¼ corner of said
Section 31, Station 70+93.909, 3.699 meters (12.14 feet) right of said
Project centerline;
Thence North 89°35'47" East along the North boundary of said Section 31 for a
distance of 807.070 meters (2647.86 feet) to the Northeast corner of said
Section 31, Station 79+00.978, 2.754 meters (9.04 feet) right of said
Project centerline;
Thence South 00°32'10" East along the East boundary of the NE¼ of said
Section for a distance of 9.438 meters (30.97 feet), Station 79+01.011,
12.192 meters (40.00 feet) right of said Project centerline;
Thence South 89°39'48" West and being parallel with the centerline of said
Project for a distance of 807.105 meters (2647.98 feet) to a point on the
West boundary of the NE¼ of said Section 31, Station 70+93.876,
12.192 (40.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said
Project for a distance of 553.876 meters (1817.17 feet), Station
65+40.000, 12.192 (40.00 feet) right of said Project centerline;
Thence South 00°28'55" East for a distance of 1.524 meters (5.00 feet), Station
65+40.000, 13.716 (45.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said
Project for a distance of 280.000 meters (918.63 feet), Station
62+60.000, 13.716 (45.00 feet) right of said Project centerline;
Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station
62+60.000, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said
Project for a distance of 92.290 meters (302.79 feet) to a point on the
West boundary of Government Lot 1 of said Section 31, Station**

61+67.714, 12.192 (40.00 feet) right of said Project centerline;
Thence North 00°28'14" West along the West boundary of Government Lot 1 for
a distance of 10.202 meters (33.47 feet) to the Northwest corner of said
Section 31 and being the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: SE¼

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: SE¼NW¼

PARCEL NO. 5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: N¼

EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of said Section 32, Station 79+00.978, 2.754
meters (9.04 feet) right of said Project centerline;
Thence North 89°45'08" East along the North boundary of said Section 32 for a
distance of 808.396 meters (2652.22 feet) to the N¼ corner of said
Section 32, Station 87+09.374, 4.006 meters (13.14 feet) right of said
Project centerline;
Thence North 89°37'03" East along the North boundary of said Section 32 for a
distance of 493.668 meters (1619.64 feet), Station 92+03.095, 0.628
meters (2.06 feet) left of said Project centerline;
Thence South 00°20'12" East for a distance of 13.201 meters (43.31 feet),
Station 92+03.095, 12.573 (41.25 feet) right of said Project centerline;
Thence South 89°39'48" West for a distance of 163.383 meters (536.03 feet),
Station 90+40.000, 16.165 (53.03 feet) right of said Project centerline;
Thence North 00°51'22" East for a distance of 4.620 meters (15.16 feet), Station
90+40.00, 11.545 (37.88 feet) right of said Project centerline;
Thence South 89°39'48" West for a distance of 330.355 meters (1083.84 feet) to
a point on the West boundary of the NE¼ of said Section 32, Station
87+09.400, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°39'48" West and being parallel with the centerline of said
Project for a distance of 808.389 meters (2652.19 feet) to a point on the
West boundary of the NW¼ of said Section 32, Station 79+01.011,
12.192 (40.00 feet) right of said Project centerline;

Thence North 00°32'10" West along the West boundary of NW¼ of said Section 32 for a distance of 9.438 meters (30.97 feet) to the Northwest corner of said Section 32 and being the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: S½

PARCEL NO. 7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: N½N½

PARCEL NO. 8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SW¼

PARCEL NO. 9:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: ALL

PARCEL NO. 10:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: NW¼

LESS, commencing at the Northwest corner of said Section 12, running
Thence South 50 feet;
Thence East on a line parallel with the North boundary line of the said Section 12 and 50 feet South therefrom to the East boundary line of the NW¼ of said Section 12;
Thence North 50 feet to the North boundary line of said Section 12;
Thence West 2640 feet along the North boundary line of said Section 12 to the Point of Beginning.

RECORDED AT THE REQUEST OF
Part 10 of the 1000
702 W. Idaho St. #700
Boise 83702

4 2005 NOV 29 PM 1 43

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 15.00
DEPUTY *[Signature]*

305403

305404

Attachment A

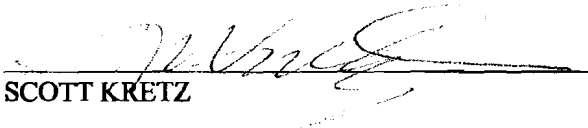
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RECEIVED
JAN 05 2006
Department of Water Resources
Southern Region

RELEASE OF MORTGAGE

The undersigned, SCOTT KRETZ, hereby releases and discharges, fully and completely, that certain Mortgage (and the lien created thereby) dated September 6, 2002, and recorded September 10, 2002, at Burley, Idaho, as Cassia County Instrument No. 283795, wherein SUN VALLEY AGRIBUSINESS PARTNERS, L.L.C., is Mortgagor and the undersigned is Mortgagee. The property, which is the subject of said Mortgage, is described on *Exhibit A* attached hereto and incorporated herein by this reference.

