

Transfer No. 71236

APR 06 2004

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

APR 17 2003

WATER RESOURCES
Name of ~~WESTERN REGION~~ SSI Food Services, Inc. LLC

Phone ~~208-336-2110~~ Department of Water Resources

Post Office address P. O. Box 27 Boise, ID 83707 22303 Highway 95, Winner, ID 83676

AMENDED RECEIVED
JAN 15 2004

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other

WATER RESOURCES
WESTERN REGION

2. Describe the reason for the proposed changes Additional points of diversion are needed to provide redundancy and to maintain current production. The site where industrial water is land applied is also added with this transfer application. The places of use and points of diversion for water right 63-10727 and permit no. 63-31640 will then be consistent. A total of (5) FIVE WELLS ARE

A TOTAL OF (5) FIVE WILLS ARE REQUESTED. 21 3-29-04

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

- | 1. <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> | |
|------------------------|---------------------|-----------------------------|----------------------|----------------------|-------------------|
| <u>63-10727</u> | <u>Nov. 4, 1988</u> | <u>0.59 cfs/ 92.4 ac-ft</u> | <u>Industrial</u> | <u>Jan. 1</u> | to <u>Dec. 31</u> |
| <u>63-31640</u> | <u>9-7-90</u> | <u>0.75 cfs</u> | <u>INDUSTRIAL</u> | <u>JAN 1</u> | to <u>Dec 31</u> |
| | | | | | to |
| | | | | | to |

2. Total amount of water being transferred 1.34 ^{0.59} ~~0.59~~ cubic feet per second and/or 92.4 acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	10	4N	5W	Canyon	SSI West Wells 2 + 3 (1218) 3/29/07
		NE	SE	10	4N	5W	Canyon	SSI East Well
		NE	SE	10	4N	5W	Canyon	Proposed Well
		NW	SW	11	4N	5W	Canyon	Proposed Well

5. Lands irrigated or place of use: Ind = Places of Industrial Use.

[illegible]

Total Acres

PART 1

6. General Information:

a. Description of diversion system Wells with electric submersible pumps and buried pipelines to food processing plant. SSI West well is completed with two casings in a single borehole.

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

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

d. Remarks:

COULD WE PLEASE HAVE 5 yrs to DEVELOP WATER RIGHT PH 2-20-24

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 63-31640

Priority Date: 09/07/1990

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
INDUSTRIAL	01/01	12/31	0.75 CFS	346.6 AFA	
	Total Diversion		0.75 CFS	346.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESE	04N 05W	10	CANYON
GROUND WATER	NESE	04N 05W	10	CANYON
GROUND WATER	NESE	04N 05W	10	CANYON

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 05W 8									X	X	X	X					
04N 05W 10													X				
04N 05W 17	X	X	X		X	X	X	X									

Conditions/Remarks:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The waste water from this industrial process may be land-applied anywhere within the places of use identified under this right,
4. Industrial use is for meat processing purposes.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 63-31640

Documentation of Ownership of the Current Place of Use

YES

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NONE

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 63-10727

Priority Date: 11/04/1988

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
INDUSTRIAL	1/01	12/31	0.59 CFS	92.4 AFA	
	Total Diversion		0.59 CFS	92.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESE 04N 05W 10 CANYON

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	05W	10													X				

Conditions/Remarks:

- Industrial use is for a food processing plant.
Two points of diversion are located within NESE, S10, T04N, R05W.
- When water used under this right is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
- Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 63-10727

Documentation of Ownership of the Current Place of Use

YES

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NONE

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

Please see the attached Application for Transfer of Water Right No. 63-10727 Map for the location of the Points of Diversion and Places of Use after the transfer is approved.

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

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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

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

Subscribed and sworn to before me this 13th day of January, 18 2004

[Signature] 1-13-04 Vice President
(Signature of Applicant) BEN B ANDERSON

[Signature]
(Notary Public)

My commission expires 6/04/09

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DAN FOR JMSI Date 4-17-03 Protest filed by _____

