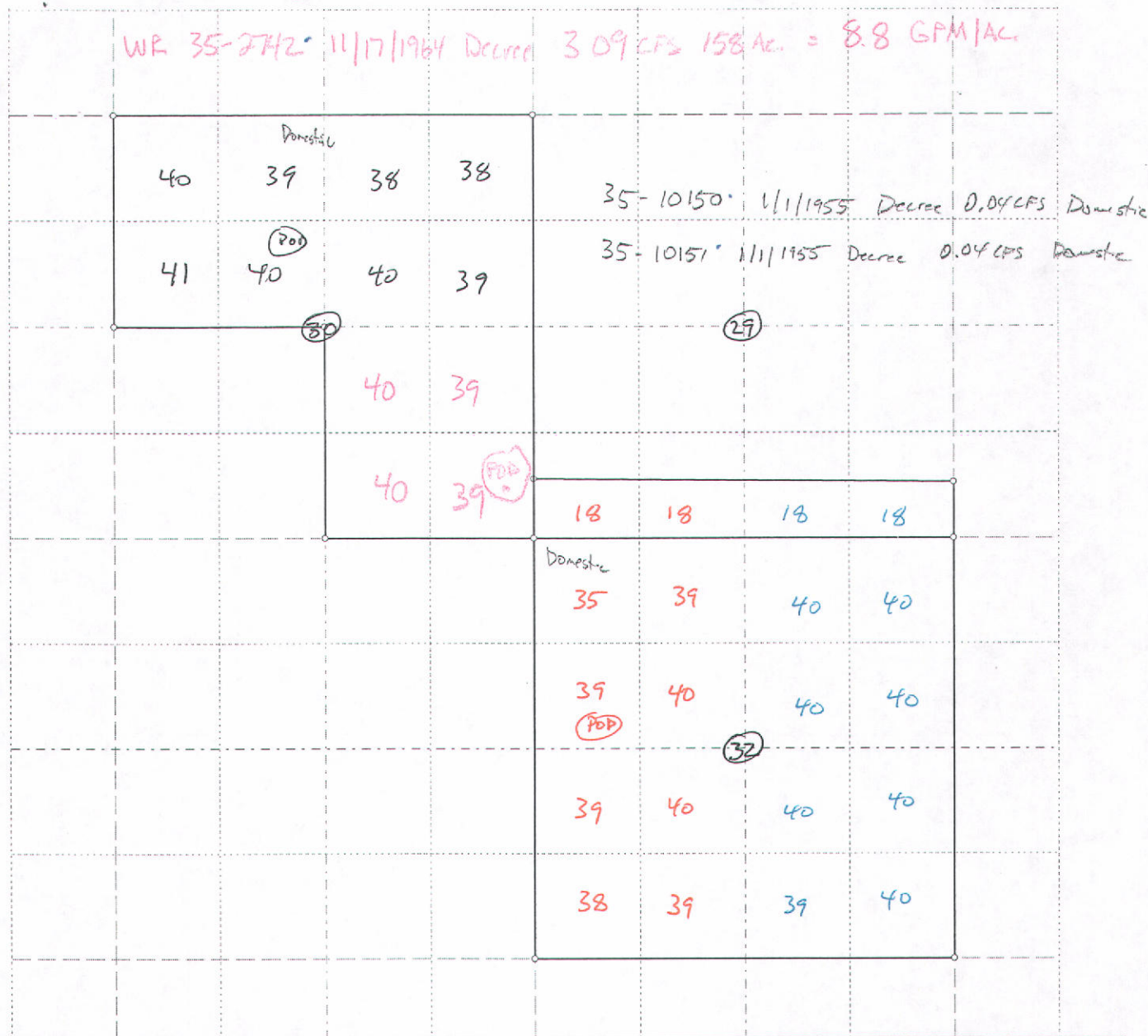


WR 35-FHZ 11/17/1964 Decree 309 CFS 158 Ac. = 8.8 GPM/Ac.



Title:

Date: 04-21-2004

Scale: 1 inch = 2000 feet

File: Browning.des

Tract 1: 87.552 Acres: 3813763 Sq Feet: Closure = s17.0323w 0.63 Feet: Precision = 1/19181: Perimeter = 12005 Feet
Tract 2: 480.000 Acres: 20908800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 21120 Feet
Tract 3: 640.000 Acres: 27878400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 21120 Feet

001=/se,29,4n,37e

008=s90w 5280

015=/ne,32,4n,37e

$$002 = n0e 700.6$$

009=s0w 2640

016=s90w 5280

003=n89.3120w 5280

010=n90e 2640

017=s0w 5280

004=s0w 744.03

011=s0w 2640

018=n90e 5280

005=n90e 5280

012=n90e 2640

019=n0e 5280

006=@,0merge

013=n0e 5280

007=/ne,30,4n,37e

014=@0merge

WR 35-2416 4/7/1955 Decree 4.0 CFS 320 AC = 5.62 GPM/AC

35-7177. 7/10/71 Decree 1.38 GFS 345 Ac. 1.8 GPM/Ac.

