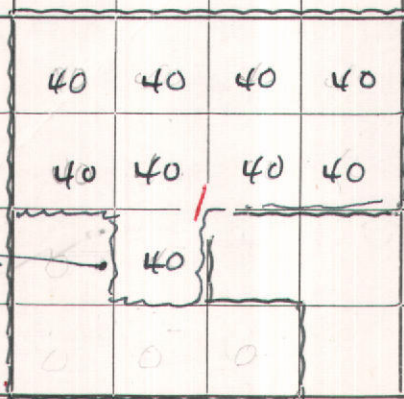


R-26 E.

TO DECID

T.
II
S.

Well #3
PD



160

160

40

360

U.S. HWY. NO. 305.

Subdivisions

9

AREA

360 acres

Q

6.0 cfs or 300 inches

Affidavit of Publication.

AFFIDAVIT OF PUBLICATION

MAY 1 1961

Department of Reclamation

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*, 19*61*, and ending with the issue dated *March 21*, 19*61*.

Subscribed and sworn to before me this *22nd* day of *March*, 19*61*

Carl Jones

Hazel G. Sheddell

Notary Public in and for the State of Idaho,
Residing at Burley, Idaho

My Commission Expires June 4, 1963

28024

NOTICE OF PROOF OF COMPLETION OF WORKS

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 3:00 P.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 8 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-28024, 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 Yale 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 8 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 8 cubic feet per second.

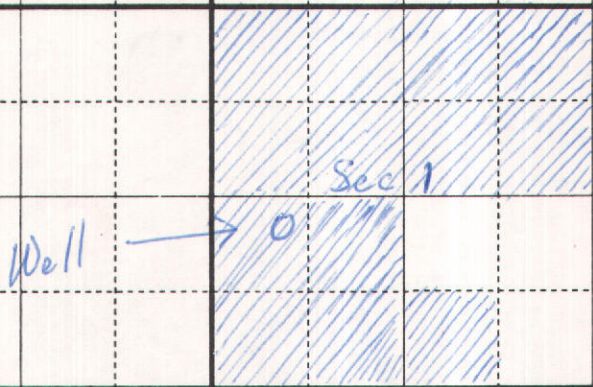
4. The point of diversion of said water is NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 1, T. 11 South, Range 26, E. B.M. County of Cassia, State of Idaho.

5. The place where said water is used is NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11 South, Range 26, E.B.M., County of Cassia, State of Idaho.

6. The date of priority which said user is prepared to establish is July 7, 1959 9:00 A.M.

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

Section 1, Township 11 South,
Range 26 East, Boise Meridian.



Permit Map No. 28024
As Approved
GEO. N. CARTER
State Reclamation Engineer
JUL 9 1959

State of Idaho
License and Certificate of Water Right

Water License No. G-28024

Amount 6.0 c.f.s.

Water District No. _____

Priority July 7, 1959

THIS IS TO CERTIFY that YALE FARMS CO.
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 7, 19 59; that Permit No. G-28024
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6.0 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, YALE 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-28024 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 7215, on the 30th day of November, 19 61;

The right hereby confirmed dates from July 7, 19 59;

The Point of Diversion is located
in the NW 1/4 SW 1/4, Sec. 1, Tp. 11 S, R. 26 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 6.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	26 E	1	NE <u>1/4</u>	160	160
			NW <u>1/4</u>	160	160
			NE <u>1/4</u> SW <u>1/4</u>	40	40
			Total number of acres to be irrigated:		360

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 2471

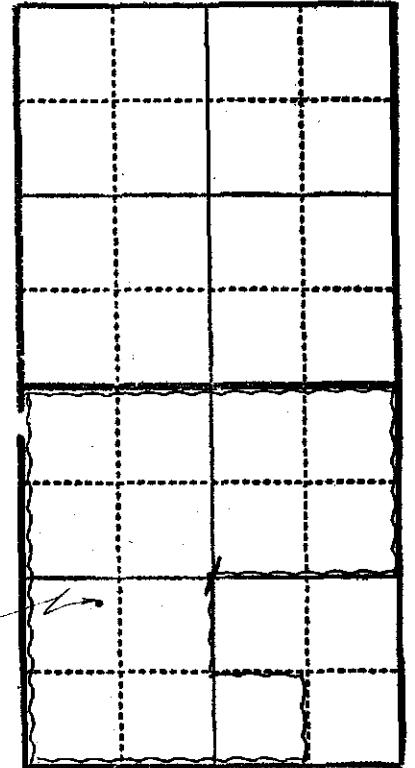
43-2471

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35984
Permit No. G- 28024
District No.

1. Name of Applicant: Yale Farms Co.
Postoffice address: Malta County: Cassia State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 8.0 or Idaho
Miners' inches 400 inches 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 SW $\frac{1}{4}$ of Section 1,
Twp. 11 S , Rge. 26 E , B.M., County of Cassia
5. Water is to be used for: Irrigation and domestic purposes
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: \$ 10,000.00
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
value of \$100.00 per share
(b) Amount of capital stock: \$1,000 shares at par/ (c) Amount paid in: \$26,250.00
(d) Names and addresses of directors: Melvin J. 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 onhand: \$
(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: none
 - (a) (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) 8.0 (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks: This well was drilled in 1959 and water from this well will be used this year on the lands described in Paragraph 12 hereof.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Yale Farms Co. Applicant.

