AFFIDAVIT OF PUBLICATION

I, Clyde Cornell, printer and co-publisher of The Kuna Herald, published weekly for more than 78 consecutive weeks at Kuna, Idaho, do solemnly swear that the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for

Four consecutive weeks as follows:

Commencing with the issue dated

February 9, 1968

and ending with the issue dated

March 1, 1968

Clyde Cornell

Subscribed and sworn to before me this

1st day of March, 1968

Edith M. Cornell

Notary Public for Idaho.

Residing at Kuna, Idaho.

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

Notice is hereby given that on March 11, 1968, at Kuna, County of Ada, State of Idaho, before notary public (name & address) Francis L. German, Box 144, Kuna, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31242, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard Lee Green, Route 2, Kuna, Idaho.

2. Said works of division will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 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 4.0 c.f.s.

4. The point of diversion of said water is SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M., Ada County.

5. The place where said water is used is E½SW¼, Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M.

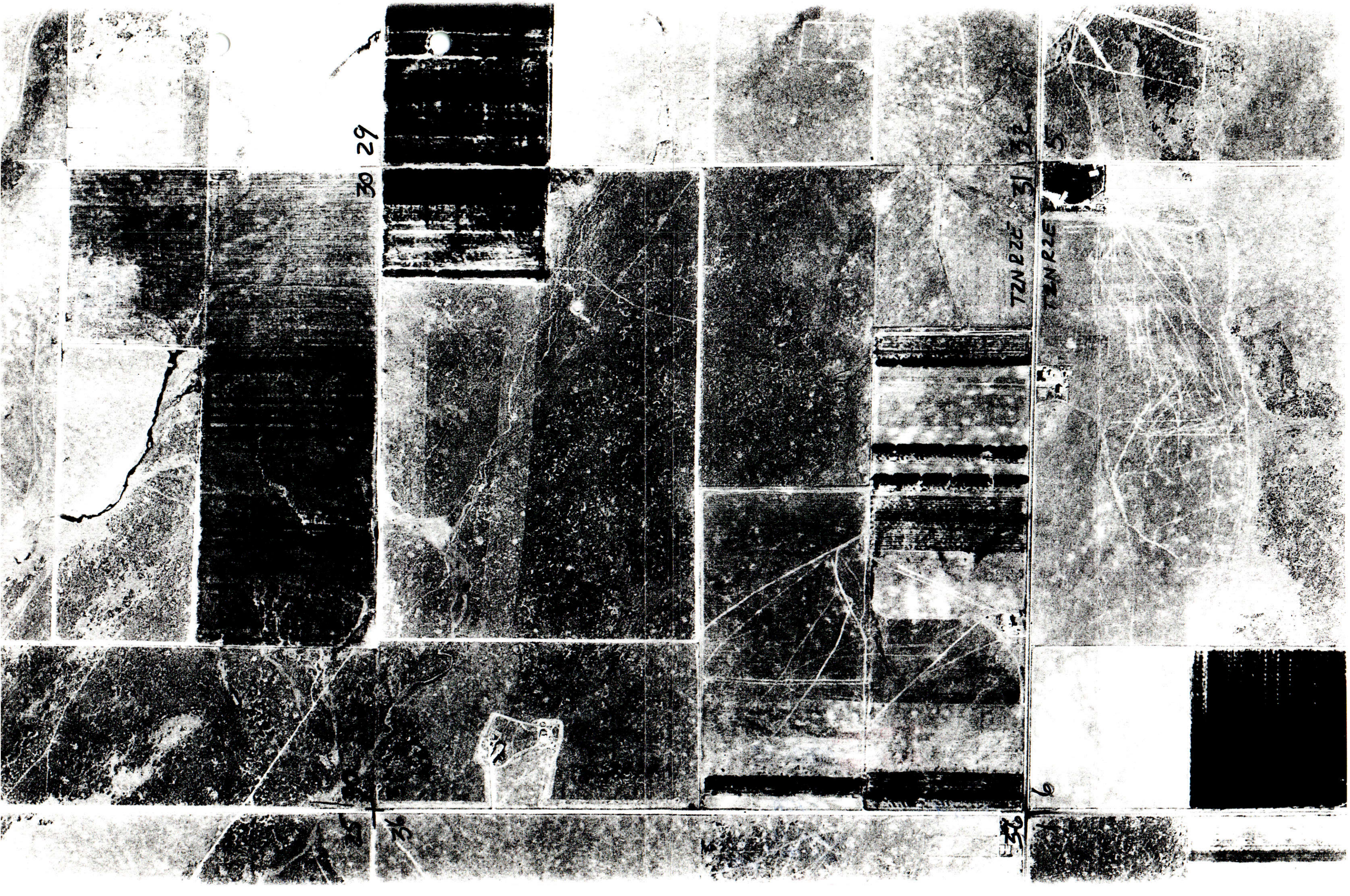
6. The date of priority which said user is prepared to establish is July 11, 1963.