$5.38 \text{ CFS} \quad 345 \text{ AC} \approx 7.0 \text{ GPM/AC} \quad 1380 \text{ AF}/345 = 4$

WR 35-2600. 5/13/1960 Deuce 5.22 CPS 320 AL 7.34 GPM/ac.

35-7176: 7/10/1971 Degree 0.95 CFS 355 AC 1.20 GPM/AC

RECEIVED

MAR 02 2000

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>35-2416</u>	_____	_____	<u>35-2742</u>	_____	_____
<u>35-7177</u>	_____	_____	<u>35-10150</u>	_____	_____
<u>35-2600</u>	_____	_____	<u>35-10151</u>	_____	_____
<u>35-7176</u>	_____	_____	_____	_____	_____
<u>35-2392</u>	_____	_____	_____	_____	_____

2. The following REQUIRED information must be submitted with this form: \$200 -

- 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:
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) Clement Enterprises *Robert Clement*
P. O. Box 99 Lewisville, Id 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 _____

SUPPORT DATA

IN FILE #

35-2392

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) Alubeta Properties LLC Mark Alubeta
or Claimant(s) _____

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>
Received by	<u>KMJ</u>	Date	<u>3/2/15</u>
Processed by	_____	Date	_____
		Fee	<u>200⁰⁰</u>
		Receipt No.	<u>E030649</u>

WARRANTY DEED

THIS INDENTURE is made this 14th day of June, 2004, by **CLEMENT ENTERPRISES**, an Idaho general partnership comprised of Ryan C. Clement, G. Ray Clement, Todd R. Clement and Bradford C. Bowen, 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.

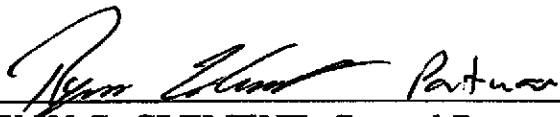
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

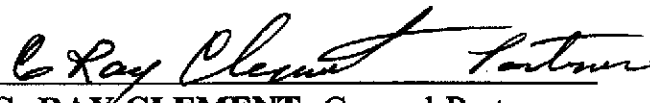
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor 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.

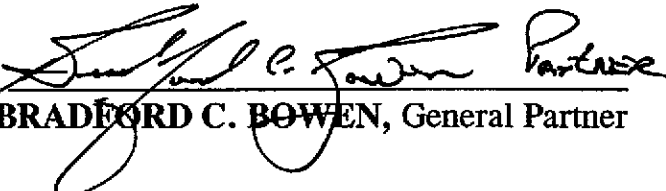
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

CLEMENT ENTERPRISES

By:  Partner
RYAN C. CLEMENT, General Partner

By:  Partner
G. RAY CLEMENT, General Partner

By:  Partner
TODD R. CLEMENT, General Partner

By:  Partner
BRADFORD C. BOWEN, General Partner

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 one of the partners in the partnership of **CLEMENT ENTERPRISES**, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



[Signature]

Notary Public for Idaho

Residing at Idaho Falls, Idaho **Residing in Bonneville County**

My Commission Expires: Commission Expires: 2-27-10

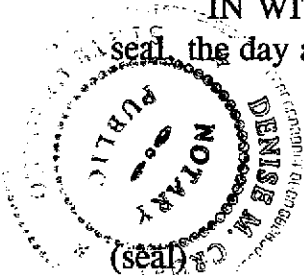
STATE OF IDAHO)

) 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 **G. RAY CLEMENT**, known or identified to me to be one of the partners in the partnership of **CLEMENT ENTERPRISES**, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



[Signature]

Notary Public for Idaho

Residing at Idaho Falls, Idaho

My Commission Expires:

Residing in Bonneville County
Commission Expires: 2-27-10

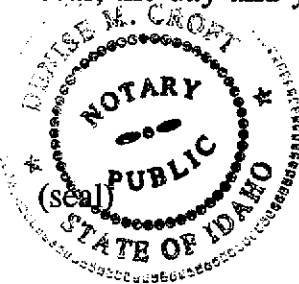
STATE OF IDAHO)