By s/ Melvin J. Bailey *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A.M. July 7, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28024

Recorded in Book 99 Page 28024 Approved July 9, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 9, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 9, 1964

Witness my hand this 9th day of July, 1959

S/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. E. DREVLLOW, Acting, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th day of July, 1959.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By S/ W. E. DREWLOW,
Acting Governor

Secretary of State.

12.

Twp.	Range	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	
11 S	26 E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	520	
Permit No. G-28024 ✓ CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that YALE FARMS CO. of Malta, County of Cassia, and State of Idaho, the holder of Permit No. G-28024, issued upon Application No. G-35984 bearing date of priority of July 7, 1959, authorizing the diversion of 8.0 second feet of waters of a well County of Cassia, State of Idaho, for irrigation and domestic purposes, fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to place of intended use 6.0 second feet of the waters of a well from subterranean flow that the point of diversion said waters NW¹/₄SW¹/₄, Sec. 1, T. 11 S., R. 26 E., B.M. and that the lands proposed to be irrigated by the use of water are described as follows, to-wit: 360 acres in the N¹/₂, NE¹/₄SW¹/₄, Sec. 1, T. 11 S., R. 26 E., B.M. Witness my hand this 30th day of November, A.D. 1961. /s/ RALPH W. THOMAS Deputy State Reclamation Engineer Proof of Completion of Works Made: April 7, 1961 LICENSE ISSUED FOR 6.0 SEC. FT. page 7215																			



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 5, 2001

David B. Shaw
ERO Resources Corp.
1106 N. Cole Rd, Suite C
Boise, ID 83704-8661

RE: APPLICATION TO LEASE WATER RIGHT NOS. 43-02471, 43-02472 and 43-02569 TO THE WATER SUPPLY BANK

Dear Dave:

The department has reviewed the above referenced applications that you submitted to the department on July 3, 2001.

Please consider that the water rights offered for lease have been accepted into the Water Supply Bank ("bank") operated by the Idaho Water Resource Board ("Board"). Several items to keep in mind in connection with the lease are as follows:

1. There is no rental payment to the owner if the rights or parts thereof are not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed, although acceptance of a right into the bank does not confirm its validity.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
FEB 24 2004

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

ERO

Denver • Boise

www.eroresources.com
eroboise@eroresources.com

RECEIVED

JUL - 3 2001

Department of Water Resources

June 27, 2001

Glen Saxton
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Glen:

Enclosed you will three Applications to Sell or Lease a Water Right to the Water Supply Bank.

At the same time a change of ownership of these three water rights, and others, has been sent to the Twin Falls regional office. A copy of the change of ownership, without attachments, is enclosed.

If you have any questions regarding these applications, please contact me directly.

Yours truly,

David B. Shaw

David B. Shaw
Project Manager

DBS:sw

Encl.

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FEB 24 2004

Consultants in
Natural Resources
and the Environment



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

RECEIVED

B-5 20

Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 2001

TIMOTHY CALLANAN
HAWLEY TROXELL ENNIS & HAWLEY
877 MAIN STREET, SUITE 1000
PO BOX 1617
BOISE, ID 83701-1617

RE: Big Sky Farming Group and Sun Valley Agribusiness Partners Transfer Applications

Dear Mr. Callanan:

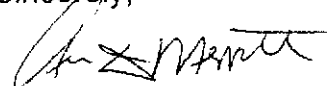
As you may recall, you originally submitted a transfer application in the name of Big Sky Farming Group in April of last year. After our initial review we identified issues that needed to be clarified before our office could proceed with processing of your transfer application. After communicating with you about these issues, at your request, we have held processing of this original application. We have also continued to hold the fees paid at that time.

In November of last year you submitted a revised application that was much more complete yet our review found issues that needed to be clarified before our office could proceed with processing. As you recall, we returned the fees that were submitted with the November application along with our November 30th comment letter. We did not return the actual signed revision since it had many large attachments.

Please be informed that our office intends to return to you the original signed application and the original signed revision with attachments to clear our records if we do not receive a revised application with appropriate fees on or before **February 9th, 2001**. If we return these documents I will instruct the department's fiscal section to issue a refund of your \$100.00 filing fee that was submitted with your original application. If we return your application, said action will not prejudice any future filing contemplated by you.

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

Sincerely,


Allen Merritt, PE
Southern Region Manager

CC: Norm Young

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FEB 24 2001

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-02471</u> ✓	<u>A43-02471</u>		<u>43-02519</u>	<u>A43-02519</u>	
<u>43-02472</u> ✓	<u>A43-02472</u>		<u>43-02569</u> ✓	<u>A43-02569</u>	
<u>43-02473</u>	<u>A43-02473</u>		<u>43-02575</u>	<u>A43-02575</u>	
<u>43-02475</u>	<u>A43-02475</u>		<u>43-04194</u>	<u>A43-04194</u>	
<u>43-02488</u>	<u>A43-02488</u>		<u>43-04199</u>	<u>A43-04199</u>	
<u>43-02489</u>	<u>A43-02489</u>		<u>43-07056</u>	<u>A43-07056</u>	
<u>43-02504</u>	<u>A43-02504</u>		<u>43-07068</u>	<u>A43-07068</u>	
<u>43-02505</u>	<u>A43-02505</u>		<u>43-07145</u>	<u>A43-07145</u>	
<u>43-02516</u>	<u>A43-02516</u>			<u>A43-10578</u>	
<u>43-02517</u>	<u>A43-02517</u>			<u>A43-10579</u>	

