

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

RECEIVED
JUN 29 2005
Department of Water Resources
Southern Region

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

RECEIVED

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 division of the existing water right or adjudication claim record will be required.
- JUL 29 2005
DEPARTMENT OF
WATER RESOURCES

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-2436A	A43-2436A	___	_____	_____	___
43-2438A	A43-2438A	___	_____	_____	___
43-2437	A43-2437	___	_____	_____	___
43-2442	A43-2442	___	_____	_____	___
43-4006	A43-4006	___	_____	_____	___

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)

MF Cattle Feeding, Inc., fka
Monfort Finance Co. Inc.

4. New Owner/Claimant(s)

Five Rivers Ranch Cattle Feeding LLC

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

New Mailing Address

5408 Idylwild Trail

City, State and ZIP Code

Boulder, CO 80301

New Telephone Number

303 516-5912

5. Date you acquired the property

May 24, 2005

SUPPORT DATA

IN FILE # 43-2436A

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Mike Thoren
President & CEO Five Riders Ranch Cattle Feeding LLC

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 <i>JS</i>	Date <i>7/26/05</i>	Fee <i>125.00</i>
Received by <i>JS</i>	Date <i>7/26/05</i>	Receipt No. <i>5027852</i>
Processed by <i>JS</i>	AJ Date _____	WR _____ Date _____

39558

302292

RECEIVED

JUN 29 2005

When recorded return to:
Hogan & Hartson L.L.P. (NAC)
1200 17th Street, Suite 1500
Denver, CO 80202

Department of Water Resources
Southern Region

SPECIAL WARRANTY DEED
(Malta Feedlot - Cassia County, Idaho)

RECORDED
LAND TITLE & ESCROW
JUN 29 2005

2005 JUN 24 PM 10 37

FEE 27.80
RECORDED
DEPUTY 46

CASSIA COUNTY, IDAHO
LARRY A. HICKELSON

302292

THIS SPECIAL WARRANTY DEED, dated as of May 20, 2005, is between MF CATTLE FEEDING, INC., a Colorado corporation, Grantor, and FIVE RIVERS RANCH CATTLE FEEDING LLC, a Delaware limited liability company, whose legal address is 5408 Idylwild Trail, Boulder, Colorado 80301, Grantee.

WITNESS, that Grantor, for value received, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, assigned and conveyed, and by these presents does bargain, sell, assign, convey and confirm unto Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Cassia and State of Idaho, as more particularly described on Exhibit A attached hereto and incorporated herein by reference, SAVING, EXCEPTING AND RESERVING unto Grantor all of Grantor's right, title and interest in and to all oil and gas found in, on and under or that may be produced from such real property, with right of ingress and egress to explore for and remove the same, and together with the right to receive royalties or revenues from any oil or gas or other production from wells located thereon;

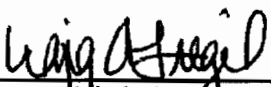
TOGETHER WITH all water and water rights, whether tributary, nontributary, or not nontributary, whether adjudicated or unadjudicated, and all ditches and ditch rights, water wells and well rights, State Engineer filings, well registration statements and well permits, water taps, reservoirs and reservoir rights, all leases or other contractual rights to water rights, the provision of water or water service, all water company and mutual ditch or reservoir company stock, and all perfected and inchoate rights to the development, extraction, or use of nontributary water, that are (a) owned by Grantor and associated with the cattle feeding and feed lot business activities conducted by Grantor on the real property described on Exhibit A, or (b) which are or may be used on or in connection with, or are appurtenant to, or located on or underlying, or in any way associated with, the real property described on Exhibit A, including, but not limited to, the water rights listed on Exhibit B attached hereto and incorporated herein by this reference (such water rights listed on Exhibit B are referred to herein as the "Subject Water Rights"), with all appurtenances, including, without limitation, such easements, rights-of-way, water diversion, carriage, storage, and transmission facilities, and all other improvements or appurtenances owned by Grantor and related to, associated with, or historically used on or in connection with the Subject Water Rights, or which may be necessary for the development, operation, or maintenance of the Subject Water Rights; and

