

RECEIVED
JUN 07 2002
Department of Water Resources
Southern Region

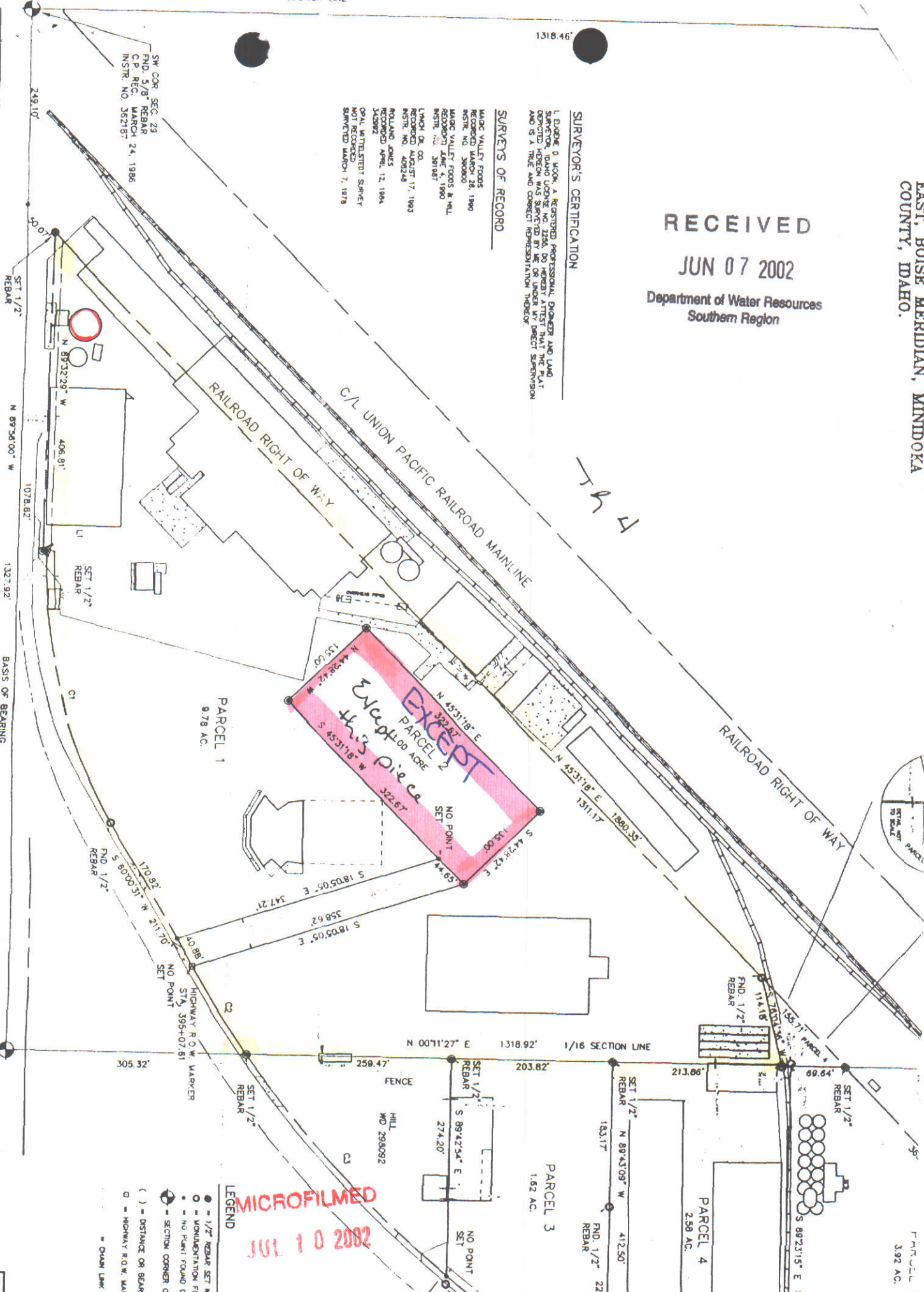
SURVEYOR'S CERTIFICATION

I, EUGENE D. MOON, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, HAVE USED THE FOLLOWING INFORMATION TO PREPARE THIS SURVEY AND I AM A TRUE AND CORRECT REPRESENTATION THEREOF.