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. None
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP. IDWR Analysis

3. Name and Address of Former Owner/Claimant(s) Ronald A. Achs and/or Amy E. Achs and/or
Clair D. Bosen and/or Viola L. Bosen
P.O. Box 2169
Sun Valley, ID 83353
4. New Owner/Claimant(s) Sun Valley Agribusiness Partners, L.L.C.
 Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address P.O. Box 2169
 City, State and ZIP Code Sun Valley, ID 83353
 New Telephone Number (208) 725-0888
5. Date you acquired the property November 2000

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FEB 24 2004

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

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

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

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

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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FEB 24 2004

Water Supply Bank No. _____

Water Right No. 43-02471

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor Sun Valley Agribusiness Partners, LLC

Phone 208-725-0888

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
(Name)

dated _____ in _____ county of _____
(Name of court)

b. License No. 43-02471 issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. Source of water Ground water tributary to _____

3. Date of priority 7-7-1959

4. Water is used for the following purposes:

amount 6.00 cfs for Irrigation purposes from 3/15 to 11/15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

5. Total amount of water under right: a. 6.00 cubic feet per second
&/or
b. _____ acre feet per annum

6. Location of point of diversion is NW ¼ of SW ¼ of Section 1 Township 11S Range 26E, B.M. in
Cassia County

Additional points of diversion, if any _____

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FEB 24 2006

7. 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	26E	1	40	40	40	40	40	40		40	40					40			360

Total number of acres to be irrigated _____

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

- Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
- 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 number of acres to be irrigated _____

MICROFILMED
APR 24 2003

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Lessor acquired the right through purchase of the right and underlying land. See copy of deed attached.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

This water right has been used in each of the past 5 years as shown on the attached power records.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

This is a ground water right that has not been regulated due to water shortage.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

Water right 43-02569 overlaps the place of use for this right and is also being offered to the water bank. The 360 acres under this right will not be irrigated.

5. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached. N/A

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

MICROFILMED

FEB 24 2014

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.

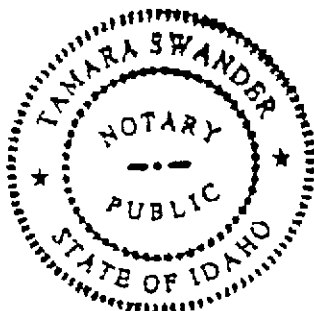
J. R. SIMPLOT COMPANY,
successor by merger to
SIMPLOT INDUSTRIES, INC.

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) MICHOHILL

SEP 24 2006

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)

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SEP 24 2004

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)

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LEGAL DESCRIPTION-Continued:

PARCEL #13:

TOWNSHIP 11 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
Section 6: E*

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*

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.

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FEB 24 2004

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 $\frac{1}{4}$ 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 $\frac{1}{4}$ S $\frac{1}{4}$, Sec. 6, Twp. 11 S., Rge. 27, E.B.M. S $\frac{1}{4}$ S $\frac{1}{4}$ 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)

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SEP 24 2004

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 Pawitt-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)

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FEB 24 2004

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. 198234 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)

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FEB 24 2004

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.

* * * * *

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT.

FEB 11 PM 4 18

FEE \$7.00 REPUT. *Law*

CASSIA COUNTY, IDAHO
DARRYL H. ROSKELLEY
RECORDER

267355

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FEB 24 2004

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)

MICROFILMED

FEB 24 2004

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 30 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 3: 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)

MICROFILMED

FEB 24 2004

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.

MICROFILMED

FEB 24 2006

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; SW $\frac{1}{4}$ 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>
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NOTE: The actual Legal Description shall be determined by Cassia County Abstract Company.

 1-11-2000
Buyer's Initials Date

 1-11-2000
Seller's Initials Date

MICROFILMED

FEB 24 2004

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:

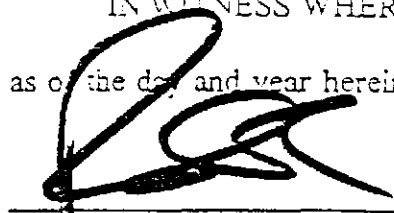
Described on attached EXHIBIT A.

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.

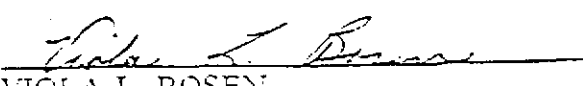
Grantor hereby covenants with Grantee that the Premises are free from all encumbrances made by Grantor and that it will warrant and defend said Premises against the lawful claims of all persons claiming by, through or under Grantor.

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

SPECIAL WARRANTY DEED

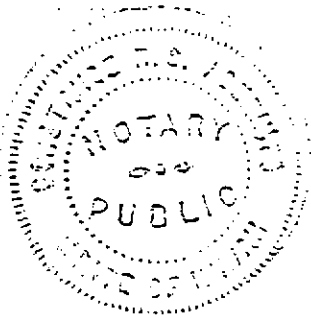
FEB 24 2001

G:\CLIENTS\4031\0001157\WAR DEED

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.