Prelim. check by DAN Fee \$250.00 C068642

Received by DAN FOR JMSI Date 4-17-03

Published in _____ Copies of protest forwarded by _____

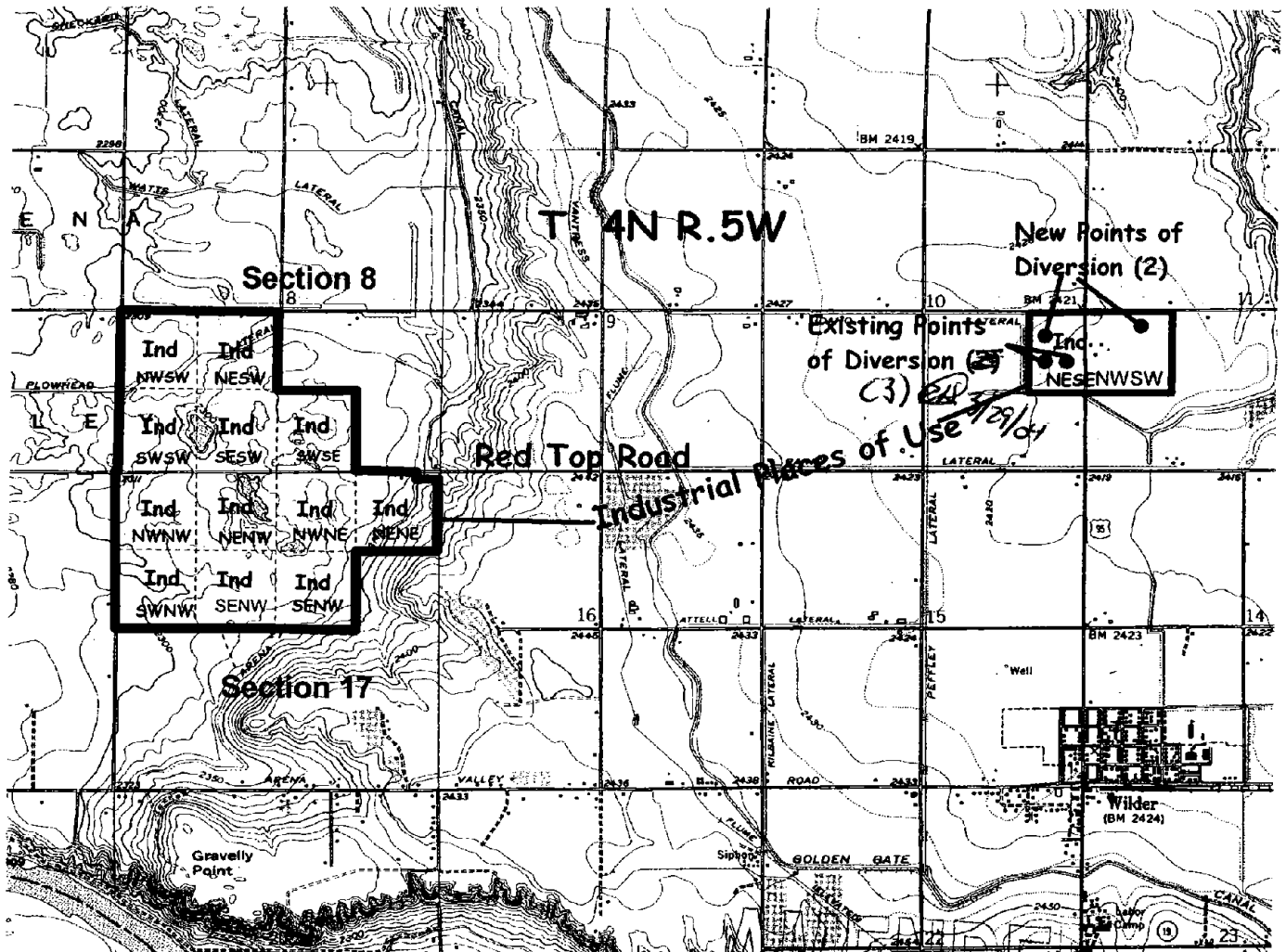
Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Application for Transfer
of Water Right No.
63-10727 Map
April, 2003



Ind = Industrial Places of Use

ORIGINAL



200343126

RECORDED

2003 JUL 14 PM 4 21

G NOEL HALES
CANYON CNTY RECORDER

ALLIANCE - NAMPA

REQUEST

ALLIANCE - NAMPA

REQUEST

TYPE FEE

BARGAIN AND SALE DEED

GRANTOR, **SSI FOOD SERVICES, INC., an Idaho corporation**, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto **CTI-SSI FOOD SERVICES, LLC, an Idaho limited liability company**, whose principal address is 22303 Highway 95, Wilder ID 83676, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Canyon County, State of Idaho:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments, water rights, water permits, claims to water, stock in ditch or irrigation companies evidencing or representing same, and rights through the Wilder Irrigation District, which are appurtenant to or heretofore used in connection with the real estate described in Exhibit A, and all other appurtenances thereto, and SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed in its corporate name this 10 day of July, 2003.

SSI FOOD SERVICES, INC.