SURVEYS OF RECORD

MAKIC VALLEY FLOODS
RECORDED MARCH 28, 1990
INSTR. NO. 300900
MAKIC VALLEY FLOODS & HILL
RECORDED JUNE 4, 1990
INSTR. NO. 301087
LUNCH OR CO.
RECORDED AUGUST 17, 1993
INSTR. NO. 400248
ROLAND JONES
RECORDED APRIL 12, 1994
INSTR. NO. 400248
OPAL WITTESTED SURVEY
RECORDED MARCH 7, 1978

SW COR. SEC. 23
FND. 5/8" REBAR
C.P. REC. MARCH 24, 1986
INSTR. NO. 362187



MICROFILMED
JUL 10 2002

LEGEND

- 1/2" REBAR SET WITH
- UNIDENTIFICATION FOUND
- NO POINT FOUND OR
- SECTION CORNER OR
- () DISTANCE OR BEARING
- HIGHWAY R.O.W. MARK
- CHAIN LINK FENCE

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

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

Department of Water Resources
Southern Region

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.

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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-08456 - <u>Leaves</u>					
36-15553 - <u>Deeds</u>					
36-02250B - <u>Deeds</u>					

JUN 11 2002
Department of Water Resources

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

Name and Address of Former
Owner/Claimant(s)

Magic Valley Foods, Inc.
P. O. Box 475
Rupert, ID 83350

New Owner/Claimant(s)

Idaho Fresh-Pak, Inc.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P. O. Box 130

City, State and ZIP Code

Lewisville, ID 83431

New Telephone Number

(208) 754-4686

Date you acquired the property

May 17, 2002

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) IDAHO FRESH-PAK, INC.
(include title if applicable)

By: Ray Clement
Ray Clement, President

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

For Office Use Only

Received by <u>[Signature]</u>	Date <u>6/10/02</u>	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

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JUL 10 2002

459512

When Recorded Return To:

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

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Department of Water Resources
Southern Region

Instrument # 459512

MINIDOKA COUNTY, RUPERT, IDAHO
2002-06-04 12:06:34 No. of Pages: 5
Recorded for: BURLEY LAND TITLE
DUANE SMITH Fee: 15.00
Ex-Officio Recorder Deputy *JLC*

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED, MAGIC VALLEY FOODS, INC., a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto IDAHO FRESH-PAK, INC., a corporation duly organized and existing under the laws of the State of Idaho, whose address is 529 North 3500 East, Post Office Box 130, Lewisville, Idaho 83431, GRANTEE, the real property described on Exhibit A, attached hereto and incorporated by this reference, including all water rights appurtenant to or associated with the real property, including, but not limited to, Water Right Nos. 36-8456, 36-15553 and 36-2250B and all water interests used on or in connection with the real property, including, but not limited to, any shares in a public or private entity owning water rights, any contractual rights with a public or private entity owning water rights, or any leasehold interest in water rights from an individual or entity.

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

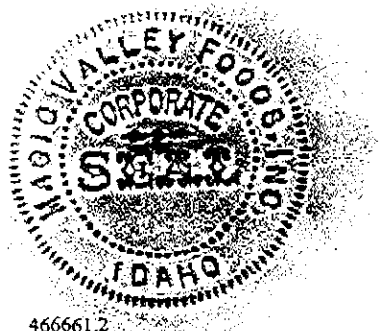
IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Assistant Secretary this 17 day of May, 2002.

GRANTOR:

MAGIC VALLEY FOODS, INC., an Idaho corporation

BY: *[Signature]*
ITS: PRESIDENT

ATTEST: *[Signature]*
ASSISTANT SECRETARY



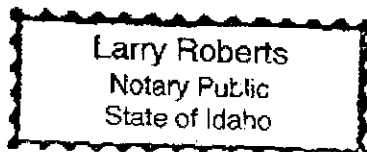
466661.2

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JUN 10 2002

STATE OF IDAHO)

COUNTY OF Cassia) ss.

On this 17th day of May, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Roger L. Jones, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Larry Roberts
Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

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Department of Water Resources
Southern Region

**EXHIBIT A
TO
CORPORATE WARRANTY DEED**

(Legal Description of Property)

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

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO.