The undersigned represents and warrants that he is the legal owner and holder of all indebtedness secured by said Mortgage. The undersigned acknowledges and agrees this Release, once executed and recorded, constitutes an absolute bar to foreclosure of the Mortgage, provided, however the undersigned, by this Release, does not intend to release or in anyway impair his right to pursue collection of the indebtedness secured by the Mortgage.

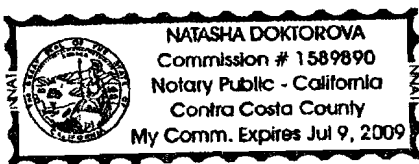
DATED this 10 day of November, 2005.


SCOTT KRETZ

STATE OF CALIFORNIA)
 : ss.
County of Contra Costa)

On this 10th day of November, 2005, before me, the undersigned, a notary public in and for said county and state, personally appeared SCOTT KRETZ personally known to me – OR – proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his individual capacity.

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



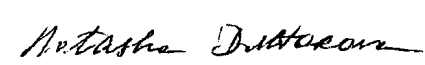

NOTARY PUBLIC FOR California
Residing at: Alamo CA
My commission expires: July 9, 2009

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: Lots 2, 3, and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of said Section 30, which shall be the True Point of Beginning;
Thence North 0°01' West for 208.71 feet along the Section line to a point;
Thence South 89°55' East for 208.71 feet to a point;
Thence South 0°01' East for 208.71 feet to a point on the Section line;
Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 30, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project center line; thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 63.505 meters (208.35 feet), Station 62+31.217, 2.108 meters (6.92 feet) right of said Project centerline and being the True Point of Beginning;
Thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 862.684 meters (2830.32 feet) to the S $\frac{1}{4}$ corner of said Section 30, Station 70+93.909, 3.699 meters (12.14 feet) right of said Project centerline;
Thence North 89°35'47" East along the South boundary of said Section 30 for a distance of 807.070 meters (2647.86 feet) to the Southeast corner of said Section 30, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;
Thence North 00°28'50" West along the East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30 for a distance of 14.946 meters (49.04 feet), Station 79+00.941, 12.192 meters (40.00 feet) left of said Project centerline;
Thence South 89°39'48" West and being parallel with the centerline of said Project for a distance of 807.063 meters (2647.84 feet) to a point on the West boundary of the SE $\frac{1}{4}$ of said Section 30, Station 70+93.910, 12.192 (40.00 feet) left of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.910 meters (1817.29 feet), Station 65+40.000, 12.192 (40.00 feet) left of said Project centerline;
Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station 65+40.000, 13.716 (45.00 feet) left of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 308.773 meters (1013.03 feet), Station 62+31.227, 13.716 (45.00 feet) left of said Project centerline;
Thence South 00°26'47" East for a distance of 15.824 meters (51.92 feet) to the True Point of Beginning.

PARCEL NO. 2:

**TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 31: NE¼, NE¼NW¼, Lots 1 and 2

LESS, part of Lot 1 and Lot 2 of said Section 31, described as follows:

**Beginning at the Southwest corner of Lot 2 of said Section 31, which shall be the True Point of Beginning;
Thence North 0°01' West along section line for 1617.50 feet to a point;
Thence South 89°54' East for 1394.28 feet to a point;
Thence South 0°01'30" East for 1617.50 feet to a point on the South line of Lot 2;
Thence North 89°54'30" West along said South line for 1395.0 feet to the True Point of Beginning.**

ALSO EXCEPTING THEREFROM the following described tract:

**Beginning at the Northwest corner of said Section 31, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project centerline;
Thence North 89°37'26" East along the North boundary of said Section 31 for a distance of 926.189 meters (3038.67 feet) to the N¼ corner of said Section 31, Station 70+93.909, 3.699 meters (12.14 feet) right of said Project centerline;
Thence North 89°35'47" East along the North boundary of said Section 31 for a distance of 807.070 meters (2647.86 feet) to the Northeast corner of said Section 31, Station 79+00.978, 2.754 meters (9.04 feet) right of said Project centerline;
Thence South 00°32'10" East along the East boundary of the NE¼ of said Section for a distance of 9.438 meters (30.97 feet), Station 79+01.011, 12.192 meters (40.00 feet) right of said Project centerline;
Thence South 89°39'48" West and being parallel with the centerline of said Project for a distance of 807.105 meters (2647.98 feet) to a point on the West boundary of the NE¼ of said Section 31, Station 70+93.876, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 553.876 meters (1817.17 feet), Station 65+40.000, 12.192 (40.00 feet) right of said Project centerline;
Thence South 00°28'55" East for a distance of 1.524 meters (5.00 feet), Station 65+40.000, 13.716 (45.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 280.000 meters (918.63 feet), Station 62+60.000, 13.716 (45.00 feet) right of said Project centerline;
Thence North 00°28'55" West for a distance of 1.524 meters (5.00 feet), Station 62+60.000, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 92.290 meters (302.79 feet) to a point on the West boundary of Government Lot 1 of said Section 31, Station**

61+67.714, 12.192 (40.00 feet) right of said Project centerline;
Thence North 00°28'14" West along the West boundary of Government Lot 1 for
a distance of 10.202 meters (33.47 feet) to the Northwest corner of said
Section 31 and being the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: SE¼

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: SE¼NW¼

PARCEL NO. 5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: N¼

EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of said Section 32, Station 79+00.978, 2.754
meters (9.04 feet) right of said Project centerline;
Thence North 89°45'08" East along the North boundary of said Section 32 for a
distance of 808.396 meters (2652.22 feet) to the N¼ corner of said
Section 32, Station 87+09.374, 4.006 meters (13.14 feet) right of said
Project centerline;
Thence North 89°37'03" East along the North boundary of said Section 32 for a
distance of 493.668 meters (1619.64 feet), Station 92+03.095, 0.628
meters (2.06 feet) left of said Project centerline;
Thence South 00°20'12" East for a distance of 13.201 meters (43.31 feet),
Station 92+03.095, 12.573 (41.25 feet) right of said Project centerline;
Thence South 89°39'48" West for a distance of 163.383 meters (536.03 feet),
Station 90+40.000, 16.165 (53.03 feet) right of said Project centerline;
Thence North 00°51'22" East for a distance of 4.620 meters (15.16 feet), Station
90+40.00, 11.545 (37.88 feet) right of said Project centerline;
Thence South 89°39'48" West for a distance of 330.355 meters (1083.84 feet) to
a point on the West boundary of the NE¼ of said Section 32, Station
87+09.400, 12.192 (40.00 feet) right of said Project centerline;
Thence South 89°39'48" West and being parallel with the centerline of said
Project for a distance of 808.389 meters (2652.19 feet) to a point on the
West boundary of the NW¼ of said Section 32, Station 79+01.011,
12.192 (40.00 feet) right of said Project centerline;

Thence North 00°32'10" West along the West boundary of NW¼ of said Section 32 for a distance of 9.438 meters (30.97 feet) to the Northwest corner of said Section 32 and being the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: S½

PARCEL NO. 7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: N½N½

PARCEL NO. 8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SW¼

PARCEL NO. 9:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: ALL

PARCEL NO. 10:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: NW¼

LESS, commencing at the Northwest corner of said Section 12, running
Thence South 50 feet;

Thence East on a line parallel with the North boundary line of the said Section 12 and 50 feet South therefrom to the East boundary line of the NW¼ of said Section 12;

Thence North 50 feet to the North boundary line of said Section 12;

Thence West 2640 feet along the North boundary line of said Section 12 to the Point of Beginning.