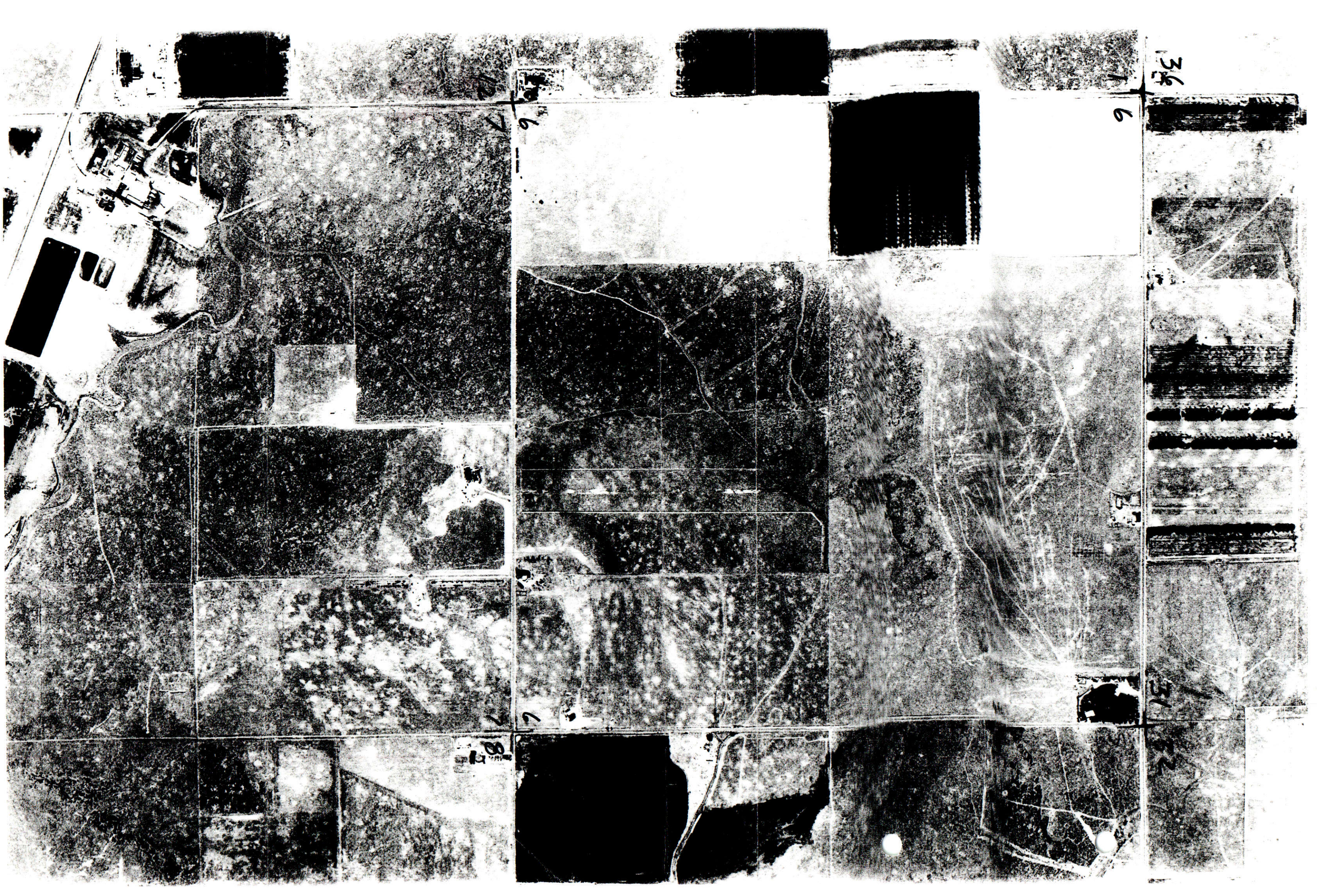
R. KEITH HIGGINSON
State Reclamation Engineer
Feb. 9, 16, 23; March 1, 1968

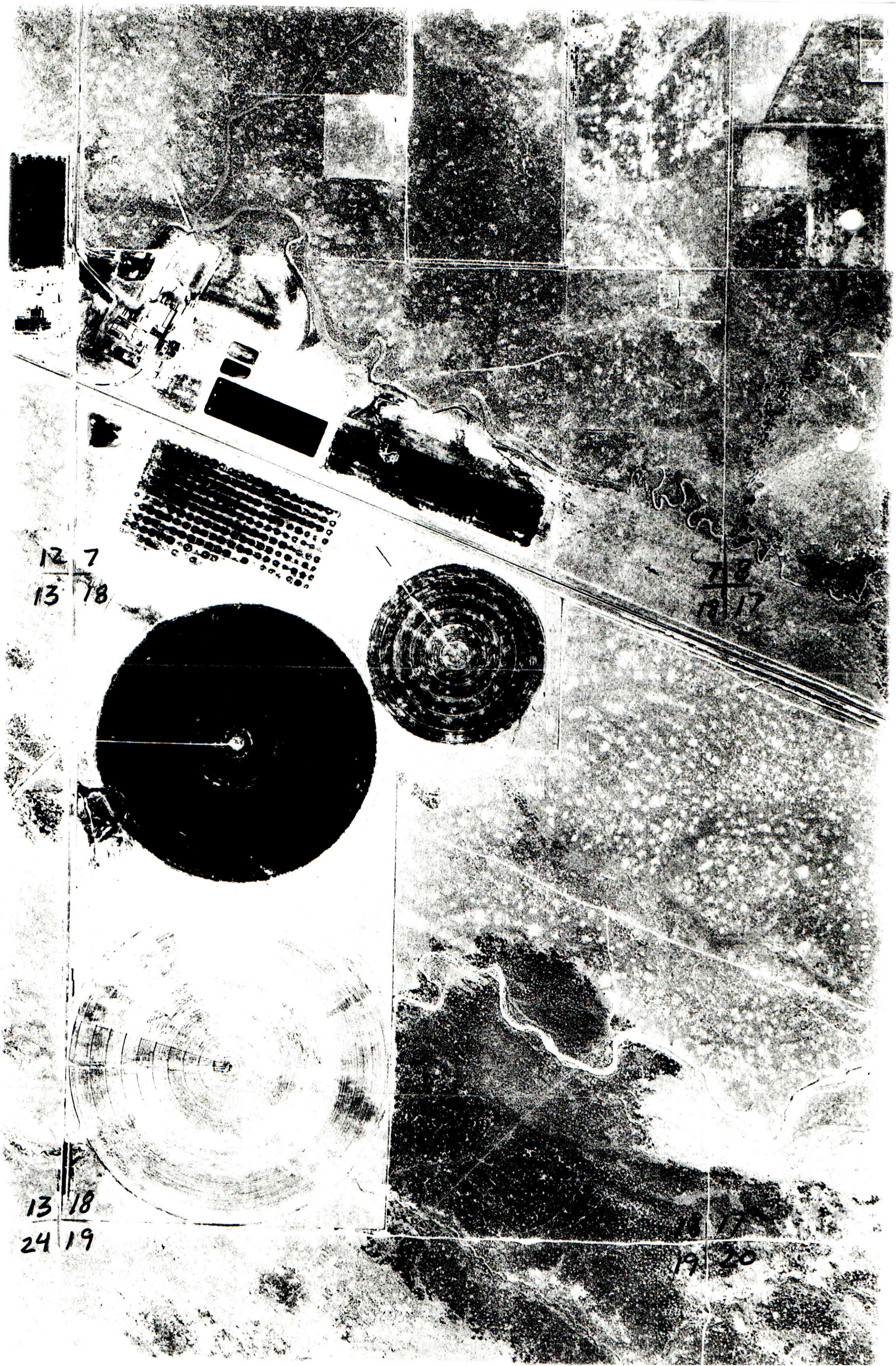
RECEIVED
MAR 12 1968
Department of Reclamation

