

11 S  
25  
12 S

TWIN FALLS CO  
CASSIA CO

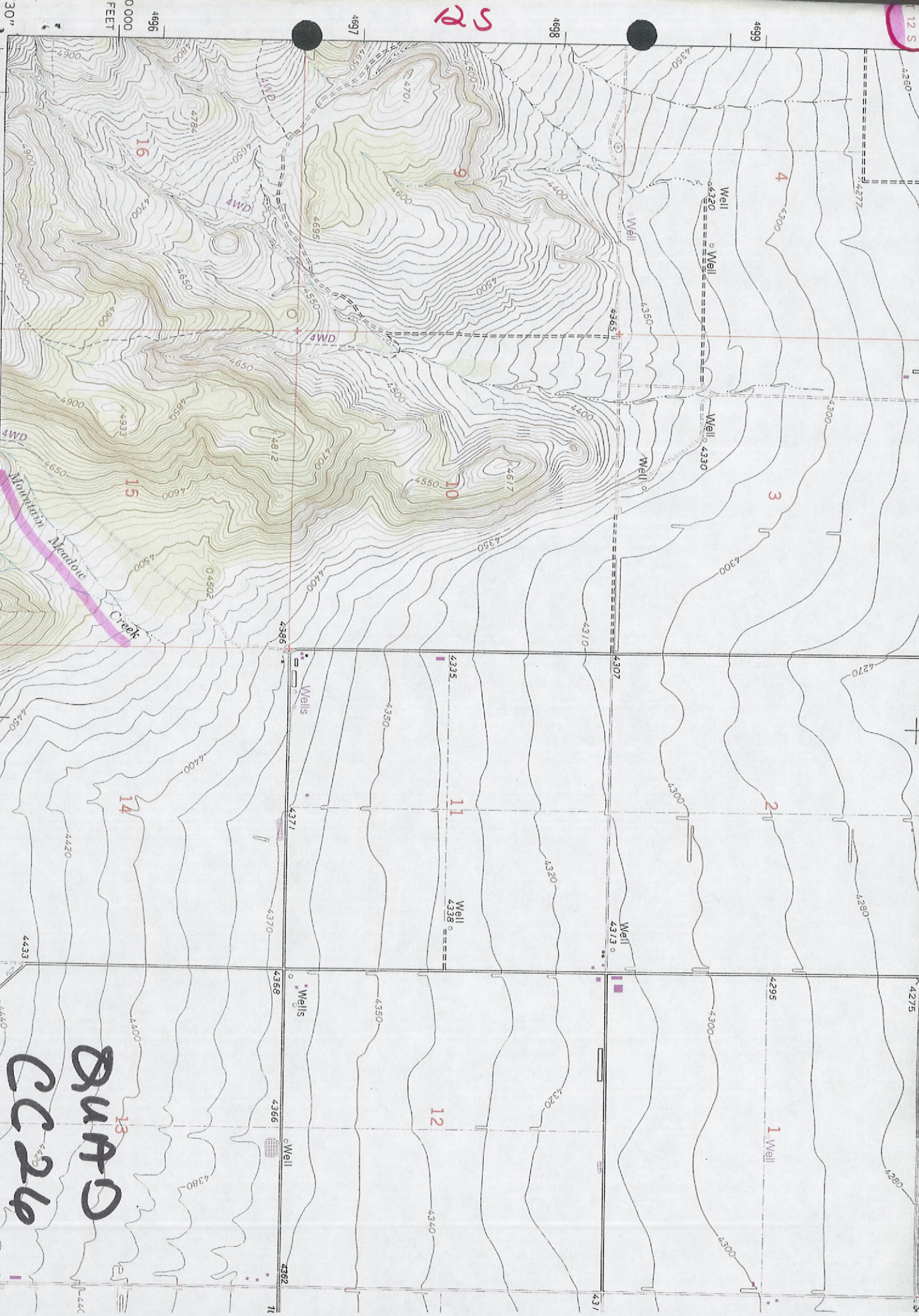
20 E

ROAD

SOUTH

ROAD

R 20 E R 2



114°07'30" 737  
1740 000 FEET  
1739  
1740 5'  
OAKLEY 14 MI.  
(BUCKHORN CANYON)  
R 20 E R 2

CASSIA COUNTY  
TRACTS in orange

125  
20 E

parcel 2

parcel 1

parcel 3

11

S16  
S15

S11  
S14

14  
sec  
2 tracts

hatched

1999 JUL 09 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 47-16672

NAME AND ADDRESS: BARKS LANDS LTD  
C/O LARRY ADAMS  
RT 1  
MURTAUGH, ID 83344

SOURCE: SPRING TRIBUTARY: MOUNTAIN MEADOW CREEK

QUANTITY: 0.10 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 05/20/1960

POINT OF DIVERSION: T11S R20E S21 SUSENE Within Twin Falls County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY |
|-------------------------------|------------------|----------------|----------|
|                               | Domestic 3 HOMES | 01-01 TO 12-31 | 0.10 CFS |
|                               | Stockwater       | 01-01 TO 12-31 | 0.04 CFS |

