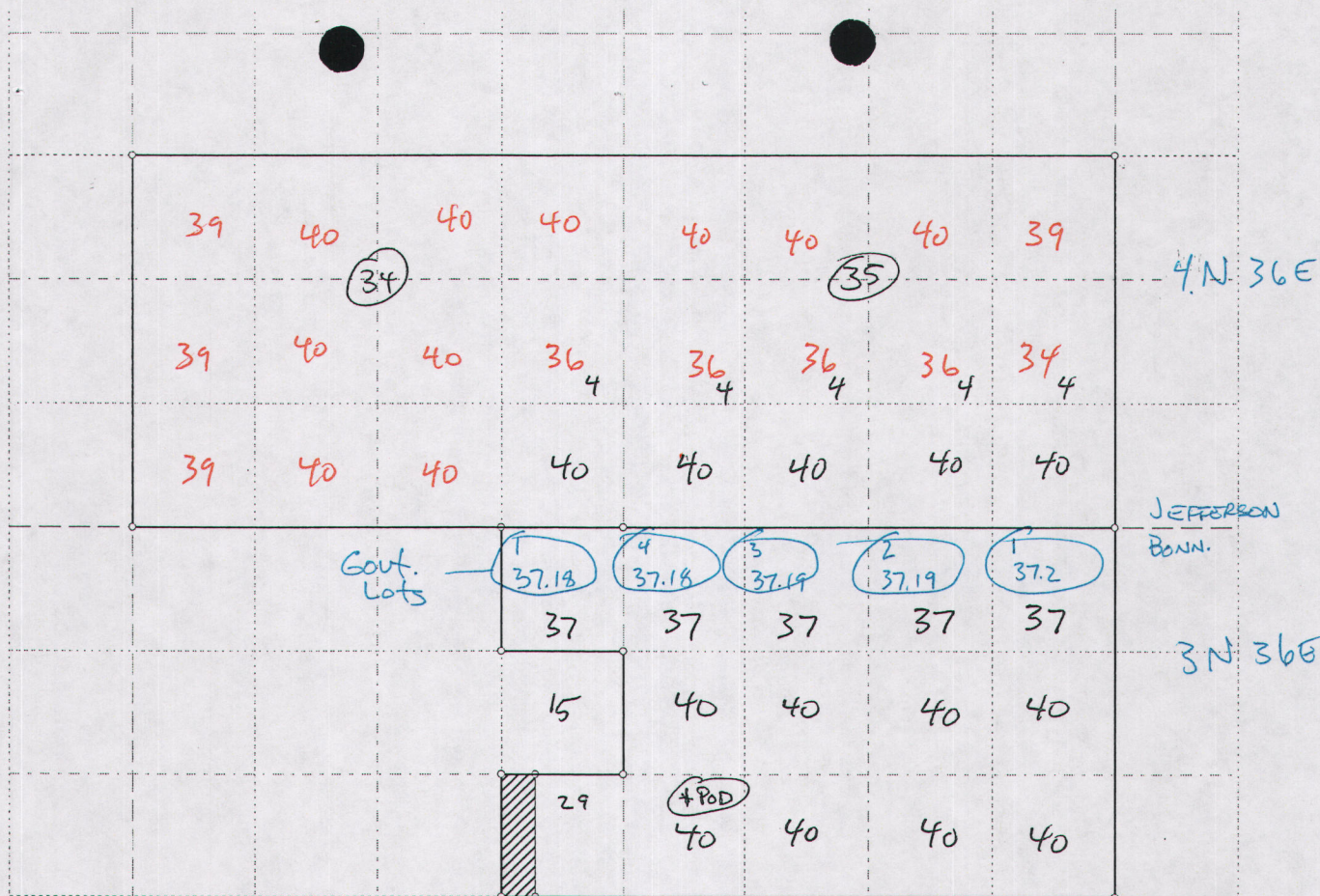




Title:		Date: 04-21-2004
Scale: 1 inch = 2000 feet	File: Tophill Bonneville.des	
Tract 1: 560.000 Acres: 24393600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 23760 Feet		
Tract 2: 11.000 Acres: 479160 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 3366 Feet		
Tract 3: 960.000 Acres: 41817600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 29040 Feet		
001=/ne,2,3n,36e	009=n0e 3960	017=@0merge
002=s90w 6600	010=@0merge	018=/se,34,4n,36e
003=s0w 1320	011=/ne,ne,se,3,3n,36e	019=s90w 5280
004=n90e 1320	012=/s90w 957	020=n0e 3960
005=s0w 1320	013=s0w 1320	021=n90e 10560
006=s90w 1320	014=s90w 363	022=s0w 3960
007=s0w 1320	015=n0e 1320	023=s90w 5280
008=n90e 6600	016=n90e 363	

