

No Color
Documents
In File

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

RECEIVED**JUL 19 2002**

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

Department of Water Resources

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s)	Split	Water Right No(s).	Adjudication Claim No(s).	Split
61-2248B					
61-7189					

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) Magic West, Inc.

New Owner/Claimant(s) Idaho Fresh-Pak, Inc.
 Name Connector (Check one). ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 130

City, State and ZIP Code Lewisville, ID 83431-0130

New Telephone Number (208) 754-4686

Date you acquired the property July 10, 2002

Data Entry *[Signature]* 1/22/03

MICROFILMED

JUL 21 2002

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) IDAHO FRESH-PAK, INC.
(include title if applicable)

By: *Kay Plonert*
Title, A duly authorized officer

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 <u><i>J. Mann</i></u>	Date <u>8-23-02</u>	Fee <u>\$50.00</u>
Received by <u><i>J. Mann</i></u>	Date <u>8-23-02</u>	Receipt No. <u>0064138</u>
Processed by <u><i>D. Hoff</i></u>	Date <u>1-12-03</u>	WR _____ Date _____

MICROFILMED

JUL 11 2003

When Recorded Return To:

Idaho Fresh-Pak, Inc.
529 North 3500 East
Post Office Box 130
Lewisville, Idaho 83431
Attn: Rodney K. Roberts

Instrument # 338000
Elmore County, Idaho
01:37pm Jul 12, 2002
For: GUARANTY TITLE INC
No. of Pages: 3 Fee: \$9.00
GAIL L. BEST, Recorder
Deputy: DAC

CORPORATION GRANT DEED

FOR VALUE RECEIVED, MAGIC WEST, INC., a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto IDAHO FRESH-PAK, INC., a corporation duly organized and existing under the laws of the State of Idaho, whose address is 529 North 3500 East, Post Office Box 130, Lewisville, Idaho 83431, GRANTEE, the real property described on Exhibit A, attached hereto and incorporated by this reference, including all water rights appurtenant to or associated with the real property, including, but not limited to, Water Rights Nos. 61-2248B, 61-7189, and 61-7724, and all water interests used on or in connection with the real property, including, but not limited to, any shares in a public or private entity owning water rights, any contractual rights with a public or private entity owning water rights, or any leasehold interest in water rights from an individual or entity.

SUBJECT TO all easements, restrictions, rights-of-way and other matters of record; and taxes and assessments for the year 2002 and thereafter.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the successors and assigns of the Grantee forever. Grantor covenants that Grantor has fully and continuously used Water Right Nos. 61-2248B, 61-7189, and 61-7724 pursuant to applicable Idaho water each year of its ownership thereof.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Assistant Secretary this 10th day of July, 2002.

GRANTOR:

MAGIC WEST, INC., an Idaho corporation

BY: [Signature]
ITS: PRESIDENT

ATTEST: [Signature]
ASSISTANT SECRETARY

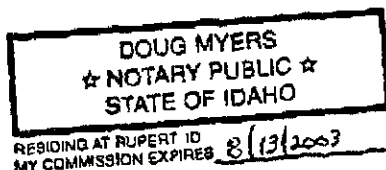
MICRO, 10/12/02

07/12/2002

STATE OF IDAHO)

COUNTY OF Minidoka) ss.

On this 10th day of July, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Roger L. Jones and Blaine Auplin, known or identified to me to be the ~~president and Assistant Secretary~~ 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.



Doug Myers
Notary Public
Residing at: Rupert, Id
My Commission expires: 8/13/2003

**EXHIBIT A
TO
CORPORATE GRANT DEED**

LEGAL DESCRIPTION OF PROPERTY (PLANT)

The real property referenced in the foregoing instrument is located in Elmore County, Idaho and more particularly described as:

TRACT I:

All of Blocks 28, 29 and 30, Glenss Ferry Original Townsite, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho. Also, all of Block 21, Elmore Addition to Glenss Ferry, Elmore County, Idaho and a portion of Lots 1 and 2, Block 20, Elmore Addition to Glenss Ferry, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of Block 28, (located in the South half of Section 29, Township 5 South, Range 10 East, Boise Meridian) also being of the Original Townsite of the City of Glenss Ferry, County of Elmore, State of Idaho, which shall be the TRUE POINT OF BEGINNING; thence
S. 71°59' W. along the Northerly boundary of Harrison Avenue for 870.0 feet to a point on the Easterly right of way of Alturas Street; thence
N. 18°01' W. along said Easterly right of way of Alturas Street for 88.92 feet to point on the Southerly right of way of Railroad Street; thence
N. 57°25' E. for 92.27 feet along said right of way to a point; thence
N. 18°01' W. for 114.34 feet to a point; thence
N. 61°57' E. for 617.43 feet to a point; thence
N. 72°02' E. for 882.88 feet to a point; thence
S. 18°01' E. for 253.36 feet to a point; thence
N. 71°59' E. for 320.0 feet to a point on the Easterly right of way of Blaine Street; thence
S. 18°01' E. along said easterly right of way of Blaine Street for 110.0 feet to a point; thence
S. 71°59' W. for 660.0 feet to the Southwest corner of Lot 2 of Block 20; thence
N. 18°01' W. for 30.0 feet to a point; thence
S. 71°59' W. along the Northerly boundary of Harrison Avenue for 370.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER with all portions of vacated Harrison Avenue adjacent to Tract I.

TRACT II:

Lots 3 and 4, Block 20, Elmore Addition to Glenss Ferry, Elmore County, Idaho, according to the official plat thereof on file and of record in the office of the County Recorder of Elmore County, Idaho.

TRACT III:

All of Lot 1 and a Portion of Lot 2, Block 46, South Addition to Glenss Ferry, Elmore County, Idaho, according to the official plat thereof now on record in the office of the County Recorder of Elmore County, Idaho.

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 61-022488

2002 JUN -4 AM 11: 58

7-SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: MAGIC WEST INC
PO BOX 475
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS
8.00 AFD

USE OF THIS RIGHT WITH RIGHT NO. 61-07189 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.67 CFS

PRIORITY DATE: 04/03/1939

POINT OF DIVERSION: T058 R10E S29 SWSE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	08-15 TO 07-01	0.08 CFS 8.00 AFD

INDUSTRIAL USE IS FOR POTATO PROCESSING PLANT

PLACE OF USE: Industrial Within Elmore County
T058 R10E S29 SWSE

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

MCRR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 22, 2003

IDAHO FRESH PAK INC
PO BOX 130
LEWISVILLE ID 83431-0130

RE Change of Ownership for Water Rights 61-2248B and 61-7189

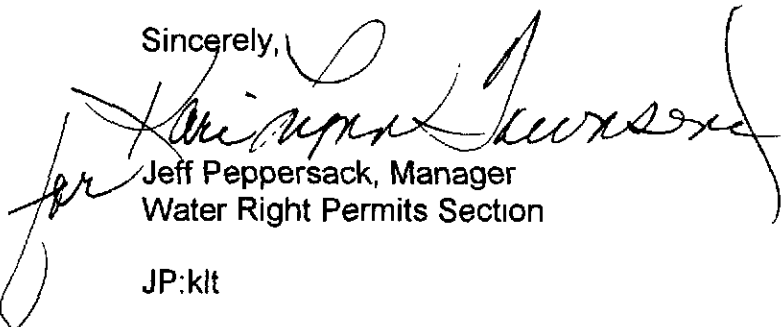
Dear Water Right Holder(s):

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 changes in ownership and has enclosed computer-generated reports 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,



Jeff Peppersack, Manager
Water Right Permits Section

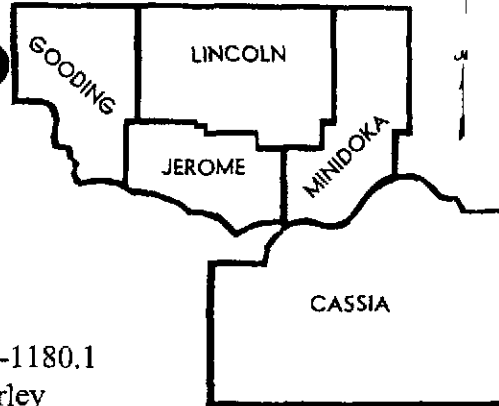
JP:klt

Enclosures

MICROFILMED
MAY 1 1993

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: EC-1180.1
OFFICE: Burley

July 18, 2002

Idaho Dept. of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

61-2248B Partial decrees
61-7189 claims

RECEIVED

JUL 19 2002

61-7724 - permit

Department of Water Resources

Dear Clerk:

Enclosed with this letter please find the following:

1. The original executed Notice of Change In Water Right Ownership.
2. The original executed Assignment of Permit.
3. Land Title and Escrow's check no. 10746 in the amount of \$75.00 for the transfer fees.

Please make the necessary changes in your records to indicate the new owner as Idaho Fresh-Pak, Inc. for future water assessments and notices. Please send a receipted copy to this office.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,
Land Title and Escrow, Inc.

Nancy Garrett

Nancy Garrett
Reconveyance Department

/nrg
enc.

MICROFILMED
JUL 19 2002