

RECEIVED

Form 42-1761
01/03

APR 21 2005

WATER RESOURCES
WESTERN REGION

Water Supply Bank No. _____

Water Right No. 63-15634

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 26 2005

DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor LNB Farms of Idaho, LLC Phone (208) 455-2668

Post office address 3007 CanAda Road, Melba, ID 83641

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-3188/3189 (as Claim 63-15634) issued by the Idaho Department of
Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2)

- a. Amount of water under right: _____ cubic feet per second &/or _____
acre-feet per annum
- b. Point of diversion: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____, B.M. in _____ County
Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1W	18					3		5	8									16
1N	2W	12									19	30	25	25			17		116
		13		23	24	2	30	25	10	20									134

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank

Total number of acres 266

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Lessor owns land

- b Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture (This information is not required if a partial decree has been issued on the right within the last 5 years).

Water right was fully utilized in 2000 irrigation season and partially utilized in 2004
irrigation. See attached Figures 1 and 2

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right

NA

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe

None

e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4

REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from 5/1/04 to Indefinite
(Day, month year) (Day, month year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

4-15-05
Date

Wayne R. Bengtson
Signature

FOR DEPARTMENT USE ONLY

Received by DB Date 4-21-05 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____



200502411
RECORDED
JUL 14 PM 4:09
CANYON COUNTY RECORDER
JUL 14 2005
Deed 920

Order No.: C045486A

WARRANTY DEED

COPY

FOR VALUE RECEIVED, CHARLOTTE L DAY, an unmarried woman
The Grantor, does hereby grant, bargain sell and convey unto L AND B FARMS OF
IDAHO LLC, an Idaho limited liability company whose current address is 3007 Can-Ada
Road, Melba, Idaho 83641, the Grantees, the following described premises, in Canyon
County, Idaho, TO WIT:

Parcel 1

The South half of Section 12, Township 1 North, Range 2 West, Boise Meridian, in
Canyon County, Idaho.

Excepting Therefrom:

The Northerly 25 feet thereof as conveyed to the Nampa Highway District, by Warranty
Deed Recorded July 13, 1966, Instrument No. 583951.

Parcel 2

A non-exclusive easement for private road and pipeline. Over, under, along and across
that portion of the Northeast Quarter of Section 12, Township 1 North, Range 2 West,
Boise Meridian, in Canyon County, Idaho. As granted in Grant of Roadway Easement
Recorded June 21, 1974 as Instrument No. 731844

Parcel 3

The North half of Section 13, Township 1 North, Range 2 West, Boise Meridian, in
Canyon County, Idaho.

Excepting Therefrom:

That portion more particularly described as follows:

A portion of the Northwest Quarter of Section 13, Township 1 North, Range 2 West,
Boise Meridian, Canyon County, Idaho, as shown on the Record of Survey filed as

Instrument No. 9801167, in the Offices of the Canyon County Recorder, more particularly described as follows:

COMMENCING at a brass cap marking the West Quarter corner of said Section 13, thence along the South boundary of said Northwest Quarter of Section 13 South 89°27'47" East 40.00 feet to an iron pin on the East right-of-way line of Southside Boulevard, said iron pin being the POINT OF BEGINNING; thence along said East right-of-way line North 00°37'51" East 570.05 feet to an iron pin; thence leaving said East right-of-way line and along a curve to the right having a radius of 30.00 feet, a central angle of 89°54'22", a length of 47.07 feet and a long chord that bears North 45°35'02" East 42.39 feet to an iron pin; thence South 89°27'47" East 280.55 feet to an iron pin; thence along a curve to the right having a radius of 220.00 feet, a central angle of 5°05'06", a length of 19.52 feet and a long chord that bears South 86°55'14" East 19.52 feet to an iron pin; thence South 00°37'51" West 599.13 feet to an iron pin; thence North 89°27'47" West 330.00 feet along the South line of said Northwest Quarter to the POINT OF BEGINNING.