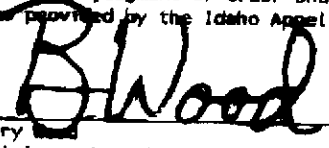
|               |                      |              |                          |
|---------------|----------------------|--------------|--------------------------|
| PLACE OF USE: | Stockwater           |              | Within Twin Falls County |
|               | T11S R20E S11<br>S14 | SESW<br>NNNW | SESW                     |
|               | Domestic             |              | Within Twin Falls County |
|               | T11S R20E S11<br>S14 | SWSW<br>NNNW | SESW                     |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

## **MEMORANDUM**

**DATE:** February 9, 2005  
**TO:** FILE 47-16672  
**FROM:** KANDICE MCDERMOTT  
**RE:** OWNERSHIP CHANGE

---

Through discussion with Danni Smith in AJ, the customer has decided that the water right in question does not belong to them, therefore no ownership change is necessary. Documents have been filed and no further action taken.

**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 division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s).   | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <u>please see</u>       | _____                        | ___   | _____                 | _____                        | ___   |
| <u>attached listing</u> | _____                        | ___   | _____                 | _____                        | ___   |
| <u>of water rights</u>  | _____                        | ___   | _____                 | _____                        | ___   |
| _____                   | _____                        | ___   | _____                 | _____                        | ___   |
| _____                   | _____                        | ___   | _____                 | _____                        | ___   |

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) Larry & Kathy Adams and/or Mountain Meadow Ranch, Inc.  
1450 West 100 South, Murtaugh, Idaho 83344
4. New Owner/Claimant(s) Ag Acceptance Corporation  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address 1309 Technology Parkway  
 City, State and ZIP Code Cedar Falls, Iowa 50613  
 New Telephone Number (800 ) 395-8505
5. Date you acquired the property July 24, 2003

**SUPPORT DATA**  
**IN FILE #** 36-7378

Form 42-242/42-1404(6) July, 2000

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) At Acceptance Corp by Shawn Smith - Treasurer  
(include title if applicable) - Shawn Smith

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 JH Date 2.19.04 Fee \$25.00 (x4 = \$100)  
 Received by JH Date 2.17.04 Receipt No. 5026482  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

**ATTACHMENT 1 TO IDWR  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

| <u>Water Right No(s)</u> | <u>Adjudication Claim No(s)</u> | <u>Split</u> |
|--------------------------|---------------------------------|--------------|
| 36-7378 WR               | 36-07378                        |              |
| 45-2338                  | 45-02338                        |              |
| 45-2374                  | 45-02374                        |              |
| 45-2380                  | 45-02380                        |              |
| 45-2381                  | 45-02381                        |              |
| 45-2384                  | 45-02384                        |              |
| 45-2589                  | 45-02589                        |              |
| 45-2596                  | 45-02596                        |              |
| 45-2626                  | 45-02626                        |              |
| 45-2715                  | 45-02715                        |              |
| 45-4239                  | 45-04239                        |              |
| 45-7156                  | 45-07156                        |              |
| 45-7201                  | 45-07201                        |              |
| 45-7456                  | 45-07456                        |              |
| 45-10033 WR              | 45-10033                        |              |
| 45-10104                 | A45-10104                       |              |
| 45-10157 WR              | 45-10157                        |              |
| 45-10158                 | 45-10158                        |              |
| 45-10164                 | 45-10164                        |              |
| 45-12757                 | A45-12757                       |              |
| 47-16672 WR              | 47-16672                        |              |

**RECEIVED**

**FEB 10 2004**

Department of Water Resources  
Southern Region

BOI\_MT2:535461.1

290758

Randall A. Pateman, ISB No. 1944  
 Casey C. Robertson, ISB No. 5912  
 MOFFATT, THOMAS, BARRETT, ROCK &  
 FIELDS, CHARTERED  
 101 S. Capitol Boulevard, 10th Floor  
 Post Office Box 829  
 Boise, Idaho 83701  
 Telephone: (208) 345-2000  
 Facsimile: (208) 385-5384  
 rap@moffatt.com  
 ccr@moffatt.com  
 18-084.8

CASSIA COUNTY, IDAHO  
 LARRY A. MICKELSEN  
 RECORDER  
 DEPUTY

2001 AUG 20 P 3 21

290758

RECORDED AT THE  
 REQUEST OF

Moffatt Thomas

Attorneys for Ag Services of America, Inc.  
 and Ag Acceptance Corporation

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

TRI-RIVER CHEMICAL CO., INC., a  
 Washington corporation, d/b/a UAP  
 NORTHWEST,

Plaintiff,

vs.