WR 35-2787. 7/21/1965 Decree 6.14 CFS 709 Ac. = 3.89 GPM/Ac
 35-13211. 4/23/68 Decree .21 CFS 25 Ac. = 3.78 GPM/Ac
 * Combined. 6.14 CFS 734 Ac. = 3.76 GPM/Ac.
 2607 AF / 734 = 3.55 AFA

WR 35-2861. 2/1/1967 Decree 6.96 CFS 719 Ac. = 4.35 GPM/Ac
 35-7025 5/14/1968 License 1.6 CFS 769 Ac. = .93 GPM/Ac
 * Combined 6.96 CFS 769 Ac. = 4.07 GPM/Ac.
 2955 AF / 769 = 3.84 AFA.

RECEIVED

MAR 02 2006

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

Department of Water Resources
Eastern Region

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, 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
<u>35-2787</u>	_____	_____	_____	_____	_____
<u>35-13211</u>	_____	_____	_____	_____	_____
<u>35-2861</u>	_____	_____	_____	_____	_____
<u>35-7025</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. The appropriate FILING FEE. See instructions for fee amounts. \$100 -
- 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:
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) are 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)

Tophill Farms, Inc. *Ben Clark Project*
P. O. Box 99 Lewisville, Idaho 83431

4. New Owner/Claimant(s)

Mickelsen Properties, LLC

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

New Mailing Address

1050 W. Riverview Drive

City, State and ZIP Code

Idaho Falls, Idaho 83401

New Telephone Number

(208) 524-1295

Date you acquired the property

- 6 If the change in ownership affects the entire water right for each water right or adjudication claim number listed in Item 1, then you may 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 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			
Water Right and/or Adjudication Claim Number _____			
Water Use	Rate of Diversion (CFS)	Annual Volume (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			
Water Right and/or Adjudication Claim Number _____			
Water Use	Rate of Diversion (CFS)	Annual Volume (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) Alchuk Properties LLC Blacklicker

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

For Office Use Only			
Received by <u>KMJ</u>	Date <u>3/2/15</u>	Fee <u>100</u>	
Received by <u>KMJ</u>	Date <u>3/2/15</u>	Receipt No. <u>EO.30649</u>	
Processed by _____	Date _____		

1155184

WARRANTY DEED

THIS INDENTURE is made this 14th day of June, 2004, by **TOPHILL FARMS, INC.**, an Idaho corporation, the "Grantor," and **MICKELSEN PROPERTIES, L.L.C.** an Idaho limited liability company, whose mailing address is 1050 West Riverview Drive, Idaho Falls, ID 83402, the "Grantee."

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

See **Exhibit "A"** attached hereto and by this reference incorporated herein.

SUBJECT TO those matters set forth on Exhibit "A" to this deed.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

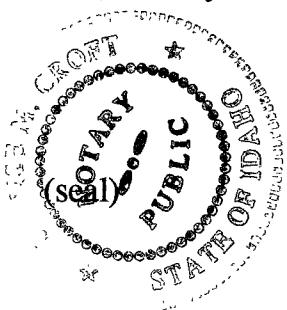
TOPHILL FARMS, INC.

By: *Ryan C. Clement* President
RYAN C. CLEMENT, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 14th day of June, 2004, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **RYAN C. CLEMENT**, known or identified to me to be the President of **TOPHILL FARMS, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Denise M. Croft
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires 2-27-10
Residing in Bonneville County
Commission Expires 2-27-10

F:\SEM-Clients\2780\TophillFarms\MickelsenSale\Deed-Warranty(Bonneville).wpd

INSTRUMENT NO.	<u>1155184</u>
DATE	<u>6-14-04</u>
INST. CODE	<u>205</u>
IMAGED PGS	<u>4</u>
FEE	<u>12.00</u>
STATE OF IDAHO	) ss
COUNTY OF BONNEVILLE	)
I hereby certify that the within instrument was recorded.	
Ronald Longmire, County Recorder	
By	<u><i>Raney</i></u>
Deputy	
Request of	<u>ATEC</u>

EXHIBIT "A"
(To Warranty Deed - Bonneville County Land)

Bonneville County, Idaho:

Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho

Section 2: Lots 1, 2, 3 and 4; South 1/2 North 1/2,
 Northwest 1/4 Southeast 1/4; North 1/2
 Southwest 1/4 and Northeast 1/4 Southeast 1/4.