And further excepting therefrom that portion more particularly described as follows:

A portion of the Northwest Quarter of Section 13, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, as shown on the Record of Survey filed as Instrument No. 9801167, in the Offices of the Canyon County Recorder, more particularly described as follows:

COMMENCING at a brass cap marking the West Quarter corner of said Section 13, thence along the South boundary of said Northwest Quarter of Section 13 South 89°27'47" East 40.00 feet to an iron pin on the East right-of-way line of Southside Boulevard; thence along said East right-of-way line North 00°37'51" East 690.05 feet to an iron pin being the POINT OF BEGINNING; thence continuing North 0°37'51" East 569.95 feet to an iron pin; thence leaving said East right-of-way South 89°27'47" East 330.00 feet to an iron pin; thence South 0°37'51" West 600.69 feet to an iron pin; thence along a curve to the left having a radius of 280.00 feet; a central angle of 4°00'48", a length of 19.61 feet and a long chord that bears North 87°27'23" West 19.61 feet to an iron pin; thence North 89°27'47" West 280.35 feet to an iron pin; thence along a curve to the right having a radius of 30.00 feet, a central angle of 90°05'38", a length of 47.17 feet and a long chord that bears North 44°24'58" West 42.46 feet to the POINT OF BEGINNING.

Parcel 4

The Northeast Quarter of the Southwest Quarter and the North half of the Southeast Quarter of Section 13, Township 1 North, Range 2 West of the Boise Meridian in Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantees; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable. and that Grantor will warrant and defend the same from all lawful claims whatsoever

Dated:

Charlotte L. Day
CHARLOTTE L. DAY

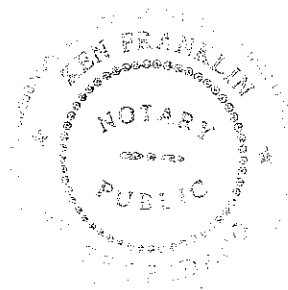
State of Idaho)
) ss:
County of Ada)

On this 14th day of January, 2005, before me, the undersigned a Notary Public in and for said state personally appeared Charlotte L. Day, 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 she executed the same.

IN WITNESS WHEREOF I have set my hand and official seal on the date shown above

Ken Franklin
Notary Public

Commission Expires: 10/5/10



TITLEONE CORPORATION

Authorized agent for:

FIDELITY NATIONAL TITLE INSURANCE COMPANY

SCHEDULE C

(Continued)

County, Idaho, as shown on the Record of Survey filed as Instrument No. 9801167, in the Offices of the Canyon County Recorder, more particularly described as follows:

COMMENCING at a brass cap marking the West Quarter corner of said Section 13, thence along the South boundary of said Northwest Quarter of Section 13

South 89°27'47" East 40.00 feet to an iron pin on the East right-of-way line of Southside Boulevard; thence along said East right-of-way line

North 00°37'51" East 690.05 feet to an iron pin being the POINT OF BEGINNING; thence continuing

North 0°37'51" East 569.95 feet to an iron pin; thence leaving said East right-of-way