MOUNTAIN MEADOW RANCH, INC., an  
 Idaho corporation; LARRY ADAMS and  
 KATHY ADAMS, husband and wife; AG  
 SERVICES OF AMERICA, INC., an Iowa  
 corporation, and its assignee, AG  
 ACCEPTANCE CORPORATION, a  
 Delaware corporation; AGRICREDIT  
 ACCEPTANCE CORPORATION n/k/a  
 AGCO CORPORATION, a Delaware  
 corporation; CASE CREDIT  
 CORPORATION, a Delaware corporation;  
 DEERE & COMPANY, a Delaware  
 corporation; J. R. SIMPLOT COMPANY, a  
 Nevada corporation, d/b/a SIMPLOT  
 AGRISOURCE; and all unknown owners,  
 heirs, or designees of any deceased person(s)  
 claiming any right, title or interest in and to  
 any or all of the subject property of this

Case No. CV-002352

SHERIFF'S CERTIFICATE OF  
 SALE OF REAL PROPERTY

SHERIFF'S CERTIFICATE OF  
 SALE OF REAL PROPERTY - 1

BOL\_0072-817908.1

action, and any other person or entity that has or may claim to have an interest in and to the subject property in this action, referenced for convenience by the fictitious designation of DOBS 1 THROUGH 20,

Defendants.

AG SERVICES OF AMERICA, INC., an Iowa corporation, and its assignee, AG ACCEPTANCE CORPORATION, a Delaware corporation,

Counterclaimants,

vs.

TRI-RIVER CHEMICAL CO., INC., a Washington corporation; and TRI-RIVER CHEMICAL CO., INC., d/b/a UAP NORTHWEST,

Counterdefendants.

AG SERVICES OF AMERICA, INC., an Iowa corporation, and its assignee, AG ACCEPTANCE CORPORATION, a Delaware corporation,

Cross-Claimants,

vs.

MOUNTAIN MEADOW RANCH, INC., an Idaho corporation; LARRY ADAMS and KATHY ADAMS, husband and wife; AGRICREDIT ACCEPTANCE CORPORATION d/b/a AGCO CORPORATION, a Delaware corporation; CASE CREDIT CORPORATION, a Delaware corporation; DEERE & COMPANY, a Delaware corporation,

Cross-Defendants.

AG SERVICES OF AMERICA, INC., an

SHERIFF'S CERTIFICATE OF  
SALE OF REAL PROPERTY - 2

BOL\_MIT2517002.1

Iowa corporation, and its assignee, AG  
ACCEPTANCE CORPORATION, a  
Delaware corporation,

Third-Party Plaintiffs,

vs.

LEASE CORPORATION OF AMERICA, a  
Delaware corporation; CASE CREDIT  
CORPORATION, a Delaware corporation;  
CASE CORPORATION, a Delaware  
corporation; TRIAD LEASING AND  
FINANCIAL, INC., a Delaware corporation;  
METLIFE BUSINESS CREDIT, a division of  
METLIFE CAPITAL CORPORATION, a  
Delaware corporation; U.S. BANK  
NATIONAL ASSOCIATION, a national  
banking association; BANK OF AMERICA  
NT & SA, a national banking association;  
UNION SAFE DEPOSIT BANK, a national  
banking association; ZIONS FIRST  
NATIONAL BANK, a national banking  
association; CIT GROUP/EQUIPMENT  
FINANCING, INC., a Delaware corporation;  
MAGIC VALLEY BANK, an Idaho  
corporation; STATE OF IDAHO,  
DEPARTMENT OF HEALTH &  
WELFARE; and ACH SEEDS, a Minnesota  
corporation,

Third-Party Defendants.

I, Wayne Tousley, Sheriff of Twin Falls County, Idaho, does hereby certify, that  
by virtue of an Writ of Execution, issued the 28th day of April, 2003, and re-issued on the 24th  
day of June, 2003, to me directed, securing forth a judgment recovered in the total amount of  
\$5,814,457.30, plus interest at the highest legal rate from the date of said judgment until paid,  
plus accruing costs in this action, to be satisfied out of the real property belonging to the  
judgment debtors, Mountain Meadow Ranch, Inc. and Larry and Kathy Adams (collectively

SHERIFF'S CERTIFICATE OF  
SALE OF REAL PROPERTY - 3

BOE\_MTX2017808 1

"Defendants"), on February, 21, 2003, the day upon which the judgment was recorded on the records of Twin Falls, Jerome and Cassia Counties, Idaho, in accordance with law, according to said writ and the statutes in such cases made and provided, I have levied on, and on the 24th day of July, 2003, sold at public auction, in lawful money of the United States, the right, title, claim and interest of the Defendants, as aforesaid, in and to the real property situated in Twin Falls, Jerome and Cassia Counties, Idaho, particularly described in Exhibit A attached ("Real Property").