By Lawrence S. Hlobik
Lawrence S. Hlobik, Vice President

ATTEST:

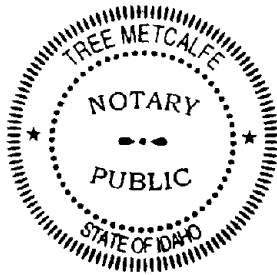
By Ronald N. Graves
Ronald N. Graves, Secretary

MICROFILMED

SEP 09 2003

STATE OF IDAHO)
) ss.
County of ADA)

On this 10th day of July, 2003, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the Vice President and Secretary, respectively of SSI Food Services, Inc., the corporation that executed the within instrument, and acknowledged to me that said corporation executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tree Metcalfe
Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: MY COMMISSION EXPIRES
November 4, 2005
BONDED THRU NOTARY PUBLIC UNDERWRITERS

EXHIBIT "A"

PARCEL A (R36764) 22303 Highway 95, Wilder

COMMENCING at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 5 West, of the Boise Meridian, Canyon County, Idaho; thence

South 89°57'44" West 50.00 feet to the INITIAL POINT of this description, which is the Southeast property corner; thence

South 89°57'44" West 320.00 feet to the Southwest property corner; thence

North 00°02'16" West 198 feet to the Northwest property corner; thence

North 89°57'44" East 320.00 feet to the Northeast property corner; thence

South 00°02'16" East 198.00 feet to the INITIAL POINT of this description.

PARCEL B (R36765) 22303 Highway 95, Wilder

A parcel of land in the Northeast Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 5 West of the Boise Meridian, more particularly described to wit:

COMMENCING at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 5 West of the Boise Meridian; thence

North 00°02'16" West 198.00 feet along the said section line; thence

South 89°57'44" West 50.00 feet to the INITIAL POINT of this description, which is the Southeast property corner; thence

South 89°57'44" West 320.00 feet to the Southwest property corner; thence

North 00°02'16" West 270.00 feet to the Northwest property corner; thence

North 89°57'44" East 320.00 feet to the Northeast property corner; thence

South 00°02'16" East 270.00 feet to the INITIAL POINT of this description.

PARCEL C (R36764010) 22303 Highway 95, Wilder

A parcel of land in the Northeast Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 5 West, of the Boise Meridian, more particularly described as follows, to-wit:

COMMENCING at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 5 West of the Boise Meridian; thence North 00°02'16" West 468 feet along the East boundary of said Northeast Quarter of the Southeast Quarter to a point in said Easterly boundary line; thence South 89°57'44" West a distance of 50 feet to the TRUE POINT OF BEGINNING; thence continuing
South 89°57'44" West 320 feet to a point; thence
South 00°02'16" East 468 feet to a point on the Southerly line of said Northeast Quarter of the Southeast Quarter; thence
South 89°57'44" West 605 feet to a point in the center line of Karn Drain ditch; thence
North 00°02'16" West 1320 feet to a point on the Northerly line of said Northeast Quarter of the Southeast Quarter; thence
North 89°57'44" East 925 feet along the North boundary of said Northeast Quarter of the Southeast Quarter to a point; thence
South 00°02'16" East 852 feet along the Westerly boundary of Highway 95 to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land located in a portion of the Northeast Quarter of the Southeast Quarter, Section 10, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 10; thence
South 89°59'50" West a distance of 62.00 feet; thence
South 00°00'00" West parallel with the East boundary of said Northeast Quarter of the Southeast Quarter a distance of 73.00 feet to the REAL POINT OF BEGINNING, being a point of the Westerly boundary of a 12.00 foot drain ditch easement running parallel to U.S. Highway 95 and being a point on the Southerly boundary of a 24.00-foot drain ditch easement running parallel to the Northerly boundary of the Southeast Quarter of said Section 10; thence
South 00°00'00" West parallel with the East boundary of said Northeast Quarter of the Southeast Quarter a distance of 115.00 feet along said 12.00-foot drain ditch easement boundary; thence leaving said drain ditch easement boundary
South 89°59'50" West parallel with the North boundary of said Northeast Quarter of the Southeast Quarter a distance of 90.00 feet; thence
North 00°00'00" East parallel with the East boundary of said Northeast Quarter of the Southeast Quarter a distance of 115.00 feet to a point on the Southerly boundary of said 24.00-foot drain ditch easement; thence
North 89°59'50" East parallel with the North boundary of said Northeast Quarter of the Southeast Quarter a distance of 90.00 feet along said 24.00-foot drain ditch easement to the REAL POINT OF BEGINNING.

Corporate Officers

- Kirk G. Smith, President
- Ben Badiola, Vice President
- Joe Penshorn, Vice President, Secretary Treasurer