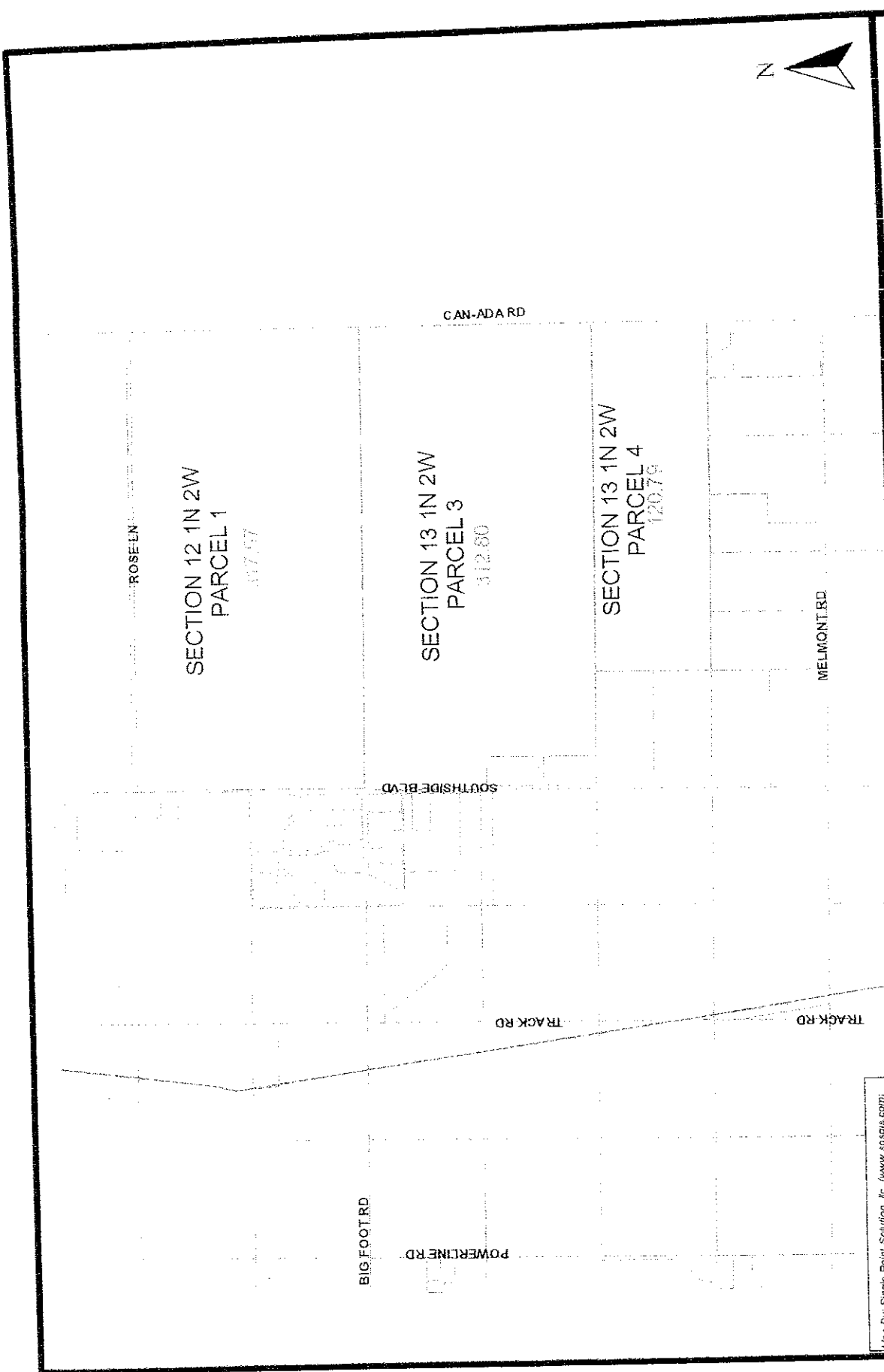
South 89°27'47" East 330.00 feet to an iron pin; thence

South 0°37'51" West 600.69 feet to an iron pin; thence along a curve to the left having a radius of 280.00 feet; a central angle of 4°00'48", a length of 19.61 feet and a long chord that bears North 87°27'23" West 19.61 feet to an iron pin; thence

North 89°27'47" West 280.35 feet to an iron pin; thence along a curve to the right having a radius of 30.00 feet, a central angle of 90°05'38", a length of 47.17 feet and a long chord that bears North 44°24'58" West 42.46 feet to the POINT OF BEGINNING.

