

DE ✓

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

RECEIVED

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

MAY 03 2006
**DEPARTMENT OF
WATER RESOURCES**

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
80 29-10503					

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 usually attached to your deed or on file with the county).

OR

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

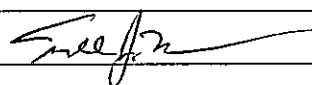
3. Name and Address of Former Owner/Claimant(s) Farmers Grain Cooperative of Idaho, Inc.
4. New Owner/Claimant(s) The Scoular Company
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3515 Grant Ave.; Ogden, UT 84401
- City, State and ZIP Code Omaha, NE 68102
- New Telephone Number () 800-488-3500
5. Date you acquired the property March 1, 2006

RECEIVED
APR 27 2006
Department of Water Resources
Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable) Todd McQueen - Division Vice President

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.

For Office Use Only

Received by _____	Date _____	Fee <u>\$25</u>
Receipted by <u>jc</u>	Date <u>4-28-06</u>	Receipt No. <u>E 031843</u>
Processed by _____	AJ Date _____	WR _____ Date _____

3010520003

WHEN RECORDED MAIL TO:

Jann Eichlersmith, Esq.
The Scoular Company
250 Marquette Avenue, Ste. 1050
Minneapolis, MN 55401

SEND TAX NOTICES TO:

The Scoular Company
Flourmill Markets Division Controller
10801 Mastin Boulevard
Building 84 Suite 800
Overland Park, KS 66210

INSTRUMENT #	188834
TIME	2:48 p.m.
REQ. OF	Alliance
MAR 1 2006	
POWER COUNTY AM. FALLS CHRISTINE STEINLICK BY <i>Christine Steinlick</i> DEPUTY	

PD. 12.00

WARRANTY DEED

FARMERS GRAIN COOPERATIVE OF IDAHO, INC., a corporation organized and existing under the laws of the State of Idaho, as successor by merger to Farmers Grain Cooperative, a Utah corporation, and to Power County Grain Growers, Inc., an Idaho corporation, with its principal office at 15145 North 4800 West, Garland, Utah 84312 ("Grantor"), hereby CONVEYS or GRANTS and WARRANTS TO THE SCOULAR COMPANY, a Nebraska corporation, grantee, whose current mailing address is 2027 Dodge Street, Omaha, Nebraska 68102 ("Grantee"), the following described premises located in the County of Power, State of Idaho, to-wit:

American Falls, Idaho:

PARCEL 1:

LOTS 1 THROUGH 8, BLOCK 17, LOTS 4 THROUGH 8, BLOCK 27, RECLAMATION ADDITION TO THE CITY OF AMERICAN FALLS, POWER COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED DECEMBER 3, 1923, IN THE OFFICE OF THE COUNTY RECORDER OF POWER COUNTY, IDAHO, AND THAT PORTION OF WHITMAN AVENUE VACATED BY ORDINANCE NO. 406 RECORDED MAY 9, 1990, AS INSTRUMENT NO. 153018.

PARCEL 3:

LOTS 9, 10, 11, 12, 13, 14, 15, AND 16, BLOCK 27, RECLAMATION ADDITION TO THE CITY OF AMERICAN FALLS, POWER COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED DECEMBER 3, 1923, IN THE OFFICE OF THE COUNTY RECORDER OF POWER COUNTY, IDAHO, AND THAT PORTION OF THE OREGON TRAIL VACATED BY ORDINANCE NO. 433 RECORDED AUGUST 2, 1989, AS INSTRUMENT NO. 150961.

PARCEL 4:

LOTS 29 AND 30, EXCEPT THE EASTERLY 22 FEET OF LOT 30, BLOCK 28, RECLAMATION ADDITION TO THE CITY OF AMERICAN FALLS, POWER COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED DECEMBER 3, 1923, IN THE OFFICE OF THE COUNTY RECORDER OF POWER COUNTY, IDAHO.