That the purchase price of the Real Property was Four million three hundred thousand (\$ 4,300,00 ) DOLLARS, which was the whole price paid by Credit Bid to AG ACCEPTANCE CORPORATION for the right, title, claim and interest of the Defendants, as aforesaid, in and to the Real Property particularly described above, subject to all prior liens on the Real Property, including the liens of The Traveler's Insurance Company and any tax liens outstanding.

And that the said Real Property is subject to redemption after the sale, pursuant to the statute in such case made and provided.

SHERIFF'S CERTIFICATE OF  
SALE OF REAL PROPERTY - 4

SCI\_MTZ017008.1

Given under my hand, this 24th day of July, 2003.

Wayne Tousley, Sheriff  
Twin Falls County, Idaho

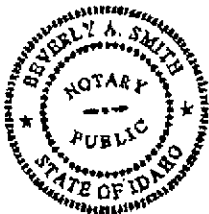
*Wayne Tousley*

STATE OF IDAHO )  
                  ) ss.  
County of Twin Falls )

On this 24th day of July, 2003, before me Beverly A. Smith,

personally appeared WAYNE TOUSLEY, SHERIFF OF TWIN FALLS, known or identified to, to be  
the person whose name is subscribed to the within instrument, and acknowledged to me that he  
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.



*Beverly A. Smith*  
NOTARY PUBLIC FOR IDAHO  
Residing at Twin Falls  
My Commission Expires \_\_\_\_\_  
BEVERLY A. SMITH  
Notary Public - State of Idaho  
Residing at Jerome, Idaho  
My Commission Expires 2-19-2007

SHERIFF'S CERTIFICATE OF  
SALE OF REAL PROPERTY - 5

BOJMT2617WLS

## SHERIFF'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25<sup>th</sup> day of July, 2003, I caused to be served a true copy of the foregoing SHERIFF'S CERTIFICATE OF SALE OF REAL PROPERTY by the method indicated below.

Larry Adams  
Kathy Adams  
1450 West 1000 South  
Munaugh, Idaho 83344

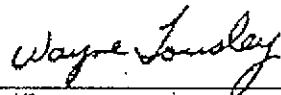
☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Mountain Meadow Ranch, Inc.  
1450 West 1000 South  
Munaugh, Idaho 83344

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

Randall A. Peterman, ISB No. 1944  
Carey C. Robertson, ISB No. 5912  
MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED  
101 S. Capitol Boulevard, 10th Floor  
Post Office Box 829  
Boise, Idaho 83701

☒ U.S. Mail, Postage Prepaid  
☐ Hand Delivered  
☐ Overnight Mail  
☐ Facsimile

  
\_\_\_\_\_  
Sheriff

SHERIFF'S CERTIFICATE OF  
SALE OF REAL PROPERTY - 6

BD1\_MT2-517009.1

## Exhibit A-1

Page 1 of 2

All real property described on Exhibit A-2 attached hereto.

together with

All tenements, hereditaments, rights, privileges, appurtenances and all fixtures now or hereafter belonging to, located on, or used in connection with the above described premises, including but not limited to the following: sprinkler and irrigation equipment, including but not limited to all pumps, motors, columns, pipes, shafts, bowls, pans, and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve operators, reducers, joints, tees and wyes, as well as all additions and replacements thereof, together with all water and mineral rights of every kind and description and however evidenced and all rights of way thereof, or appurtenant thereto or used in connection therewith.

together with

All buildings, structures, equipment, fixtures (including trees, vines, and shrubs) and improvements of every kind and description now or hereafter constructed or placed thereon; all standing timber and timber to be cut located thereon; all existing and future water rights, however evidenced, for the use of water for irrigation, livestock and domestic purposes, including irrigation and watering equipment and systems, ditches, laterals, conduits, and rights-of-way used to convey such water or to drain the above-described property, and all pumping plants, electrical generators, wind machines, and fencing and storage tanks, all of which are to be considered fixtures; all grazing rights, leases, permits and licenses; all oil, gas and mineral leases, permits and rights used with the property; and all tenements, hereditaments, easements, rights-of-way and appurtenances to the property.

together with

All water rights and all entitlements to receive water that have been placed to beneficial use upon this parcel or are appurtenant to or associated with it, including without limitations, all licenses, permits, claims, permit applications, and storage entitlements; all ditch or canal company shares and/or entitlements to receive water from any such company or from any irrigation district or other water delivery entity; all ditch rights, easements or rights-of-way associated with any irrigation or other water delivery ditch, canal, lateral or pipeline.

together with

All rents, royalties, issues, profits, revenue, income and other benefits of the property arising from the use or enjoyment of all or any portion thereof from any lease, mineral lease, or agreement pertaining thereto.