Parcel 4

The Northeast Quarter of the Southwest Quarter and the North half of the Southeast Quarter of Section 13, Township 1 North, Range 2 West of the Boise Meridian in Canyon County, Idaho



Map By: Single Point Solution, Inc. (www.spsgis.com)



1101 West River St., Suite 201 Boise, Idaho 83702

This Map and data displayed is a graphic representation derived from the Carvon Counties Geographic Information System (GIS) data. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Carvon County and Regional Geographic Services, Inc. Are not liable for errors or omissions resulting from the use of this product for any purposes.

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Map Created: April-29-2004



ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/14/05 04:48 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Title One

AMOUNT 9.00 3



Order No.: A0428017

WARRANTY DEED

FOR VALUE RECEIVED,

CHARLOTTE L. DAY, personal representative of the estate of ROBERT LLOYD DAY and CHARLOTTE L. DAY, an unmarried woman The Grantors, do hereby grant, bargain sell and convey unto L AND B FARMS OF IDAHO LLC, an Idaho limited liability company whose current address is 3007 Can-Ada Road, Melba, Idaho 83641 the Grantees, the following described premises, in Ada County, Idaho, TO WIT:

PARCEL A

The East Half of the Northwest Quarter ; the Northeast Quarter of the Southwest Quarter ; Government Lots 1, 2, 3 and 4, all in Section 18, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho.

EXCEPT the following three parcels:

EXCEPTED PARCEL 1

The South Half of the Southwest Quarter of Government Lot 4, Section 18, Township 1 North, Range 2 West, Boise Meridian, Ada County, Idaho

EXCEPTED PARCEL 2

That portion of Government Lot 4, Section 18, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at a point 660 feet North of the Southeast corner of said Government Lot 4, thence

South 330 feet; thence

West 660 feet; thence

Northeasterly, approximately 740 feet, to the POINT OF BEGINNING.

EXCEPTED PARCEL 3

That portion of Government Lot 4, Section 18, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 4; thence
North 330 feet; thence
West 660 feet; thence
South 330 feet; thence
East 660 feet, to the PLACE OF BEGINNING

PARCEL B

That portion of Government Lot 2, Section 7, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

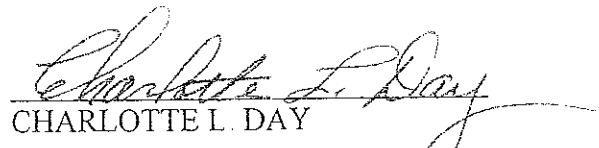
COMMENCING at the Southwest corner of said Government Lot 2; thence
North 400.00 feet; thence
East 79.00 feet, to the North-South line that runs midway between the major pump (on this property) and the sheet metal cellar (on adjoining property to the East); thence
South 400.00 feet; thence
West 79.00 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: 01/14/05

CHARLOTTE L. DAY, personal
representative of the estate of ROBERT
LLOYD DAY


CHARLOTTE L. DAY,
Personal Representative


CHARLOTTE L. DAY

S2207233825

Parcel B

S2207233700

S220725410



Idaho Secretary of State Viewing Business Entity

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LNB FARMS OF IDAHO LLC

3007 CAN-ADA RD
MELBA, ID 83641

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 15 Sep 2004

State of Origin: IDAHO

Date of 15 Sep 2004

Origination/Authorization:

Current Registered Agent: LAYNE R BANGERTER
3007 CAN-ADA RD
MELBA, ID 83641

File Number: W33251

Date of Last Annual Report:

Amendments:

Amendment filed 15 Sep 2004 ARTICLES OF
ORGANIZATION

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format\)](#)

Amendment filed 13 Jan 2005 NAME CHANGED TO LNB FARMS
OF IDAHO LLC

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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us



EXPLANATION



Property boundary



Irrigated acres water bank: 266 ac



Irrigated acres to remain: 409 ac

Figure 1: Acres per quarter-quarter section for water bank or to remain overlaid on 2004 imagery

0 500 1,000 Feet

April 14, 2005



SPF Water Engineering, LLC
water resource consultants

600 E. River Park Lane, Box 156, Boise, Idaho 83706
tel: 208.383.1742 fax: 208.383.4156