ALSO DESCRIBED BY SURVEY AS:

LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, BLOCK 17, LOTS 4, 5, 6, 7, AND 8, BLOCK 27, LOTS 9, 10, 11, 12, 13, 14, 15, AND 16, BLOCK 27, LOTS 29 AND 30 LESS THE EASTERLY 22 FEET OF LOT 30, BLOCK 28, RECLAMATION ADDITION TO THE CITY OF AMERICAN FALLS, IDAHO, AND THE VACATED PORTION OF WHITMAN AVENUE AND OREGON TRAIL ADJOINING THE SAID LOTS.

Michaud, Idaho:

PARCEL 2:

BEGINNING AT A POINT APPROXIMATELY 290 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, BEING THE SOUTH BOUNDARY OF THE U.P.R.R. RIGHT-OF-WAY INTERSECTING SECTION LINE BETWEEN SECTIONS 20 AND 21 IN TOWNSHIP 6 SOUTH, RANGE 33 E.B.M.; THENCE SOUTH ALONG SECTION LINE BETWEEN SAID SECTIONS 20 AND 21 FOR A DISTANCE OF 10^{65'} RODS; THENCE IN A SOUTHWESTERLY DIRECTION PARALLEL WITH THE U.P.R.R. RIGHT-OF-WAY FOR A DISTANCE OF 32^{52'} RODS; THENCE NORTH 10 RODS TO THE SOUTH BOUNDARY LINE OF THE U.P.R.R. RIGHT-OF-WAY; THENCE IN A NORTHEASTERLY DIRECTION FOLLOWING THE SOUTHERLY BOUNDARY OF THE U.P.R.R. RIGHT-OF-WAY FOR A DISTANCE OF 32 RODS TO THE POINT OF BEGINNING. ^{52'}

BEGINNING AT A POINT APPROXIMATELY 290 FEET DUE SOUTH FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, ON THE LINE DIVIDING SECTIONS 20 AND 21, TOWNSHIP AND RANGE AFORESAID, THE SAME BEING AT A POINT WHERE THE SOUTHERLY BOUNDARY OF THE O.S.L.R.R. RIGHT-OF-WAY INTERSECTS THE SAID SECTION LINE DIVIDING SAID SECTIONS 20 AND 21, TOWNSHIP AND RANGE AFORESAID; RUNNING THENCE SOUTH ALONG THE SAID SECTION LINE DIVIDING SAID SECTIONS 20 AND 21, TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., A DISTANCE OF 200 FEET; THENCE EASTERLY AND NORTHERLY ON A PARALLEL WITH THE SOUTH BOUNDARY LINE OF THE O.S.L.R.R. RIGHT-OF-WAY 435.6 FEET. THENCE NORTHERLY AND WESTERLY A DISTANCE OF 200 FEET PARALLEL TO THE SECTION LINE DIVIDING SECTIONS 20 AND 21, TOWNSHIP AND RANGE AFORESAID, TO A POINT WHERE SAID LINE INTERSECTS THE SOUTH BOUNDARY LINE OF THE O.S.L.R.R. RIGHT-OF-WAY,

THENCE WESTERLY AND SOUTHERLY ALONG THE SOUTH BOUNDARY LINE TO THE POINT OF BEGINNING.

ALSO DESCRIBED BY SURVEY AS:

PART OF THE NORTHEAST QUARTER OF SECTION 20 AND PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 SOUTH, RANGE 33 EAST, OF THE BOISE MERIDIAN. BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING S 00°08'46" E 291.54 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SAID SECTION 20; THENCE AS FOLLOWS N 72°18'48" E 434.92 FEET ALONG SAID RIGHT OF WAY; THENCE S 00°08'46" E 200.00 FEET; THENCE S 72°18'48" W 434.92 FEET TO THE SECTION LINE; THENCE ALONG THE SECTION LINE N 00°08'46" W 35.00 FEET; THENCE S 72°18'48" W 527.63 FEET; THENCE N 00°08'46" W 165.00 FEET TO THE SAID RIGHT OF WAY; THENCE N 72°18'48" E 527.63 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including, without limitation, all water rights, including, without limitation, Water Right No. 29-10503, unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor shall warrant and defend the same from all lawful claims whatsoever.

The officer who signs this deed hereby certifies that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the shareholders and board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 28th day of February, 2006, A.D.