) 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 **TODD R. CLEMENT**, known or identified to me to be one of the partners in the partnership of **CLEMENT ENTERPRISES**, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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: Commission Expires: 2-27-10

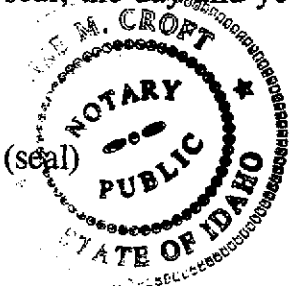
STATE OF IDAHO)

) 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 **BRADFORD C. BOWEN**, known or identified to me to be one of the partners in the partnership of **CLEMENT ENTERPRISES**, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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: Residing in Bonneville County
Commission Expires: 2-27-10

EXHIBIT "A"
(To Warranty Deed)

Township 4 North, Range 37, East, Boise Meridian, Jefferson County,
Idaho.

- Section 29: Beginning at the Southeast corner of Section 29 and running
 thence North along the section line 700.6 feet; thence North
 89°31'20" West to the West line of said Section 29; thence
 South along the West line of said Section 29 to the Southwest
 corner of said Section 29; thence East along the South line of
 said Section 29 to the point of beginning.
- Section 30: NE1/4; E1/2NW1/4; Lots 1 and 2; SE1/4
- Section 32: All

EXCEPTING THEREFROM: County road right of way.

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

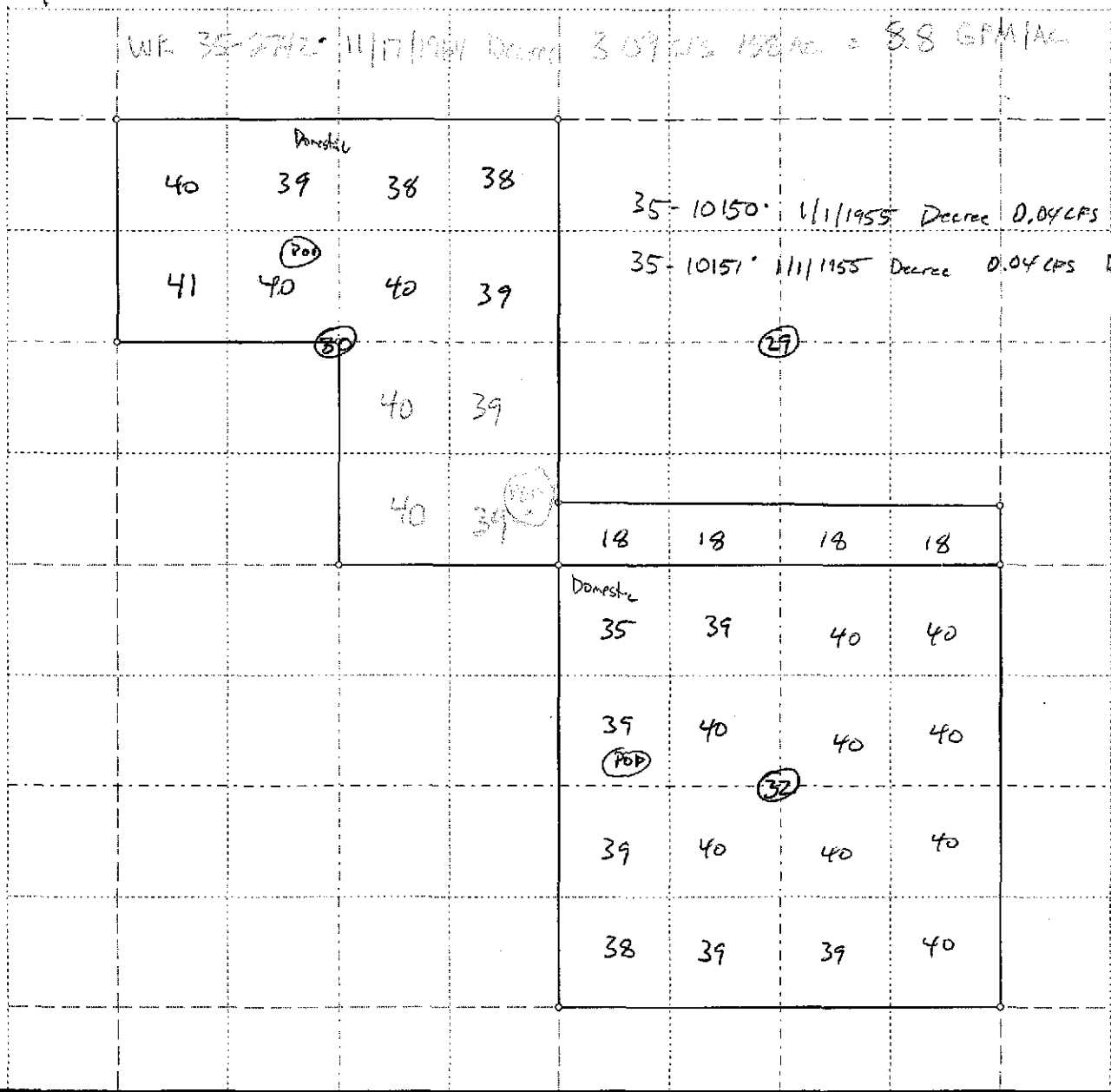
notices of such proceedings, whether or not shown by the records of such agency or by the public records.