dj

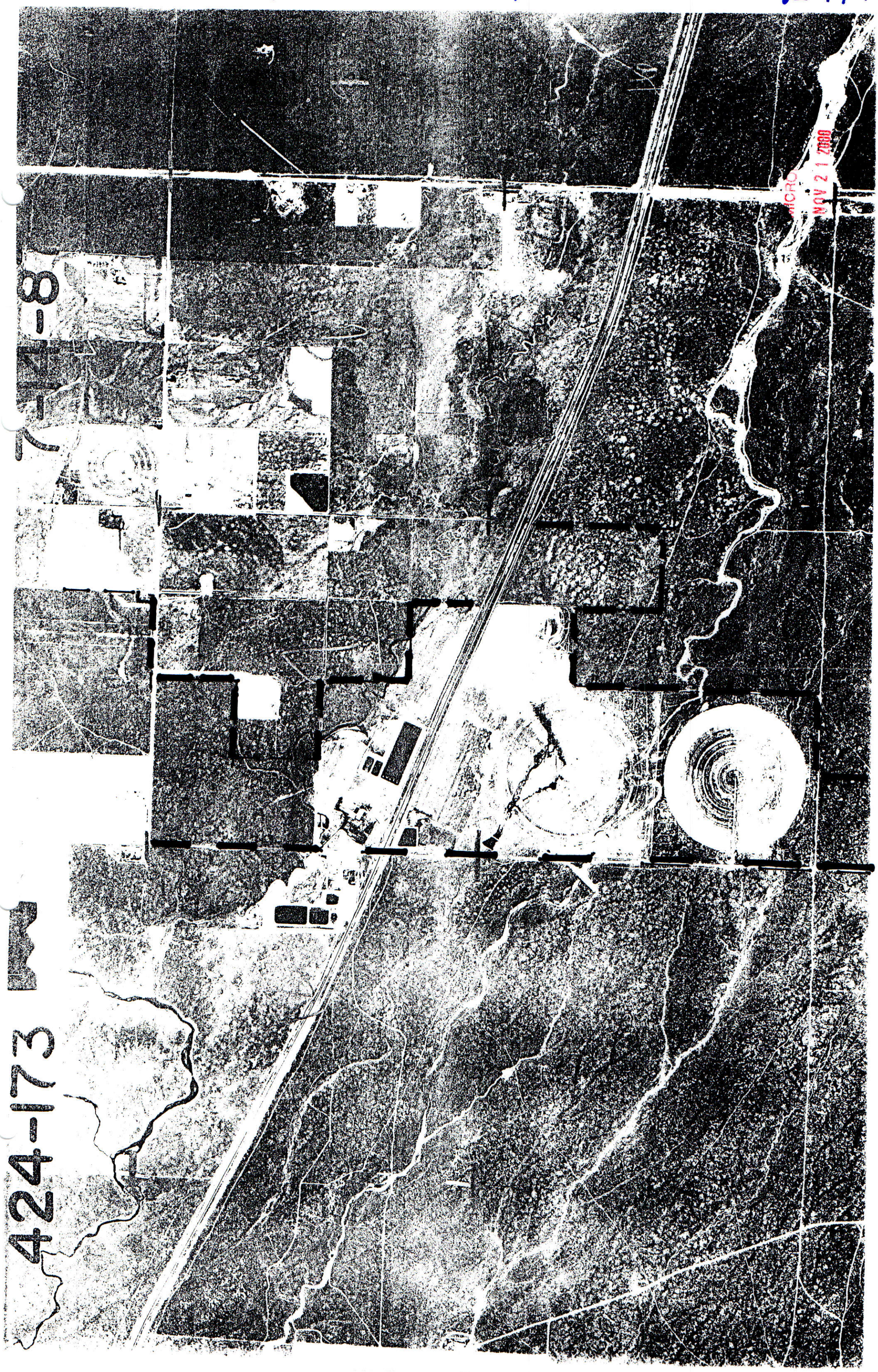
G 31242


29
30
T2N R2E
31
32
5
6




12 7
13 18
7 8
18 17
13 18
24 19
19 20

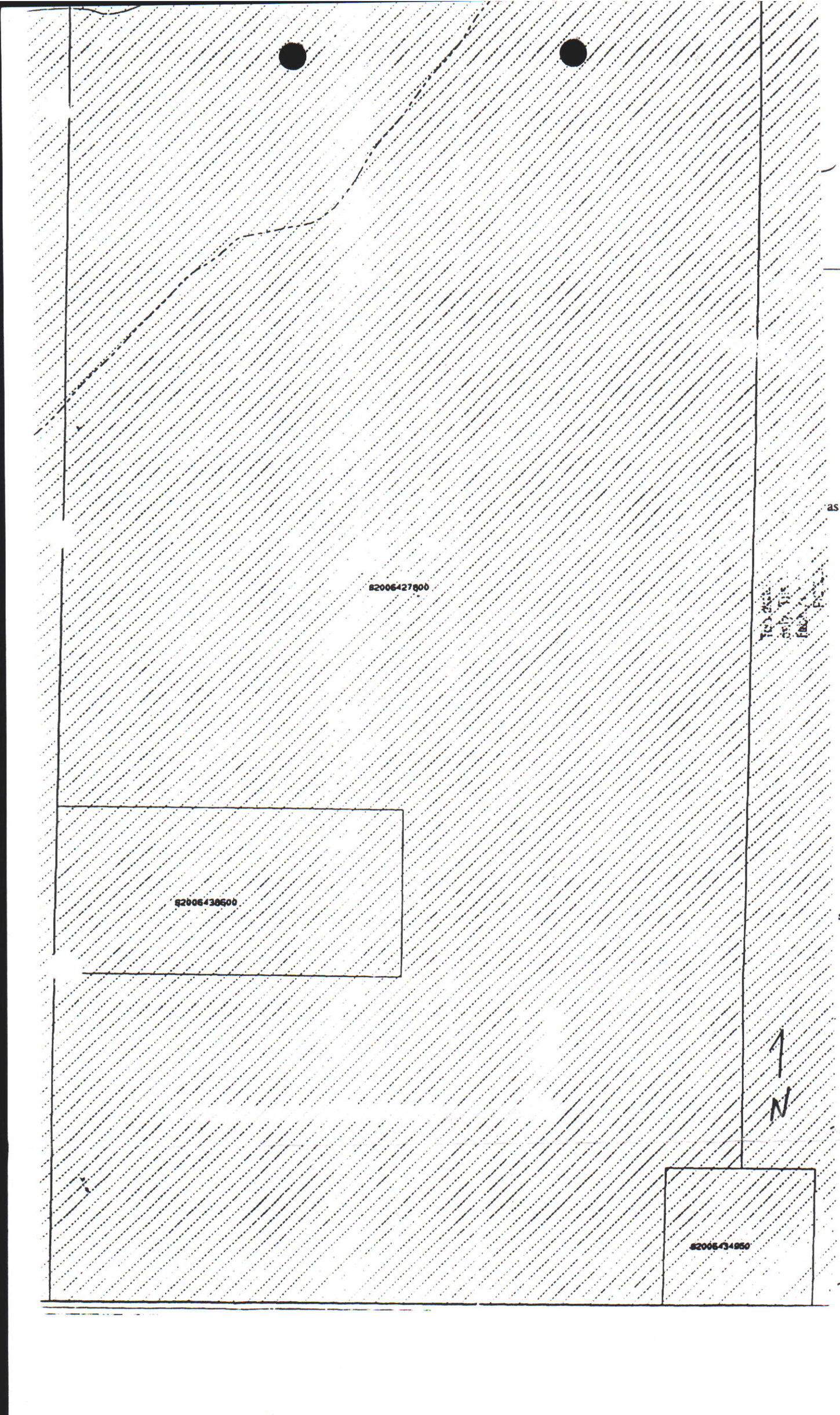
These are copies of 1987 NAPP photos 4B NE & SE G3 T.5442 -82 4/8/99



E4 T.5442



MICRO
NOV 2 7 2

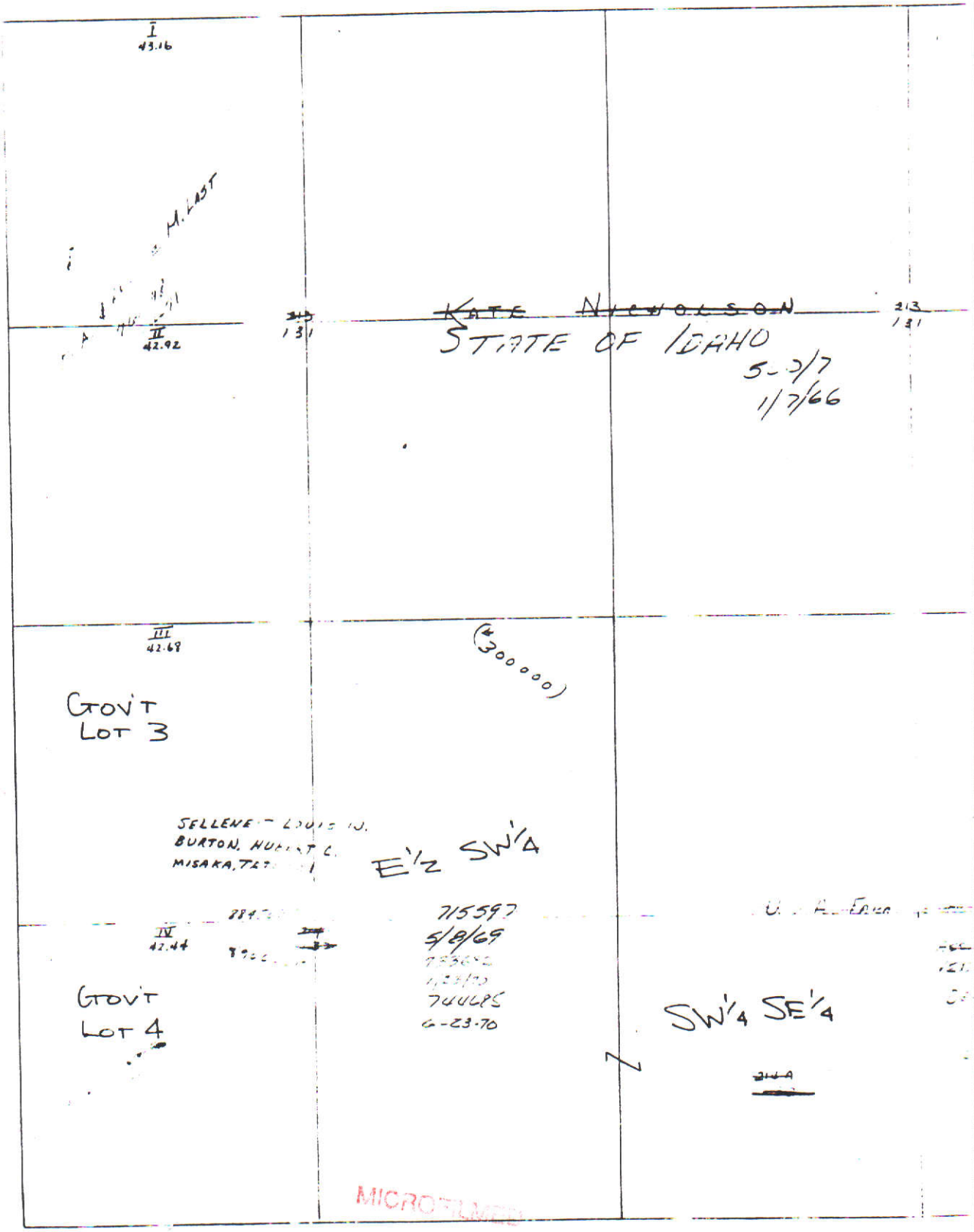

as
s
82006427800
82006438600
82006434950
N

SCALE: 1" = 400'

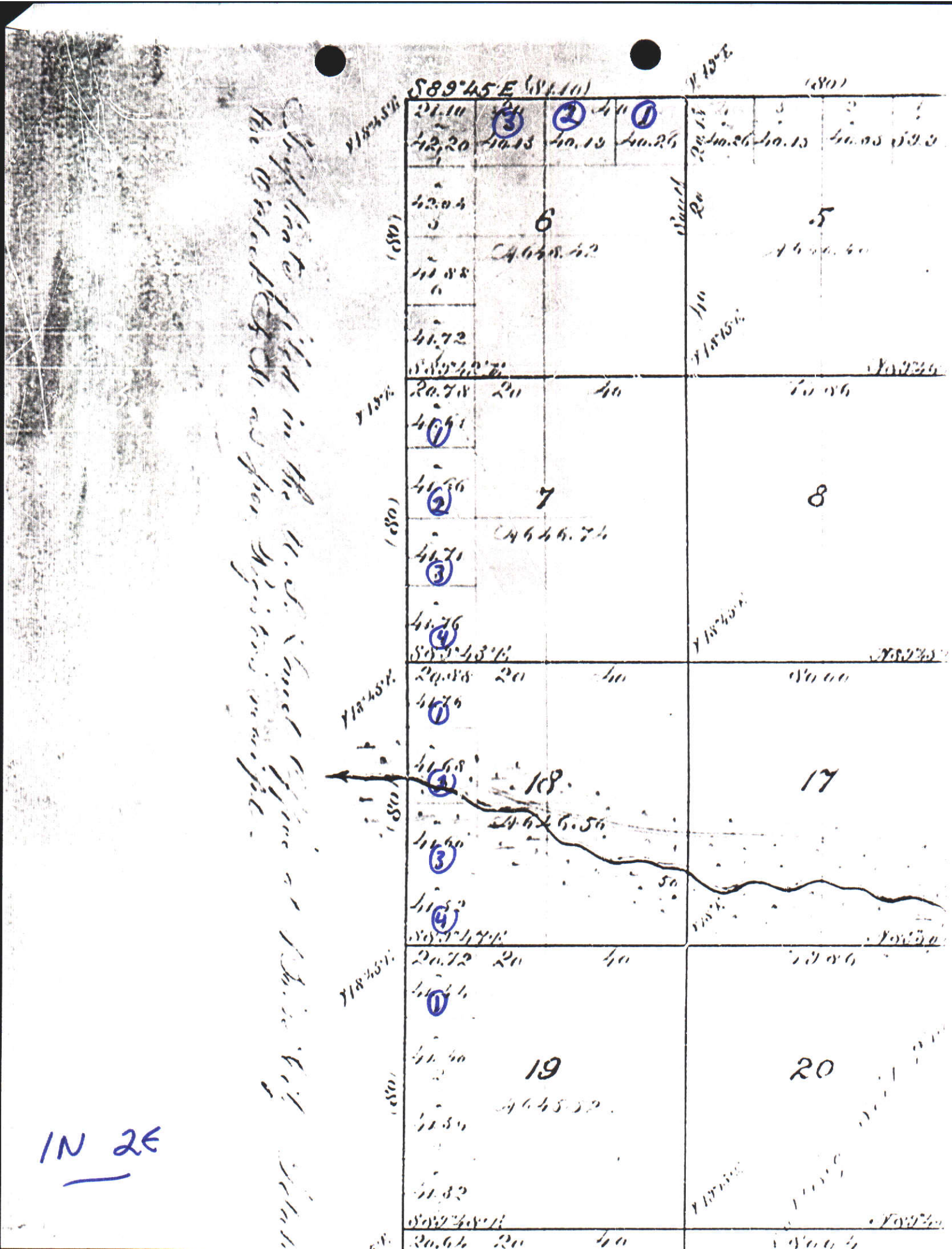
2 ONLY ~~105-120~~ 212-150
5

SECTION 31

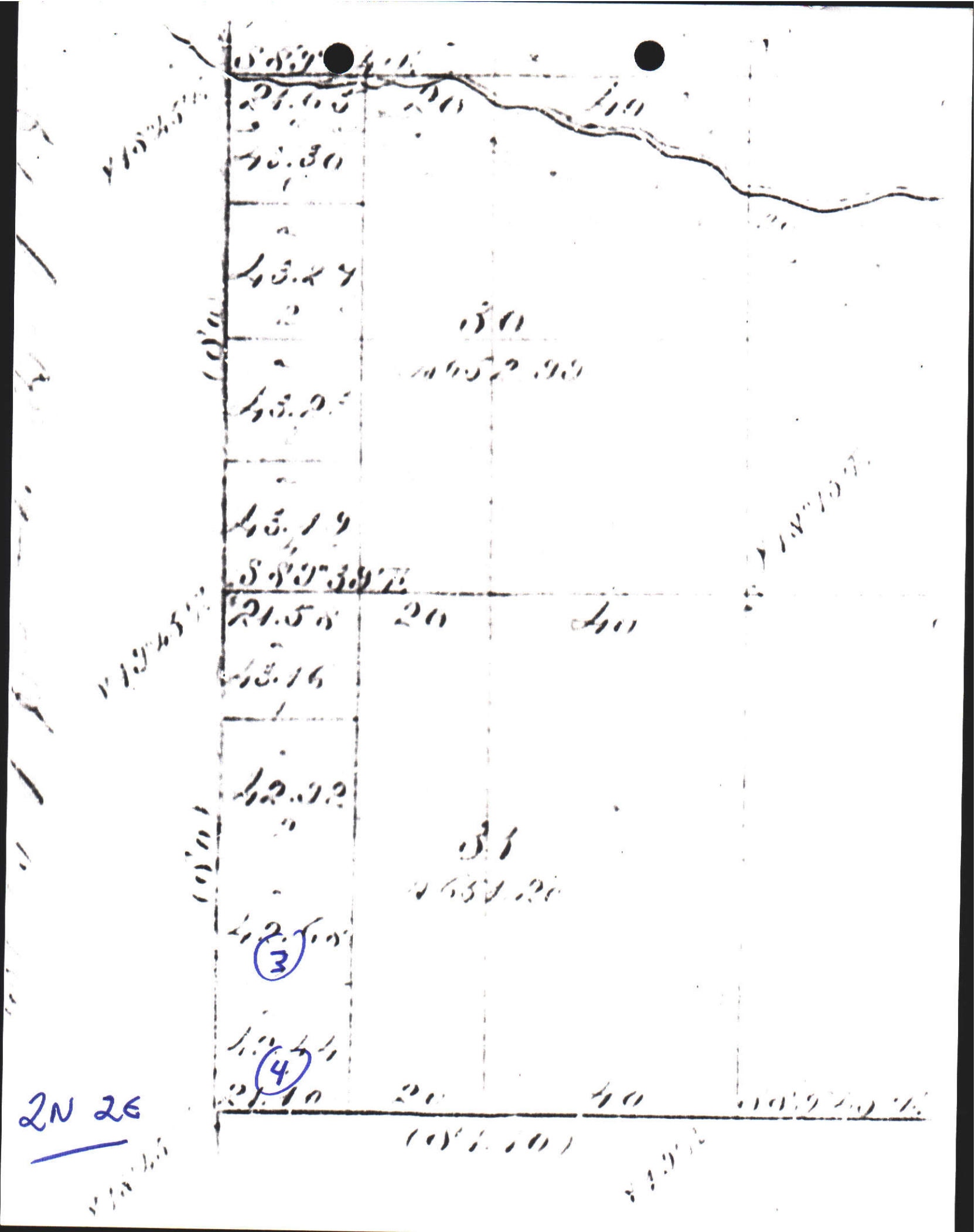
Township 2N Range 2E

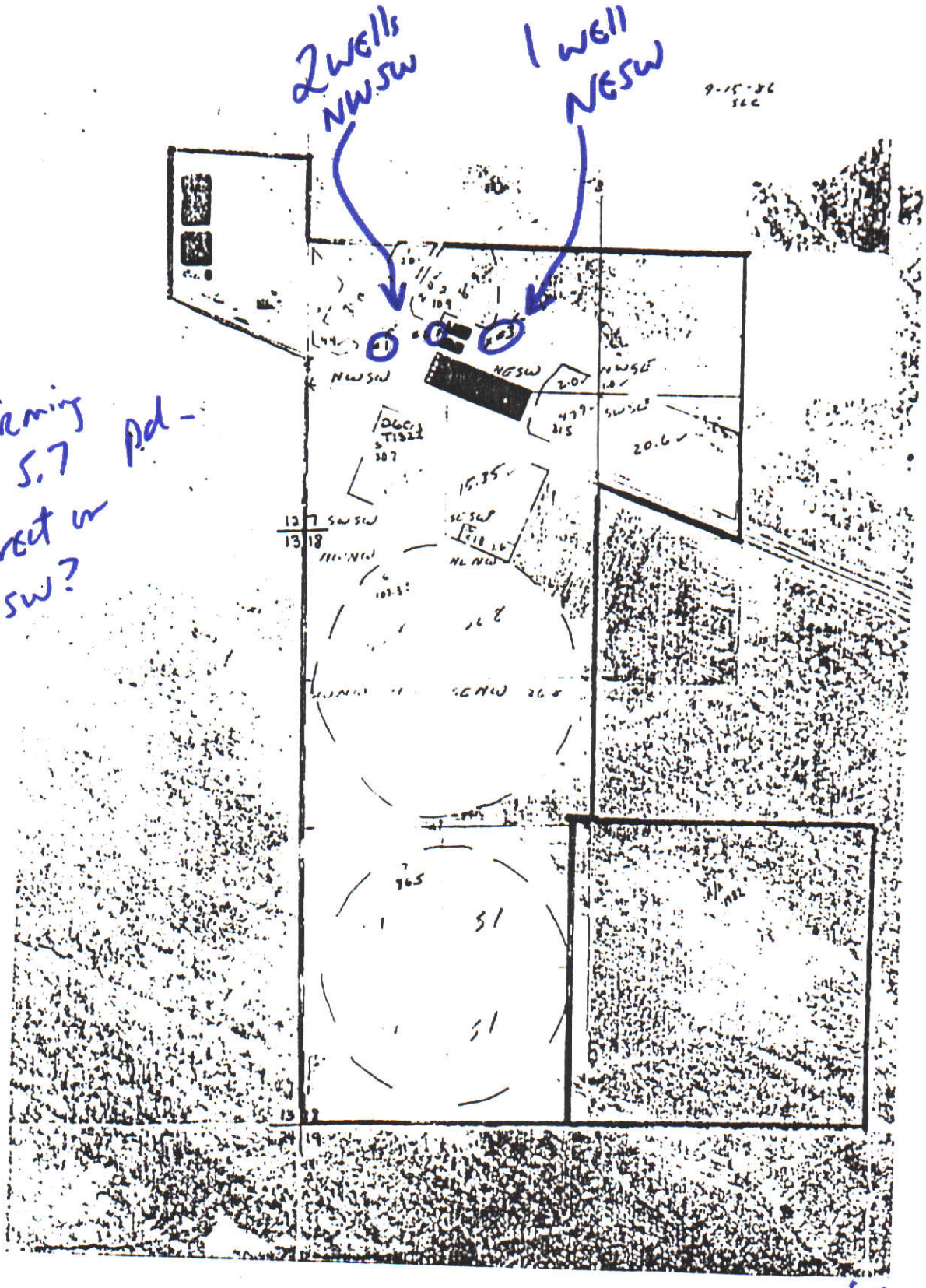


MICROFILMED
NOV 21 2000



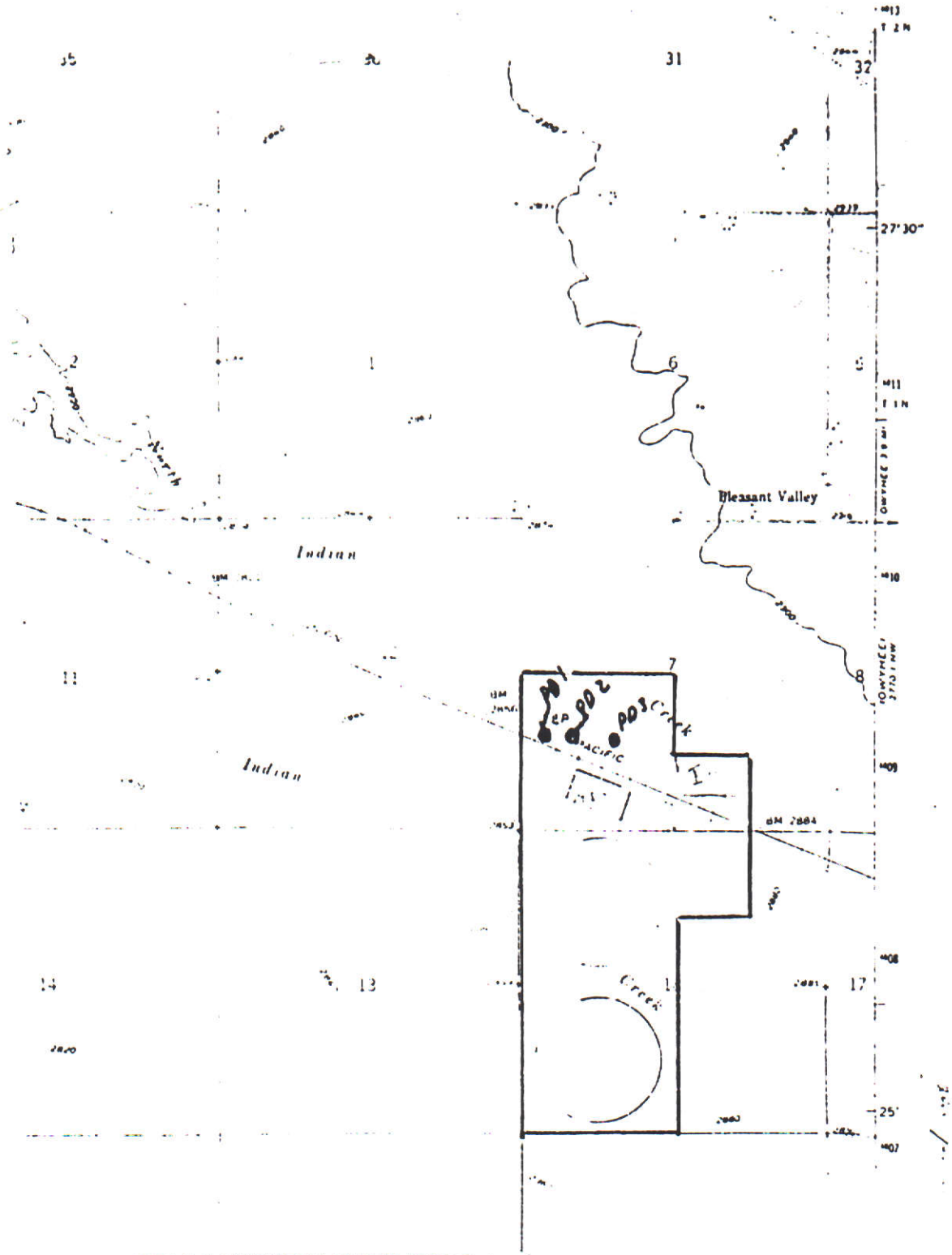
IN 2E

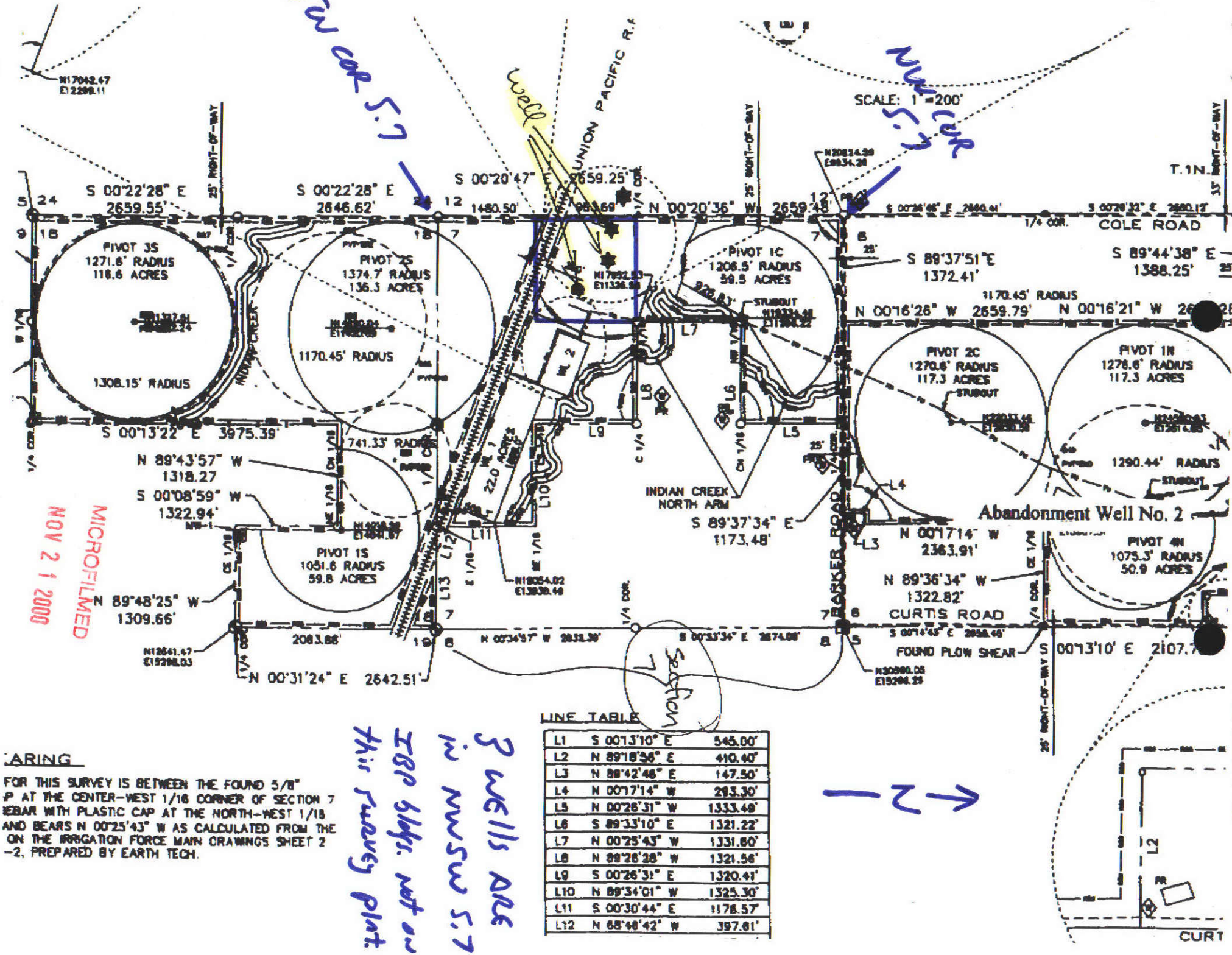

3
4
2N 2E