**FARMERS GRAIN COOPERATIVE
OF IDAHO, INC.,** an Idaho corporation, as
successor by merger to Farmers Grain Cooperative,
a Utah corporation, and to Power County Grain
Growers, Inc., an Idaho corporation

By: Brent Shaffer
(Name) Brent Shaffer
Its: President

STATE OF Utah
COUNTY OF Dalh Lake ^{ss.}

On this 28th day of February, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Brent Shatter, known to me, or identified to me on the basis of satisfactory evidence, to be the President of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and acknowledged to me that such corporation executed the same.

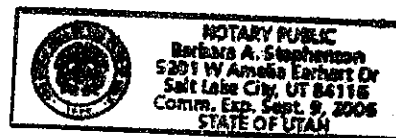
WITNESS MY HAND AND OFFICIAL SEAL. (SEAL)

Barbara A. Stephenson

Notary Public

Residing at: 381 E. Broadway, SLC, UT

Commission Expires: 9/9/06



AS SURVEYED DESCRIPTION OF PARCEL:

PART OF THE NORTHEAST QUARTER OF SECTION 20 AND PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 SOUTH, RANGE 33 EAST, OF THE BOISE MERIDIAN, BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING S 00°08'46" E 291.54 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SAID SECTION 20; THENCE AS FOLLOWS N 72°18'48" E 434.92 FEET ALONG SAID RIGHT OF WAY; THENCE S 00°08'46" E 200.00 FEET; THENCE S 72°18'48" W 434.92 FEET TO THE SECTION LINE; THENCE ALONG THE SECTION LINE N 00°08'46" W 35.00 FEET; THENCE S 72°18'48" W 527.63 FEET; THENCE N 00°08'46" W 165.00 FEET TO THE SAID RIGHT OF WAY; THENCE N 72°18'48" E 527.63 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING. CONTAINS: 165,950 SQ. FT. 3.8097 ACRES.