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. Right of Way Contract between Gale W. Clement and Jefferson County, recorded April 17, 1981 as instrument no. 209401, records of Jefferson County, Idaho.
9. An easement recorded September 26, 1998 as instrument no. 249740, records of Jefferson County, Idaho.
10. An easement recorded September 26, 1988 as instrument No. 249741, records of Jefferson County, Idaho.

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

WR 35-2392 1/10/1955 Decree 4 CFS 315 = 5.71 GPM/AC

WR 35-5742 11/17/1961 Decree 3.59 CFS 158 AC = 8.8 GPM/AC



35-10150 1/1/1955 Decree 0.04 CFS Domestic

35-10151 1/1/1955 Decree 0.04 CFS Domestic

Title:

Date: 04-21-2004

Scale: 1 inch = 2000 feet

File: Browning.des

Tract 1: 87.552 Acres: 3813763 Sq Feet: Closure = s17.0323w 0.63 Feet: Precision = 1/19181: Perimeter = 12005 Feet

Tract 2: 480.000 Acres: 20908800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999: Perimeter = 21120 Feet

Tract 3: 640.000 Acres: 27878400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999: Perimeter = 21120 Feet

001=/se,29,4n,37e

008=s90w 5280

015=/ne,32,4n,37e

002=n0e 700.6

009=s0w 2640

016=s90w 5280

003=n89.3120w 5280

010=n90e 2640

017=s0w 5280

004=s0w 744.03

011=s0w 2640

018=n90e 5280

005=n90e 5280

012=n90e 2640

019=n0e 5280

006=@0merge

013=n0e 5280

007=/ne,30,4n,37e

014=@0merge

WR 35-2416 4/7/1955 Decree 4.0 CFS 320 AC = 5.62 GPM/AC

35-7177 7/10/71 Decree 1.38 CFS 345 AC 1.8 GPM/AC

5.38 CFS 345 AC = 7.0 GPM/AC 1380 AF/345 = 4

WR 35-2600 5/13/1960 Decree 5.22 CFS 320 AC 7.34 GPM/AC

35-7176 7/10/1971 Decree 0.95 CFS 355 AC 1.20 GPM/AC

2002 JAN 31 PM 3:02

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 35-02392**
)

On November 16, 2001, 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 35-02392 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



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 35-02392

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 31 2002

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: CLEMENT ENTERPRISES
PO BOX 99
LEWISVILLE, ID 83431

SOURCE: GROUNDWATER

QUANTITY: 4.00 CFS
1260.00 AFY

PRIORITY DATE: 01/10/1955

POINT OF DIVERSION: T04N R37E S30 SENW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.00 CFS 1260.00 AFY

PLACE OF USE:	Irrigation	Within Jefferson County
	T04N R37E S30	NENE 38.0 NWNE 38.0 SWNE 40.0 SENE 39.0 NENW 39.0 LOT 01. (NWNW) 40.0 LOT 02 (SWNW) 41.0 315.0 Acres Total

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

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JAN ³¹~~25~~ 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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-02392

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 35-02392 was mailed
on January ³¹~~25~~, 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
CLEMENT ENTERPRISES
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
01/25/02

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

DIANA DELANEY
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

March 16, 2005

MICKELSEN PROPERTIES LLC
1050 W RIVERVIEW DR
IDAHO FALLS ID 83401

RE: Change of Ownership for Water Rights 35-2392, 35-2416, 35-2600, 35-2742,
35-7176, 35-7177, 35-10150, & 35-10151

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,

Kandice McDuff
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure