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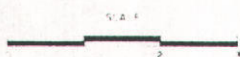
TOWNSHIP					
6	8	4	3	2	1
	8	9	10		2
18	17	16	15	14	13
	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

CASSIA COUNTY,
IDAHO

LEGEND

TOWNSHIP LINES -----
SECTION LINES -----
SECTION CORNER +
QUARTER CORNER +
PARCEL BOUNDARY -----
DIVISION BOUNDARY -----
ARBITRARY SUBDIVISION NO. 3
ARBITRARY BLOCK NO.
ARBITRARY PARCEL NO. 40
60' ± 1" PARCEL TIE LINE -----
RAILROADS + + + + +
U.S. HIGHWAYS 8
STATE HIGHWAYS 42
INTERSTATE HIGHWAYS 5
COUNTRY ROADS 6

TOWNSHIP NO. 4 (11th DIGIT)
SECTION NO. 36 (11th & 6th DIGITS)
SUBDIVISION NO. 1 (11th & 9th DIGITS)
BLOCK NO. 1 (11th DIGIT)
OWNERSHIP PARCEL NO. 1 (11th & 3rd DIGITS)



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NOV 03 1989

U S A

U.S. A

The image shows a document page with a grid of handwritten numbers and labels. The grid is divided into sections by red lines. Handwritten numbers include '30', '10', '40', '40', '32', '40', '40', '40', '40', '5', '20'. Labels include 'P 3380 A', 'P 3382 B', 'P 3383 A', 'P 3382 A', 'P 3383 B'. There are also some diagonal lines and arrows.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

MARGE BARENDRECHT being first

duly sworn, deposes and says that he is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2)

consecutive weeks, commencing with the issue

dated Feb. 9 1989, and ending

with the issue dated Feb. 16 1989

Marge Barendrecht

STATE OF IDAHO

COUNTY OF

On this 22nd day of Feb. in the year of 1989, before me, a Notary Public, personally appeared Marge Barendrecht, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Dolores M. Miley
Notary Public for Idaho
Residing at Burley, ID
My commission expires: 2/4/93

Cost of Publication 41.81
Notary Fee 50
Total Cost 42.31

OK
MB
3/13/89

89-57

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 43-2489**

Notice is hereby given that J.R. Simplot Company of Boise, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 43-2489
Basis of right: License
Source: Groundwater
Priority Date: 2/1/1960
Amount of water: 8.9 cfs
Water use: Irrigation
Point(s) of diversion: NE1/4SE1/4, Sec. 31, T10S, R27E, Cassia County.
Place of use: 465 acres within E1/2, Sec. 31, T10S, R27E, NW1/4, N1/2SW1/4, Sec. 32, T10S, R27E.

TO BE CHANGED AS FOLLOWS

Water right No.: 43-2489
Amount 8.9 cfs
Total amount being transferred: 8.9 cfs
Source: Groundwater
Point of diversion: NW1/4NW1/4, Sec. 8, T11S, R27E, Cassia County.
Place of use: 465 acres within E1/2, Sec. 31, T10S, R27E, NW1/4, N1/2SW1/4, Sec. 32, T10S, R27E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before February 27, 1989.

/s/R. Keith Higginson, Director
Published in South Idaho Press on February 9 and 16, 1989.

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FEB 24 1989

Department of Water Resources
Southern Region Office

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NOTES:

LEGEND



\$ 11,000 HEAD SOW UNITS



F 54,000 HEAD FINISHING UNITS

27 SECTION NUMBERS

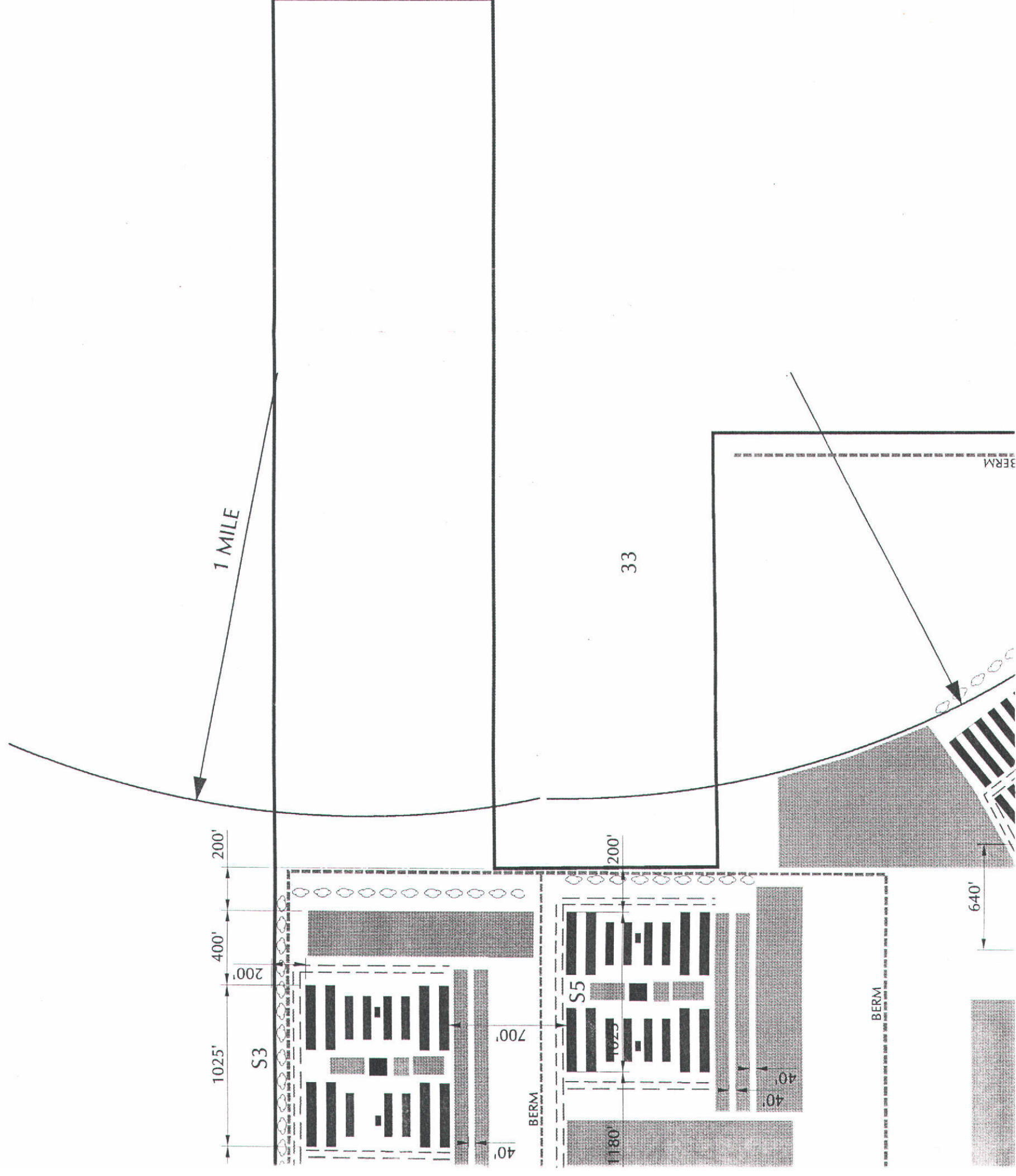
BLACKTOP ROAD

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===== GRAVEL ROAD

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- **PROPERTY BOUNDARIES**



1 MILE

1025' 400' 200'

400'

200'

53

.004

BERM

40

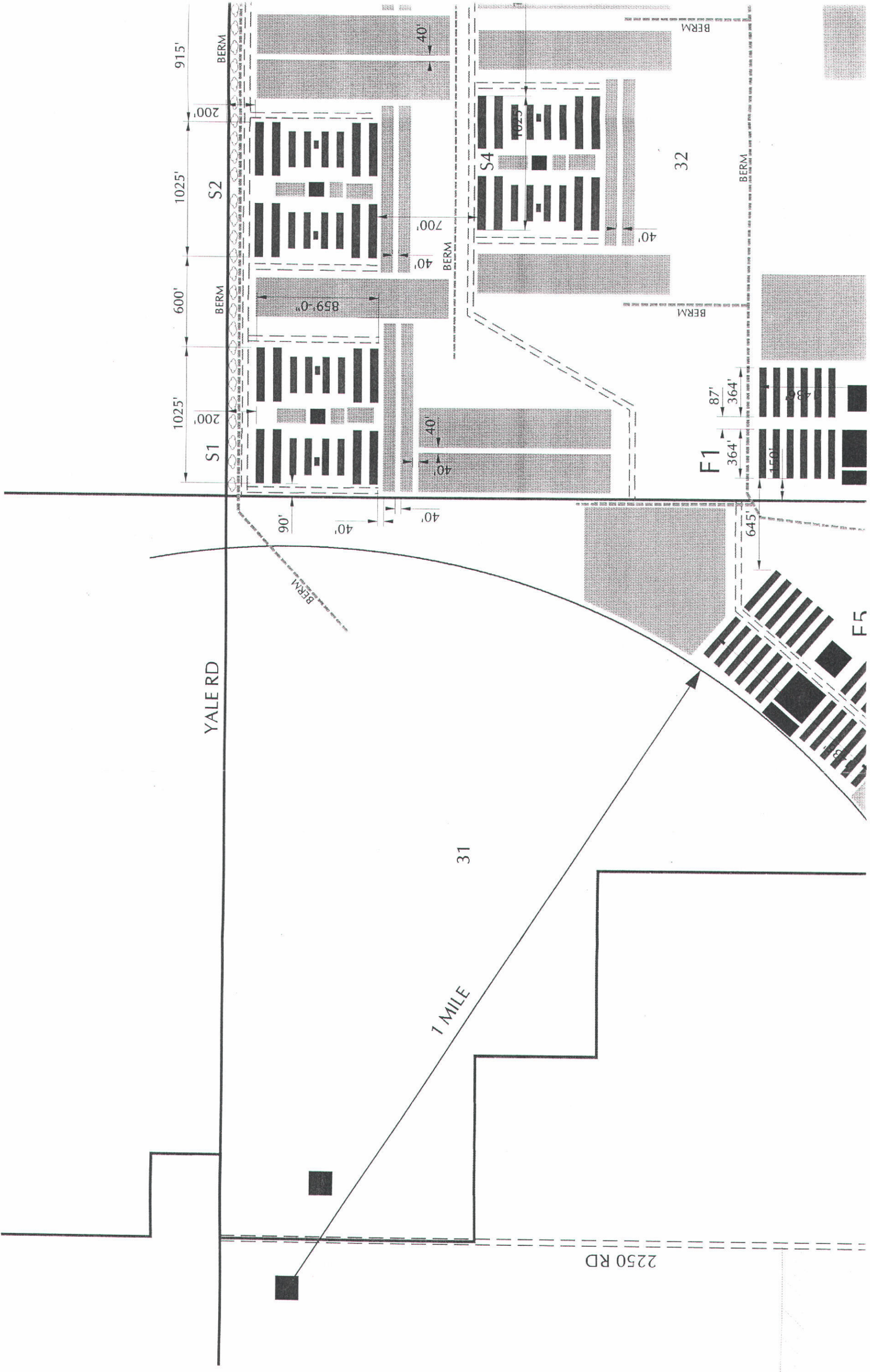
200'

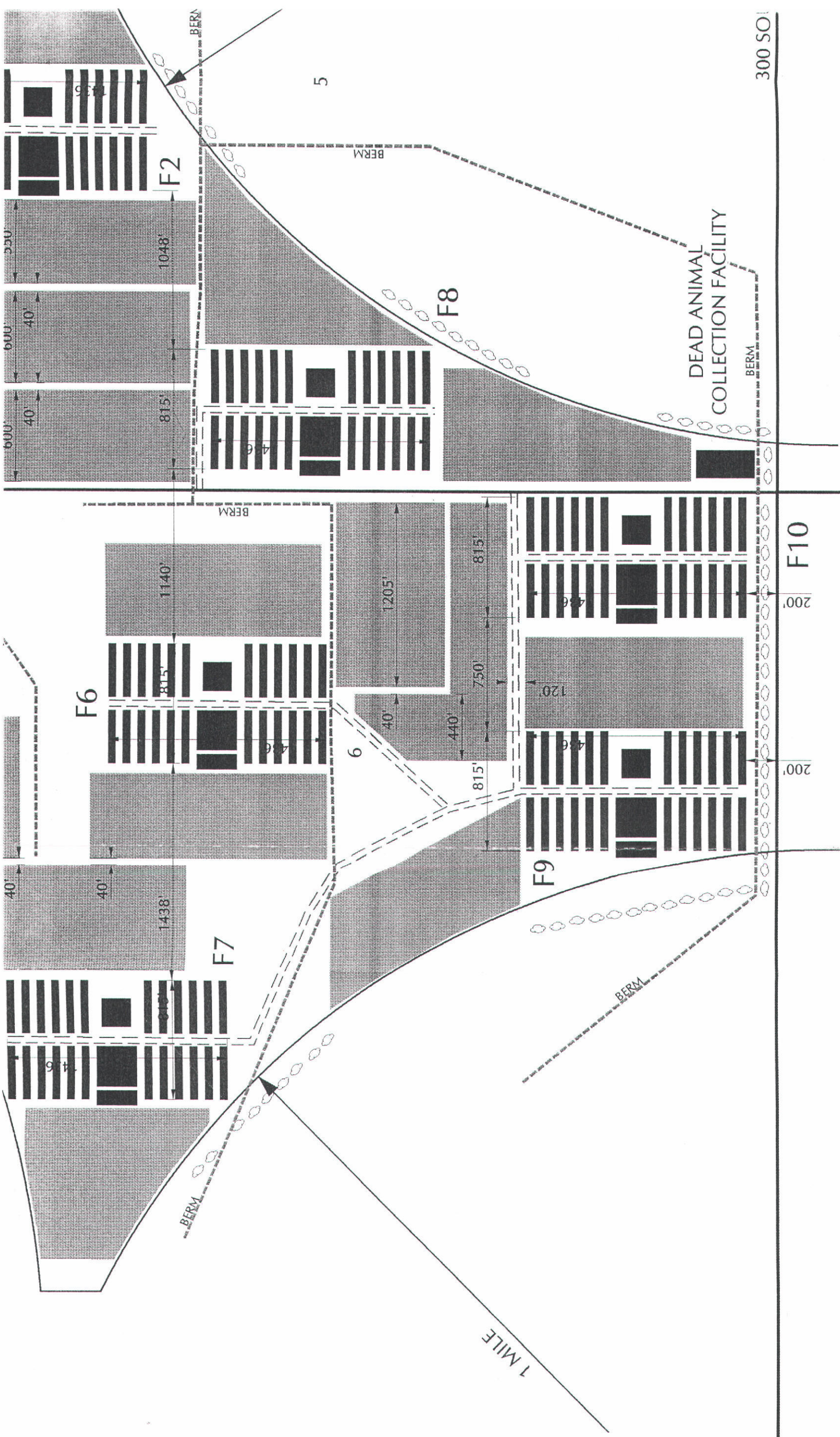
33

BERM

640'

3ERM



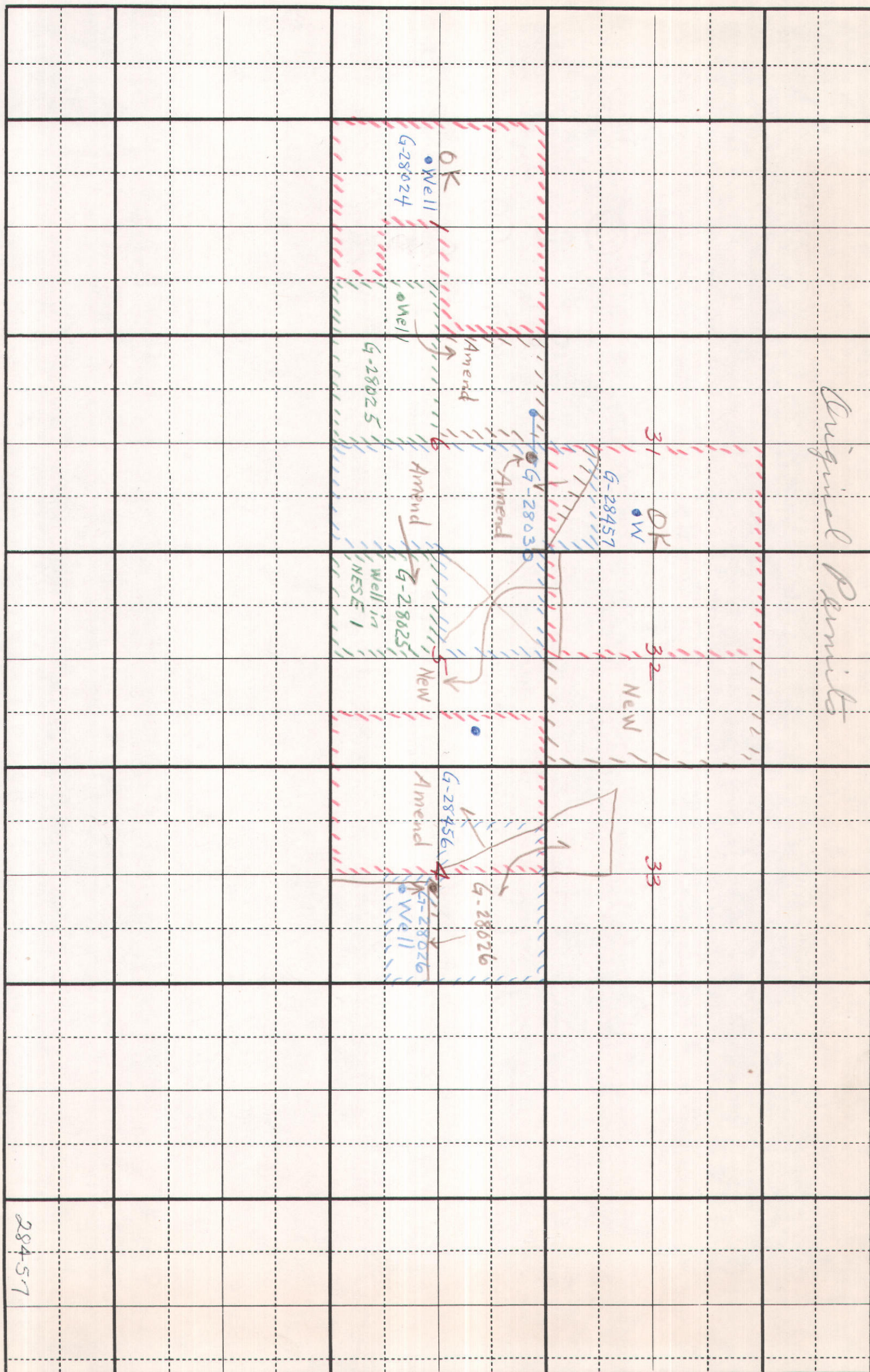


PRELIMINARY SITE LAYOUT 50,000 SOW FARROW TO FINISH

AMENDED PERMITS		RANGE 26		RANGE 27		RANGE 28		RANGE 29		RANGE 30	
36	31	32	33	34	35	36	37	38	39	40	41
PERMIT COLOR WATER CLAIMED FEET WATER PUMPED (EST) G28030 480 INCHES 535 425 INCHES G28024 400 520 312 " G28025 400 400 312 " G28026 300 300 300 " G28456 350 340 NONE (WELL NOT IN YET) G28457 450 565 475 " DENIED 350 340 312 " NEW 320 320 NONE (WELL NOT IN YET)											

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

28457



28457

150

5. 7. 9

TO DECLO

T.
10
S.

Wells
PD.

-31

32

120

160

160

25

465

5

Subdivisions

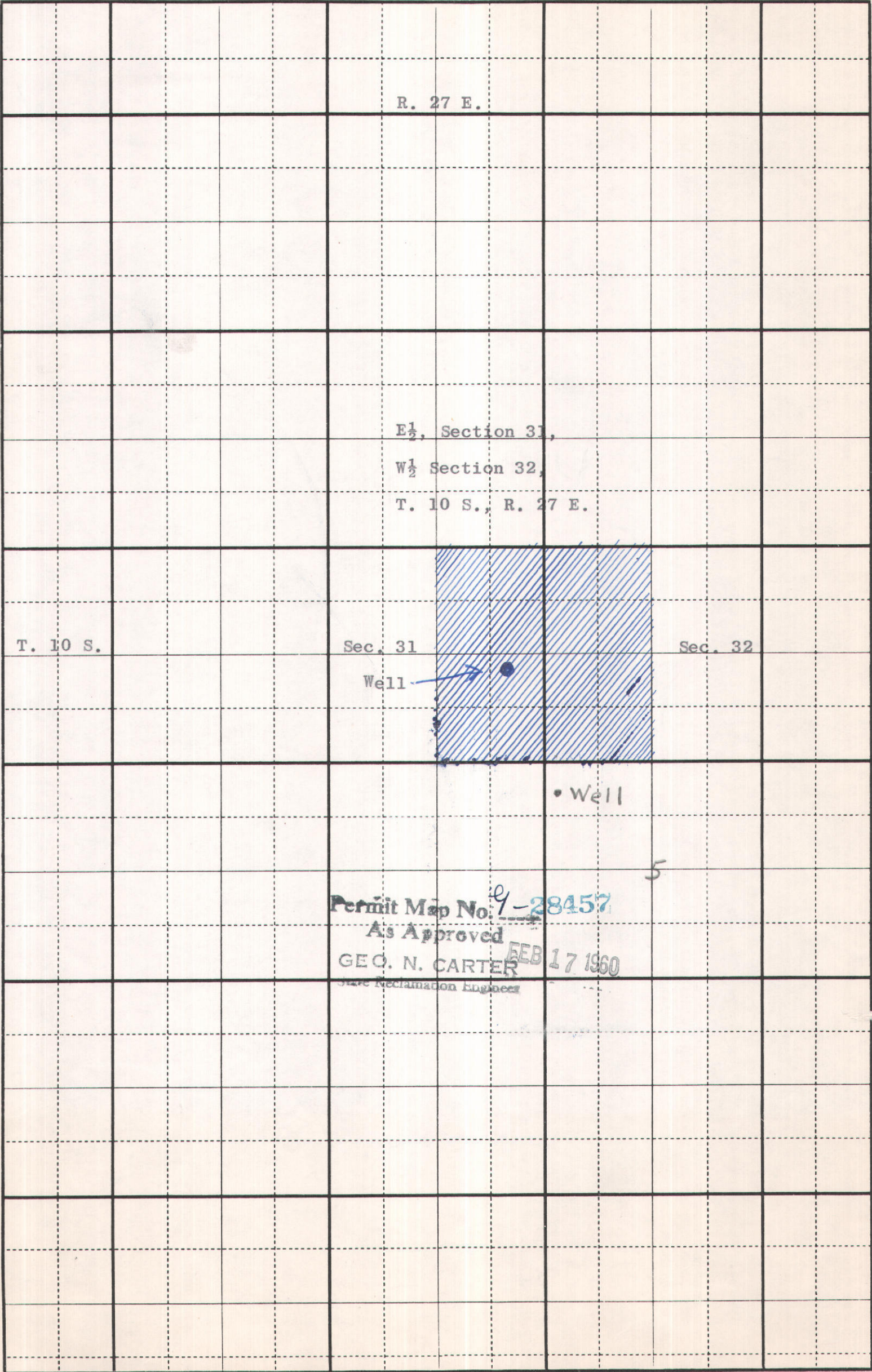
14

AREA

465 acres.

Q

8.9 cfs or 445 inches



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3491APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant J. R. Simplot Company Phone (208) 336-2110
Post Office address P.O. Box 27, Boise, ID 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The water at the existing point of diversion is salty. New point of diversion will provide better water.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 43-2489 Priority 2-11-60 Amount (cfs/ac-ft) 8.9 cfs Nature of Use Irrigation Period of Use March 15 to Nov 15
2. Total amount of water being transferred 8.9 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: P/D existing WR# 43-02575 JRSimpbt Co 5/20/64 for 6.08 cfs

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	8	11S	27E	Cassia	

5. Lands irrigated or place of use: (Please see explanation under Remarks section.)

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	27E	31	10	30	40	40									40	40	5	20	225
		32					40	40	40	40	40	40							240

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Total acres 465

PART 1

6. General Information:

a. Description of diversion system Well, pump, mainline, center pivot system in conjunction with handlines.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

d. Remarks:

The description of the lands irrigated as set forth in B.5. matches the place of use in the original license. This description may or may not be accurate, but the actual use will be set forth accurately in claims to be submitted in the Snake River Adjudication. The focus of the subject application is limited to changing the point of diversion

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2489

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

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Witness my hand this 30th day of October, 1989

J. Glen Saxton
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. G-28457 (43-2489) issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority February 11, 1960

5. Water is used for the following purpose:

amount 8.9 cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	31	10S	27E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	31	10	30	40	40									40	40	5	20	225
		32					40	40	40	40	40	40							240

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Total acres 465

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

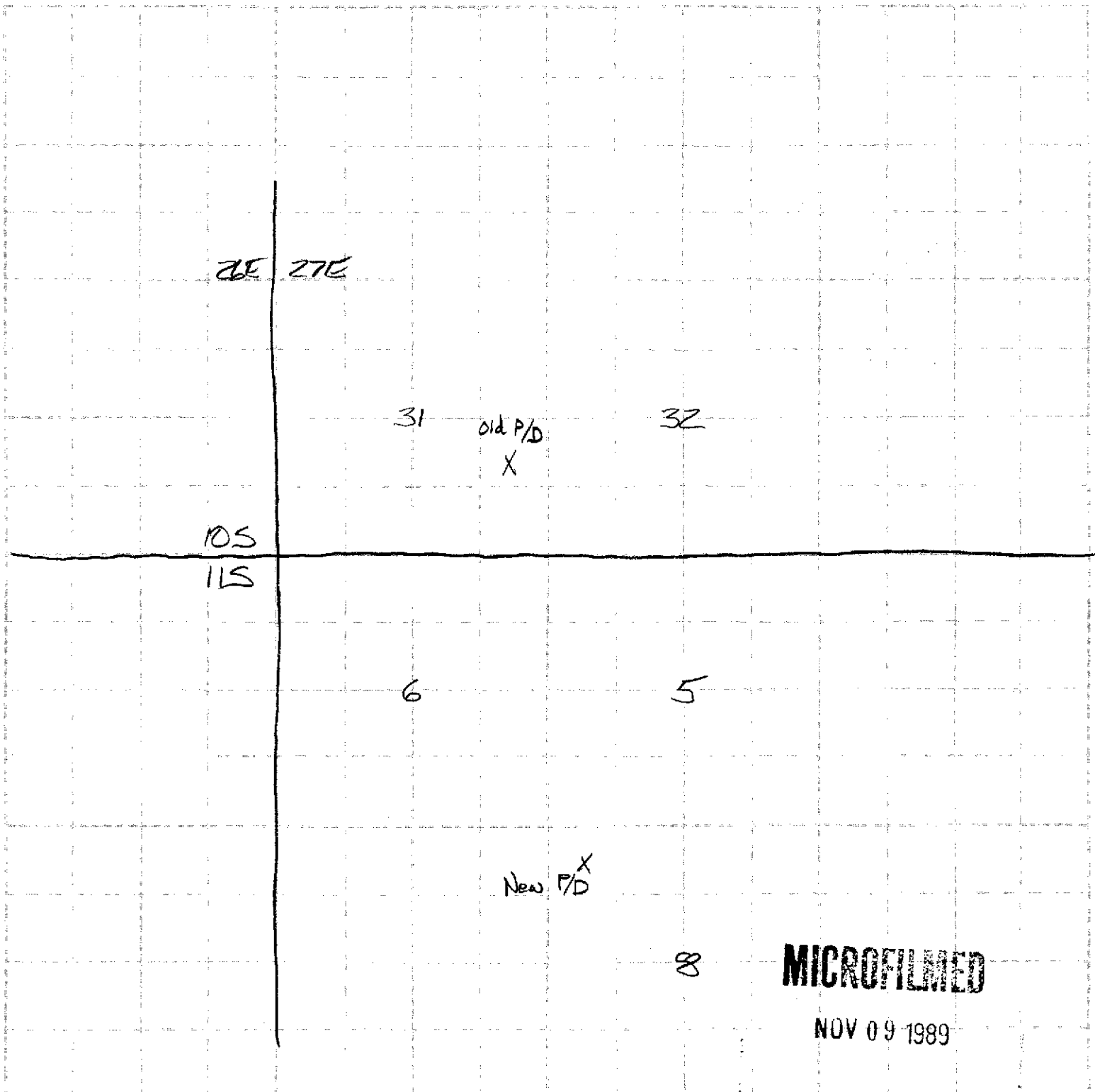
Total acres _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

_____3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

J. R. SIMPLOT COMPANY

James N. Lower Secretary
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of November, 1988.

Vicki A. Lower
(Notary Public)

My commission expires 11-06-91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 8 attachments

Received by T. Gasper Date 11/8/88 Protest filed by _____

Prelim. check by DRJ Fee \$50.00

Receipted by T. Gasper Date 1/3/89 5005566

Published in So. ID Press Copies of protest forwarded by _____

Pub. dates 2/9 & 2/16/89 Hearing held by _____ Date _____

Watermaster recommendation requested on 1/30/89, 3/28/89 Recommended for ☒ approval ☐ denial

_____ rec'd. 2/3/89 by *LF*

Copy of transfer sent to lien holder _____

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APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 43-2489

FEB 03 1989

Department of Water Resources
Southern Region Office

RECOMMENDATION OF WATERMASTER

I, ROBERT S. HOPE, watermaster of UPPER RAFT RIVER
of Water District No. 43-B, County of CASSIA, State of Idaho,
whose address is HC 72 BOX 2270 MALTA, ID. 83342
have read the attached copy of the application for transfer of water right for _____
J.R. SIMPLOT COMPANY, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: This Water Right is not in water
District 43-B. It is in District 43-A. Allen Webb
was elected watermaster at their last years meeting on
Mar. 14, 1988

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Malta, Idaho, this 1 day of February 19 89.

Robert S. Hope
(signature)

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NOV 09 1989

Please use reverse side if needed.

CORPORATION WARRANTY DEED

THIS INDENTURE, Made this 24 day of January, in the year of our Lord one thousand nine hundred and sixty-three, between COTTEREL FARMS CO., a corporation duly organized and existing under the laws of the State of Idaho and having its principal office in Idaho at Malta, in the County of Cassia, party of the first part, and RUBY COMPANY, a Utah corporation qualified to do business within the State of Idaho with its principal place of business at Bank of Idaho Building, Boise, Idaho, party of the second part,

WITNESSETH: That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten and No/100 (\$10.00) DOLLARS, lawful money of the United States of America, and other good and valuable consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

All of Section Five (5) and the East Half (E 1/2) of Section Six (6), all in Township Eleven (11) South, Range Twenty-seven (27), East of the Boise Meridian. All of Section Thirty-two (32) and the East Half (E 1/2), and the North Half of the Northwest Quarter (N 1/2 NW 1/4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Thirty-One (31), all in Township Ten (10) South, Range Twenty-seven (27), East of the Boise Meridian.

Together with all State of Idaho Water Licenses and Permits and wells, pumps and pump motors used in connection therewith; and all buildings and improvements situate thereon.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral, oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all of the heirs at law of Joseph Nelson Lewis, deceased.

SUBJECT TO a certain real mortgage on the above described property given by Cotterel Farms Co., mortgagor, to The Connecticut Mutual Life Insurance Company, mortgagee, recorded on the 20th day of December, 1960, in Book 51 of Mortgages, at Pages 608, 609 and 610, records of the Cassia County Recorder, Burley, Idaho, with a principal balance due of \$162,450.00, plus interest, which grantee assumes and agrees to paying according to its terms.

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1964 JAN 1969

SUBJECT TO general taxes and assessments for 1963 and subsequent years.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever, And the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to said resolution the day and year first above written.

COTTEREL FARMS CO.

By Wilford W. Lundberg
Its President

ATTEST:

LeGrand Johnson
Its Secretary

Presented to and placed by me
this 9 day of Dec A.D. 1962
Calvin H. Hemen
Notary Public for Idaho
By Carol Bowen
Deputy

STATE OF IDAHO)
County of Twin Falls) SS.
Cassia

On this 24 day of January, 1963, before me, the undersigned, a Notary Public in and for the said State, personally appeared WILFORD W. LUNDBERG and LEGRAND JOHNSON, known to me to be the President and Secretary, respectively, of COTTEREL FARMS CO., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

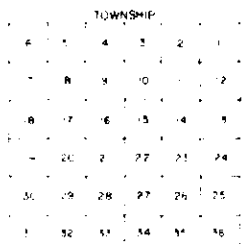
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

J. M. Robertson
Notary Public for Idaho
Residing at Burley, Idaho.
TWIN FALLS

After recording, mail to:
P.O. Box 2777
Boise, Idaho 83701

NOV 09 1962

T 10



LEGEND

TENNESSEE LINES
 SECTION LINES
 SECTION CORNER +
 QUARTER CORNER +
 CORNER CORNER +
 DIVISION BOUNDARY
 ARBITRARY SUBDIVISION
 ARBITRARY BOUNDARY
 ARBITRARY PARCEL NO. NO.
 PARCELS PARCEL THE LINE
 PARCELS + + + + +
 U.S. HIGHWAYS
 STATE HIGHWAYS 42
 INTERSTATE HIGHWAYS
 COUNTRY ROADS

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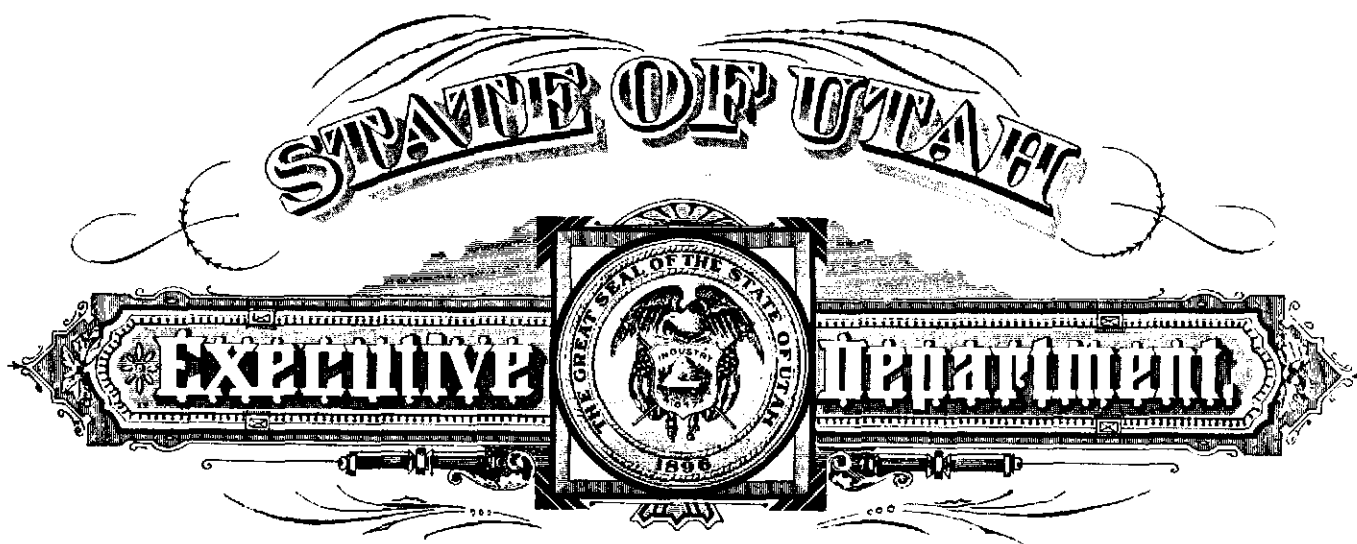
USA

U.S. A

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A 3380			
40	40	40	40
1	2	3	2
40	40	40	40
P 3380			
5	20		

P 3582 A

P 3383 A



Office of Secretary of State

AMENDED CERTIFICATE OF AUTHORITY

OF

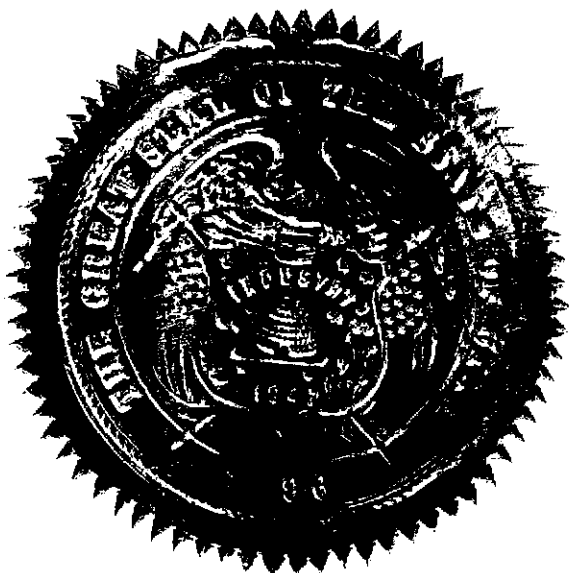
RUBY COMPANY

I, CLYDE L. MILLER, as Secretary of State of the State of Utah, hereby certify that duplicate originals of an Application of RUBY COMPANY for an Amended Certificate of Authority to transact business in this State

duly signed and verified pursuant to the provisions of the Utah Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Amended Certificate of Authority to Ruby Company to transact business in this State under the name of SIMPLOT INDUSTRIES, INC.

and attaches hereto a duplicate original of the Application for such Amended Certificate.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 14th day of February A.D. 1966.

Clyde L. Miller
SECRETARY OF STATE

By *[Signature]*
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NOV 02 1989

Filed in the office of the Secretary of
State, of the State of Utah, on the
19th day of Feb. A.D. 1966

CLYDE L. MILLER
Secretary of State

Filing Clerk *EJZ* Fees *20.00*

ARTICLES OF AMENDMENT 1966 JAN 31 AM 11 47
TO
ARTICLES OF INCORPORATION
OF
RUBY COMPANY

Pursuant to an amendment adopted by resolution of the
Board of Directors of Ruby Company, and recommended to the stock-
holders of Ruby Company;

This is to certify that at a special meeting of the stockholders
of Ruby Company, a corporation organized and existing under and
by virtue of the laws of the State of Utah, which meeting was held
in Boise, Idaho, on the 3rd day of January, 1966, at the hour of
2:00 o'clock p.m. pursuant to Call and Waiver of Notice in writing,
signed by each of the stockholders, at which meeting all of the
issued shares of capital stock of said corporation were represented,
in person or by proxy of the owner and holders thereof, the stock-
holders of said corporation, by unanimous affirmative vote amended
the Articles of Incorporation of the said corporation in accordance
with the Utah Business Corporation Act, Section 16-10-54 through
16-10-59, as follows:

- (a) The name of the corporation is RUBY COMPANY.
- (b) The amendment so adopted is as follows:

"NAME - The name of this corporation is the
RUBY COMPANY."

and substituting in lieu thereof,

"NAME - The name of this corporation is
the SIMPLOT INDUSTRIES, INC."

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NOV 09 1989

- (c) The amendment was adopted by the shareholders on the 3rd day of January, 1966, at a special meeting of the stockholders.
- (d) The total number of shares outstanding at the time of said adoption was 7,600; and the number of shares entitled to vote thereon was 1,000. The designation and number of outstanding shares of each class entitled to vote thereon as a class, were as follows: NONE
- (e) The number of shares voted for said Articles of Amendment was 1,000; and the number of shares voted against said Articles of Amendment was: NONE. The number of shares of each class entitled to vote thereon as a class voted for and against said Articles of Amendment, respectively, was, NONE.
- (f) The manner in which any exchange, reclassification, or cancellation of issued shares provided for in the Articles of Amendment shall be effected, is as follows: NO CHANGE
- (g) The manner in which the Articles of Amendment effects a change in the amount of stated capital and the amount of stated capital as changed by said Articles of Amendment are as follows: NO CHANGE

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IN WITNESS WHEREOF the said corporation has caused these Articles of Amendment to be signed by its Vice President and its Secretary, this 25th day of January, 1966.

RUBY COMPANY

BY: John M. Dahl
John M. Dahl - Vice President

BY: L. E. Haight
L. E. Haight - Secretary

STATE OF IDAHO)
) ss.
County of Ada)

I, Dennis J. Sallaz, a Notary Public, do hereby certify that on this 25th day of January, 1966, personally appeared before me John M. Dahl, and L. E. Haight, who each being by me first duly sworn, declared that they are the Vice President and Secretary, respectively, of Ruby Company, who acknowledged that they signed the foregoing document in the capacities therein set forth, and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Dennis J. Sallaz
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 4-11-69

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NOV 09 1989

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

MARGE BARENDSE being first
duly sworn, deposes and says that he is the
clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of
The South Idaho Press for two (2)
consecutive weeks, commencing with the issue
dated Feb. 9, 1989, and ending
with the issue dated Feb. 16, 1989.
Marge Barendse

NO. 43-2499
Notice is hereby given that the Department of
Water Resources, ID has applied to the Department of
Water Resources to change the priority of the
water right(s) pursuant to Section 43-2499 of the
IDAHO CODE.

Water right No. 43-2499
Basis of right: Irrigation
Source: Groundwater
Priority Date: 1/1/1989
Amount of water: 8.9 cfs
Water use: Irrigation
Point(s) of diversion: NW1/4, Sec. 31,
T10S, R27E, Cassia County.
Place of use: 465 acres within NW1/4, Sec. 31,
T10S, R27E, NW1/4, N1/2SW1/4, Sec. 31, T10S,
R27E.

TO BE CHANGED AS FOLLOWS
Water right No. 43-2499
Amount: 8.9 cfs
Total amount being transferred: 8.9 cfs
Source: Groundwater
Point of diversion: NW1/4, Sec. 31,
T10S, R27E, Cassia County.
Place of use: 465 acres within NW1/4, Sec. 31,
T10S, R27E, NW1/4, N1/2SW1/4, Sec. 31, T10S,
R27E.

Any protest against approval of the application
for transfer must be filed with the Department of
Water Resources, 614 E. 6th Ave. East, Twin Falls,

STATE OF IDAHO

COUNTY OF

On this 22nd day of Feb. in the year of 1989, before me,
a Notary Public, personally appeared Marge Barendse
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Dolores M. Miley
Notary Public for Idaho
Residing at Burley, ID
My commission expires: 2/4/93

RECEIVED

Cost of Publication 41.81 OK
Notary Fee 50 MB
Total Cost 42.31 3/13/89

FEB 24 1989
Department of Water Resources
Southern Region Office

MICROFILMED

NOV 09 1989

State of Idaho

License and Certificate of Water Right

Water License No. G-28457

Amount 8.9 c.f.s.

Water District No. _____

Priority February 11, 1960

THIS IS TO CERTIFY that COTTEREL FARMS CO.
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 11, 19 60; that Permit No. G-28457
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
8.9 second feet, was issued thereunder on November 30, 19 61, showing that said works
were completed on the 7th day of April, 19 61; and that on the 7th
day of April, 19 61, COTTEREL FARMS CO.

of Malta, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation and domestic
use, under Use Permit No. G-28457 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7219, on the 30th day of November, 19 61;
The right hereby confirmed dates from February 11, 19 60;

The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 31, Tp. 10 S R. 27 E, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 8.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
10 S	27 E	31	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	10	
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	30	
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40	
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40	
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40	
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40	
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	5	
		32	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	20	
			NW $\frac{1}{4}$	160	160	
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40	
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40	
			Total number of acres to be irrigated:			465

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
30th day of November, 19 61.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

43 2489

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36434
 Permit No. G- 28457
 District No.

1. Name of Applicant: Cottarel Farms Co.

Postoffice address: Malta

County: Cassia

State: Idaho

2. Quantity of water claimed: 450 inches

(a) Rate of withdrawal in cubic feet per second 9 or Idaho
 Miners' inches 450 or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean waters

4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5
 NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31
 Twp. 10 S , Rge. 27 E , B.M., County of Cassia

5. Water is to be used for: Irrigation and domestic uses

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to

at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.

7. Kind of works: Deep drilled well, electric driven pump, and open ditches

8. Estimated cost of works: \$ 11,500.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: April 30, 1958 - Idaho
 1,000 shares at par value of \$100.00 per share
 (b) Amount of capital stock: \$/ (c) Amount paid in: \$ 26,500.00

(d) Names and addresses of directors: Melvin T. Bailey, President, Malta, Idaho; Dr. John R. Moritz, Vice-President, Sun Valley, Idaho; LaGrand Johnson, Secretary-Treasurer, Logan, Utah.

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock: nil (c) Bonds to be issued: nil

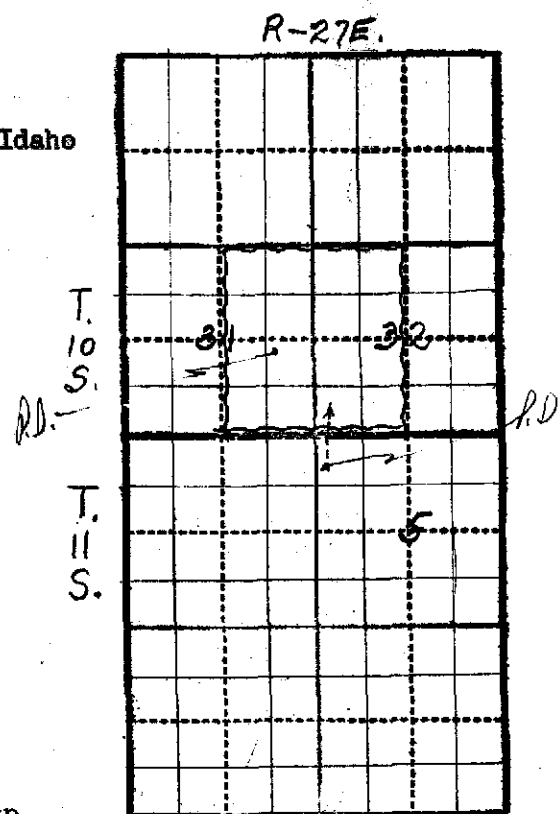
(d) Other resources: Other farm land in Cassia County

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: SE $\frac{1}{4}$ Section 31, has a partial water right under Permit No. G-28030

(a) 1 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.

(b) 8 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.



ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

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FEB - 9 2001

Department of Water Resources

www.eroresources.com

boise@eroresources.com

February 9, 2001

Mr. Norman C. Young
Administrator, Water Management Division
Idaho Department of Water Resources
1301 N Orchard St
Boise, ID 83706

Re: Sun Valley Agribusiness Partners L.L.C. Application for Transfer

Dear Norm:

Per your request and earlier correspondence, attached is an Application for Transfer of Water Right in the name of Sun Valley Agribusiness Partners L.L.C. The application seeks a water supply for the proposed confined animal development near Declo.

It is the applicant's desire to provide IDWR with the information you need to process the application. Even though the application attempts to be comprehensive in addressing the information required by the application, if IDWR needs additional information to process the application please contact Tim Callanan at 344-6000 or me at 373-7983 so we may provide the information to you.

Thank you for your consideration.

Yours truly,

A handwritten signature in cursive script that reads "Dave".

David B. Shaw

Cc: Tim Callanan

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

FEB - 9 2001

Department of Water Resources

Part 1

Name of applicant Sun Valley Agribusiness Partners L.L.C.

Phone 208-725-0888

Post Office address P.O. Box 2169, Sun Valley, Idaho, 83353

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
 ☒ Change nature of use ☒ Change period of use ☐ Other
2. Describe the reason for the proposed changes To provide water for establishment of a new confined animal feeding operation. To provide irrigation water to a 40 acre tract of irrigated land without a recorded water right. Show existing interconnected PODs. Add well 5 for irrigation use on remaining irrigated land.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-02504</u>	<u>10-24-1960</u>	<u>2.80cfs</u>	<u>Commercial</u>	<u>1-1 to 12-31</u>
<u>43-02504</u>	<u>10-24-1960</u>	<u>2.80cfs</u>	<u>Stockwater</u>	<u>1-1 to 12-31</u>
<u>43-02505</u>	<u>10-24-1960</u>	<u>4.37cfs</u>	<u>Commercial</u>	<u>1-1 to 12-31</u>
<u>43-02505</u>	<u>10-24-1960</u>	<u>4.37cfs</u>	<u>Stockwater</u>	<u>1-1 to 12-31</u>
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
3		NE	NW	5	11S	27E	Cassia	Well 6
		SW	NE	5	11S	27E	Cassia	Well 7
		SE	NE	5	11S	27E	Cassia	Well 9
		NW	SE	32	10S	27E	Cassia	Well 8

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	31	C/S			C/S									C/S	C/S	C/S	C/S	
		32	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	
		33						C/S				C/S	C/S	C/S					
11S	27E	4						Lot 4 C/S											
		5	Lot 1 C/S	Lot 2 C/S			Lot 3 C/S	Lot 4 C/S	C/S	C/S		C/S	C/S						
		6	Lot 1 C/S	Lot 2 C/S	C/S	C/S	Lot 3 C/S	Lot 4 C/S	Lot 5 C/S	C/S	C/S				C/S	C/S	C/S	C/S	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Part 1 Continued from Page 1

Name of applicant _____ Phone _____

Post Office address _____

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe the reason for the proposed changes _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-02489</u>	<u>2-11-1960</u>	<u>4.64cfs</u>	<u>Commercial</u>	<u>1-1 to 12-31</u>
<u>43-02489</u>	<u>2-11-1960</u>	<u>4.64cfs</u>	<u>Stockwater</u>	<u>1-1 to 12-31</u>
<u>43-02489</u>	<u>2-11-1960</u>	<u>0.79cfs</u>	<u>Irrigation</u>	<u>4-1 to 10-31</u>

2. Total amount of water being transferred 12.60 cubic feet per second and/or See Water Balance Pages, Attachment 1 acre-feet per annum.

3. Source of water _____ tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	31	10S	27E	Cassia	Well 5
		NW	NW	8	11S	27E	Cassia	Well 12
		SE	SE	4	11S	27E	Cassia	Well 10
2		NW	NE	6	11S	27E	Cassia	Well 1
		NW	SE	4	11S	27E	Cassia	Well 2
		NE	SE	8	11S	27E	Cassia	Well 13

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	27E	4															39.7		39.7

Total Acres 39.7

PART 1

6. General Information:

- a. Description of diversion system All PODs are existing wells and those to be used for the CAFO are presently inter-connected. See Attachment B for the layout of the CAFO.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Upon approval of this transfer, 720.5 acres of previously irrigated land will be dried up.
- d. Remarks: Applicant is pursuing the other permits necessary for operation of this facility.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 43-02489 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3491 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority 2-11-1960

5. Water is used for the following purpose:

Amount 8.90cfs for Irrigation purposes from 3-15 to 11-15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 8.90 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	8	11S	27E	Cassia	Well 12

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	31	10	30	40	40									40	40	5	20	225
		32					40	40	40	40	40	40							240

Total acres 465

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount 4.64cfs for Commercial purposes from 1-1 to 12-31
(cfs/ac-ft)

Amount 4.64cfs for Stockwater purposes from 1-1 to 12-31
(cfs/ac-ft)

Amount 0.79cfs for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
See Attachment Chart of POD's for all Transferred Rights.								

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	27E	4															39.7		39.7

See Attachment Chart of POU's for Commercial and Stockwater Uses.

Total acres 39.7

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 3.47cfs for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)

Amount _____ for _____ purposes from ____ to ____
(cfs/ac-ft)

Amount _____ for _____ purposes from ____ to ____
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	12	11S	27E	Cassia	Well 12

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	31	10	30	40	40									5.3	40	5		170.3
		32					1.5	1.5											3

Total acres 173.3

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. 43-02504 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. 286 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority 10-24-1960

5. Water is used for the following purpose:

Amount 6.40cfs for Irrigation purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

6. Total amount of water under right 6.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
3		NE	NW	5	11S	27E	Cassia	Well 6

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	32											40	40					80
11S	27E	5		Lot 2 40	20		Lot 3 40	Lot 4 40	40	40	40			40					300

Total acres 380

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 2.80cfs for Commercial purposes from 1-1 to 12-31

(cfs/ac-ft)

Amount 2.80cfs for Stockwater purposes from 1-1 to 12-31

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
-----	---	---	---	------	------	------	--------	--------------------------

See Attachment Chart of POD's for all Transferred Rights.

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

See Attachment Chart of POU's for all Commercial and Stockwater Uses.

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*1. Amount 3.60cfs for Irrigation purposes from 4-1 to 10-31

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
-----	---	---	---	------	------	------	--------	--------------------------

3		NE	NW	5	11S	27E	Cassia	Well 6
---	--	----	----	---	-----	-----	--------	--------

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

11S	27E	5		Lot 2 40	20					40	40			40					180
-----	-----	---	--	----------------	----	--	--	--	--	----	----	--	--	----	--	--	--	--	-----

Total acres 180

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. 43-02505 issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority 10-24-1960

5. Water is used for the following purpose:

Amount 6.40cfs for Irrigation purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 6.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	32	10S	27E	Cassia	Well 8

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	32	25	25	40	40									40	40	40	40	290
		33										40	40						80

Total acres 370

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 4.37cfs for Commercial purposes from 1-1 to 12-31

(cfs/ac-ft)

Amount 4.37cfs for Stockwater purposes from 1-1 to 12-31

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
See Attachment Chart of POD's for all Transferred Rights.								

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
See Attachment Chart of POU's for Commercial and Stockwater Uses.																			
																		Total acres	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*1. Amount 2.03 for Irrigation purposes from 4-1 to 10-31

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	32	10S	27E	Cassia	Well 8

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	32	25	25		1.5													51.5
		33										40	10						50

Total acres 101.5

POD's for all Transferred Rights

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	31	10S	27E	Cassia	Well 5
		NW	SE	32	10S	27E	Cassia	Well 8
		NW	SE	4	11S	27E	Cassia	Well 2
		SE	SE	4	11S	27E	Cassia	Well 10
		SW	NE	5	11S	27E	Cassia	Well 7
		SE	NE	5	11S	27E	Cassia	Well 9
3		NE	NW	5	11S	27E	Cassia	Well 6
2		NW	NE	6	11S	27E	Cassia	Well 1
		NE	SE	8	11S	27E	Cassia	Well 13
		NW	NW	8	11S	27E	Cassia	Well 12

POU's for Commercial and Stockwater Uses

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	27E	31	C/S			C/S									C/S	C/S	C/S	C/S	
		32	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	
		33						C/S				C/S	C/S	C/S					
11S	27E	4						Lot 4 C/S											
		5	Lot 1 C/S	Lot 2 C/S			Lot 3 C/S	Lot 4 C/S	C/S	C/S		C/S	C/S						
		6	Lot 1 C/S	Lot 2 C/S	C/S	C/S	Lot 3 C/S	Lot 4 C/S	Lot 5 C/S	C/S	C/S				C/S	C/S	C/S	C/S	

Total acres _____

Proposed POU and PODs for 43-02489, 43-02504, and 43-02505

• 5 POD and well number

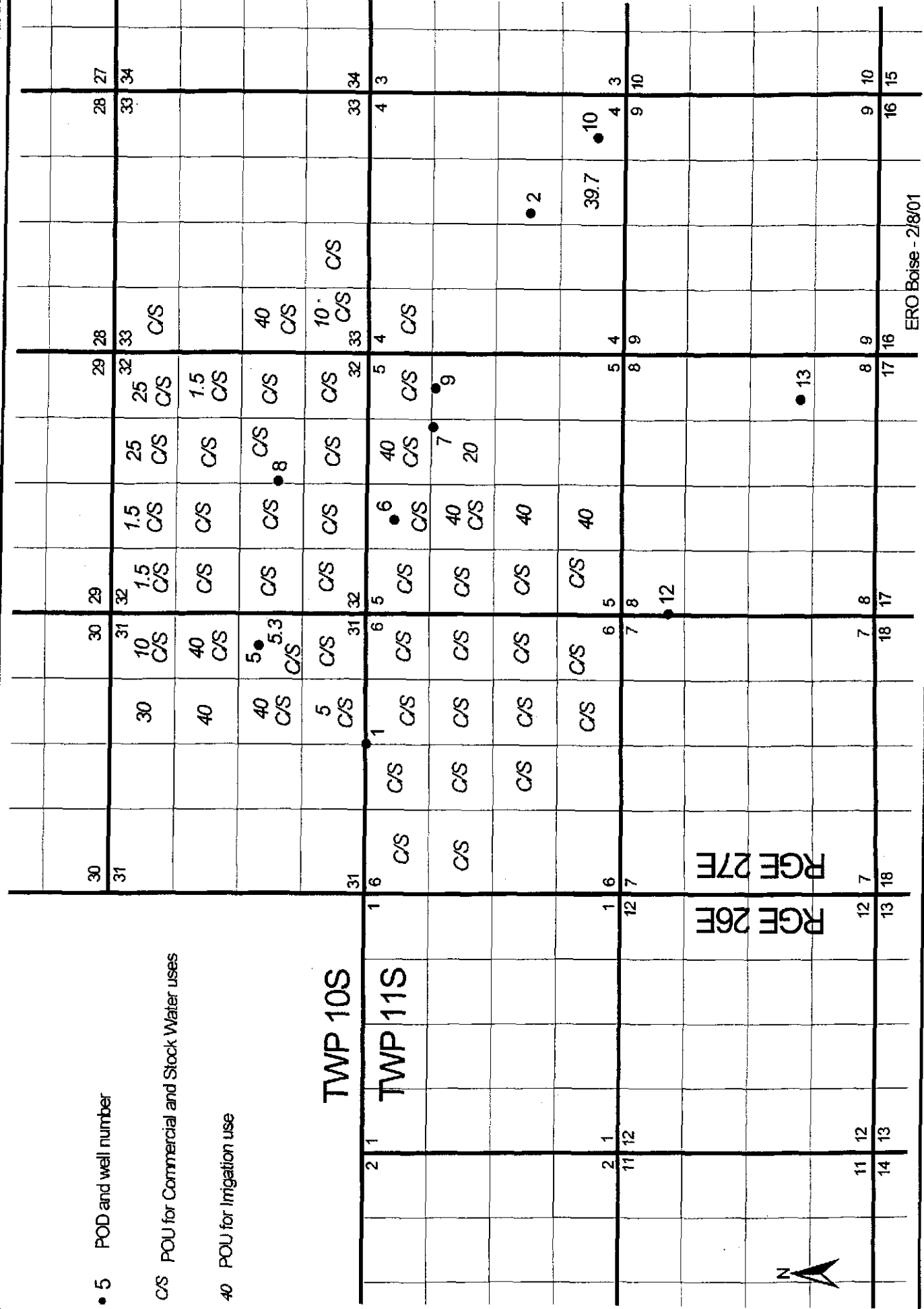
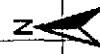
C/S POU for Commercial and Stock Water uses

40 POU for Irrigation use

TWP 10S

TWP 11S

RGE 26E
RGE 27E



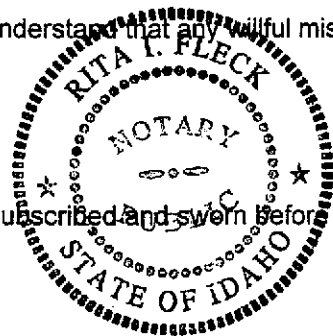
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
<u>Stockwater</u>	<u>11.81/1889.6</u>	<u>24/7/365</u>	<u>1-1 to 12-31</u>
<u>Commercial</u>	<u>11.81/1889.6</u>	<u>24/7/365</u>	<u>1-1 to 12-31</u>
Total	<u>11.81/1889.6</u>		

2. Quantity and quality of return flows and location of discharge: 03. Describe effects on other water uses resulting from the proposed change: A portion of the irrigated land on the farm (720.5 acres) will no longer be irrigated. The water historically used for crops will now be converted to stock water and commercial uses.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn before me this 9th day of February, 20 01.



[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 1/25/2001**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by J. Masi Date 2-9-01 Protest filed by _____Prelim. check by _____ Fee \$630.00Receipted by J. Masi Date 2-9-01Published in _____ Customer Said theyPub. Dates _____ haveWatermaster recommendation requested _____ Credit? ?

_____ rec'd. _____

Copy of transfer sent to lien holder _____

s of protest forwarded by _____

ing held by _____ Date _____

mmended for ☐ approval ☐ denial

Attachment 1

**Proposed Swine Facility Water Requirement
For Application for Transfer of 43-02489, 43-02504, and 43-02505**

Location	Gallons Per Day Per Site	Total Per Day
5--11,000 Sow Site	55,000	275,000
10--54,000 Head Finish Site	105,000	1,050,000
Truck Wash, Clean Out, Maintenance	40,000	40,000
Farm Office	4,000	4,000
Central Animal Bi-Product Collection	8,000	8,000
General Farm Operations	6,000	6,000
General Facility Maintenance	2,000	2,000
Central Vet Supply	2,000	2,000
Security	4,000	4,000
Miscellaneous Usage	298,000	298,000

Total Gallons / Per Day 1,689,000

Average Gallons / Per Minute / Per Day 1,173

Average cfs 2.61

Peak cfs 9.51

Total Acre - Ft / Year 1889.6

APPLICATION FOR TRANSFER WATER BALANCE ANALYSIS

For water right numbers 43-02489, 43-02504, and 43-02505

Water Use Assessment on Sections 31 - 33, Township 10S Range 27E, B.M. Sections 1 and 12, Township 11S Range 26E, B.M. And Sections 4 - 5 and 8, Township 11S, Range 27E, B.M.																						
Year	Acres					Consumptive Irrigation Requirement (CIR) (inch) Agrimet ¹										CIR (inch) Brockway ²					Mean CIR ³ per Irrigated Acre (inch)	
	Alfalfa Hay	Spring Grain	Fall Grain	Beets	Grass Seed	Grass Sod	Pasture	Pasture	Alfalfa	Beets	Spring Grain	Fall Grain	Pasture	Lawn	Mean CIR ³ per Irrigated Acre (inch)	Alfalfa	Beets	Spring Grain	Fall Grain	Pasture		
2000	1753.5	301.9	554.8	133.5		132.6	97.0		36.5	28.9	21.8	21.3	28.7	34.3	31.5	30.9	28.5	24.3	29.9	32.2	30.0	
1999	1853.4	357.4		157.3	633.1		101.2		36.8	27.6	23.3	23.3	29.3	35.5	31.5	30.9	28.5	24.3	29.9	32.2	28.7	
1998	1576.5	470.6	135.0	133.1	97.4		264.8		35.9	26.7	21.3	20.2	27.9	33.8	30.7	30.9	28.5	24.3	29.9	32.2	28.5	
1997									36.3	26.7	21.6	23.6	27.7	33.7								
1996									31.9	25.6	17.9	17.8	25.4	30.9								
1995									37.1	34.6	20.1	19.5	29.9	36.1								
1994									33.3	24.9	20.0	19.2	26.3	32.0								
1993									42.1	33.7	26.7	25.3	32.9									
1992									35.8	27.9	22.8	20.6	28.3									
1991									36.2	29.0	22.8	20.5	28.3									
1990																						

¹ Based upon the Malta Agrimet station, 2000 values based upon the average of 1980 - 1999 values.

² Values from Malta 2E.

³ Grass seed estimated at 75% pasture CIR and sod estimated to be the same as lawn or pasture if lawn is not available.

¹ Based upon the Malta Agrimet station, 2000 values based upon the average of 1980 - 1999 values.

² Values from Malta 2E.

³ Grass seed estimated at 75% pasture CIR and sod estimated to be the same as lawn or pasture if lawn is not available.

Change in nature of use water demand.

Average diversion rate 2.61 cfs
Peak diversion rate 9.51 cfs
Annual diversion volume 1889.6 ac-ft

Acreage required to meet annual diversion volume = 1889.6 ac-ft / (31.5 inch/acre / 12 inch/foot) = 720.4 acres

Acreage proposed to be taken out of irrigation to meet diversion volume requirement.

200 acres from 43-02504 for 2.80 cfs
268.5 acres from 43-02505 for 4.37 cfs
252 acres from 43-02489 for 4.64 cfs
720.5 acres total

Diversion rate available from these 720.5 acres = 2.80 + 4.37 + 4.64 = 11.81 cfs
Diversion rate available is greater than peak demand, acreage is sufficient.

Attachment A

WARRANTY DEEDS

ATTACHMENT "B"

WARRANTY DEED

FOR VALUE RECEIVED, J. R. SIMPLOT COMPANY, a Nevada corporation, of 999 Main Street, Suite 1300, Boise, Idaho, 83702, successor by merger to SIMPLOT INDUSTRIES, INC., a Utah corporation, the Grantor, does hereby grant, bargain, sell, and convey unto SUN VALLEY AGRIBUSINESS PARTNERS, L.L.C., the Grantee, whose current address is P. O. Box 2169, Sun Valley, Idaho 83353 the following described premises to-wit:

See attached EXHIBIT A

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Except for and subject to those matters listed on EXHIBIT B and attached hereto and incorporated herein by this reference, and such rights, easements, restrictions, zoning restrictions, land use regulations and other applicable rules and regulations as appear of record or by use upon the premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that it will warrant and defend the same from all lawful claims whatsoever.

DATED: January 26, 2000.

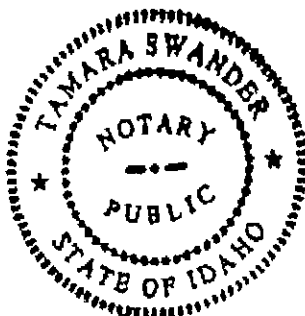
J. R. SIMPLOT COMPANY,
successor by merger to
SIMPLOT INDUSTRIES, INC.

By Stephen A. Beebe
Stephen A. Beebe, President & CEO

By Ronald N. Graves
Ronald N. Graves, Secretary

STATE OF IDAHO)
) ss.
County of Adm)

On this 26th day of January, 2000, before me a Notary Public for said State, personally appeared STEPHEN A. BEEBE and RONALD N. GRAVES, known or identified to me to be the President & CEO and Secretary of the corporation who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Tamara Swander
Notary Public for Idaho
Residing at Emmett
My Commission Expires: 4/9/00

EXHIBIT A

The land referred to is described as follows:

PARCEL #1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 30: Lots 2, 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING
Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of Section
30, which shall be the True Point of Beginning;

Thence North 0°01' West for 208.71 feet along the
Section line to a point; Thence South 89°55' East
for 208.71 feet to a point; Thence South 0°01'
East for 208.71 feet to a point on the Section line;
Thence North 89°55' West for 208.71 feet to the
True Point of Beginning.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral
oil and gas, and mineral, oil, and gas rights, in, to and under said lands,
which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and
Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #2:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 and 2

LESS part of Lot 1 and Lot 2 of said Section 31, described as follows:

Beginning at the Southwest corner of Lot 2 of said
Section 31 which shall be the True Point of Beginning;

Thence North 0°01' West along section line for 1617.50
feet to a point; Thence South 89°54' East for 1394.28
feet to a point;

Thence South 0°01'30" East for 1617.50 feet to a point
on the South line of Lot 2;

Thence North 89°54'30" West along said South line for
1395.0 feet to the True Point of Beginning.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral
oil and gas, and mineral, oil, and gas rights, in, to and under said lands,
which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and
Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #3:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 31: SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral
oil and gas, and mineral, oil and gas rights, in, to and under said lands,
which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and
Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL #5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 32: N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 32: S $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: N $\frac{1}{4}$ N $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: SW $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #9:

TOWNSHIP 11 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 1: All EXCEPT NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL #10:

TOWNSHIP 11 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 12: NW $\frac{1}{4}$

LESS commencing at the Northwest corner of said Section 12, running Thence South 50 feet; Thence East on a line parallel with the North boundary line of the said Section 12 and 50 feet South therefrom to the East boundary line of the NW $\frac{1}{4}$ of said Section 12; Thence North 50 feet to the North boundary line of said Section 12; Thence West 2640 feet along the North boundary line of said Section 12 to the Point of Beginning.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #11:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 4: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #12:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 5: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: E $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

PARCEL #14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: W $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 8: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson, Lewis, deceased.

ALL PARCELS SUBJECT TO County Road Rights-of-Way, and any other Easements or Right-of-Ways of record.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

EXHIBIT B

Special Exceptions:

1. General taxes for the year 1999 of which the first half is paid and the second half is due and payable, but not yet delinquent. ALL PARCELS.
2. General taxes for the year 2000, an accruing lien, but not yet due or payable. ALL PARCELS.
3. AGREEMENT FOR PURCHASE OF POWER between the Raft River Rural Electric Cooperative, Inc., and Cotterel Farms Company, dated September 7, 1960 and recorded January 3, 1962 as Instrument No. 4701 on Film No. 10, records of Cassia County, Idaho. (NW $\frac{1}{4}$, Sec. 5, Twp. 11 S., Rge. 27, E.B.M.). Part of PARCEL #12.
4. AGREEMENT FOR PURCHASE OF POWER between the Raft River Rural Electric Cooperative, Inc., and the Cotterel Farms Company, dated March 15, 1961 and recorded January 3, 1962 as Instrument No. 4702 on Film No. 10, records of Cassia County, Idaho. (NE $\frac{1}{4}$, Sec. 5, Twp. 11 S., Rge. 27, E.B.M.). Part of PARCEL #12.
5. EASEMENT AND RIGHT-OF-WAY CONTRACT, dated March 31, 1962, between Grigg and Anderson Farms, a Partnership, and Intermountain Gas Company, recorded May 4, 1962 as Instrument No. 6730 on Film No. 13, records of Cassia County, Idaho. In the N $\frac{1}{2}$ and the SE $\frac{1}{4}$, Sec. 8, Twp. 11 S., Rge. 27, E.B.M. Part of PARCEL #15.
6. EASEMENT AND RIGHT-OF-WAY CONTRACT to the Intermountain Gas Company, dated June 23, 1962, executed by Yale Farms Inc., and recorded July 27, 1962 as Instrument No. 8133 on Film No. 15, records of Cassia County, Idaho. (S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 6, Twp. 11 S., Rge. 27, E.B.M. S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 1, Twp. 11 S., Rge. 26, E.B.M.). Part of PARCELS #9, #13 & #14.
7. PERMIT TO USE RIGHT-OF-WAY, dated July 11, 1962, executed by Raft River Highway District to Intermountain Gas Company, an Idaho Corporation, recorded August 24, 1962 as Instrument No. 8605 on Film No. 15, records of Cassia County, Idaho, as to that certain road or highway and right-of-way for the same commencing at the SW corner of Sec. 5, Twp. 11 S., Rge. 27, E.B.M., thence West 2 miles, thence South 1 mile, thence West 1 $\frac{1}{4}$ miles more or less, at the intersection of said road or highway with U.S. Highway 30 South. Part of PARCELS #12, #13 & #14.
8. RIGHT OF WAY from Clyde E. Smith and Bonnie M. Smith, husband and wife, and Salt Lake Pipe Line Company, a Nevada Corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument 15366 on Film No. 23, records of Cassia County, Idaho. Part of PARCEL #10.

(Continued)

SPECIAL EXCEPTIONS-Continued:

9. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15567 on Film No. 23, records of Cassia County, Idaho. Part of PARCELS #7, #9 & #14.
10. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15568 on Film No. 23, records of Cassia County, Idaho. Part of PARCELS #3, #5 & #6.
11. RIGHT OF WAY from Ruby Company, a corporation, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963 as Instrument No. 15569 on Film No. 23, records of Cassia County, Idaho. Part of PARCEL #12.
12. EASEMENT AND RIGHT-OF-WAY from Pewitt-Thompson Inc., to Intermountain Gas Company, dated May 7, 1964, and recorded July 22, 1964 as Instrument No. 19659 on Film No. 28, records of Cassia County, Idaho. Part of PARCEL #11.
13. AGREEMENT FOR PURCHASE OF POWER, dated April 23, 1964, between Raft River Rural Electric Cooperative, Inc., and The Ruby Company Farms, recorded December 23, 1965 as Instrument No. 27477 on Film No. 38, records of Cassia County, Idaho. Part of PARCEL #11.
14. AGREEMENT FOR PURCHASE OF POWER, dated March 18, 1968, between the Raft River Rural Electric Cooperative, Inc., and Simplot C & Y, recorded June 11, 1968 as Instrument No. 46685 on Film No. 61, records of Cassia County, Idaho. Part of PARCELS #7 & #8.
15. AGREEMENT FOR PURCHASE OF POWER, dated June 7, 1963, between the Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Co., C & Y Farms, recorded June 19, 1970 as Instrument No. 51655 on Film No. 65, records of Cassia County, Idaho. Part of PARCELS #13 & #14.
16. AGREEMENT FOR PURCHASE OF POWER, dated December 30, 1970, between the Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company, recorded September 1, 1972 as Instrument No. 64984 on Film No. 78, records of Cassia County, Idaho. Part of PARCEL #15.
17. AGREEMENT FOR PURCHASE OF POWER, dated May 1, 1972, between the Raft River Rural Electric Cooperative, Inc., and Simplot Industries, recorded September 1, 1972 as Instrument No. 64986 on Film No. 78, records of Cassia County, Idaho. Part of PARCEL #15.

(Continued)

SPECIAL EXCEPTIONS-Continued:

18. OFFER TO LEASE AND LEASE FOR OIL AND GAS, dated April 8, 1982, between United States Department of the Interior, Bureau of Land Management and Petrolic Corporation, recorded May 24, 1982 as Instrument No. 143533 on Film No. 149, records of Cassia County, Idaho. Part of PARCEL #9.
19. AGREEMENT FOR ELECTRIC SERVICE, dated April 25, 1984, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company, C & Y Farms, recorded May 14, 1985 as Instrument No. 169430 on Film No. 172, records of Cassia County, Idaho. Part of PARCEL #10.
20. AGREEMENT FOR ELECTRIC SERVICE, dated April 17, 1986, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company d/b/a C & Y, recorded May 15, 1986 as Instrument No. 178404 on Film No. 180, records of Cassia County, Idaho. Part of PARCEL #12.
21. LANDOWNER'S WAIVER, dated July 11, 1988, by and between Simplot C & Y Dairy, and Idaho Bank & Trust, recorded July 25, 1988 as Instrument No. 196720 on Film No. 200, records of Cassia County, Idaho. Part of PARCELS #4 & #9.
22. CATHODIC PROTECTION SYSTEM RIGHT-OF-WAY, dated September 9, 1988, between Chevron Pipe Line Company, a Delaware Corporation, and J. R. Simplot Inc., recorded October 7, 1988 as Instrument No. 198224 on Film No. 202, records of Cassia County, Idaho. Part of PARCEL #7.

SUPPLEMENTAL RIGHT-OF-WAY AGREEMENT, dated May 19, 1989, and recorded June 9, 1989 as Instrument No. 202337 on Film No. 207, records of Cassia County, Idaho.
23. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200373 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #11.
24. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200374 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #12.
25. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200375 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #11.
26. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 17, 1989 as Instrument No. 200376 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #15.

(Continued)

SPECIAL EXCEPTIONS-Continued:

27. AGREEMENT FOR ELECTRIC SERVICE, dated October 12, 1988, between Raft River Rural Electric Cooperative, Inc., and J. R. Simplot Company dba C & Y Farms, recorded February 22, 1989 as Instrument No. 200407 on Film No. 204, records of Cassia County, Idaho. Part of PARCEL #6.
28. AGREEMENT FOR ELECTRIC SERVICE, dated April 10, 1992, between Raft River Rural Electric Cooperative, Inc., and Simplot C & Y Farms, recorded November 24, 1992 as Instrument No. 222011 on Film No. 239, records of Cassia County, Idaho. Part of PARCEL #13.
29. CASSIA COUNTY ORDINANCE NO. 99-10-02, recorded October 27, 1999, as Instrument No. 265642, records of Cassia County, Idaho. Covers Other Land.

* * * * *

267355
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$7.00 DEPUTY *lar*
00 FEB 11 PM 4 18
RECEIVED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT.

SPECIAL WARRANTY DEED

This indenture made this 11th day of February, 2000, between Sun Valley Agribusiness Partners, LLC, an Idaho limited liability company, the "Grantor" and Ronald A. Achs and Amy E. Achs, husband and wife, and Clair D. Bosen and Viola L. Bosen, husband and wife, collectively as Tenants in Common, the "Grantee" whose complete mailing address is P.O. Box 2169, Sun Valley, Idaho 83353.

WITNESSETH:

For valuable consideration the Grantor does hereby sell, transfer and convey to the Grantee the following described real property situate in the County of Cassia, State of Idaho, to-wit:

Described on attached Exhibit A, attached hereto and incorporated herein by this reference;

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining (collectively the "Premises")

TO HAVE AND TO HOLD said Premises unto the Grantee its successors and assigns forever.

The Grantor hereby covenants with the Grantee that the Premises are free from all encumbrances made by the Grantor and that it will warrant and defend said Premises against the lawful claims of all persons claiming by, through and under the Grantor.

RECORDED AND REQUEST OF
CASSIA COUNTY ABSTRACT

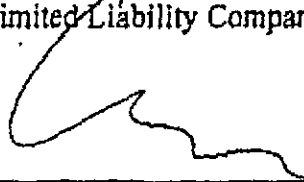
00 FEB 11 PM 4 20

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$100 DEPUTY *[Signature]*

267356

IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by the Grantor as of the day and year herein first above written.

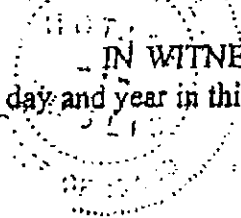
SUN VALLEY AGRIBUSINESS PARTNERS, LLC,
an Idaho limited Liability Company

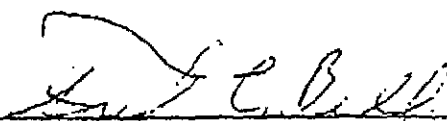
By 
Ronald A. Achs
-Managing Member

STATE OF IDAHO)
) ss.
County of Cassia)

On this 11th day of February, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Ronald A. Achs, known or identified to me to be the managing member of the limited liability company of Sun Valley Agribusiness Partners, LLC, an Idaho limited liability company, and the member who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company 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.




Notary Public for Idaho

Residing at Burley, Idaho

My commission expires 8/2/00

EXHIBIT A

The land referred to is described as follows:

PARCEL #1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 30: Lots 2, 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING
Part of Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of Section 30, which shall be the True Point of Beginning;

Thence North 0°01' West for 208.71 feet along the Section line to a point; Thence South 89°55' East for 208.71 feet to a point; Thence South 0°01' East for 208.71 feet to a point on the Section line; Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #2:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 and 2

LESS part of Lot 1 and Lot 2 of said Section 31, described as follows:

Beginning at the Southwest corner of Lot 2 of said Section 31 which shall be the True Point of Beginning;

Thence North 0°01' West along section line for 1617.50 feet to a point; Thence South 89°54' East for 1394.28 feet to a point;

Thence South 0°01'30" East for 1617.50 feet to a point on the South line of Lot 2;

Thence North 89°54'30" West along said South line for 1395.0 feet to the True Point of Beginning.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil, and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #3:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 31: SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL #5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 32: N $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 32: S $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: N $\frac{1}{2}$ N $\frac{1}{2}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: SW $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #9:

TOWNSHIP 11 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 1: All EXCEPT NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased

Section 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL #10:

TOWNSHIP 11 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 12: NW $\frac{1}{4}$

LESS commencing at the Northwest corner of said Section 12, running Thence South 50 feet; Thence East on a line parallel with the North boundary line of the said Section 12 and 50 feet South therefrom to the East boundary line of the NW $\frac{1}{4}$ of said Section 12; Thence North 50 feet to the North boundary line of said Section 12; Thence West 2640 feet along the North boundary line of said Section 12 to the Point of Beginning.

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #11:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 4: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #12:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 5: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

(Continued)

LEGAL DESCRIPTION-Continued:

PARCEL #13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 6: E $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 6: W $\frac{1}{4}$

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson Lewis, deceased.

PARCEL #15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 8: ALL

EXCEPTING therefrom, an undivided one-half interest in and to all mineral oil and gas, and mineral, oil and gas rights, in, to and under said lands, which is reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson, being all the heirs at law of Joseph Nelson, Lewis, deceased.

ALL PARCELS SUBJECT TO County Road Rights-of-Way, and any other Easements or Right-of-Ways of record.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

EXHIBIT "A" - LEGAL DESCRIPTION
Real Estate Purchase and Sale Agreement dated January 11, 2000
Sun Valley Agri Business Partners, LLC, as Buyer
Simplot Agriculture Group, as Seller

Township 10 South, Range 27 East of the Boise Meridian

Section 30: Lots 2, 3 & Part of Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ E $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$	311.49 Acres
Section 31: Lots 1 & 2 less Tract 3770; NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$	446.56 Acres
Section 32: All	635.47 Acres
Section 33: N $\frac{1}{2}$ N $\frac{1}{2}$; SW $\frac{1}{4}$	316.21 Acres

Township 11 South, Range 26 East of the Boise Meridian

Section 1: All	630.74 Acres
Section 12: Part of the NW $\frac{1}{4}$	155.76 Acres

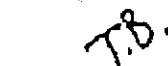
Township 11 South, Range 27 East of the Boise Meridian

Section 4: All	637.52 Acres
Section 5: All	635.58 Acres
Section 6: All	682.81 Acres
Section 8: All	637.00 Acres

Approximate Total from Tax Notices	<u>5,089.14 Acres</u>
------------------------------------	-----------------------

NOTE: The actual Legal Description shall be determined by Cassia County Abstract Company.

	<u>1-11-2000</u>
Buyer's Initials	Date

	<u>1-11-2000</u>
Seller's Initials	Date

SPECIAL WARRANTY DEED

THIS INDENTURE made this 7 day of November, 2000, between RONALD A. ACHS and AMY E. ACHS, husband and wife, and CLAIR D. BOSEN and VIOLA L. BOSEN, husband and wife, collectively as Tenants-in-Common, the "Grantor" and SUN VALLEY AGRIBUSINESS PARTNERS L.L.C., an Idaho limited liability company, the "Grantee" whose mailing address is P.O. Box 2169, Sun Valley, Idaho 83353.

WITNESSETH:

For valuable consideration Grantor does hereby sell, transfer and convey to Grantee the following described real property situate in the County of Cassia, State of Idaho, to wit:

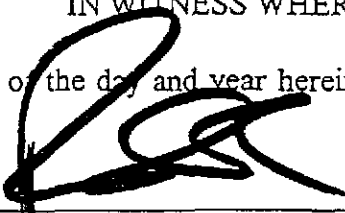
Described on attached EXHIBIT A.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining (collectively the "Premises").

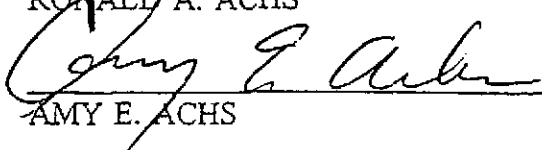
TO HAVE AND TO HOLD said Premises unto Grantee its successors and assigns forever.

Grantor hereby covenants with Grantee that the Premises are free from all encumbrances made by Grantor and that it will warrant and defend said Premises against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by Grantor as of the day and year herein first above written.



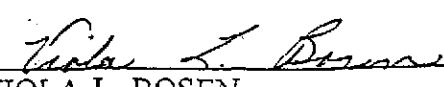
RONALD A. ACHS



AMY E. ACHS



CLAIR D. BOSEN

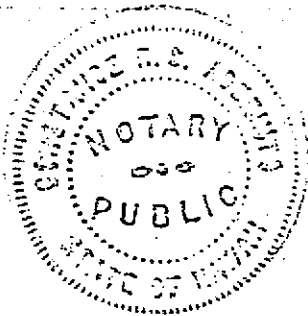


VIOLA L. BOSEN

STATE OF HAWAII)
) ss.
County of Hawaii)

On this 7th day of November, 2000, before me, Constance R.S. Adair
a Notary Public in and for said state, personally appeared RONALD A. ACHS and AMY E.
ACHS, husband and wife, known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they 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.



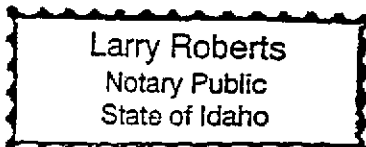
Constance R.S. Adair

Notary Public for Hawaii
Residing at Kailua-Kona, Hawaii
My commission expires 7-13-02

STATE OF IDAHO)
) ss.
County of Cassia)

On this 9th day of November, 2000, before me, Larry Roberts
a Notary Public in and for said state, personally appeared CLAIR D. BOSEN and VIOLA L.
BOSEN, husband and wife, known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they 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.



Larry Roberts
Notary Public for Idaho
Residing at Boley, Idaho
My commission expires 6-30-03

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 30: Lots 2, 3, and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPTING Part of
Lot 4 of Section 30, described as follows:

Beginning at the Southwest corner of Lot 4 of said Section 30, which shall
be the True Point of Beginning;
Thence North 0°01' West for 208.71 feet along the Section line to a point;
Thence South 89°55' East for 208.71 feet to a point;
Thence South 0°01' East for 208.71 feet to a point on the Section line;
Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 31: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 and 2

LESS, part of Lot 1 and Lot 2 of said Section 31, described as follows:

Beginning at the Southwest corner of Lot 2 of said Section 31, which shall
be the True Point of Beginning;
Thence North 0°01' West along section line for 1617.50 feet to a point;
Thence South 89°54' East for 1394.28 feet to a point;
Thence South 0°01'30" East for 1617.50 feet to a point on the South line
of
Lot 2;
Thence North 89°54'30" West along said South line for 1395.0 feet to the
True Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 31: SE $\frac{1}{4}$

Continued

Continuation

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 31: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 5:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 32: N $\frac{1}{2}$

PARCEL NO. 6:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 32: S $\frac{1}{2}$

PARCEL NO. 7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 33: N $\frac{1}{2}$ N $\frac{1}{2}$

PARCEL NO. 8:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 33: SW $\frac{1}{4}$

Continued

Continuation

PARCEL NO. 9:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 1: ALL

PARCEL NO. 10:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 12: NW¼

LESS, commencing at the Northwest corner of said Section 12, running
Thence South 50 feet;
Thence East on a line parallel with the North boundary line of the said
Section 12 and 50 feet South therefrom to the East boundary line
of the NW¼ of said Section 12;
Thence North 50 feet to the North boundary line of said Section 12;
Thence West 2640 feet along the North boundary line of said Section 12 to
the Point of Beginning.

PARCEL NO. 11:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 4: ALL

PARCEL NO. 12:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 5: ALL

Continued

Continuation

PARCEL NO. 13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 6: E½

PARCEL NO. 14:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 6: W½

PARCEL NO. 15:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 8: ALL

272117

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

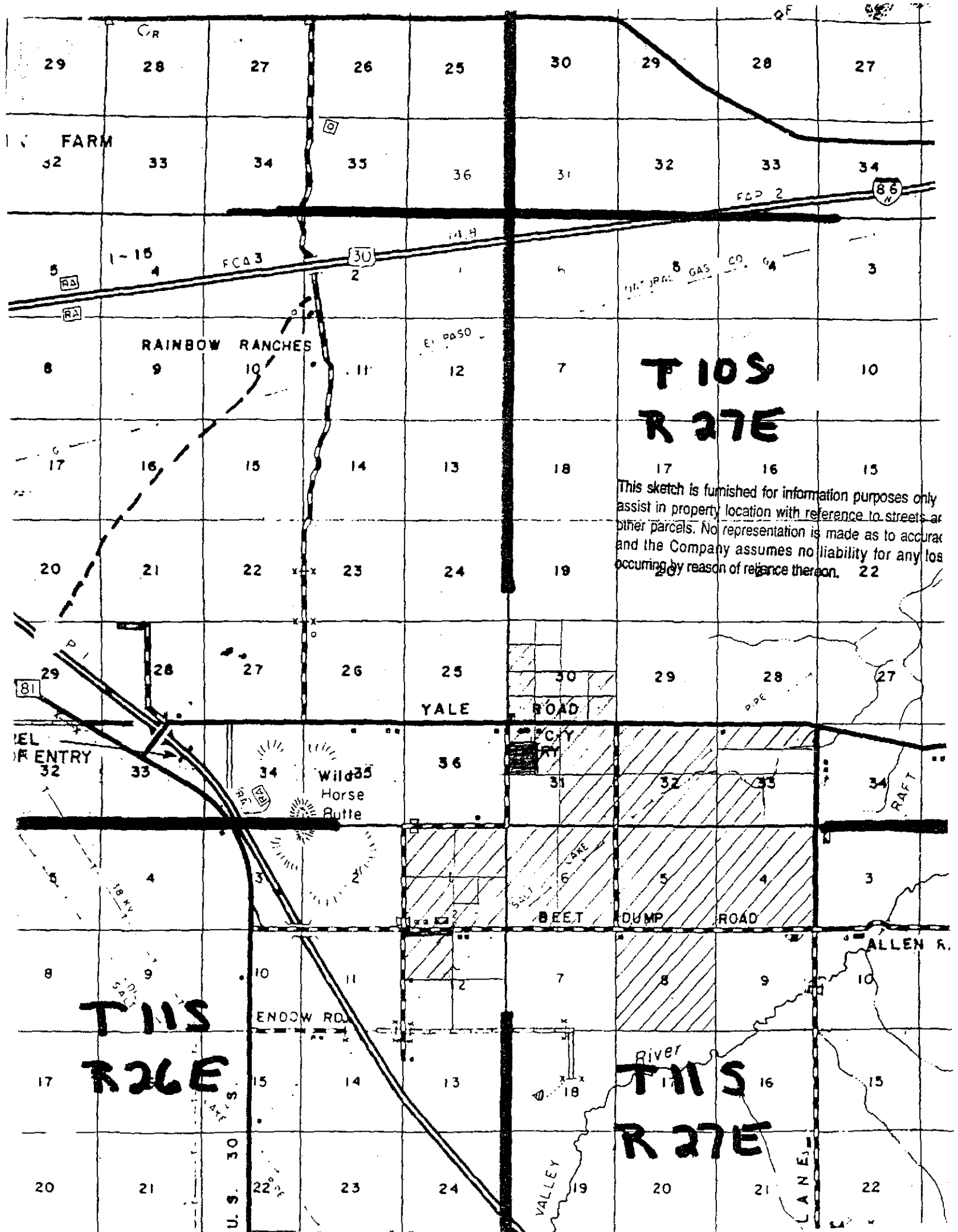
FEE *18.00* DEPUTY *Shue*

NOV 13 PM 2 46

RECORDED AT THE REQUEST OF

LAND TITLE & ESCROW

Continuation



Attachment B

Site Map

Idaho Department of Water Resources Receipt

Receipt ID C052236

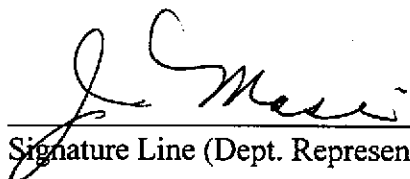
Payment Amount	\$630.00	Date Received	2/9/01 4:46:20 PM	Region	State	Status
Payment Type	Check	Check Number	66177			

Payer HAWLEY TROXELL ENNIS & HAWLEY LLP

Comment 43-02504
43-02505

Fee Detail

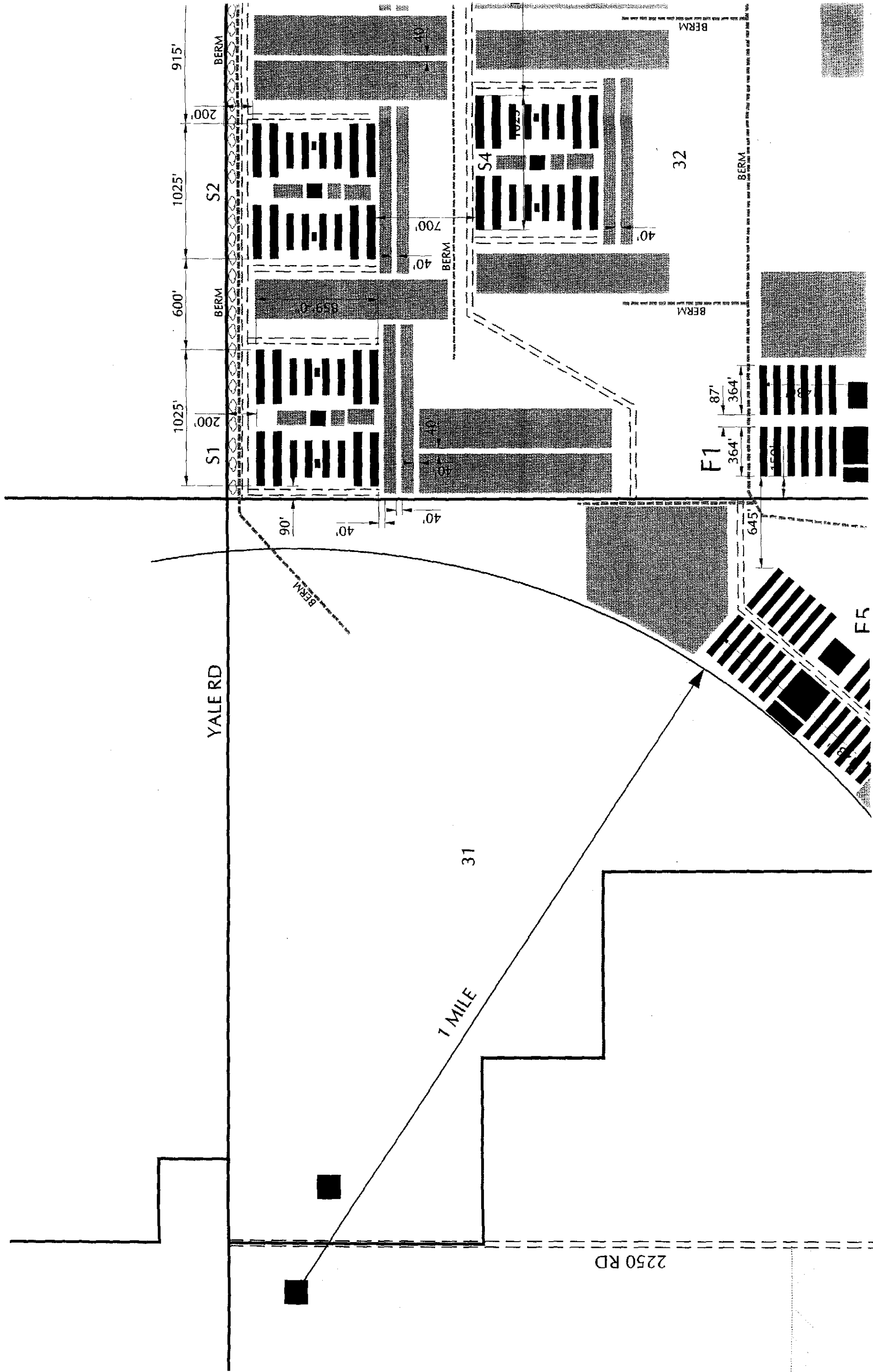
Amount	Description	Fund	FD	PCA	SO
\$630.00	TRANSFERS	0229	21	56105	1155

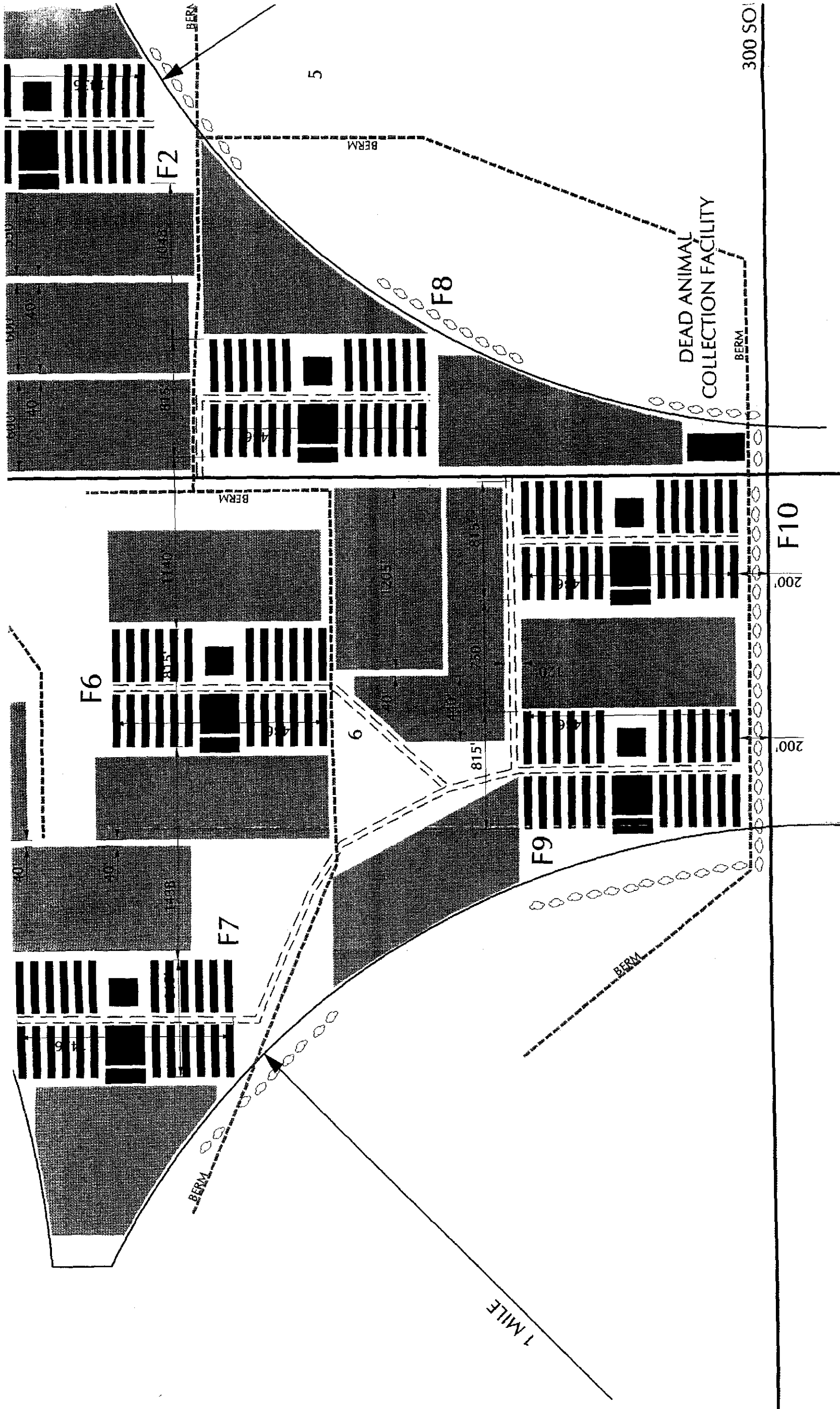

Signature Line (Dept. Representative)

4

NOTE: 11" x 17" PRINTS ARE ONE HALF OF SCALE SHOWN.

TH RD





PRELIMINARY SITE LAYOUT
50,000 SOW FARROW TO FINISH



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 30, 1989

RE: Transfer of Water Right No. 43-2489

J.R. Simplot Co.
Box 27
Boise, ID 83707

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3491). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:mc

Enclosure

MICROFILMED

NOV 10 1989

MEMORANDUM

TO: FILE 43-2489
FROM: JIM JOHNSON
RE: TRANSFER APPLICATION REVIEW
DATE: October 3, 1989

=====

CONDITIONS OF APPROVAL

<<R04>> Use of water under this water right is subject to control of the watermaster of State Water District No. 43 A Upper Raft River.

<<T05>> The use of water on the lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s).

MICROFILMED

NOV 09 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: DRJ

1. Right number 43-2489 Applicant J R Simplot Co
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 43-^{43.A} Upper East River

FINAL PROCESSING REVIEW BY: LR

1. Watermaster recommendation requested on N/A Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By Loren S. Huber Date 9/20/89

SEP 25 1989

RECEIVED

Department of Water Resources

19-Sep-1989

Allan Webb, Watermaster
Water District #43-A
Star Rt. Box 55
Declo, ID 83323

SECOND REQUEST

Re: Application for Transfer of Water Right No. 43-2489
(J.R. Simplot Co.)

Dear Mr. Webb:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

As stated in our 3/28/89 correspondence, regional processing of the application is contingent upon receipt of your recommendation form.

Please complete the enclosed recommendation and return it at your earliest convenience.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosures

*GW diversion, disregard
JRS 9/20/89*

MICROFILMED

NOV 03 1989

28-Mar-1989

Allan Webb, Watermaster
Water District #43-A
Star Rt. Box 55
Declo, ID 83323

Re: Application for Transfer of Water Right No. 43-2489

Dear Mr. Webb:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosures

Disregard, DJ 9/29/89
MICROFILMED

NOV 09 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO.43-2489

Notice is hereby given that J.R. Simplot Company of Boise, ID. has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 43-2489
Basis of right: License
Source: Groundwater
Priority Date: 2/11/1960
Amount of water: 8.9 cfs Water use: Irrigation
Point(s) of diversion: NE1/4SE1/4, Sec. 31, T10S, R27E, Cassia County.
Place of use: 465 acres within E1/2, Sec. 31, T10S, R27E; NW1/4, N1/2SW1/4, Sec. 32, T10S, R27E.

TO BE CHANGED AS FOLLOWS

Water right No.: 43-2489 Amount: 8.9 cfs

Total amount being transferred: 8.9 cfs

Source: Groundwater
Point of diversion: NW1/4NW1/4, Sec. 8, T11S, R27E; Cassia County.
Place of use: 465 acres within E1/2, Sec. 31, T10S, R27E;
NW1/4, N1/2SW1/4, Sec. 32, T10S, R27E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before February 27, 1989.

R. Keith Higginson, Director

Published in South Idaho Press on 2/9 & 2/16/89

MICROFILMED

NOV 09 1989

89-57

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 43-2489**

Notice is hereby given that J.R. Simplot Company of Boise, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 43-2489

Basis of right: License

Source: Groundwater

Priority Date: 2/11/1960

Amount of water: 3.9 cfs

Water use: Irrigation

Point(s) of diversion: NE1/4SE1/4, Sec. 31, T10S, R27E, Cassia County.

Place of use: 465 acres within E1/2, Sec. 31, T10S, R27E; NW1/4, N1/2SW1/4, Sec. 32, T10S, R27E.

TO BE CHANGED AS FOLLOWS

Water right No.: 43-2489

Amount: 3.9 cfs

Total amount being transferred: 3.9 cfs

Source: Groundwater

Point of diversion: NW1/4NW1/4, Sec. 8, T11S, R27E; Cassia County.

Place of use: 465 acres within E1/2, Sec. 31, T10S, R27E; NW1/4, N1/2SW1/4, Sec. 32, T10S, R27E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before February 27, 1989.

A/R. Keith Riggerson, Director

Published in South Idaho Press on February 9 and 16, 1989.

OK
2/3/89

NOT FILMED

NOV 09 1989

30-Jan-1989

South Idaho Press
Box 190
Burley, ID 83318

Re: Notice of Proposed Change No. 43-2489

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MILWAUKEE

NOV 09 1989

30-Jan-1989

J.R. Simplot Company
c/o Bruce L. Belzer, Asst. Gen. Counsel
P.O. Box 27
Boise, ID 83707

Re: Application for Transfer No. 43-2489

Dear Mr. Belzer:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the South Idaho Press on 2/9 and 2/16/89. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Microfilm

NOV 09 1989

30-Jan-1989

Robert Hope, Watermaster
Water District #43-B
HC 72, Box 2270
Malta, ID 83342

Re: Application for Transfer of Water Right No. 43-2489

Dear Mr. Hope:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosures

RECEIVED

NOV 09 1989

Error in requesting
WM comments for Greenwater
diversion, disregard.
DKS 9/20/89

CORPORATE HEADQUARTERS

November 7, 1988

Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301

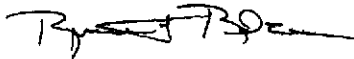
RE: 43-2489

Gentlemen:

I have enclosed a completed and executed Application for Transfer of Water Right, seeking to change the point of diversion for the subject right. Additionally, I have enclosed the required deed evidencing ownership, a map, and a check for \$50. Please note that the deed discloses ownership in Ruby Company. Ruby Company changed its name to Simplot Industries, Inc. I have enclosed a copy of this name change. Subsequently, Simplot Industries was merged into J. R. Simplot Company. It is my understanding that the State office has a record of this merger in their files.

Please let me know if you need any further information or if you have any questions with regard to the proposed transfer.

Sincerely,



BRUCE L. BELZER
Assistant General Counsel

0302R

Enclosures

cc: Ron Robertson

MAILING

NOV 09 1989

● Connecticut Mutual Life INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 727-6500

RECEIVED

APR 22 1981

Department of Water Resources
Mortgages - Agricultural

April 22, 1981

Department of Reclamation
State of Idaho
Boise, Idaho

43-2975, 43-2976, 43-2977

Re: Water Permit Nos. G-28030, G-29098,
G-28457 which was supplemented by
G-29100
Loan No. 91977-H

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers G-28030, G-29098, G-28457 which was supplemented by permit number G-29100 as described in Mortgage Deed dated December 1, 1960, given by Cotterel Farms Co.

Said mortgage was recorded in the Public Records of Cassia County, in Book 51, Page 608.

Sincerely,

Jean Wright

Jean Wright
Agricultural Investment Division

jw

cc: Ag-Land Mortgage Company

MICROFILMED

SM

April 22, 1981

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Water Permit Nos. G-28026, G-28024,
G-28025 & G-37600
Re: Loan No. 92318-H

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers G-28026, G-28024, G-28025 and G-37600 as described in Mortgage Deed dated July 12, 1961, given by Yale Farms Co.

Said mortgage was recorded in the Public Records of Cassia County, on Film No. 7, as instrument number 2685.

Sincerely,

Jean Wright

Jean Wright
Agricultural Investment Division

jw
cc: Ag-Land Mortgage Company

MICROFILMED

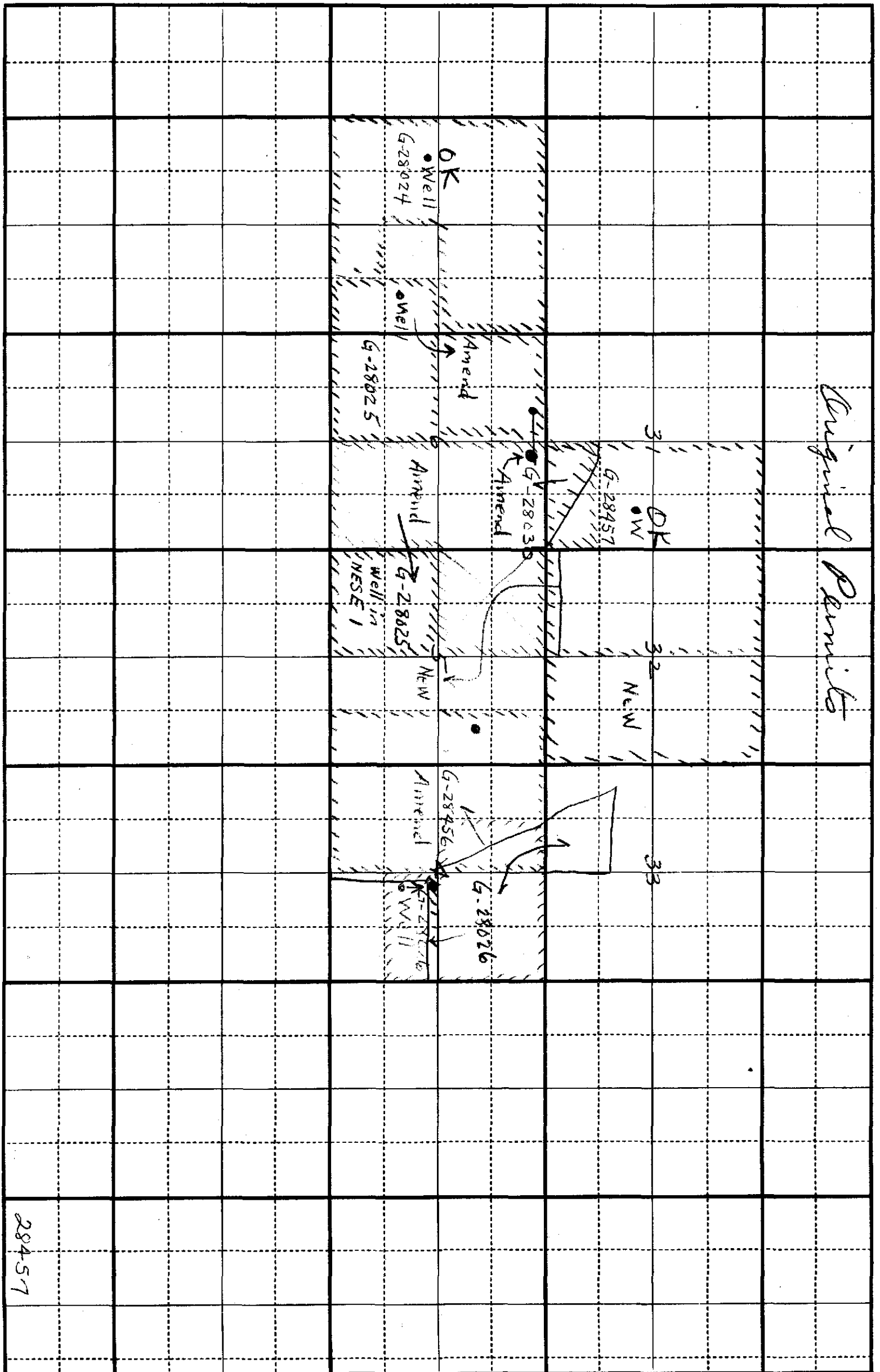
94

YALE & COTTEREL FARMS CO.

[illegible]

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

28457



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

28457

November 30, 1961

RE: Permits No. G-28024, G-28025, G-28026
Yale Farms Co.
G-28030, G-28456, G-28457, G-29098, G-29099
Cotterel Farms Co.

Mr. Wilford W. Lundberg, Manager
Cotterel & Yale Farms Co., Inc.
119 W 3rd North
Logan, Utah

Dear Mr. Lundberg:

Enclosed are the Certificate of Completion of Works and License and
Certificate of Water Right on Permits No. G-28024, G-28025, G-28026,
G-28030, G-28457, G-29098.

Also enclosed are departmental receipts No. G-6707, \$23.00, G-6708,
\$23.00, G-6706, \$25.00, G-6709, \$29.00, G-6710, \$33.00, G-6711,
\$25.00 covering the fees for the Certificates and Licenses.

The Certificates and Licenses on Permits No. G-28456 and G-29099
will be sent you when the amendments have been received in this
office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. certificates 6
licenses 6
receipts 6

cc: Newel A. Nelson
Burley, Idaho

November 2, 1961

Re: Permit No. G-28457

Melvin J. Bailey, President
Cotterel Farms Co.
Malta, Idaho

Dear Mr. Bailey:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28457 shows the well is (are) capable of conveying 445 miner's inches, or 8.9 c.f.s. of water for the irrigation of 465 acres.

Upon receipt of the statutory fees, totaling \$ 33.00 , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ 23.00 , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of February 11, 1960 to the use of 8.9 second feet of subterranean water with the point of diversion in the NE 1/4 Sec. 31 for domestic use and irrigation of 465 acres in the E 1/2, Sec. 31; W 1/2, Sec. 32, T. 10 S., R. 27 E., B.M.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EMR:mr

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28457

REPORT ON PROOF OF Completion of Works & Beneficial Use

Melvin J. Bailey, President, Cotterel Farms Co., Malta, Idaho

16

T.
10
S.

TO DECLD

Well's
PD. —

30	OUT 10	40	40	120
40	50	50	50	160
31	40	40	40	160
5	20	OUT	25	160
Remitt 6-28030	OUT	OUT	25	160

5

Subdivisions

14

Area

465 acres.

Q

8.9 cfs or 445 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-28457This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Cottrell Farms Company2. Source of water supply: Subterranean3. Location of point of diversion: Is in the _____ of Section 31T. 10 S. R. 27 E.B.M. County of Cassia4. Describe works as they exist, giving dimensions and capacities of same: 200 HP GE Motor
OTI 226002, Layne-Bowler Pump # 27097 (4300 GPM @ 150' @ 1770)5. Water is used for: irrigation and domestic

6. State whether or not water has been turned into works of diversion: _____

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E $\frac{1}{2}$ Sec. 31; W $\frac{1}{2}$ Sec. 32., Twp. 10 S., Rge. 27 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. Wilford Lundberg alongP.D. located NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 5, T 11 S. R 27 E. is covered in
permit # G-29098(see G. 29100)Office Measurement. 12" disch pipe with 10" Orifice = 68" = 4040 GPM
914000 = 8.90 cfsThis examination was made on the 24th day of October, 1961(Signed) Layne Johnson Examiner.445
102
8.90

28457

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

NOV 1 1961

Department of Reclamation

W. L. Lundberg
President
Cottrell Farms Company
119 W. 3rd N
Permit No. G-28457 Logan, Utah

Examination for Completion of Works & Beneficial Use

County Cassia 5 11 S 27 E B.M.
Sec. 31 T. 10 S R. 27 E B.M.

Quantity: 9.0 c.f.s.

Sources: Wells
NW, NW, Ser. S, T. 11 S. - R. 27 E BM
P.D.: NE. SE, " 31, " 10 - " " "

Use: Irrigation and Domestic

Filed: Feb. 11, 1960

Due: Feb. 17, 1965

Extension: —
Driller - Ralph Denton
Protests - None.

Completion of Works: —

Other Rights: S-28030, part
right appurtenant to S3SE,
Sec. 31

May 3, 1961

Re: Permit No. ~~8~~ C-28030, C-28457 & C-29098
Cottarel Farms Company

Malvin J. Bailey, President
Cottarel Farms Company
Malta, Idaho

Dear Mr. Bailey:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Harold-Bulletin, all submitted in proof of completion of works and beneficial use on Permit No. ~~8~~ C-28030, C-28457 & C-29098.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Richard King Smith
Attorney at Law
Professional Building
Burley, Idaho

28457

NOTICE OF COMPLETION OF WORKS

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 7th day of April 1961, at Burley, County of Cassia, State of Idaho, before Richard K. Smith, Notary Public, at 2215 Overland Ave., Burley, Idaho, proof will be submitted of the completion of works for the diversion of 9 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28457, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Cotterel Farms Co., Malta, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 9 cubic feet per second.

3. The use to which said water has been applied is Irrigation and Domestic purposes, and the amount applied to beneficial use is 9 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 31, T. 10 South, R. 27 E.B.M., County of Cassia, State of Idaho.

5. The place where said water is used is E $\frac{1}{2}$ Sec. 31, W $\frac{1}{2}$ Sec. 32, T. 10 South, R. 27 E.B.M., County of Cassia, State of Idaho.

6. The date of priority which said used is prepared to establish is 2-11-60, 1:00 P.M.

GEO. N. CARTER,

State Reclamation Engineer.
Published in The Herald-Bulletin,
Feb. 28, Mar. 7, 14, 21, 1961.

Affidavit of Publication.

The Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF CASSIA

ss.

Carl Jones

....., first being duly sworn, deposes and says: That he is the printer of The Herald-Bulletin, a daily newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published daily and has been continuously and uninterruptedly published in said county, not less frequently than once a day, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for consecutive weeks, commencing with the issue dated ~~Feb 28~~ 1961, and ending with the issue dated March 4, 1961.

Subscribed and sworn to before me this 22nd day of March, 1961

Notary Public in and for the State of Idaho,

Residing at Burley, Idaho. My Commission Expires June 4, 1963

28457

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28457

Proof of Application of Water to Beneficial Use
— and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Melvin J Bailey, Malta, Idaho, Farmer, Postoffice Address:
Malta, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Cotterel Farms Company, Malta, Idaho. Position, President. Authority,
President.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G 28457, February 17, 1960, Priority, February 11, 1960 1:00 P.M.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean Waters. NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 31, T. 10-South,
Range 27 E, B.M. Cassia County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Two directions from pump (open ditches), full amount claimed either
direction. Depth of well - 195 feet, Casing - 18 inches, Depth to water -
102 feet, Discharge of pump - 12 inches, determined by testing of pump.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Use: Irrigation. Place: E $\frac{1}{2}$ Sec. 31, NW $\frac{1}{2}$ Sec. 32 T. 10 South, R. 27, E.B.M
Cassia County, Idaho. NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ = 40 a., NW $\frac{1}{4}$ of NE $\frac{1}{4}$ = 40 a., SW $\frac{1}{4}$
of NE $\frac{1}{4}$ = 40a., SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ = 40 a; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ = 40 a., NW $\frac{1}{4}$ of SE $\frac{1}{4}$ = 40 a.,
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ = 40 a., SE $\frac{1}{4}$ of SE $\frac{1}{4}$ = 40 a; T. 10 S, R. 27 E, Sec. 32, NE $\frac{1}{4}$ of
NW $\frac{1}{4}$ = 40 a., NW $\frac{1}{4}$ of NW $\frac{1}{4}$ = 40 a; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ = 40 a; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ = 40 a; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ =

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. Well Driller - Ralph Denton

Ques. 6. Cont'd - 40 a; NW $\frac{1}{4}$ of SW $\frac{1}{4}$ = 40 a; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ = 40 a; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ =
40 a; a total of 640 acres. Cultivated, reclaimed land.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Used for irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. None - all irrigation.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Original Holder.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Used full crop season 1959-1960 for crop irrigation. 400 inches.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None.

(Sign)

Cattell James
Michael Bailey - Pres

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley County of Cassia State of Idaho, on this 17th day of April A. D. 1961.

My commission expires December 7, 1962

Richard K. Smith

MAY 1 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G 28457

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Leland Butler, age 55, Declo, Idaho, Farmer, Postoffice Address:
Declo, Idaho.

Ques. 2. Are you acquainted with Melvin J. Bailey, the
holder of Permit No. G 28457? How long have you known him and where does
he reside?

Ans. I have known Mr. Bailey one year, he lives in Malta, Idaho

Ques. 3. Have you read or heard read said Permit No. G 28457, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Underground supply. Place of diversion: NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of
Section 31, T. 10 South, Range 27, E.B.M., Cassia County, Idaho;
Works: Out of ground into splashbox and into open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. 400 inches.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. I watched well being tested, saw 400 inches come out of discharge
pipe.

28457

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. Place: E $\frac{1}{2}$ Section 31, W $\frac{1}{2}$ Section 32, T. 10 South, R. 27, E.B.M. Cassia County, Idaho, 40 acres per subdivision included therein, a total of 640 acres. Cultivated, reclaimed desert land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. All irrigation.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Desert land reclaimed. 1 inch per acre.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Saw crops raised during crop season 1960. 400 inches.

(Signed) Deland Butler

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley,
County of Cassia, State of Idaho, on this 7th day of April,
A. D. 1961.

Richard K. Smith
Notary Public.

My commission expires December 7, 1962.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28457.....

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Paul Bodily, age 41, Declo, Idaho, Farmer, Postoffice Address:
Declo, Idaho.

Ques. 2. Are you acquainted with Melvin J. Bailey, the holder of Permit No. G 28457? How long have you known him and where does he reside?

Ans. I have known Mr. Bailey two years, he lives in Malta, Idaho.

Ques. 3. Have you read or heard read said Permit No. G 28457, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Underground supply. Place of Diversion: NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, T 10 South, Range 27 E.B.M., Cassia County, Idaho; Works: Out of ground into splashbox and into open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 400 inches.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I watched well being tested, saw 400 inches come out of discharge pipe.

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. Place: E $\frac{1}{2}$ Sec. 31. W $\frac{1}{2}$ Sec. 32. T. 10 South. R. 27 E.B.M., Cassia County, Idaho, 40 acres per subdivision included therein, a total of 640 acres. Cultivated, reclaimed desert land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. All irrigation.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Desert land reclaimed, 1 inch per acre.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Saw crops raised during crop season 1959-1960. 400 inches.

(Signed)

Paul S. Bodily

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 7th day of April, A. D. 1961.

Richard E. Smith
Notary Public.

My commission expires December 7, 1962

Form No. 11
2M - 10/60

RECEIVED

FEB 20 1961

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 16, 1961

(P.O.) Box 722, Burley, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Herald Bulletin of Burley, Idaho published in

the county in which the works are situated.

Carrin Co.

Richard H. Smith
Attorney at Law

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

28457

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USERECEIVED
APR 10 1961

Department of Reclamation

Notice is hereby given that at 10:00 M., on the 7th day of April, 1961
19 61, at Burley, County of Cassia, State of Idaho,
before Richard K. Smith, Notary Public, at (address) 2215 Overland Ave.
Burley, Idaho, proof will be submitted of the completion of
works for the diversion of 9 ☒ cubic feet per second of underground water
from a well, and of the application to beneficial use of said water, in accordance
with the terms and conditions of Permit No. G 28457 ☒, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said
permit is Cottrel Farms Co. Malta, Idaho

2. Said works of diversion will be fully completed on the date set for such com-
pletion, and the amount of water which said works are capable of conveying to the
place of use is 9 cubic feet per second.

3. The use to which said water has been applied is Irrigation and
Domestic purposes, and the amount applied to beneficial use is
9 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 31, T. 10
South, R. 27 E.B.M., County of Cassia, State of Idaho

5. The place where said water is used is E $\frac{1}{2}$ Sec. 31, W $\frac{1}{2}$ Sec. 32, T. 10
South, R. 27 E.B.M., County of Cassia, State of Idaho

6. The date of priority which said user is prepared to establish is 2-11-60 1:00 P.M.

Geo. H. Lantieri
State Reclamation Engineer

28457

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28457
Cottarel Farms Co.

Date: Feb. 21, 1961

Harald Bulletin,
Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **April 7, 1961** the date set for proof;

the expense of the publication is to be paid by the applicant

Cottarel Farms Co.

of **Malta, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

28457

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

February 21, 1961

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Re: Permit No. G-28457
Cottarel Farms Co.

Mr. Richard K. Smith
2215 Overland Ave.,
Burley, Idaho.

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28457, in the name of Cottarel Farms Co.. Final Proof is to be made before you, as Notary on the 7th day of April, 1961, ~~1959~~ at 10:00 o'clock A.M., at Burley, Idaho.

As of this date we have mailed the Notice to the Herald Bulletin with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ~~Hildner~~
Chief Clerk

Encl. pk

cc: Applicant

28457

September 21, 1960

RE: Permits No. G-28024, G-28025, G-28026
G-28030, G-28456, G-28457
Yale Farms Co. and Cotterel Farms Co.

Perry, Robertson & Daly
Lawyers
Fidelity Building
Twin Falls, Idaho

Attention: C. G. McIntyre

Dear Mr. McIntyre:

Your letter of September 20, 1960 with solution to the overlaps in the permits and location of new applications to be made has been received.

Your proposed amendments are very good and can be accepted, as well as the proposed application or applications.

Enclosed are six sets of Forms for notice of intention to make proofs and a supply of Forms for amending the permits. Notice on the enclosed list of fee charge that there is a fee of \$1.00 for each amendment to a permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Office Engineer

RWT:mr
Enc. Form 11, 36
amendment forms, list of fees

P. S. In regard to amending the amount of water claimed under Permit G-28457; the amount of water claimed on a permit can not be increased, however a new application for permit will be accepted for any extra water developed in the well.

28457

PARRY, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING

TWIN FALLS, IDAHO

TELEPHONE REDWOOD 3-3722

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY
CLIFFORD E. FIX
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN

OF COUNSEL:
HUGH A. BAKER
J. R. KEENAN

September 20, 1960

Mr. George N. Carter
State Reclamation Engineer
Idaho Department of Reclamation
State House
Boise, Idaho

SEP 21 1960
Department of Reclamation

RE: PERMIT NO. 28030
" " 28024
" " 28025
" " 28026
" " 28456
" " 28457

Dear Mr. Carter:

In reference to the above permits, I am writing a preliminary letter before filing applications for amendments to the above permits. I have gone over the permits with Mr. Melvin Bailey, President of Yale Farms Co. and Cotterel Farms Co., the holders of said permits, and I have then subsequently prepared a map which is attached hereto, showing the location of each well and the lands irrigated by each well. I have used colors so that the permits are more easily distinguished. All of the locations of the wells shown in the above permits appear to be correct with the exception of the well location in Permit #G28030 which should be changed from NE $\frac{1}{4}$ NW $\frac{1}{4}$ to NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T.11S. R.27 E., B.M., Cassia County, Idaho. 28456

In a letter dated the 15th of February, 1960, from your office, you indicated that there were conflicts and overlaps in some of the permits and that the approval of the last application made by Cotterel Farms Co. in Section 5 would be to approve over one miner's inch per acre and therefore, this application was denied. Mr. Bailey has assisted me in preparing the enclosed map and if it is possible to amend the present permits, file a new application for the one that was denied and a new application for the E $\frac{1}{2}$ of Section 32, T.10S., R.27 E., B.M., we shall do so. The corporations will then have eight permits covering the farm grounds. We would then plan to submit proof of completion of works and proof of application to beneficial use on six out of the eight permits immediately.

28457

Mr. George N. Carter
Page 2
September 20, 1960

If you see no objection to the amendment of the present permits and the submission of two additional applications, we shall proceed as indicated in this letter. In regard to Permit #G28457 there was 450 inches of water claimed in the application and the pump is now developing 475 inches and we would ask for the additional water in our amended permit.

which cannot be done

If you desire any further information or explanation, please let us hear from you and we shall appreciate your advice before we proceed further in this matter.

Yours very truly,


C. G. MCINTYRE

CGMc/cjf

Enclosure

28457

March 8, 1960

Re: Permit No. G-28457
Cotterel Farms Co.

Parry, Robertson & Daly,
Attorneys at Law,
Fidelity Bank Building,
Twin Falls, Idaho

Attention: Clifford E. Fix

Gentlemen:

We enclose Permit No. G-28457 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-4632 which was issued covering payment in the amount of \$7.00 for the filing fee of the above mentioned permit.

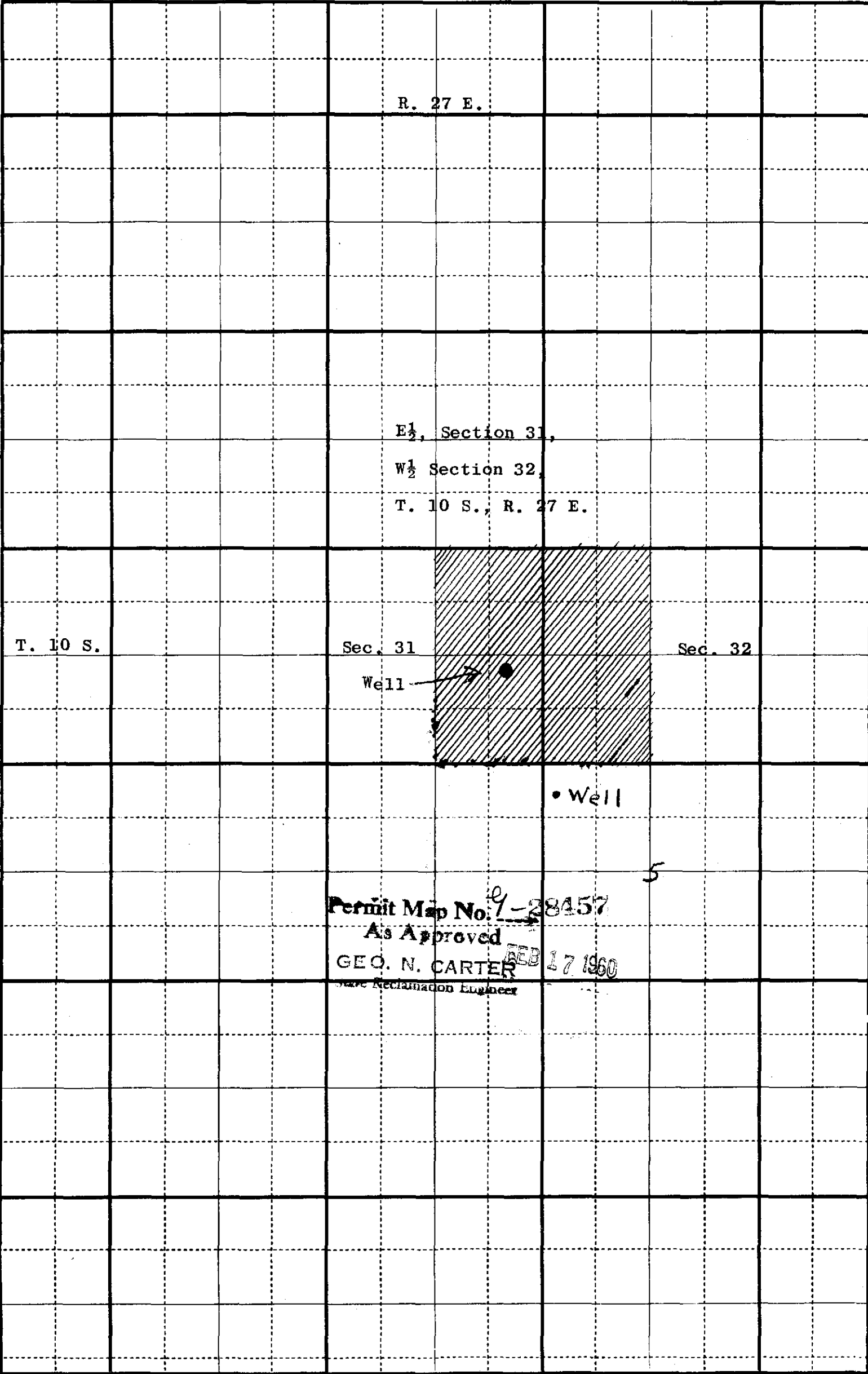
You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pak
cc: Cotterel Farms Co.



February 15, 1960

Re: Permits G-28025 & G-28030
Applications Nos. 36433-36434
Cottoral Farms

Ferry Robertson & Daly
Attorneys at Law
Box 534, Twin Falls, Idaho

Attn: Clifford E. Fix

Dear Mr. Fix:

Returned herewith is application, with attached check for \$6.50, in the names of Cottoral Farms Co to appropriate subterranean water in the NW₁SW₁, Sec. 5, T. 11 S., R. 27 E. to irrigate the W₁, Sec. 5 and SW₁, Sec. 32, T. 10 S., R. 27 E. Approval of this application would be approval of over one miner's inch per acre.

Application No. 36434 in the name of Cottoral Farms Co will be approved to appropriate 9.0 c.f.s. of subterranean water in the NE₁SE₁, Sec. 31. This has been changed to show two points of diversion, the second point being the NW₁SW₁, Sec. 5, to irrigate the E₁, Sec. 31 and W₁, Sec. 32, which includes one third of the land included in the returned application.

Application No. 36433 in the name of Cottoral Farms Co. will be approved to appropriate 7.0 c.f.s. of subterranean water in the SE₁NE₁, Sec. 5, to irrigate the E₁SE₁, Sec. 5 and W₁, Sec. 4 has no conflict with other rights.

Permit No. G-28025 in the name of Yale Farms Co. covers the SW₁, Sec. 5, which is one third of the land included in the returned application.

Permit No. G-28030 in the name of Cottoral Farms Co. includes the NW₁, Sec. 5 which is one third of the land included in the returned application.

Permit No. G-28025 and G-28030 may be amended to include the well in the NW₁SW₁, Sec. 5 as a point of diversion. Forms are enclosed

We trust this plan will meet with your approval.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ew
Enc. application
amendments

28457

PARRY, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING

TWIN FALLS, IDAHO

TELEPHONE REDWOOD 3-3722

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY
CLIFFORD E. FIX
BERT LARSON
C. G. MCINTYRE

JOHN R. COLEMAN
OF COUNSEL:
HUGH A. BAKER
J. R. KEENAN

February 10, 1960.

RECEIVED
FEB 11 1960
Department of Reclamation

Mr. Geo. N. Carter,
State Reclamation Engineer,
Department of Reclamation,
State House,
Boise, Idaho.

Dear Mr. Carter:

There is enclosed herewith Application for Permit of Cotterel Farms Co. to appropriate 450 inches of subterranean water in Cassia County, Idaho, the well being located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31, Township 10 South, Range 27 East, Boise Meridian.

There is also enclosed our check for filing fee in the amount of \$7.00.

Very truly yours,

Clifford E. Fix
CLIFFORD E. FIX

CEF:jb

Enclosure.

CC: Mr. Melvin J. Bailey,
Malta, Idaho.

28457