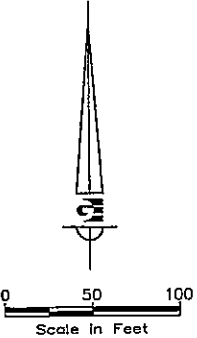
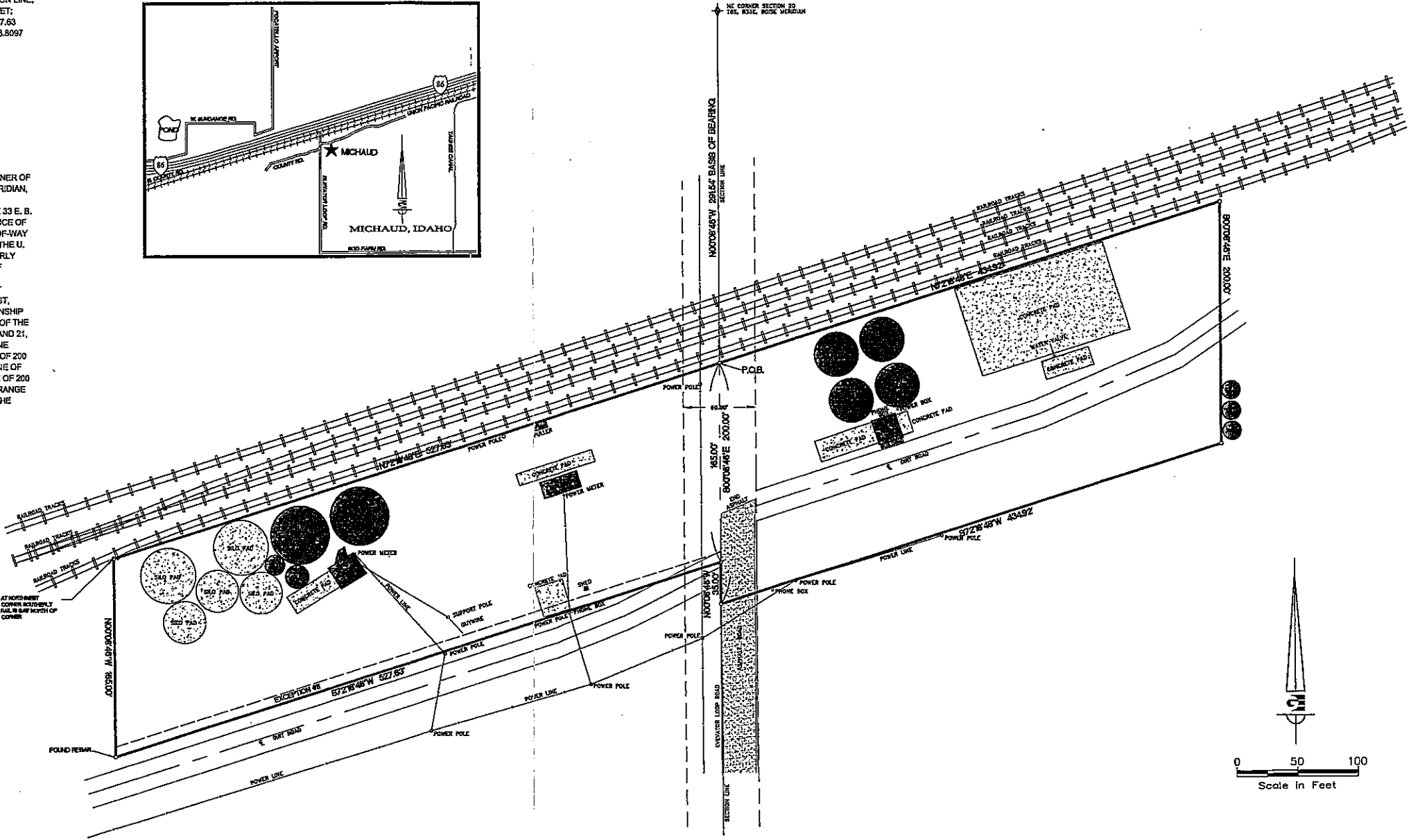
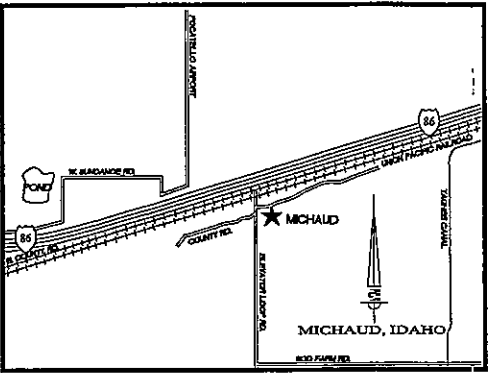
DESCRIPTIONS PROVIDED BY TITLE COMPANY:

PARCEL 2:

BEGINNING AT A POINT APPROXIMATELY 250 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 6 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, BEING THE SOUTH BOUNDARY OF THE U. P. R. R. RIGHT-OF-WAY INTERSECTING SECTION LINE BETWEEN SECTIONS 20 AND 21 IN TOWNSHIP 6 SOUTH, RANGE 33 E. B. M.; THENCE SOUTH ALONG SECTION LINE BETWEEN SAID SECTIONS 20 AND 21 FOR A DISTANCE OF 10 RODS; THENCE IN A SOUTHWESTERLY DIRECTION PARALLEL WITH THE U. P. R. R. RIGHT-OF-WAY FOR A DISTANCE OF 32 RODS; THENCE NORTH 10 RODS TO THE SOUTH BOUNDARY LINE OF THE U. P. R. R. RIGHT-OF-WAY; THENCE IN A NORTHEASTERLY DIRECTION FOLLOWING THE SOUTHERLY BOUNDARY OF THE U. P. R. R. RIGHT-OF-WAY FOR A DISTANCE OF 32 RODS TO THE POINT OF BEGINNING.