BOL\_V011420443.1

Exhibit A-1

Page 2 of 2

together with

All rights, interests, easements, benefits and appurtenances there unto belonging, including the rents, issues and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, all water, water rights, and water stock pertaining thereto, and all payments at any time owing by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein.

201-571-1234-1.1

Exhibit A-2  
Page 1 of 5TOWNSHIP 9 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHOSection 24: S $\frac{1}{2}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$ .

DESCRIPTION of the land referred to in this Exhibit, in the State of Idaho, County of Twin Falls

PARCEL 2A

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 26: N $\frac{1}{2}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$ 

SUBJECT TO Highway District right of way.

PARCEL 2B

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27:

COMMENCING at the Southeast corner of the SE $\frac{1}{4}$  of Section 27 and running North along the East

section line of the described quarter section a distance of 130 rods;

THENCE at right angles due West 160 rods to the line dividing the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of said Section 27;THENCE due South along said Section a distance of 130 rods to the Southern line of the SE $\frac{1}{4}$  of said

Section 27;

THENCE due East 160 rods to the PLACE OF BEGINNING.

EXCEPT

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27: That portion of the SE $\frac{1}{4}$  described as follows:

COMMENCING at the Southeast corner of said Section;

THENCE North 360 feet along the East boundary of said Section;

THENCE West 675 feet;

THENCE South 360 feet parallel to the East boundary of said Section;

THENCE East 675 feet to the POINT OF BEGINNING.

SUBJECT TO Highway District right of way.

PARCEL 2C

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27: NE $\frac{1}{4}$  and SE $\frac{1}{4}$ EXCEPT

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27:

COMMENCING at the Southeast corner of the SE $\frac{1}{4}$  of Section 27 and running North along the East

section line of the described quarter section a distance of 130 rods;

THENCE at right angles due West 160 rods to the line dividing the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of said Section 27;THENCE due South along said Section a distance of 130 rods to the Southern line of the SE $\frac{1}{4}$  of said

Section 27;

THENCE due East 160 rods to the PLACE OF BEGINNING

SUBJECT TO Highway District right of way.

WL  
36-7378WL  
45-10157

## Exhibit A-2

Page 2 of 5

PARCEL NO. 3

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 28: SWSW¼

SUBJECT TO Highway District right of way.

PARCEL NO. 4

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 34: NW¼

Section 33: A tract of land located in the E½E¼, more particularly described as follows:

BEGINNING at the Southeast corner of Section 33;

THENCE West 790 feet, to South line of Section 33;

THENCE North 400 feet;

THENCE West 490 feet;

THENCE North 5°47' East 1960 feet;

THENCE North 11°02' West 569 feet;

THENCE North 6°00' East 640 feet;

THENCE North 11°30' West 520 feet;

THENCE North 2°50' East 833 feet to the North line of Section 33;

THENCE East 1195 feet to the Northeast corner of Section 33;

THENCE South along East line of Section to the POINT OF BEGINNING.

EXCEPTING THEREFROM a parcel of land located in the N2¼NE¼ of Section 33, Township 11 South, Range 20 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 33;

THENCE South 90°00'00" West along the North boundary of Section 33 for a distance of 525.00 feet to the TRUE POINT OF BEGINNING;

THENCE South 00°00'00" West for a distance of 365.00 feet;

THENCE South 90°00'00" West for a distance of 225.94 feet;

THENCE North 02°30'00" East for a distance of 565.35 feet to a point on the North boundary of Section 33;

THENCE North 90°00'00" East along the North boundary of Section 33 for a distance of 270.0 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25-foot-wide county road easement along the Northern boundary of the described parcel.

SUBJECT TO Highway District right of way.

PARCEL NO. 5

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 34: SE¼

SUBJECT TO Highway District right of way.

PARCEL NO. 6

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 34: NE¼

SUBJECT TO Highway District right of way.

wc  
45-10033

Exhibit A-2

Page 3 of 5

PARCEL NO. 11TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 11: SH, EXCEPTING the following tracts:

TRACT 1:That part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11, more particularly described as follows:

Beginning at the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11, which shall be known as the True Point of Beginning;  
Thence East along the North boundary line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11 for 160 feet;  
Thence South 530 feet;  
Thence West 160 feet to the West section line of said Section 11;  
Thence North along the West section line for 530 feet to the True Point of Beginning.

TRACT 2:SE $\frac{1}{4}$ SW $\frac{1}{4}$ TRACT 3:

Commencing at the Southwest corner of said Section 11, being the True Point of Beginning;  
Thence East along the South line of said Section 11 for 650 feet;  
Thence North and parallel to the West line of said Section 11 for 200 feet;  
Thence West and parallel to the South line of said Section 11 for 400 feet;  
Thence North and parallel to the West line of said Section 11 for 300 feet;  
Thence West and parallel to the South line of said Section 11 for 250 feet to the West line of said Section 11;  
Thence South along the West line of said Section 11 for 500 feet more or less to the True Point of Beginning.

Section 11: Commencing at the Southwest corner of said Section 11, being the True Point of Beginning;  
Thence East along the South line of said Section 11 for 650 feet;  
Thence North and parallel to the West line of said Section 11 for 200 feet;  
Thence West and parallel to the South line of said Section 11 for 400 feet;  
Thence North and parallel to the West line of said Section 11 for 300 feet;  
Thence West and parallel to the South line of said Section 11 for 250 feet to the West line of said Section 11;  
Thence South along the West line of said Section 11 for 500 feet more or less to the True Point of Beginning.

Section 12: NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ WR  
47-16672  
?

## Exhibit A-2

Page 4 of 5

Section 12: W $\frac{1}{4}$ , EXCEPTING THEREFROM that part of the SW $\frac{1}{4}$ /SW $\frac{1}{4}$ , more particularly described as follows:

Beginning at the Section Corner of Section 13, 14, 23 and 24;  
Thence East along the South section line of Section 15 a distance of 574.5 feet;  
Thence North 41° 50' West 1307.5 feet to the West section line of Section 12;  
Thence South along the West section line of Section 12 a distance of 972.5 feet to the Point of Beginning.

Section 14: Beginning at Section Corner of Section 10, Section 14, Section 11 and Section 12; Starting from iron stake going South 30 feet, thence going East 122 feet to the Point of Beginning;  
Thence going East 416 feet;  
Thence South 208 feet;  
Thence West 416 feet;  
Thence North 208 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 11: Part of the NW $\frac{1}{4}$ /SW $\frac{1}{4}$ , more particularly described as follows:

Beginning at the Northwest corner of the NW $\frac{1}{4}$ /SW $\frac{1}{4}$  of said Section 11, which shall be known as the True Point of Beginning;  
Thence East along the North boundary line of the NW $\frac{1}{4}$ /SW $\frac{1}{4}$  of said Section 11 for 150 feet;  
Thence South 550 feet;  
Thence West 150 feet to the West section line of said Section 11;  
Thence North along the West section line for 550 feet to the True Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 11: SE $\frac{1}{4}$ /SW $\frac{1}{4}$

WR  
47-16672?

Exhibit A-2

Page 5 of 5

Township 12 South, Range 21 East, Boise Meridian, Cassia County, Idaho

In Section 18: NE1/4

In section 20: NW1/4

Comprising of 320 acres more or less, together with all pertinent water rights including:

Water License No. 45-07456 for .70 cfs;

Water License No. 45-02715 for 1.54 cfs;

Water License No. 45-07155 for 2.0 cfs;

Total: 4.24 cfs.

**Exhibit A-1**

Page 1 of 2

All real property described on Exhibit A-2 attached hereto.

together with

All tenements, hereditaments, rights, privileges, appurtenances and all fixtures now or hereafter belonging to, located on, or used in connection with the above described premises, including but not limited to the following: sprinkler and irrigation equipment, including but not limited to all pumps, motors, columns, tubes, shafts, bowls, panels, and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, as well as all additions and replacements thereof, together with all water and mineral rights of every kind and description and however evidenced and all rights of way thereof, or appurtenant there to or used in connection therewith.

together with

All buildings, structures, equipment, fixtures (including trees, vines, and shrubs) and improvements of every kind and description now or hereafter constructed or placed thereon; all standing timber and timber to be cut located thereon; all existing and future water rights, however evidenced, for the use of water for irrigation, livestock and domestic purposes, including irrigation and watering equipment and systems, ditches, laterals, conduits, and rights-of-way used to convey such water or to drain the above-described property, and all pumping plants, electrical generators, wind machines, and fencing and storage tanks, all of which are to be considered fixtures; all grazing rights, leases, permits and licenses; all oil, gas and mineral leases, permits and rights used with the property; and all tenements, hereditaments, easements, rights-of-way and appurtenances to the property.

together with

All water rights and all entitlements to receive water that have been placed to beneficial use upon this parcel or are appurtenant to or associated with it, including without limitations, all licenses, permits, claims, permit applications, and storage entitlements; all ditch or canal company shares and/or entitlements to receive water from any such company or from any irrigation district or other water delivery entity; all ditch rights, easements or rights-of-way associated with any irrigation or other water delivery ditch, canal, lateral or pipeline.

together with

All rents, royalties, issues, profits, revenue, income and other benefits of the property arising from the use or enjoyment of all or any portion thereof from any lease, mineral lease, or agreement pertaining thereto.

*Bigger  
copy of Legals*

**Exhibit A-1**

Page 2 of 2

together with

All rights, interests, easements, hereditaments and appurtenances there unto belonging, including the resis, issues and profits thereof and revenues and income therefrom, all improvements and personal property now or later attached thereto or reasonably necessary to the use thereof, all water, water rights, and water stock pertaining thereto, and all payments at any time owing by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein.