Section 29:

That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of the Section 29 (Monumented by a 5/8 inch rebar); thence South 89°56'00" East for 249.10 feet along the South section line to the Southeasterly right of way of the Eastern Idaho Railroad (Union Pacific Railroad); thence North 45°31'18" East for 50.07 feet along said railroad right of way to a ½ inch rebar on the North right of way of State Highway 25, which shall be known as the TRUE POINT OF BEGINNING;

Thence North 45°31'18" East for 1311.17 feet along the Southeasterly right of way of said railroad to an existing ½ inch rebar;

Thence North 76°04'36" East for 114.18 feet (recorded as North 76° East for 115 feet) to a ½ inch rebar on the East line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 0°11'27" West for 677.15 feet along the East line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ to an existing ½ inch rebar on the North right of way of State Highway 24 and 25;

Thence along a curve to the right with a central angle of 5°24'08", a radius of 1392.40 feet, an arc length of 131.29 feet and a chord distance of 131.24 feet with a chord bearing of South 57°18'27" West along said highway right of way to a concrete highway monument with brass cap;

Thence South 60°00'31" West for 211.70 feet along said highway right of way to a ½ inch rebar;

Thence along a curve to the right with a central angle of 30°27'00"; a radius of 676.30 feet; an arc length of 359.42 feet and a chord distance of 355.21 feet with a chord

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JUN 10 2002

bearing of South 75°14'01" West along the North right of way of State Highway 25 to a ½ inch rebar;
Thence South 0°27'31" West for 5.00 feet along said Highway 25 right of way to a ½ inch rebar;
Thence North 89°32'29" West for 406.81 feet along the North right of way of State Highway 25 to the TRUE POINT OF BEGINNING.

SAVE AND EXCEPTING the following described tract:

Beginning at the Southwest corner of Section 29 (Monumented by a 5/8 inch rebar); thence South 89°56'00" East for 1327.92 feet along the South section line to the Southeast corner of the SW¼SW¼ (Monumented by a 5/8 inch rebar); thence North 0°11'27" East for 305.32 feet along the East line of the SW¼SW¼ to an existing ½ inch rebar on the North right of way of State Highway 24; thence along a curve to the right with a central angle of 5°24'08", a radius of 1392.40 feet, and an arc length of 131.29 feet and a chord distance of 131.24 feet with a chord bearing of South 57°18'27" West along said highway right of way to a concrete highway monument; thence North 18°05'05" West for 358.62 feet to a ½ inch rebar which shall be the TRUE POINT OF BEGINNING;
Thence South 45°31'18" West for 322.67 feet to a ½ inch rebar;
Thence North 44°28'42" West for 135.00 feet to a ½ inch rebar;
Thence North 45°31'18" East for 322.67 feet to a ½ inch rebar;
Thence South 44°28'42" East for 135.00 feet to the TRUE POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM that portion deeded to the State of Idaho, Idaho Transportation Department, by Corporation Warranty Deed dated April 12, 1999 and recorded May 11, 1999 as Instrument No. 441683, records of Minidoka County, Idaho.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO.

Section 29:

That part of the SW¼SW¼, more particularly described as follows:

Beginning at the Southwest corner of Section 29 (Monumented by a 5/8 inch rebar); thence/South 89°56'00" East for 1327.92 feet

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along the South section line to the Southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Monumented by a 5/8 inch rebar); thence North 0°11'27" East for 305.32 feet along the East line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ to an existing ½ inch rebar on the North right of way of State Highway 24; thence along a curve to the right with a central angle of 5°24'08", a radius of 1392.40 feet, and an arc length of 131.29 feet and a chord distance of 131.24 feet with a chord bearing of South 57°18'27" West along said highway right of way to a concrete highway monument; thence North 18°05'05" West for 358.62 feet to a ½ inch rebar which shall be the TRUE POINT OF BEGINNING;

Thence South 45°31'18" West for 322.67 feet to a ½ inch rebar;
Thence North 44°28'42" West for 135.00 feet to a ½ inch rebar;
Thence North 45°31'18" East for 322.67 feet to a ½ inch rebar;
Thence South 44°28'42" East for 135.00 feet to the TRUE POINT OF BEGINNING.

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Department of Water Resources
Southern Region

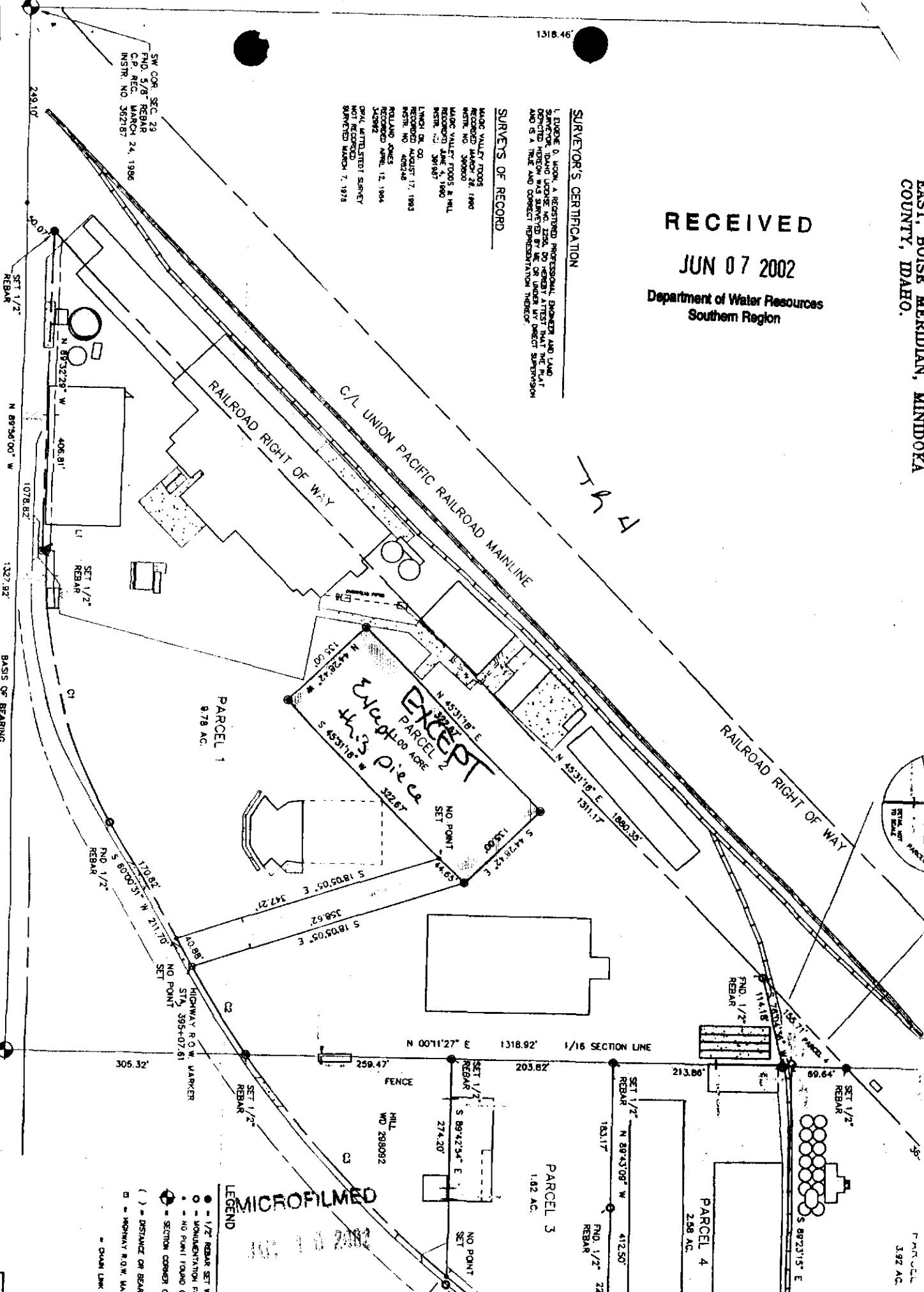
SURVEYOR'S CERTIFICATION

I, EUGENE D. LUCON, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT AND IS A TRUE AND CORRECT REPRESENTATION THEREOF.

SURVEYS OF RECORD

MADOC VALLEY FOODS
RECORDED MAY 24, 1980
INSTR. NO. 380000
MADOC VALLEY FOODS & MILK
RECORDED JUNE 4, 1980
INSTR. NO. 381847
LUNCH ON CO.
RECORDED AUGUST 17, 1983
INSTR. NO. 408248
ROLAND JONES
RECORDED APRIL 12, 1984
INSTR. NO. 428982
ORAL UNTESTED SURVEY
RECORDED MARCH 7, 1978

SW COR. SEC. 29
FND. 5/8" REBAR
C.P. REC. MARCH 24, 1986
INSTR. NO. 362787



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300 1 10 2002

LEGEND

- - 1/2" REBAR SET WITH
- - MONUMENTATION FOR
- - NO POINT FOUND OR
- ◊ - SECTION CORNER OR
- () - DISTANCE OR BEARING
- - HIGHWAY R.O.W. MARK
- CHAIN LINK FENCE

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JAN 18 2001

Department of Water Resources

2001 JAN 16 PM 2:15

LISTED AT-SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Rights 36-02250A and 36-02250B

On November 17, 2000, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* on a completed transfer and an *Amended Director's Report* recommending that water right claim 36-02250 be split and decreed as 36-02250A and 36-02250B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

Therefore, IT IS ORDERED that water rights 36-02250A and 36-02250B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED JAN 16 2001



ROGER BURDICK
Presiding Judge of the
Snake River Basin Adjudication

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JAN 13 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-022508

2001 JAN 16 PM 2:16
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: GROUNDWATER

QUANTITY: 0.26 CFS
43.50 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-15533 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.26 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 55.2 AF.

PRIORITY DATE: 03/05/1954

POINT OF DIVERSION: T09S R24E S29 SESWSW Within Minidoka County

2 POINTS OF DIVERSION LOCATED IN T90S, R24E, S29, SESWSW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.26 CFS 43.50 AFY

PLACE OF USE: Commercial T09S R24E S29 SWSW Within Minidoka County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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JAN 10 2002

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on January 17, 2001, with sufficient first-class postage to the following:

MAGIC VALLEY FOODS INC
PO BOX 475
RUPERT, ID 83350

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



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

June 21, 2002

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

RE: Change of Ownership for Water Rights 36-2250B, 36-8456, 36-15553

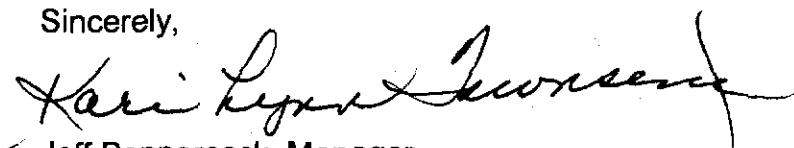
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

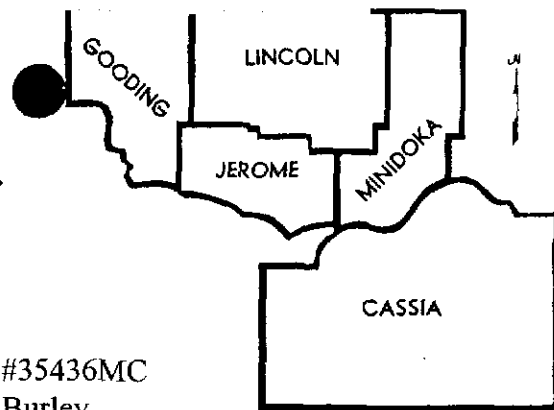
cc: Nancy Garrett, Land Title & Escrow, Box 177, Burley, ID 83318

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JUN 21 2002

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #35436MC

OFFICE: Burley

June 17, 2002

Kari Lyn Townsend
Idaho Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706-2237

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Department of Water Resources

RE: Idaho Fresh-Pak, Inc.

Dear Kari Lyn:

Enclosed with this letter please find Land Title and Escrow's trust check no. 22552 made payable to Department of Water Resources in the amount of \$75.00 for the filing fee on Water Nos. 36-08456, 36-15553 and 36-02250B.

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

Very truly yours,
Land Title and Escrow, Inc.

Nancy Garrett
Reconveyance Department

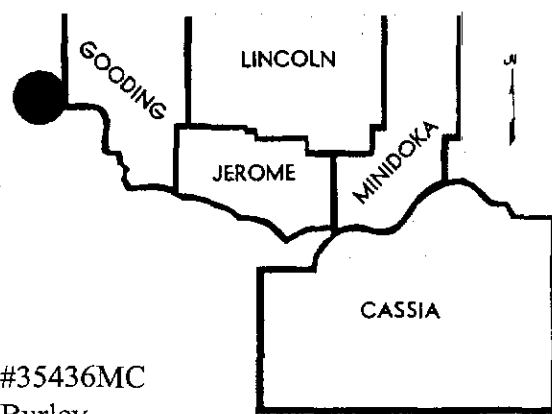
/nrg
enc.
Certified Mail

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JUN 18 2002

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #35436MC

OFFICE: Burley

June 6, 2002

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

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Department of Water Resources
Southern Region

Dear Sir/Madam:

Enclosed with this letter please find an original executed Notice of Change In Water Right Ownership on property located in Minidoka County, Idaho with attached Corporate Warranty Deed and survey plat.

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

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

Very truly yours,
Land Title and Escrow, Inc.

Nancy Garrett
Reconveyance Department

/nrg
enc.

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BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 • FAX 878-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 • FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 • FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 • FAX 436-1199