BEGINNING AT A POINT APPROXIMATELY 250 FEET DUE SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, ON THE LINE DIVIDING SECTIONS 20 AND 21, TOWNSHIP AND RANGE AFORESAID, THE SAME BEING AT A POINT WHERE THE SOUTHERLY BOUNDARY OF THE U. P. R. R. RIGHT-OF-WAY INTERSECTS THE SAID SECTION LINE DIVIDING SAID SECTIONS 20 AND 21, TOWNSHIP AND RANGE AFORESAID; RUNNING THENCE SOUTH ALONG THE SAID SECTION LINE DIVIDING SAID SECTIONS 20 AND 21, TOWNSHIP 6 SOUTH, RANGE 33 E. B. M., FOR A DISTANCE OF 200 FEET; THENCE EASTERLY AND NORTHERLY ON A PARALLEL WITH THE SOUTH BOUNDARY LINE OF THE U. P. R. R. RIGHT-OF-WAY 435.8 FEET; THENCE NORTHERLY AND WESTERLY A DISTANCE OF 200 FEET PARALLEL TO THE SECTION LINE DIVIDING SAID SECTIONS 20 AND 21, TOWNSHIP AND RANGE AFORESAID, THENCE WESTERLY AND SOUTHERLY ALONG THE SOUTH BOUNDARY LINE TO THE POINT OF BEGINNING.

VICINITY MAP



CERTIFICATION:

To SCOUTER COMPANY; and ALLIANCE TITLE AND ESCROW CORP.: This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes items of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

I, KEN GARDNER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 10468, AS PRESCRIBED BY THE LAWS OF THE STATE OF IDAHO, AND I HAVE MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THE ABOVE PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE PROPERTY SURVEYED.



DATE:

SIGNED:

NARRATIVE:

THIS SURVEY WAS REQUESTED BY GORDON JAMES. LEGAL DESCRIPTIONS WERE PROVIDED BY FARMERS GRAIN IN A COMMITMENT FOR TITLE INSURANCE ISSUED BY ALLIANCE TITLE AND ESCROW CORP. ORDER NO. 301-05-20003. THE BOUNDARY WAS DETERMINED USING SAID RECLAMATION ADDITION PLAT AND STREET MONUMENTS IN THOSE STREETS.

IN SAID TITLE REPORT IS A SCHEDULE B, ITEMS OF SCHEDULE B ADDRESSED IN THIS SURVEY ARE AS FOLLOWS.

#10 - BOOK 104 PAGE 440, A BLANKET UTILITY EASEMENT TO IDAHO POWER COMPANY.
#11 - BOOK 28 PAGE 266, A BLANKET UTILITY EASEMENT TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF WYOMING.

#12 - INSTRUMENT NO. 152233, IN DRAWER 8, AN 8 FOOT WIDE EASEMENT TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY SHOWN ON PLAT.

THE SITE MAY BE IMPROVED WITH WATER, SEWER, NATURAL GAS, PHONE, AND ELECTRICAL SERVICE LINES AND HOOKUPS TO SEVERAL BUILDINGS. THESE UNDERGROUND UTILITIES ARE NOT SHOWN ON THIS SURVEY, UNLESS NOTED OTHERWISE. THERE ARE NO DEFINED DRIVEWAYS OR PARKING AREAS MOST OF THE SITE IS BEING USED TO DRIVE ON AND OR PARK. THERE IS NO CURB ON SITE OR ALONG ADJOINING ROADS. THE COUNTY HAS CLOSED ELEVATOR LOOP ROAD WHERE THE ASPHALT ENDS, ALTHOUGH THEY HAVE NOT VACATED THE 80.00 RIGHT-OF-WAY. THE THREE SILOS NEAR THE SOUTHEAST CORNER ARE OUTSIDE THE PROPERTY AND ARE CURRENTLY NOT BEING USED.

FLOOD ZONE DESIGNATION:

BASED ON THE "FEMA" FLOOD MAP 160219 THIS PARCEL IS AN UNMAPPED AREA.

SETBACK AND HEIGHT RESTRICTIONS:

REQUIRES COUNTY APPROVAL.

LEGEND:

- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- EXISTING FENCE
- CORNERS NOT SET UNLESS NOTED

Point of Diversion: T06S R33E S20
NENENE Within Power County

REVISIONS	DATE	DESCRIPTION
SCALE: 1" = 50'	DATE: NOV. 2004	DESIGN: DDS
		DRAWN: JP
		CHECKED:

FARMERS GRAIN COOPERATIVE	ALTA SURVEY	MICHAUD, IDAHO
---------------------------	-------------	----------------

5875 S. Adams Ave.
Parkway, Suite 200
Ogden, Utah 84405
(801) 478-0202

Gardner Engineering