Exhibit A-2

Page 1 of 5

TOWNSHIP 9 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 24: S $\frac{1}{2}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$

DESCRIPTION of the land referred to in this (Exhibit), in the State of Idaho, County of Twin Falls

PARCEL 2A

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 26: N $\frac{1}{2}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$

SUBJECT TO Highway District right of way.

PARCEL 2B

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27:

COMMENCING at the Southeast corner of the SE $\frac{1}{4}$  of Section 27 and running North along the East section line of the described quarter section a distance of 130 rods;

THENCE at right angles due West 160 rods to the line dividing the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of said Section 27;

THENCE due South along said Section a distance of 130 rods to the Southerly line of the SE $\frac{1}{4}$  of said

Section 27;

THENCE due East 160 rods to the PLACE OF BEGINNING.

EXCEPT

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27: That portion of the SE $\frac{1}{4}$  described as follows:

COMMENCING at the Southeast corner of said Section;

THENCE North 360 feet along the East boundary of said Section;

THENCE West 675 feet;

THENCE South 360 feet parallel to the East boundary of said Section;

THENCE East 675 feet to the POINT OF BEGINNING.

SUBJECT TO Highway District right of way.

PARCEL 2C

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27: NE $\frac{1}{4}$  and SE $\frac{1}{4}$

EXCEPT

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho

Section 27:

COMMENCING at the Southeast corner of the SE $\frac{1}{4}$  of Section 27 and running North along the East section line of the described quarter section a distance of 130 rods;

THENCE at right angles due West 160 rods to the line dividing the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of said Section 27;

THENCE due South along said Section a distance of 130 rods to the Southerly line of the SE $\frac{1}{4}$  of said

Section 27;

THENCE due East 160 rods to the PLACE OF BEGINNING

SUBJECT TO Highway District right of way.

✓ WR  
36-7378

✓ WR  
45-10157

Exhibit A-2

Page 2 of 5

PARCEL NO. 3

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho  
Section 26: S½SW¼  
SUBJECT TO Highway District right of way.

PARCEL NO. 4

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho  
Section 34: W½  
Section 33: A tract of land located in the E½E½ more particularly described as follows:  
BEGINNING at the Southeast corner of Section 33;  
THENCE West 730 feet, on South line of Section 33;  
THENCE North 400 feet;  
THENCE West 490 feet;  
THENCE North 5°47' East 1960 feet;  
THENCE North 11°05' West 560 feet;  
THENCE North 6°00' East 640 feet;  
THENCE North 11°30' West 920 feet;  
THENCE North 2°30' East 855 feet to the North line of Section 33;  
THENCE East 1195 feet to the Northeast corner of Section 33;  
THENCE South along East line of Section to the POINT OF BEGINNING.

EXCEPTING THEREFROM a parcel of land located in the NE¼NE¼ of Section 33, Township 11 South, Range 20 E., B.M., Twin Falls County, Idaho, more particularly described as follows:  
COMMENCING at the Northeast corner of said Section 33;  
THENCE South 90°00'00" West along the North boundary of Section 33 for a distance of 925.00 feet to the TRUE POINT OF BEGINNING;

THENCE South 00°00'00" West for a distance of 365.00 feet;

THENCE South 90°00'00" West for a distance of 285.94 feet;

THENCE North 02°30'00" East for a distance of 365.35 feet to a point on the North boundary of

Section 33;

THENCE North 90°00'00" East along the North boundary of Section 33 for a distance of 270.0 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25-foot-wide county road easement along the Northernly boundary of the described parcel.

SUBJECT TO Highway District right of way.

PARCEL NO. 5

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho  
Section 34: SE¼  
SUBJECT TO Highway District right of way.

PARCEL NO. 6

Township 11 South, Range 20 East, Boise Meridian, Twin Falls County, Idaho  
Section 34: NE¼  
SUBJECT TO Highway District right of way.

✓ WR  
45-10033

Exhibit A-2

Page 3 of 5

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 11:

SW $\frac{1}{4}$ , EXCEPTING the following tracts:

TRACT 1:

That part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11, more particularly described as follows:

*see parcel 2*  
Beginning at the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11, which shall be known as the True Point of Beginning;  
Thence East along the North boundary line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11 for 160 feet;  
Thence South 550 feet;  
Thence West 160 feet to the West section line of said Section 11;  
Thence North along the West section line for 550 feet to the True Point of Beginning.

TRACT 2:

SE $\frac{1}{4}$ SW $\frac{1}{4}$

TRACT 3:

*see parcel 3*  
*out*  
Commencing at the Southwest corner of said Section 11, being the True Point of Beginning;  
Thence East along the South line of said Section 11 for 650 feet;  
Thence North and parallel to the West line of said Section 11 for 200 feet;  
Thence West and parallel to the South line of said Section 11 for 400 feet;  
Thence North and parallel to the West line of said Section 11 for 300 feet;  
Thence West and parallel to the South line of said Section 11 for 250 feet to the West line of said Section 11;  
Thence South along the West line of said Section 11 for 500 feet more or less to the True Point of Beginning.

Section 11:

*1/2*  
Commencing at the Southwest corner of said Section 11, being the True Point of Beginning;  
Thence East along the South line of said Section 11 for 650 feet;  
Thence North and parallel to the West line of said Section 11 for 200 feet;  
Thence West and parallel to the South line of said Section 11 for 400 feet;  
Thence North and parallel to the West line of said Section 11 for 300 feet;  
Thence West and parallel to the South line of said Section 11 for 250 feet to the West line of said Section 11;  
Thence South along the West line of said Section 11 for 500 feet more or less to the True Point of Beginning.

Section 12:

W $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 12:

N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$

*W 47-1167*

Exhibit A-2

Page 4 of 5

Section 13:

W $\frac{1}{4}$ , EXCEPTING THEREFROM that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , more particularly described as follows:

Beginning at the Section Corners of Section 13, 14, 23 and 24;  
Thence East along the South section line of Section 13 a distance of 874.5 feet;  
Thence North 41° 50' West 1307.5 feet to the West section line of Section 13;  
Thence South along the West section line of Section 13 a distance of 973.5 feet to the Point of Beginning.

Section 14:

Beginning at Section Corner of Section 10, Section 14, Section 11 and Section 13; Starting from iron stake going South 30 feet; thence going East 132 feet to the Point of Beginning;

Thence going East 416 feet;  
Thence South 208 feet;  
Thence West 416 feet;  
Thence North 208 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 11:

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , more particularly described as follows:

Beginning at the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11, which shall be known as the True Point of Beginning;  
Thence East along the North boundary line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11 for 160 feet;  
Thence South 550 feet;  
Thence West 160 feet to the West section line of said Section 11;  
Thence North along the West section line for 550 feet to the True Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 11:

SE $\frac{1}{4}$ SW $\frac{1}{4}$

WR  
47-16672  
7



SEE  
800



January 21, 2005

Kandice McDermott  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Office Address 1309 Technology Parkway  
Cedar Falls, IA 50613  
Postal Address P.O. Box 668  
Cedar Falls, IA 50613-0029  
Tel 319-277-4444  
Fax 319-277-0144  
RaboAgServices.com

RECEIVED

JAN 25 2005

DEPARTMENT OF  
WATER RESOURCES

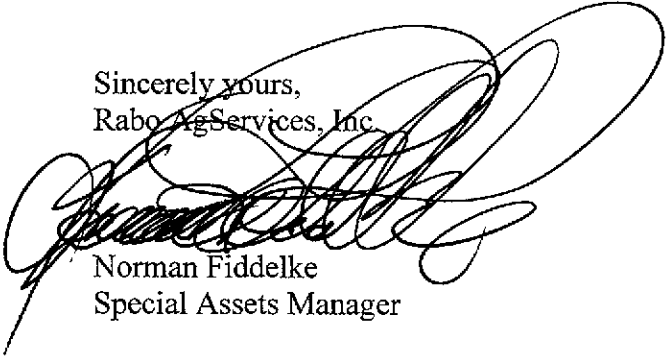
RE: your letter dated 1-12-05  
Water Right No. 47-16672

Dear Kandice:

I have visited with Danni Smith from your office and she advised that I forward a letter to you advising that Ag Acceptance Corporation is no longer the owner of the property to which this water right relates to.

If you should have questions feel free to contact me.

Sincerely yours,  
Rabo AgServices, Inc.



Norman Fiddelke  
Special Assets Manager

NF/ES



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

January 12, 2005

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

AG ACCEPTANCE CORPORATION  
1309 TECHNOLOGY PARKWAY  
CEDAR FALLS IA 50613

RE: Water Right No(s). 47-16672

Dear Water Right Holder(s):

The Department of Water Resources acknowledges receipt of the additional information you submitted in support of your Notice of Change in Water Right Ownership filed on February 10, 2004 for the water right no(s) referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than your property as described in the documentation you originally submitted. We have reviewed your additional information and found that it is not sufficient to resolve the place of use discrepancy. Enclosed is a copy of the partial decree with the place of use highlighted.

In order to process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Danni Smith of this office at 287-4910 if you have questions related to the SRBA. Ms. Smith can assist you with the SRBA Court's processes.

As additional alternatives, you could pursue one of the following options with the Department.

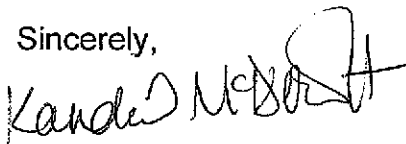
- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.

- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Kandice McDermott", written over a horizontal line.

Kandice McDermott  
Records Analyst

/kim  
Enclosure