Section 3: Lot 1; Northeast 1/4 Southeast 1/4.

^{NE 1/4}
NE 1/4, NE 1/4

LESS THE FOLLOWING: (Exception parcel contains approximately 11 acres.)

Commencing at the NE corner of the NE1/4 SE1/4 of Section 3, Township 3 North, Range 36, East Boise Meridian, and running west approximately 957 feet along the North line of said NE1/4 SE1/4 to a point which is 363 feet East of the NW corner of said NE1/4 SE1/4 which point is the TRUE POINT OF BEGINNING.

Thence: South 1320 feet more or less to the South line of said NE1/4 SE1/4;

Thence: West 363 feet more or less to the West boundary of said NE1/4 SE1/4;

Thence: North 1320 feet more or less along the West boundary of said NE1/4 SE1/4 to the NW corner of said NE1/4 SE1/4;

Thence East 363 feet more or less to the point of beginning.

SUBJECT TO:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements not shown by the public records.

4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Right, title or interest of the public in and to those portions of above described property falling within the bounds of roads and highways.
8. An easement in favor of Ryan C. Clement as described in paragraph 1.3 of the Agreement to which this Exhibit "A" is attached.
9. An easement granted in favor of American Telephone and Telegraph Company recorded October 21, 1929, in Book 3 of Leases and Contracts at page 374, records of Bonneville County, Idaho.
10. Provisions in a deed (reserving mineral rights) recorded September 1, 1958, in Book 116 of Deeds, page 201, records of Bonneville County, Idaho.
11. An easement granted to Utah Power & Light Company recorded August 4, 1959, in Book 19 of Leases and Contracts, page 18, records of Bonneville County, Idaho.
12. An easement granted to Utah Power & Light Company recorded March 5, 1965, as Instrument No. 344964, records of Bonneville County, Idaho.
13. An easement granted to Utah Power & Light Company recorded August 20, 1965, as Instrument No. 351232, records of Bonneville County, Idaho.
14. An easement granted to Pacific Corp. recorded November 6, 1989, as Instrument No. 776463, records of Bonneville County, Idaho.
15. An easement granted to Ryan C. Clement and his successors by instrument recorded 6/14, 2004 as instrument no. 1155183, records of Bonneville County, Idaho (*to be completed at time this deed is recorded*).

WARRANTY DEED

THIS INDENTURE is made this 14th day of June, 2004, by **TOPHILL FARMS, INC.**, an Idaho corporation, the "Grantor," and **MICKELSEN PROPERTIES, L.L.C.** an Idaho limited liability company, whose mailing address is 1050 West Riverview Drive, Idaho Falls, ID 83402, the "Grantee."

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

See Exhibit "A" attached hereto and by this reference incorporated herein.

SUBJECT to those matters set forth on Exhibit "A" to this deed.

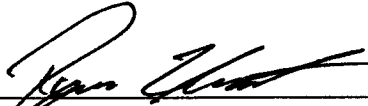
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

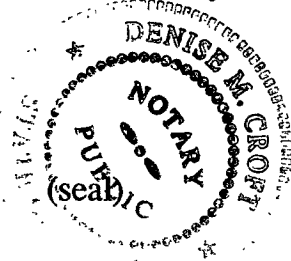
TOPHILL FARMS, INC.

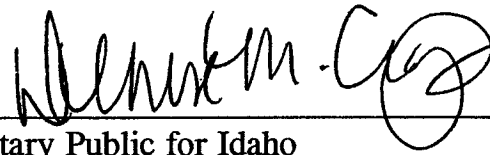
By:  President
RYAN C. CLEMENT, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 14th day of June, 2004, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **RYAN C. CLEMENT**, known or identified to me to be the President of **TOPHILL FARMS, INC.**, the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: Residing in Bonneville County
Commission Expires: 2-27-10

F:\SEM-Clients\2780\TophillFarms\MickelsenSale\Deed-Warranty(Jefferson).wpd

EXHIBIT "A"
(To Warranty Deed - Jefferson County Land)

Jefferson County, Idaho:

Township 4 North, Range 36 East, Boise Meridian, Jefferson County, Idaho.