TOGETHER WITH all and singular the hereditaments, tenements, easements, rights-of-way, rights, privileges and appurtenances thereunto belonging, or in anywise appertaining, including, without limitation, all of Grantor's right, title and interest in, to and under any streets, ways, alleys, gores, strips or tracts of land adjoining or adjacent to the real property described on Exhibit A, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises (all of the foregoing collectively referred to as the "Property");

TO HAVE AND TO HOLD the Property unto Grantee, its successors and assigns forever. Grantor, for itself and its successors and assigns, does covenant and agree that it shall and will **WARRANT AND FOREVER DEFEND** the real property listed on Exhibit A and the Subject Water Rights listed on Exhibit B in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor, except for taxes for the year 2005 and subsequent years, and except for the matters listed on Exhibit C attached hereto, and except that the special warranties as to the Subject Water Rights shall cover and relate only to record title to the Subject Water Rights listed on Exhibit B, and do not include or create any representations or warranties with respect to any other aspects of the Subject Water Rights, including, but not limited to, the legal or physical availability of water, loss or diminishment of the Subject Water Rights by non-use, water quality, the condition of related diversion or conveyance facilities, or any matters a physical inspection of the Subject Water Rights or related structures would reveal.

IN WITNESS WHEREOF, Grantor has caused its name to be hereunto subscribed the day and year first above written.

MF CATTLE FEEDING, INC.
a Colorado corporation

By: 
Name: CRAG A. LIEBEL
Title: VICE PRESIDENT / CFO

STATE OF WISCONSIN)
) ss.
COUNTY OF BROWN)

On this 19 day of May in the year 2005, before me, personally appeared CRAIG A. LIEBEL, known or identified to me to be the VICE PRESIDENT/CFO of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Witness my hand and official seal.

My commission expires: 6/25/2006




Notary Public

EXHIBIT A

**LEGAL DESCRIPTION
(Malta Feedlot - Cassia County, Idaho)**

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

- Section 16: All
- Section 17: E $\frac{1}{2}$
- Section 20: E $\frac{1}{2}$
- Section 21: N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 29: E $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29, thence North 0°03' East along Section line for 108.55 feet to a point; thence South 89°29' West for 328.54 feet along an assumed county road right-of-way to the True Point of Beginning;
Thence South 89°29' West along said right-of-way for 328.54 feet to a point;
Thence North 0°04'26" West for 662.30 feet to a point;
Thence North 89°29' East for 329.25 feet to a point;
Thence South 0°00'45" East for 662.30 feet to the True Point of Beginning.

Tract No. 2:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29; thence North 0°03' East along said Section line for 108.55 feet to the True Point of Beginning;
Thence South 89°29' West for 328.54 feet along the assumed county road right-of-way to a point;
Thence North 0°00'45" West for 662.30 feet to a point;
Thence North 89°29' East for 329.25 feet to a point on the said Section line;
Thence South 0°03' West along said Section line for 662.30 feet to the True Point of Beginning.

Tract No. 3:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 29; thence North 0°03' East for 108.55 feet along said Section line to a point; thence South 89°29' West for 657.08 feet along an assumed County road right-of-way to the True Point of Beginning;
Thence continuing South 89°29' West for 328.54 feet along said right-of-way to a point;
Thence North 0°08'07" West for 662.30 feet to a point;
Thence North 89°29' East for 329.25 feet to a point;
Thence South 0°04'26" East for 662.30 feet to the True Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

- Section 17: E $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 20: E $\frac{1}{2}$ NW $\frac{1}{4}$

EXHIBIT B

SUBJECT WATER RIGHTS (Malta Feedlot - Cassia County, Idaho)

DESCRIPTION OF MALTA FEEDLOT WATER RIGHTS

The water rights and related groundwater wells and associated rights and interests located on the Malta Feedlot Property in Cassia County, Idaho, as reflected in the Water Rights listed below and described and conditioned in the referenced Adjudication Recommendation Reports and Partial Decrees on file with the Idaho Department of Water Resources:

Water Right No. 43-4006, as described and conditioned in the Adjudication Recommendation Report and Partial Decree for such Water Right on file with the Idaho Department of Water Resources

Water Right No. 43-2436A, as described and conditioned in the Adjudication Recommendation Report and Partial Decree for such Water Right on file with the Idaho Department of Water Resources

Water Right No. 43-2442, as described and conditioned in the Adjudication Recommendation Report and Partial Decree for such Water Right on file with the Idaho Department of Water Resources

Water Right No. 43-2438A, as described and conditioned in the Adjudication Recommendation Report and Partial Decree for such Water Right on file with the Idaho Department of Water Resources

Water Right No. 43-2437, as described and conditioned in the Adjudication Recommendation Report and Partial Decree for such Water Right on file with the Idaho Department of Water Resources

EXHIBIT C

EXCEPTIONS TO TITLE (Malta Feedlot - Cassia County, Idaho)

1. *Intentionally left blank.*
2. *Intentionally left blank.*
3. *Intentionally left blank.*
4. *Intentionally left blank.*
5. *Intentionally left blank.*
6. *Intentionally left blank.*
7. *Intentionally left blank.*
8. *Intentionally left blank.*
9. Water rights, claims or title to water.
10. *Intentionally left blank.*
11. Agreement for Easement and Right of Way between County Commissioners of Cassia County, and the United States of America, recorded April 22, 1942 as Instrument No. 141701 in Book 7 of Bills of Sale and Agreements on Pages 13 and 14, records of Cassia County, Idaho, over and across SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 and E $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21 all in Township 13 South, Range 27 East of the Boise Meridian.
(Affects a portion of Parcel No. 1)
12. Grant of Easement from Pewitt-Thompson, Inc., to Intermountain Gas Company, a corporation, dated February 23, 1966 and recorded July 6, 1966 as Instrument No. 30532 on Film No. 42, records of Cassia County, Idaho, for pipeline located 20 feet West of the East boundary line of Section 16 Township 13 South, Range 27 East of the Boise Meridian.
(Affects a portion of Parcel No. 1)
13. Grant of Easement from Pewitt-Thompson, Inc., to Intermountain Gas Company, dated February 23, 1966 and recorded July 6, 1966 as Instrument No. 30533 on Film No. 42, records of Cassia County, Idaho, for pipeline located 20 feet South of the North boundary line of NW $\frac{1}{4}$ of Section 21, Township 13 South, Range 27 East of the Boise Meridian.
(Affects a portion of Parcel No. 1)
14. *Intentionally left blank.*
15. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Bell, Bingham and Associates, as Consumer, dated April 3, 1969 and recorded June 11, 1969 as Instrument No. 46666 on Film No. 61, records of Cassia County, Idaho, over and across the E $\frac{1}{4}$ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
16. Easement from Vista Land Company, Inc. to Intermountain Gas Company, dated February 26, 1970 and recorded April 2, 1970 as Instrument No. 50550 on Film No. 65, records of Cassia County, Idaho, over and across a portion of the SW $\frac{1}{4}$ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
17. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Bell, Bingham and Associates, as Consumer, dated June 18, 1969 and recorded September 1, 1972 as Instrument No. 64970 on Film No. 78, records of Cassia County, Idaho, covering the SE $\frac{1}{4}$ of Section 17, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
18. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Vista Land Company, as Consumer, dated July 6, 1972 and recorded September 1, 1972 as Instrument No. 64992 on Film No. 78, records of Cassia County, Idaho, covering the SE $\frac{1}{4}$ of Section 20, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)

19. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Vista Land Company, as Consumer, dated May 2, 1974 and recorded May 7, 1976 as Instrument No. 90454 on Film No. 101, records of Cassia County, Idaho, covering the S½ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
20. Oil and Gas Lease Agreement between the State of Idaho, as Lessor, and R.M. Exploration, Inc., as Lessee, dated October 1, 1981 and recorded January 4, 1982 as Instrument No. 140350 on Film No. 147, records of Cassia County, Idaho, covering E½, N½NW¼, S½SW¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian, Cassia County, Idaho. (Affects a portion of Parcel No. 1)
21. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders, Consumer, dated August 14, 1990 and recorded August 29, 1990 as Instrument No. 209273 on Film No. 218, records of Cassia County, Idaho, covering the NE¼ of Section 20, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
22. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated August 31, 1993 and recorded September 10, 1993 as Instrument No. 226556 on Film No. 248, records of Cassia County, Idaho, covering the SW¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
23. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated August 31, 1993 and recorded September 10, 1993 as Instrument No. 226557 on Film No. 248, records of Cassia County, Idaho, covering the NE¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
24. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated August 31, 1993 and recorded September 10, 1993 as Instrument No. 226558 on Film No. 248, records of Cassia County, Idaho, covering the NE¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
25. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated August 31, 1993 and recorded September 10, 1993 as Instrument No. 226559 on Film No. 248, records of Cassia County, Idaho, covering the SW¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
26. *Intentionally left blank.*
27. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated March 21, 1994 and recorded March 30, 1994 as Instrument No. 229950 on Film No. 254, records of Cassia County, Idaho, covering the NW¼SE¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
28. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated March 21, 1994 and recorded March 30, 1994 as Instrument No. 229952 on Film No. 254, records of Cassia County, Idaho, covering the NW¼SE¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
29. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated March 21, 1994 and recorded April 1, 1994 as Instrument No. 230027 on Film No. 254, records of Cassia County, Idaho, covering the NW¼SE¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
30. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated October 5, 1994 and recorded October 12, 1994 as Instrument No. 233364 on Film No. 259, records of Cassia County, Idaho, covering the NE¼SW¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
31. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders, Consumer, dated October 5, 1994 and recorded October 12, 1994 as Instrument No. 233365 on Film No. 259, records of Cassia County, Idaho, covering the SW¼NE¼ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)

32. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders (Vista Village), Consumer, dated October 5, 1994 and recorded October 12, 1994 as Instrument No. 233366 on Film No. 259, records of Cassia County, Idaho, covering the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
33. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho Rural electric Cooperative of Malta, Seller and Interstate Feeders, Consumer, dated September 9, 1996 and recorded September 30, 1996 as Instrument No. 245266 on Film No. 281, records of Cassia County, Idaho, covering the SW $\frac{1}{4}$ of Section 21, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
34. Reservations contained in U.S. Patent to Nathan F. Gardiner and Shanna K. Gardiner, dated April 21, 1997 and recorded April 28, 1997 as Instrument No. 248721 on Film No. 286, records of Cassia County, Idaho, which reads as follows: "EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945). SUBJECT TO those rights for road purposes granted to Raft River Highway District, its successors and assigns, by right-of-way No. IDI 31959, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761)." (Affects E $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; E $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, Township 13 South, Range 27 East of the Boise Meridian). (Affects a portion of Parcel No. 2)
35. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Interstate Feeders, Consumer, dated March 3, 1997 and recorded October 30, 1997 as Instrument No. 251913 on Film No. 292, records of Cassia County, Idaho, covering the SW $\frac{1}{4}$ of Section 21, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
36. Restriction and reservation contained in Warranty Deed executed by Nathan F. Gardiner and Shanna K. Gardiner, husband and wife to Monfort, Inc., a Delaware corporation, dated December 15, 1997 and recorded December 16, 1997 as Instrument No. 252614 on Film No. 294, records of Cassia County, Idaho, which reads as follows: "SUBJECT TO the restriction which shall run with the land that no cattle shall be kept upon the property hereby conveyed in numbers greater than two animals per acre. EXCEPTING and reserving to Grantors an Easement forty feet wide along the West and South edge of E $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 13 South, Range 27 East of the Boise Meridian." (Affects a portion of Parcel No. 2)
37. *Intentionally left blank.*
38. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Interstate Feeder's, Consumer, dated March 12, 1999 and recorded May 5, 1999 as Instrument No. 262566, records of Cassia County, Idaho, covering the SW $\frac{1}{4}$ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
39. Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Interstate Feeders, Consumer, dated July 12, 2002 and recorded July 19, 2002 as Instrument No. 282724, records of Cassia County, Idaho, covering the SW $\frac{1}{4}$ of Section 16, Township 13 South, Range 27 East of the Boise Meridian. (Affects a portion of Parcel No. 1)
40. Reservations and exceptions set forth in Patent between The United States of America and Clarence M. Taylor, dated October 18, 1920 and recorded November 9, 1955 as Instrument No. 187962 in Book 2 of Patents, records of Cassia County, Idaho, which reads as follows: "subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States." (Affects NE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; Section 17 in Township 13 South, Range 27 East of the Boise Meridian). (Affects a portion of Parcel No. 1)
41. Reservations and exceptions set forth in Patent between The United States of America and Henry A. Warneke, dated November 28, 1921 and recorded November 9, 1955 as Instrument No. 187963 in Book 2 of Patents, records of Cassia County, Idaho, which reads as follows: "subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States." (Affects SE $\frac{1}{4}$ of Section 17; N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 20; N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 21, Township 13 South, Range 27 East of the Boise Meridian). (Affects a portion of Parcel No. 1)

42. Reservations and exceptions set forth in State of Idaho Deed between State of Idaho and P.H. Pewitt, dated March 22, 1956 and recorded April 17, 1956 as Instrument No. 189587 in Book 2 of Patents, records of Cassia County, Idaho, which reads as follows: "subject to the provisions of Section 58-604 Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the state a right of way for ditches constructed by authority of the United States and to the provisions of Section 47-701, Idaho Code, reserving to the State all Mineral rights on lands sold subsequent to the 8th day of May, 1923." (Affects SE¼ and S¼SW¼ of Section 16, Township 13 South, Range 27 East, Boise Meridian). (Affects a portion of Parcel No. 1)
43. Reservations and exceptions set forth in State of Idaho Deed between State of Idaho and P.H. Pewitt, dated March 22, 1956 and recorded April 17, 1956 as Instrument No. 189588 in Book 2 of Patents, records of Cassia County, Idaho, which reads as follows: "subject to the provisions of Section 58-604 Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the state a right of way for ditches constructed by authority of the United States; and to the provisions of Section 47-701, Idaho Code, reserving to the State all Mineral rights on lands sold subsequent to the 8th day of May, 1923." (Affects NE¼ and N¼NW¼ of Section 16, Township 13 South, Range 27 East, Boise Meridian). (Affects a portion of Parcel No. 1)
44. Reservations and exceptions set forth in Patent between The United States of America and James H. Bell, Jr., dated October 13, 1970 and recorded November 2, 1970 as Instrument No. 53609 on Film No. 67, records of Cassia County, Idaho, which reads as follows: "EXCEPTING AND RESERVING TO THE UNITED STATES: (1) a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945; (2) all mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine and remove said deposits from the same under applicable law; and (3) a right-of way over and across a 75 foot strip measured parallel and adjacent to the south side of the S¼NE¼ said Section 20 for public access, use and stock driveway purposes. (Affects SW¼NE¼ Section 17; S¼NE¼ Section 20, Township 13 South, Range 27 East of the Boise Meridian). (Affects a portion of Parcel No. 1)
45. Reservations and exceptions set forth in Patent between The United States of America and Ronald G. Holtman, aka Ronald Holtman, dated June 23, 1972 and recorded May 10, 1978 as Instrument No. 107415 on Film No. 117, records of Cassia County, Idaho, which reads as follows: "EXCEPTING AND RESERVING TO THE UNITED STATES: (1) a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945; (2) all the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove said deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509 as supplemented; 30 U.S.C. 121-124; SUBJECT TO those rights for irrigation purposes as have been granted to George W. Naddo his successors or assigns, by right-of-way Blackfoot 046533, under the Act of March 3, 1891 (26 Stat. 1101), as amended, 43 U.S.C. 946-949" Notice of Right-of-Way Grant Cancelled, dated January 9, 1975 executed by Richard H. Petrie, Chief Division of Technical Services for the United States of America, Bureau of Land Management. (Affects SE¼ Section 20; S¼SW¼ Section 21 and E¼NE¼ Section 29, Township 13 South, Range 27 East of the Boise Meridian). (Affects a portion of Parcel No. 1)
46. Rights of way for county roads: 2450 East (sometimes known as Clover Lane), Pierce Lane, 1850 South, Jane Lane, 1750 South, 1700 South, as shown on ALTA/ACSM Land Title Survey provided by International Land Services, Inc., Field Date April 5 and 28, 2005 and ALT.DWG May 11, 2005, Job. No. 05-03-019:004.
47. The following matters, and any rights, easements, interests or claims which may exist by reason thereof, and other matters of survey, as shown on ALTA/ACSM Land Title Survey provided by International Land Services, Inc., Field Date April 5 and 28, 2005 and ALT.DWG May 11, 2005, Job. No. 05-03-019:004: (a) various fencelines not being located on exterior boundary lines; (b) use of that portion of the premises being located outside of the fencelines as shown on the survey; (c) overhead powerlines shown throughout the survey on the premises; (d) farm lane crossing the West boundary line of property shown on sheet No. 8 of survey; and (e) landing strip set forth on sheet 6 of survey.

JUN 29 2005

Department of Water Resources
Southern Region

State of Idaho

Office of the Secretary of State

AMENDED CERTIFICATE OF AUTHORITY

OF

MONFORT FINANCE COMPANY, INC.

File Number C 144149

I, BEN YSURSA, Secretary of the State, hereby certify that an Application for Amended Certificate of Authority, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Amended Certificate of Authority to reflect the name change from **MONFORT FINANCE COMPANY, INC.** to **MF CATTLE FEEDING, INC.** and attach hereto a duplicate of the application for such amended certificate.

Dated: October 18, 2004



Ben Yursa

SECRETARY OF STATE

By

[Signature]

Rx Date/Time OCT-14-2004 (THU) 15:04
OCT-14-2004 THU 04:36 PM CSC

2175444657
FAX NO. 2175444657

P. 002
P. 02

214

	APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY (Instructions on back of application)	OCT 18 4 12:12 SECRETARY OF STATE IDAHO
To the Secretary of State of the State of Idaho: Pursuant to Section 30-1-1504, Idaho Code, the undersigned Corporation hereby applies for an amended certificate of authority to transact business in the State of Idaho and for that purpose submits the following statement. Complete only applicable items.		
1. A Certificate of Authority was issued to the corporation by your office on: <u>June 3, 2002</u> authorizing it to transact business in the State of Idaho under the name of: <u>Monfort Finance Company, Inc.</u>		
2. Its corporate name has been changed to: <u>MF Cattle Feeding, Inc</u>		
3. The name which it shall use hereafter in the State of Idaho is: <u>MF Cattle Feeding, Inc.</u>		
4. It has changed its jurisdiction of incorporation, without a change of corporate identity to: <u>n/a</u>		
Dated: <u>OCTOBER 11, 2004</u> Corporation Name: <u>MF Cattle Feeding, Inc.</u>		
Signature: <u>Scott E Messel</u>		
Typed Name: <u>Scott E. Messel</u>		
Capacity: <u>Assistant Secretary</u>		
Customer Acct # : _____ (Not to be prepared without) Secretary of State use only IDAHO SECRETARY OF STATE 10/18/2004 05:00 OX: 32903 CT: 19577 MI: 771679 1 0 30.00 = 30.00 AMEND CERT # 5 1 0 20.00 = 20.00 EXPEDITE C # 6 C144149		

Rx Date/Time OCT-14-2004(THU) 15:04
OCT-14-2004 THU 04:37 PM CSC

2175444657
FAX NO. 2175444657

P. 004
P. 04



STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, DONETTA DAVIDSON, SECRETARY OF STATE OF THE STATE OF
COLORADO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF
THIS OFFICE, ARTICLES OF AMENDMENT WERE FILED ON OCTOBER 7,
2004 CHANGING THE CORPORATE NAME OF

MONFORT FINANCE COMPANY, INC.
(COLORADO CORPORATION)

TO

MF CATTLE FEEDING, INC.

Dated: October 07, 2004

A handwritten signature in cursive script, reading "Donetta Davidson", is written over a horizontal line.

SECRETARY OF STATE

State of Idaho

Office of the Secretary of State

**CERTIFICATE OF AUTHORITY
OF
MONFORT FINANCE COMPANY, INC.**

File Number C 144149

I PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that an Application for Certificate of Authority, duly executed pursuant to the provisions of the Idaho Business Corporation Act, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I Issue this Certificate of Authority to transact business in this State and attach hereto a duplicate of the application for such certificate.

Dated: 3 June 2002



Pete T. Cenarrusa
SECRETARY OF STATE

By *[Signature]*

202



APPLICATION FOR CERTIFICATE OF AUTHORITY (For Profit)

(Instructions on Back of Application)

02 JUN -3 PM 1:38

SECRETARY OF STATE
STATE OF IDAHO

The undersigned Corporation applies for a Certificate of Authority and states as follows:

- The name of the corporation is: Monfort Finance Company, Inc.
- The name which it shall use in Idaho is: _____
- It is incorporated under the laws of: Colorado
- Its date of incorporation is: March 22, 1983
- The address of its principal office is: _____
1700 S. 2450 East, Malta, ID 83342
- The address to which correspondence should be addressed, if different from item 5, is: _____
One ConAgra Drive, Greeley, CO 80634
- The street address of its registered office in Idaho is: 1401 Shoreline Drive, Suite 2
Boise, ID 83702, and its registered agent in Idaho at that address is: Corporation Service Company
- The names and respective business addresses of its directors and officers are:

Name	Office	Address
See attached officers/directors rider		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Dated: May 28, 2002Signature: Debra L. KeithTyped Name: Debra L. KeithCapacity: Vice-President, Tax

Customer Acct #:

(If using pre-paid account)

Secretary of State use only

g:\users\lhamilton\app
form\appform\authority_graft.pdf
Revised 6/1/2001

IDAHO SECRETARY OF STATE
06/03/2002 05:00
CR: 140877 CT: 20296 DR: 469352
1 @ 100.00 = 100.00 AUTH PRD @ 2
1 @ 20.00 = 20.00 EXPEDITE C @ 3

C144149

STATE OF COLORADO
DEPARTMENT OF
STATE
CERTIFICATE

I, DONETTA DAVIDSON, Secretary of State of the State of Colorado,
hereby certify that, according to the records of this office,

MONFORT FINANCE COMPANY, INC.
(Colorado CORPORATION)
File # 19871513418

was filed in this office on March 22, 1983 and has complied with the applicable provisions
of the laws of the State of Colorado and on this date is in good standing and authorized and
competent to transact business or to conduct its affairs within this state.

Dated: May 8, 2002

For Validation:

Certificate ID: 561371

To validate this certificate, visit the following
web site, enter this certificate ID, then follow the
instructions displayed.

www.sos.state.co.us/ValidateCertificate


SECRETARY OF STATE

IDAHO DEPARTMENT OF WATER RESOURCES

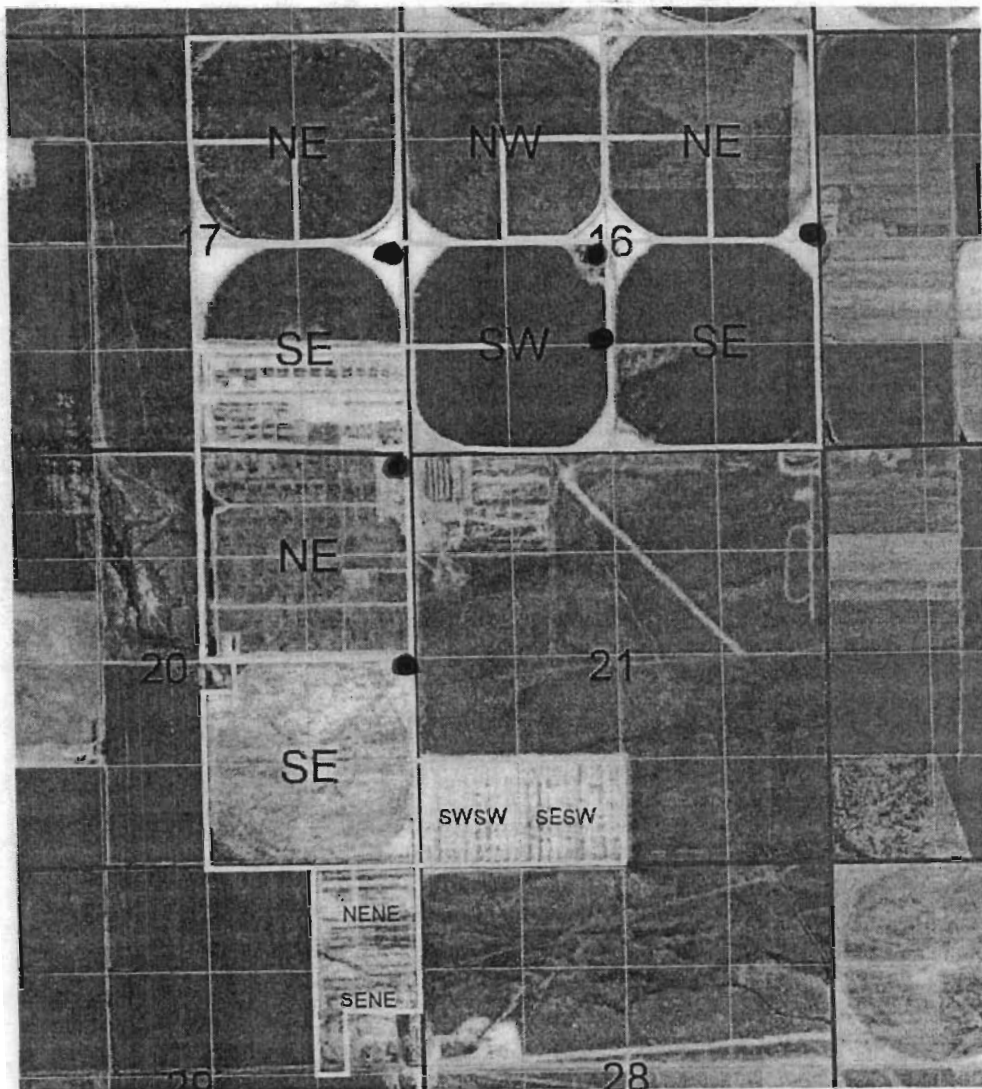
RECEIVED

JUN 29 2005

Department of Water Resources
Southern Region

PRELIMINARY PLACE OF USE

43-2437, 43-2442 & 43-4006



T13S, R27E Sections 16, 17, 20, 21 & 29

Map prepared by: Cbird
December 11, 2000
1987-1988 NAPP Photography

Well #17

Well #16

10 Home Domestic

Well #19

Well #16B

water of use

Commercial place of use

Well #20

Irrigation Limitation
= 864 acres

S R27E



Mount Finance Co.
Interstate Feeders, Inc.
JIC 72 BOX 2086 MALTA MALTA 063342
1710 So 2450 E Malta

① - Pump #
Water Lines

North