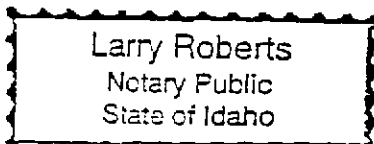


Constance R.S. Adair
Notary Public for Hawaii
Residing at Kailua-Kona, Hawaii
My commission expires 1-13-02

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 Blue Jay, 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

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FEB 24 2004

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

MICROFILMED

FEB 24 2004

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 INDEXED REQUEST OF
CASSIA COUNTY ABSTRACT

00 FEB 11 PM 4 20

CASSIA COUNTY, IDAHO
DARRELL W. 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.

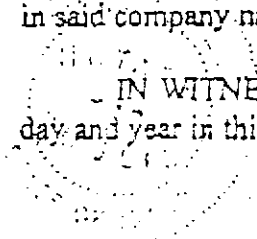
SUN VALLEY AGRIBUSINESS PARTNERS, LLC,
an Idaho limited Liability Company

By [Signature]
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.



[Signature]
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.

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(Continued)

FEB 24 2008

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

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FEB 24 2004

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 *Mac*

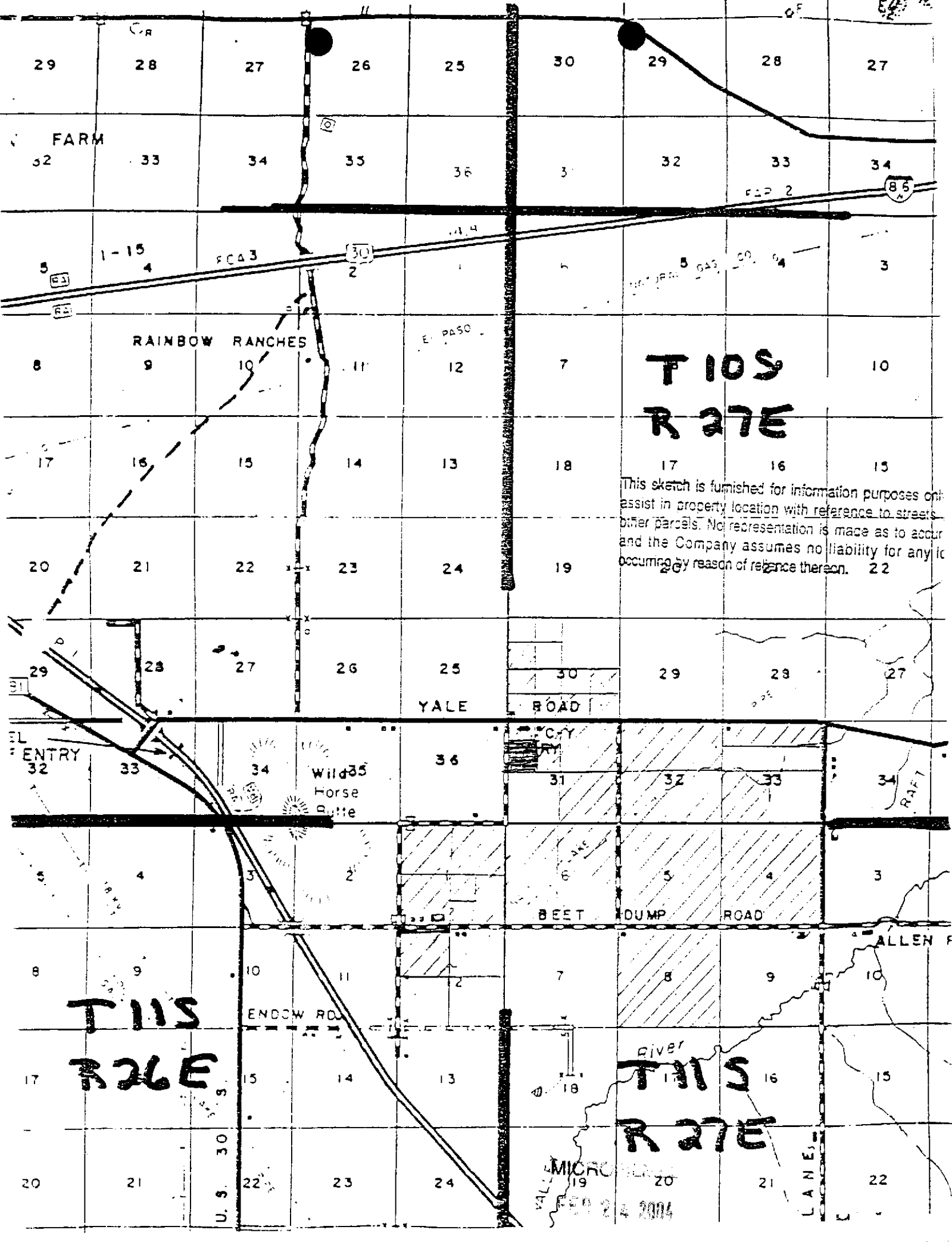
NOV 13 PM 2 46

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

Continuation

MICROFILMED

FEB 24 2004



This sketch is furnished for information purposes only. It is not to be used to assist in property location with reference to streets, buffer parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason of reliance thereon.

**T10S
R27E**

**T11S
R26E**

**T11S
R27E**

MICRO
FEB 24 2004

MTRSHW

SERVICE FILE

SERV # CUST # 008052 021880 BODILY, JAMES NORMAN/GLE 00040 0 I 2 3 53 E20 I

KW HP CONT MIN DIGS ANNL ALL YR SERIAL AVG KWH
144 150.0 5 0 0 17-946-420 41538

BODILY, JAMES NORMAN/GLENDA

CUST	DATE	PREV	PRES	KWH	DEMAND	AMOUNT
200809	05/86	2281	4887	104240	149.00	2531.80
200809	06/86	4887	7591	108160	149.00	2610.20
200809	08/86	7591	8859	50720	148.00	1458.40
200809	09/86	8859	268	56360	149.00	1574.20
200809	04/87	268	2503	89400	149.00	2235.00
200809	05/87	2503	4745	89680	149.00	2240.60
200809	06/87	4745	7595	114000	148.00	2724.00
200809	07/87	7595	212	104680	148.00	2537.60
200809	08/87	212	1224	40480	148.00	1253.60
200809	09/87	719	719	36080	146.00	1159.60
200809	10/87	719	2135	56640	146.00	1796.10
200809	04/88	2135	2904	30760	145.00	1238.26
200809	05/88	2904	5467	102520	144.00	2769.93
200809	06/88	5467	8092	105000	144.00	2823.00
200809	07/88	8092	255	86520	144.00	2427.53
200809	08/88	255	3001	109840	144.00	2926.58
200809	09/88	3001	5322	92840	146.00	2570.78
200809	10/88	5322	5341	760	144.00	592.26
200809	04/89	5341	5829	19520	144.00	993.73
200809	05/89	5829	8074	89800	144.00	2497.72
200809	06/89	8074	1033	87760	144.00	2454.06
200809	07/89	1033	3554	100840	144.00	2733.98
200809	08/89	3554	6294	109600	144.00	2921.46
200809	09/89	6294	8676	95280	144.00	2614.99
200809	10/89	8676	426	70000	144.00	2074.00
200809	04/90	426	2001	63000	144.00	2106.00
200809	05/90	2001	4361	94400	144.00	2796.80
200809	06/90	4361	6845	99360	142.40	2897.92
200809	07/90	6845	9140	91800	142.40	2731.60
200809	08/90	9140	1666	101040	142.40	2934.88
200809	09/90	1666	4142	99040	140.40	2880.88
200809	10/90	4142	6451	92360	140.40	2753.92
200809	04/91	6451	8910	98360	144.00	2883.92
200809	05/91	8910	432	60880	140.80	2843.36
200809	06/91	432	2769	93480	143.20	2772.56
200809	07/91	2769	5235	98640	140.80	2874.08
200809	08/91	5235	7921	107440	140.80	3067.68
200809	09/91	7921	9155	49360	140.80	1789.92
200809	10/91	9155	9155			.00
200809	04/92	9155	1578	96920	138.80	2826.24
200809	05/92	1578	4083	100200	136.40	2886.40
200809	06/92	4083	6422	93560	136.00	2738.32
200809	07/92	6422	8776	94160	132.80	2735.52
200809	08/92	8776	970	87760	132.00	2590.72
200809	09/92	970	1600	25200	136.00	1234.40
200809	10/92	1600	2918	52720	136.00	1839.84
200809	05/93	2918	4549	45240	136.80	2119.28
200809	06/93	4549	6186	45480	136.00	2120.56
200809	07/93	6186	8660	98960	136.00	2857.12
200809	08/93	8660	1082	96880	134.00	2801.36
200809	09/93	1082	3538	98240	132.40	2823.28
200809	10/93	3538	4894	54240	130.40	1845.28

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13420	04/94	4894	6853	78360	136.00	2593.15	136.00
13420	05/94	6853	9236	95320	136.00	2986.62	136.00
13420	06/94	9236	1449	88520	135.20	2824.30	135.20
13420	07/94	1449	3762	92520	133.60	2907.98	133.60
13420	08/94	3762	5766	80160	130.00	2600.71	130.00
13420	09/94	5766	7897	85240	124.80	2688.93	124.80
13420	10/94	7897	7981	3360	118.00	750.55	118.00
13420	05/95	7981	9612	65240	138.00	2300.17	138.00
13420	06/95	9612	128	20640	136.80	1258.61	136.80
13420	07/95	128	2187	82360	136.80	2690.51	136.80
13420	08/95	2187	4982	111800	138.00	3380.36	138.00
13420	09/95	4982	6072	43600	132.00	1763.92	132.00
13420	10/95	6072	8206	85360	128.80	2714.51	128.80
13420	11/95	8206	8206	54800	136.00	2046.56	136.00
13420	04/96	8206	9576	52480	136.00	1992.74	136.00
13420	05/96	9576	888	55960	136.00	2073.47	136.00
13420	06/96	888	2287	95880	136.00	2999.62	136.00
13420	07/96	2287	4684	91520	128.00	2852.86	128.00
13420	08/96	4684	6972	32840	128.00	1491.49	128.00
13420	09/96	6972	7793	80	8.80	52.02	8.80
13420	10/96	7793	7795	58560	136.00	1564.08	136.00
13420	11/96	7795	7795	89560	136.00	2122.08	136.00
13420	04/97	7795	9259	28680	136.00	1026.24	136.00
13420	05/97	9259	1498	93920	135.20	2197.56	135.20
13420	06/97	1498	2215	68080	133.20	1724.94	133.20
13420	07/97	2215	4563	57000	124.00	1491.00	124.00
13420	08/97	4563	6265	26640	136.00	989.52	136.00
13420	09/97	6265	7690	92840	136.80	2181.12	136.80
13420	10/97	7690	7690	52640	136.00	1457.52	136.00
13420	03/98	7690	677	78840	134.40	1923.12	134.40
13420	04/98	7690	8356	62320	126.40	1595.76	126.40
13420	05/98	8356	677	57320	136.00	1541.76	136.00
13420	06/98	677	1993	36360	136.00	1164.48	136.00
13420	07/98	1993	3964	23960	135.60	939.78	135.60
13420	08/98	3964	5522	90040	135.20	2127.72	135.20
13420	09/98	5522	4522	60880	133.20	1595.34	133.20
13420	10/98	4522	4522	43760	132.80	1285.68	132.80
13420	03/99	4522	5955	44600	131.20	1294.80	131.20
13420	04/99	4522	5955	88320	136.00	2466.02	136.00
13420	05/99	5955	6864	54720	135.20	1746.90	135.20
13420	06/99	6864	7463	82640	135.60	2343.31	135.60
13420	07/99	7463	9714	84560	135.60	2384.21	135.60
13420	08/99	9714	1236	23520	135.60	1084.06	135.60
13420	09/99	1236	2330	80	1.20	6.86	1.20
13420	10/99	2330	3445	200	200	7.70	200
37080	03/00						
37080	04/00						
37080	05/00						
37080	06/00	1929	2208	88320	136.00	2466.02	136.00
37080	07/00	3297	5363	54720	135.20	1746.90	135.20
37080	08/00	5363	7477	82640	135.60	2343.31	135.60
37080	09/00	99413	1	84560	135.60	2384.21	135.60
37080	10/00	1	3	23520	135.60	1084.06	135.60
21880	04/01	3	8	80	1.20	6.86	1.20

MICRO

FEB 2 4 2004

Water Right Report



06/26/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report

WATER RIGHT NO. 43-2471

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMY E ACHS
Current Owner	RONALD A ACHS
Current Owner	CLAIR D BOSEN
Current Owner	VIOLA L BOSEN
	PO BOX 2169
	SUN VALLEY, ID 83353
	(800)397-1712
Original Owner	J R SIMPLOT CO
	PO BOX 27
	BOISE, ID 83707

Priority Date: 07/07/1959

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	6 CFS	
Total Diversion			6 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESE	Sec. 31	Township 10S	Range 27E	CASSIA County
GROUND WATER	NWSE	Sec. 32	Township 10S	Range 27E	CASSIA County
GROUND WATER	NWSW	Sec. 01	Township 11S	Range 26E	CASSIA County

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FEB 9 4 2001

GROUND WATER	NWSE	Sec. 01	Township 11S	Range 26E	CASSIA County
GROUND WATER	SENE	Sec. 12	Township 11S	Range 26E	CASSIA County
GROUND WATER	NWSE	Sec. 04	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESE	Sec. 04	Township 11S	Range 27E	CASSIA County
GROUND WATER	SWNE	Sec. 05	Township 11S	Range 27E	CASSIA County
GROUND WATER	SENE	Sec. 05	Township 11S	Range 27E	CASSIA County
GROUND WATER	NENW	Sec. 05	Township 11S	Range 27E	CASSIA County
GROUND WATER	NWNE	Sec. 06	Township 11S	Range 27E	CASSIA County
GROUND WATER	SWNW	Sec. 06	Township 11S	Range 27E	CASSIA County
GROUND WATER	NWNW	Sec. 08	Township 11S	Range 27E	CASSIA County
GROUND WATER	NESE	Sec. 08	Township 11S	Range 27E	CASSIA County

IRRIGATION Use:

Acre Limit: 360

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	26E	1		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SENE	40			
				NESW	40									
				NWSE	40									

Total Acres: 360

Remarks:

1.	General	5/1/2000 TF; OWNERSHIP CHANGED SIMPLOT TO ACHS/BOSEN PER 1409(6) AND WARRANTY DEEDS REC'D 3/13/2000.
----	---------	--

Dates:

Licensed Date: 06/28/1979

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

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FEB 24 2004

Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

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SEP 24 2004

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

9. Remarks The power for this pump was sold to Raft River Electric for 2001.

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

XX For lease for period from 2001 to _____
(year) (year)

_____ As a gift to the State of Idaho.

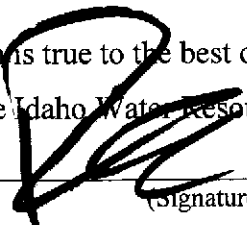
2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment) \$8.00/ac-ft

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

XX Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

7/2/2001
(Date)


(Signature of applicant) for Sullivan Leasing Partners, LLC.

Received by WJ Date 7-03-01 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED

FEB 24 2004

RECEIVED
APR 27 1981
● Connecticut Mutual Life INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115

Tel: (203) 727-6500

Department of Water Resources

Mortgages - Agricultural

April 22, 1981

Department of Reclamation
State of Idaho
Boise, Idaho

43-2473, 43-2471, 43-2472

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

RECEIVED

CM

RECEIVED

Connecticut Mutual Life INSURANCE COMPANY, SINCE 1846

APR 27 1981

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

Department of Water Resources

Mortgages - Agricultural

April 22, 1981

Department of Reclamation
State of Idaho
Boise, Idaho

43-2475, 43-2504, 43-2489,

Re: Water Permit Nos. G-28030, G-29098,
G-28457 which was supplemented by
G-29100 *not valid*
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

RECEIVED

CM

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
Cottarel Farms Co.

Mr. Wilford W. Lundberg, Manager
Cottarel & 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, and 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

28024

November 2, 1961

Re: Permit No. G-28024

Melvin J. Bailey, President
Yale 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-28024 shows the well is ~~(approx)~~ capable of conveying 300 miner's inches, or 6.0 c.f.s. of water for the irrigation of 360 acres.

Upon receipt of the statutory fees, totaling \$ 23.00 , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ 18.00 , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of July 7, 1959 to the use of 6.0 second feet of subterranean water with the point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1 for domestic use and irrigation of 360 acres in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1, T. 11 S., R. 26 E., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

28024 RT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

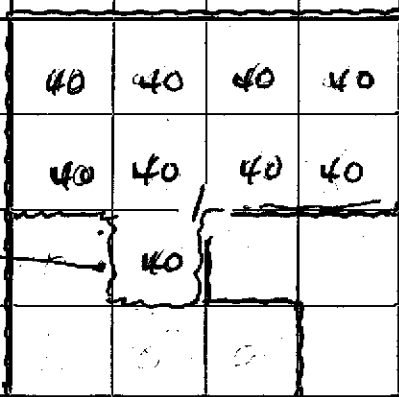
REPORT OF ENGINEER

PERMIT NO. G-28024

REPORT ON PROOF OF Completion of Works & Beneficial Use

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

R-26 E.



Well #3
PD

Subdivisions

9

Area

360

acres

19

6.0 cts or 300 inches

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

Permit No. G-28024This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Yale Farms Company2. Source of water supply: Subterranean3. Location of point of diversion: Is in the NW 1/4 of Section 1T. 11 S R. 26 E.B.M. County of Cassia4. Describe works as they exist, giving dimensions and capacities of same: 150 HP US Motor#1146744, Winthroath Pump #90325. Water is used for: irrigation and domestic6. State whether or not water has been turned into works of diversion: yes

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):

NE 1/4, NW 1/4 and SW 1/4 Sec. 1., Twp. 11 S., Rge. 26 E.B.M.Making a total of 520 acres.

(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 alongOffice Measurement - 12" disch pipe 10" orifice = 30" = 26 GPMThis examination was made on the 24th day of October, 1961(Signed) Lynn Johnson Examiner.

28024

3
Melvin J. Bailey, President
Yale Farms Company
Malta, Idaho
Permit No. G-28024

Examination for Completion of Works & Beneficial Use

County Cassia

Sec. 1 T. 11 S. R. 26 EBM

Quantity: 8.0 a.f.s.

Source: Well

P.D.: NW. 5W. Sec. 1, T. 11S. - R. 26 EBM

Use: Irrigation & Domestic

Filed: July 7, 1959

Due: July 9, 1964

Extension: -

Completion of Works: -

Other Rights: none
Driller Ralph Denton
Protests: none

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

28024

May 3, 1961

Re: Permit Nos. G-28024, G-28025 & G-28026
Yale Farms Company

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

Dear Mr. Bailey:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Herald Bulletin, all submitted in proof of completion of works and beneficial use on Permit No. G-28024, G-28025 & G-28026.

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

28024

**APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 8:00 P.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 to the completion of works for the diversion of 8 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-28024, 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 Yale 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 8 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 8 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 1, T. 11 South, Range 26, E. 2B.M., County of Cassia, State of Idaho.

5. The place where said water is used is NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11 South, Range 26, E.B.M., County of Cassia, State of Idaho.

6. The date of priority which said user is prepared to establish is July 7, 1959 9:00 A.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 steroyped 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 4 consecutive weeks, commencing with the issue dated Feb 28, 1961 and ending with the issue dated March 21, 1961

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

Carl Jones
Hazel B. Sheddell
Notary Public in and for the State of Idaho,

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

28024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 1 1961
Department of Reclamation

Permit No. G 28024

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. Yale Farms, 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 28024, July 9th, 1959 - , 9:00 A.M. July 7, 1959 Priority

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

Ans. Subterranean waters. NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 11
South, Range 26, E.B.M., County of Cassia, 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 ditch), full amount claimed either
direction. Depth of well - 280 feet, Casing - 18 inches, Depth to water -
110 feet, Discharge of Pump - 12 inches, measured or determined by pump
test.

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 of Use: NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of
of the SE $\frac{1}{4}$, Section 1, T. 11 South, R. 26, E.B.M. T. 11 South, R. 26 E,
Section 1, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ = 40 acres, NW $\frac{1}{4}$ of NE $\frac{1}{4}$ = 40 acres, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ - 40
acres, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ = 40 acres; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ = 40 acres, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ = 40 acres,
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ = 40 acres, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ = 40 acres; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ = 40 acres, NW $\frac{1}{4}$ (see
below)

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. of SW $\frac{1}{4}$ = 40 acres, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ = 40 acres, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ = 40
acres; and the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ = 40 acres. 520 acres. Cultivated, reclaimed land.

28024

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, 312 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

Gale Jaynes
(Sign) *William 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 7th day of April, A. D. 19 61

My commission expires December 7, 1962

Richard K. Smith

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28024

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 28024? 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 28024, 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: NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section
1, T. 11 South, R. 26, 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. 312 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. Watched well being tested, saw strong 300 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: NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$,
Section 1. T. 11 South, R. 26, E.B.M., 40 acres per subdivision,
a total of 520 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. 312 inches.

(Signed)

Island Butte

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 28024

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 28024? How long have you known him and where does
he reside?

Ans. Two years, I have known Mr. Bailey. He lives in Malta, Idaho.

Ques. 3. Have you read or heard read said Permit No. G 28024, 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: NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section
1, T. 11 South, R. 26, 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. 312 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 strong 300 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: NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 1, T. 11 South, R. 26, E.B.M., 40 acres per subdivision, a total of 520 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. 312 inches.

(Signed)

Paul S. Bochly

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

280241

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

February 21, 1961

Re: Permit No. 3-28024
Yale Farms Co.,

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

Dear Mr. Smith:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 3-28024, in the name of Yale Farms Co.. Final Proof is to be made before you, as Notary on the 7th day of April, 1961, ~~1960~~, at 3:00 o'clock P.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. ~~Anderson~~ ^{Rule}
Chief Clerk

Encl.
EPR:Pk
cc: Applicant

28024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28024
Yale Farms Co.

Date: Feb. 21, 1961

Herald 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

Yale 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.

28024

RECEIVED

FEB 20 1961

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 3:00 P.M., on the 7th day of April, 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 8 ☒ 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-28024 ☒, 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 Yale 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 8 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 8 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 1, T. 11 South, Range 26, E.B.M. County of Cassia, State of Idaho

5. The place where said water is used is NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 1, T. 11, South, Range 26, E.B.M., County of Cassia, State of Idaho.

6. The date of priority which said user is prepared to establish is July 7, 1959 9:00 A.M.

Geo. H. Carter

State Reclamation Engineer

28024

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. *Cassia Co.*

Richard K. 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.

28024

September 21, 1960

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

BWT:mr

Enc. Form 11, 36
amendment forms, list of fees

See letter and sketch map - in G-28457

28024

July 16, 1959

Re: Permit Numbers
G-28024
G-28025
G-28026
Yale Farms Co.

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

Attention: Clifford E. Fix

Gentlemen:

We enclose Permits Nos. G-28024, G-28025, and G-28026, 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 Receipts Nos. G-4156, G-4157 and G-4158, which were issued covering payment in the amounts of \$6.75, \$6.75, and \$6.25, respectively, for the filing fee of the above mentioned permits.

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. W. CARTER
State Reclamation Engineer
By

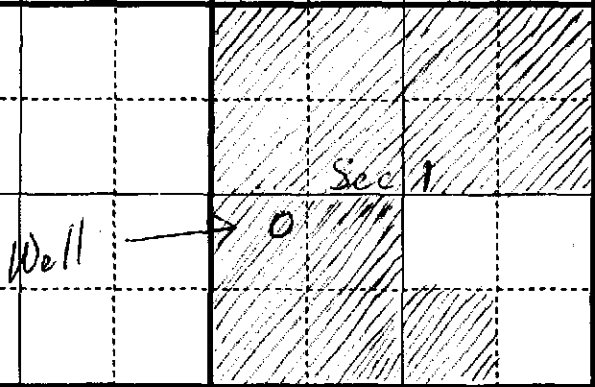
(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR/pak

cc: Yale Farms Co.
Malta, Idaho.

28024

Section 1, Township 11 South,
Range 26 East, Boise Meridian.



Permit No. 28024
As Approved
GEO. M. CARTER
State Reclamation Engineer

APR 9 1959

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:
J. R. KEENAN

July 6, 1959.

RECEIVED
JUL 7 1959

Department of Reclamation

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

Dear Mr. Carter:

There is enclosed herewith Application for Permit
of Yale Farms Co. to appropriate 400 inches of subterranean
water in Cassia County, Idaho.

There is also enclosed filing fee in the amount
of \$6.75.

Very truly yours,

Clifford E. Fix
CLIFFORD E. FIX

CEF:jb

Enclosures.

28024

LEGAL NOTICE

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 3:00 P.M., on the 14th day of April 1934, at Burley, County of Cassia, State of Idaho, before Richard K. Smith, Notary Public, at 2225 Overland Ave., Burley, Idaho, proof will be submitted of the completion of works for the diversion of 8 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. 6-25024, 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 Late 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 8 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 8 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 1, T. 11 South, Range 26, E. 2nd. County of Cassia, State of Idaho.

5. The place where said water is used is NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11 South, Range 26, E. 2nd. County of Cassia, State of Idaho.

6. The date of priority which said user is prepared to establish is July 7, 1933 9:00 A.M.

GEO. N. CARTER,

State Reclamation Engineer.
Published in The Herald-Bulletin
Feb. 28, Mar. 7, 14, 21, 28, 1934