Section 34: S1/2;S1/2N1/2
Section 35: S1/2; S1/2N1/2

SUBJECT TO:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Right, title or interest of the public in and to those portions of above described property falling within the bounds of roads and highways.
8. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted to: Utah Power and Light Company.

Purpose: Public Utilities.

Recorded: August 30, 1965 in Book 179, page 109 of Official Records.

9. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted to: Utah Power and Light Company.

Purpose: Public Utilities.

Recorded: August 15, 1966

Instrument No.: 142232.

WARRANTY DEED

THIS INDENTURE is made this 14th day of June, 2004, by **TOPHILL FARMS, INC.**, an Idaho corporation, the "Grantor," and **MICKELSEN PROPERTIES, L.L.C.** an Idaho limited liability company, whose mailing address is 1050 West Riverview Drive, Idaho Falls, ID 83402, the "Grantee."

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

See **Exhibit "A"** attached hereto and by this reference incorporated herein.

SUBJECT TO those matters set forth on Exhibit "A" to this deed.

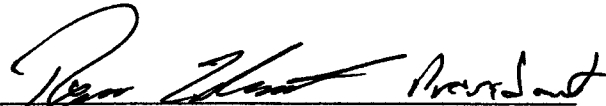
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

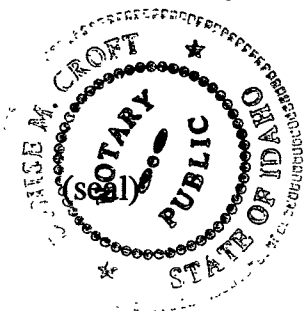
TOPHILL FARMS, INC.

By: 
RYAN C. CLEMENT, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 14th day of June, 2004, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared RYAN C. CLEMENT, known or identified to me to be the President of TOPHILL FARMS, INC., the corporation that executed the foregoing instrument, or the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires 2-27-10
Residing in Bonneville County

F:\SEM-Clients\2780\TophillFarms\MickelsenSale\Deed-Warranty(Bonneville).wpd

EXHIBIT "A"
(To Warranty Deed - Bonneville County Land)

Bonneville County, Idaho:

Township 3 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho

Section 2:	Lots 1,2, 3 and 4; South 1/2 North 1/2, Northwest 1/4 Southeast 1/4; North 1/2 Southwest 1/4 and Northeast 1/4 Southeast 1/4.
Section 3:	Lot 1; Northeast 1/4 Southeast 1/4.

LESS THE FOLLOWING: (Exception parcel contains approximately 11 acres.)

Commencing at the NE corner of the NE1/4 SE1/4 of Section 3, Township 3 North, Range 36, East Boise Meridian, and running west approximately 957 feet along the North line of said NE1/4 SE1/4 to a point which is 363 feet East of the NW corner of said NE1/4 SE1/4 which point is the TRUE POINT OF BEGINNING.

Thence: South 1320 feet more or less to the South line of said NE1/4 SE1/4;

Thence: West 363 feet more or less to the West boundary of said NE1/4 SE1/4;

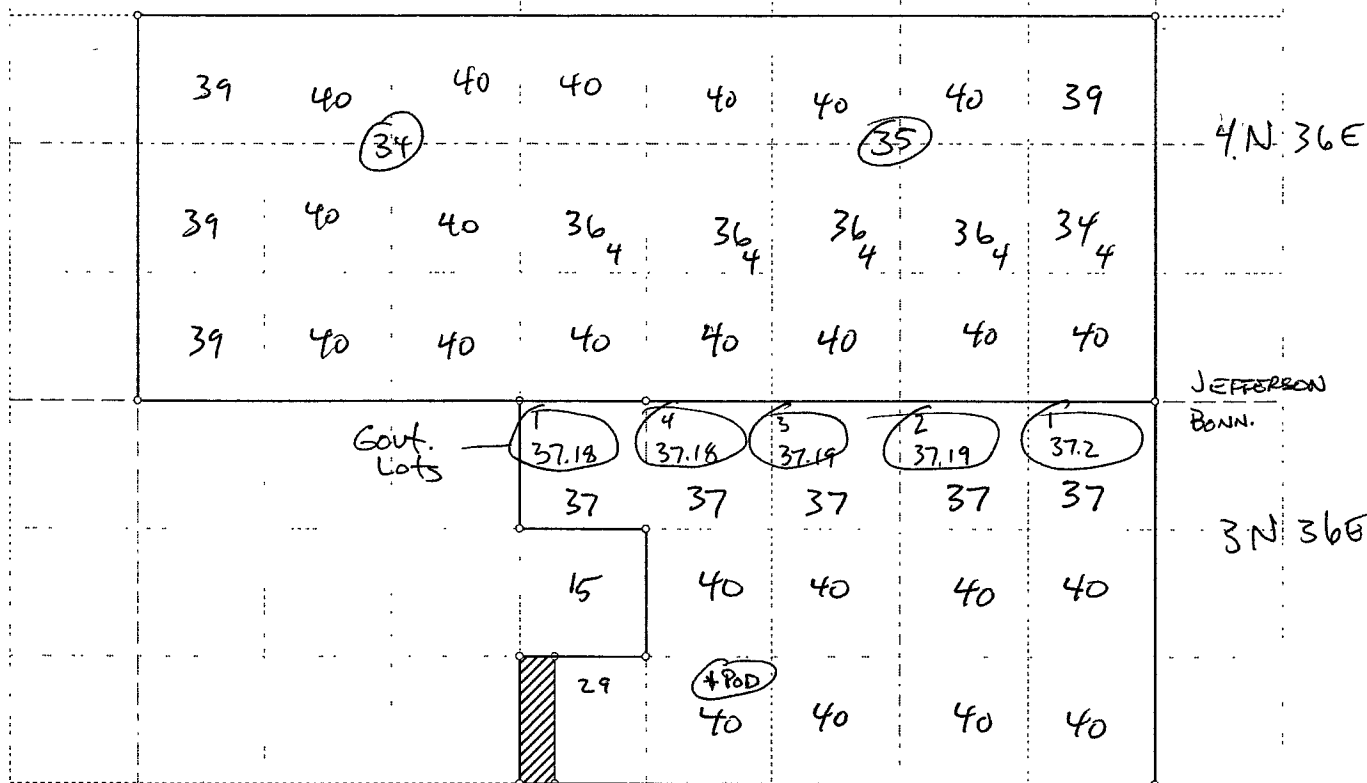
Thence: North 1320 feet more or less along the West boundary of said NE1/4 SE1/4 to the NW corner of said NE1/4 SE1/4;

Thence East 363 feet more or less to the point of beginning.

SUBJECT TO:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
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4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Right, title or interest of the public in and to those portions of above described property falling within the bounds of roads and highways.
8. An easement in favor of Ryan C. Clement as described in paragraph 1.3 of the Agreement to which this Exhibit "A" is attached.
9. An easement granted in favor of American Telephone and Telegraph Company recorded October 21, 1929, in Book 3 of Leases and Contracts at page 374, records of Bonneville County, Idaho.
10. Provisions in a deed (reserving mineral rights) recorded September 1, 1958, in Book 116 of Deeds, page 201, records of Bonneville County, Idaho.
11. An easement granted to Utah Power & Light Company recorded August 4, 1959, in Book 19 of Leases and Contracts, page 18, records of Bonneville County, Idaho.
12. An easement granted to Utah Power & Light Company recorded March 5, 1965, as Instrument No. 344964, records of Bonneville County, Idaho.
13. An easement granted to Utah Power & Light Company recorded August 20, 1965, as Instrument No. 351232, records of Bonneville County, Idaho.
14. An easement granted to Pacific Corp. recorded November 6, 1989, as Instrument No. 776463, records of Bonneville County, Idaho.
15. An easement granted to Ryan C. Clement and his successors by instrument recorded _____, 2004 as instrument no. _____, records of Bonneville County, Idaho (*to be completed at time this deed is recorded*).