PARCEL NO. 11:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 4: ALL

PARCEL NO. 12:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: ALL

PARCEL NO. 13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: E½

PARCEL NO. 14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: W½

PARCEL NO. 15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: ALL

305404

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

RECORDER

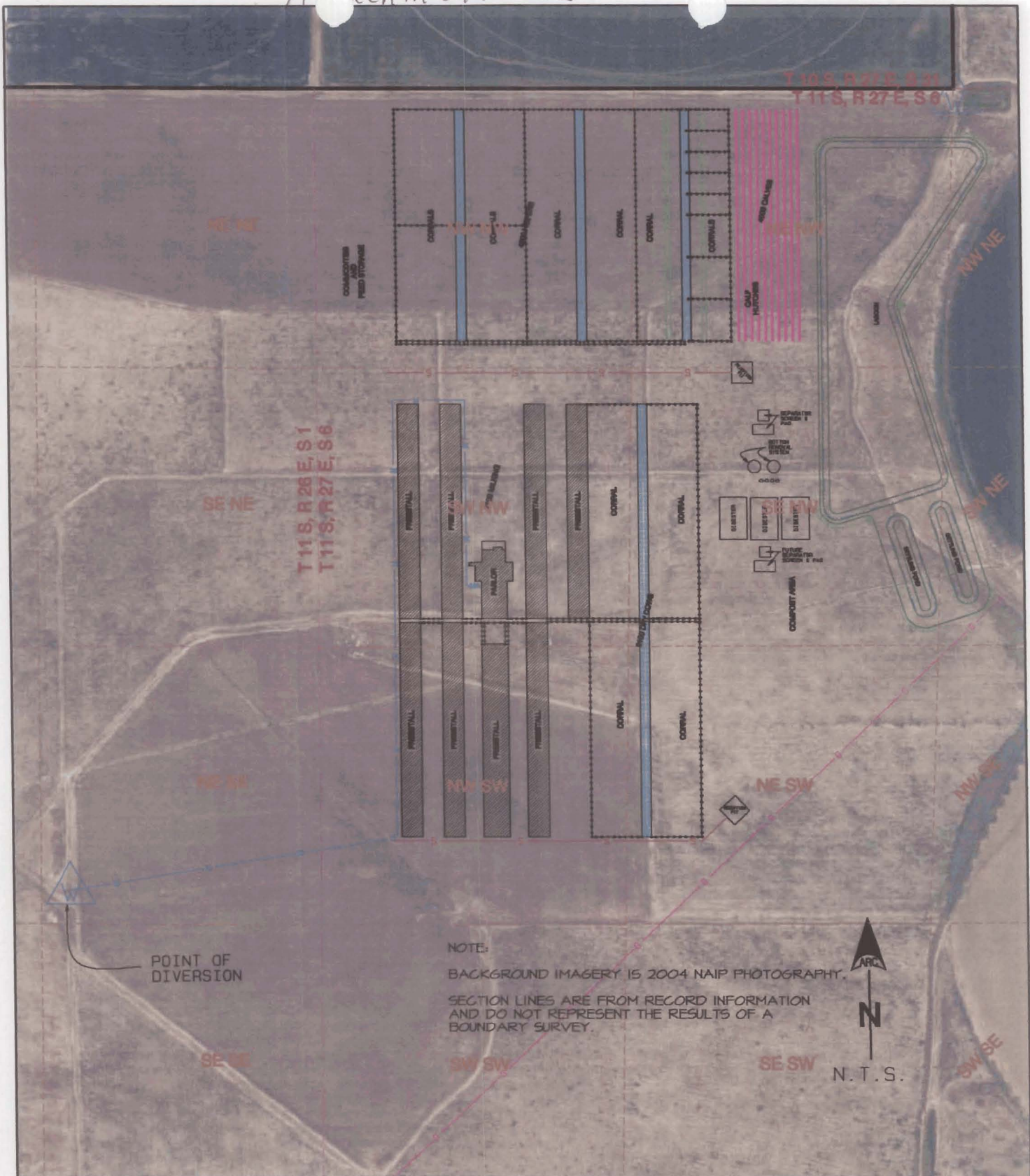
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2005 NOV 29 PM 1 43

RECORDED AT THE REQUEST OF

Beaumont
702 W. Idaho St #700
Boise, ID 83702

Attachment C



CASSIA CREEK FARMS DAIRY CASSIA COUNTY, IDAHO SITE PLAN

C:\Documents and Settings\ARC\Design\Cassia-Farms\Cassia-Crk-Farms_Plan01.pro
12/19/2005, 1:56:56PM

Idaho Dept. of Water Resources
1341 Fillmore St. Suite 200
Twin Falls Idaho 83301

December 28, 2005

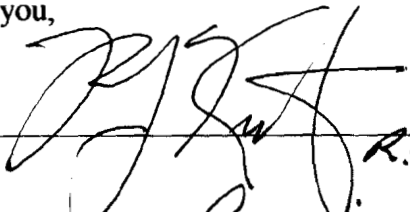
To Whom It May Concern:

Please allow Wayne Downey of ARC Agriculture Resource Consulting LLC to act as my agent regarding the water right transfer application for TWP 11S R 27E sec 6 & TWP 11S R 26E sec 1. Please direct all correspondence to:

ARC Agriculture Resource Consulting LLC
3106 N. Glennfield Way
Meridian Id. 83642

Phone: (208) 250 - 2434

Thank you,



R.J. KRETZ
MANAGER CASSIA CREEK FARMS, LLC

DATE: 12-30-05