Title:		Date: 04-21-2004
Scale: 1 inch = 2000 feet	File: Tophill Bonneville.des	
Tract 1: 560.000 Acres: 24393600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 23760 Feet		
Tract 2: 11.000 Acres: 479160 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 3366 Feet		
Tract 3: 960.000 Acres: 41817600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 29040 Feet		
001=/ne,2,3n,36e	009=n0e 3960	017=@0merge
002=s90w 6600	010=@0merge	018=/se,34,4n,36e
003=s0w 1320	011=/ne,ne,se,3,3n,36e	019=s90w 5280
004=n90e 1320	012=/s90w 957	020=n0e 3960
005=s0w 1320	013=s0w 1320	021=n90e 10560
006=s90w 1320	014=s90w 363	022=s0w 3960
007=s0w 1320	015=n0e 1320	023=s90w 5280
008=n90e 6600	016=n90e 363	

Decree
 WR 35-2787. 7/21/1965 6.14 CPS 709 Ac. = 3.89 GPM/Ac
 35-13211. 4/23/68 Decree .21 CPS 25 Ac. = 3.78 GPM/Ac
 * Combined. 6.14 CPS 734 Ac. = 3.76 GPM/Ac.
 2607 AF / 734 = 3.55 AFA

WR 35-2861. 2/1/1967 Decree 6.96 CPS 719 Ac. = 4.35 GPM/Ac
 35-7025 5/14/1968 License 1.6 CPS 769 Ac. = .93 GPM/Ac
 * Combined 6.96 CPS 769 Ac. = 4.07 GPM/Ac.
 2955 AF / 769 = 3.84 AFA.

RECEIVED

APR - 9 2002

Department of Water Resources

2002 APR -8 PM 1:43

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

Case No. 39576

)
)
)
)

ORDER OF PARTIAL DECREE

For Water Right 35-02787

On February 7, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02787 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4/8/02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-02787

2002 APR -8 PM 1:43

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: TOPHILL FARMS INC
PO BOX 99
LEWISVILLE, ID 83431

SOURCE: GROUNDWATER

QUANTITY: 6.14 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-13211 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.14 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2607 AF.

PRIORITY DATE: 07/21/1965

POINT OF DIVERSION: T04N R36E S34 NESE Within Jefferson County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.14 CFS

PLACE OF USE:	Irrigation		Within Jefferson County
	T04N R36E S34	SWNE 40.0	SENE 40.0
		SWNW 39.0	SENW 40.0
		NESW 40.0	NWSW 39.0
		SWSW 39.0	SESW 40.0
		NESE 36.0	NWSE 40.0
		SWSE 40.0	
	S35	SWNE 40.0	SENE 39.0
		SWNW 40.0	SENW 40.0
		NESW 36.0	NWSW 36.0
		NESE 34.0	NWSE 36.0
	734.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 709 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 35-13211 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 734 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 APR 08 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-02787

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02787 was mailed
on April 08, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ABERDEEN-AMERICAN FALL GROUND
ABERDEEN-AMERICAN FALLS GROUND
BINGHAM GROUND WATER DIST.
BINGHAM GROUND WATER DISTRICT
TOPHILL FARMS INC
UPPER VALLEY IRRIGATORS ASSOC
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

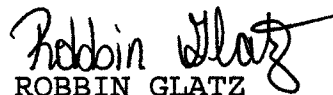
FREMONT-MADISON IRR DIST

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CERTIFICATE OF MAILING

PAGE 1
04/08/02

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449


ROBBIN GLATZ
Chief Deputy Clerk



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2005

MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

RE: Change of Ownership for Water Rights 35-2787, 35-7025, & 35-13211

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure



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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2005

MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

RE: Water Right No. 35-7025
Change in Ownership

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 March 9, 2005 for the water right no. referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right with a place of use different than your property as described in the documentation you originally submitted.

In order to process your change in ownership, we need documentation to show that you own the water right or the property described as the place of use for the water right. If you believe that the SRBA Court issued the partial decree 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. Enclosed at this time is a copy of the partial decree for your review.

Sincerely,

A handwritten signature in black ink, appearing to read "Kandice McDermott". The signature is fluid and cursive, with the first name "Kandice" and last name "McDermott" clearly distinguishable.

Kandice McDermott
Records Analyst

/klm
Enclosure



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

March 21, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

RE: Change in Ownership Water Right No. 35-2861

Dear Water Right Holder(s):

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- ☒ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ☒ **Legal Description of Property**

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right indicated in your notice. I have enclosed a copy of the partial decree for your reference. The portion of the water right which is not included in your documentation is T3N R36E Section 3, SE¼NE¼. Please provide our office with evidence of ownership for this property, or contact our office for other options.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information **within 30 days** we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have questions, please contact Kari Lynn Townsend at 208-287-4952.

Sincerely,

Kandice L. McDermott
Records Analyst

/klm
Enclosure