Confirming NESW 5.7 pd - correct or NWSW?

from 63.10383 11/7/89 Field Exam by S.C. (printe Examiner)


31
32
27°30"
6
Pleasant Valley
Indian
Indian
11
7
8
PDS
PDS Creek
PACIFIC
I
BM 2884
14
13
17
Creek
25'



MICROFILMED
NOV 2 1 2000

APR 06 1999 16:02 FR IBP ENGINEERING 402 241 3317 TO 912083342348969 P.02

LINE TABLE

L1	S 00°13'10" E	545.00'
L2	N 89°18'36" E	410.40'
L3	N 88°42'48" E	147.50'
L4	N 00°17'14" W	283.30'
L5	N 00°26'31" W	1333.48'
L6	S 89°33'10" E	1321.22'
L7	N 00°25'43" W	1331.80'
L8	N 89°26'28" W	1321.56'
L9	S 00°26'31" E	1320.41'
L10	N 89°34'01" W	1325.30'
L11	S 00°30'44" E	1176.57'
L12	N 68°48'42" W	397.61'

3 wells are in NWSW S.7
IBP bldg. not on this survey plat.

N

BEARING

FOR THIS SURVEY IS BETWEEN THE FOUND 5/8" ...P AT THE CENTER-WEST 1/16 CORNER OF SECTION 7 ...EBAR WITH PLASTIC CAP AT THE NORTH-WEST 1/16 AND BEARS N 00°25'43" W AS CALCULATED FROM THE ON THE IRRIGATION FORCE MAIN DRAWINGS SHEET 2 -2, PREPARED BY EARTH TECH.

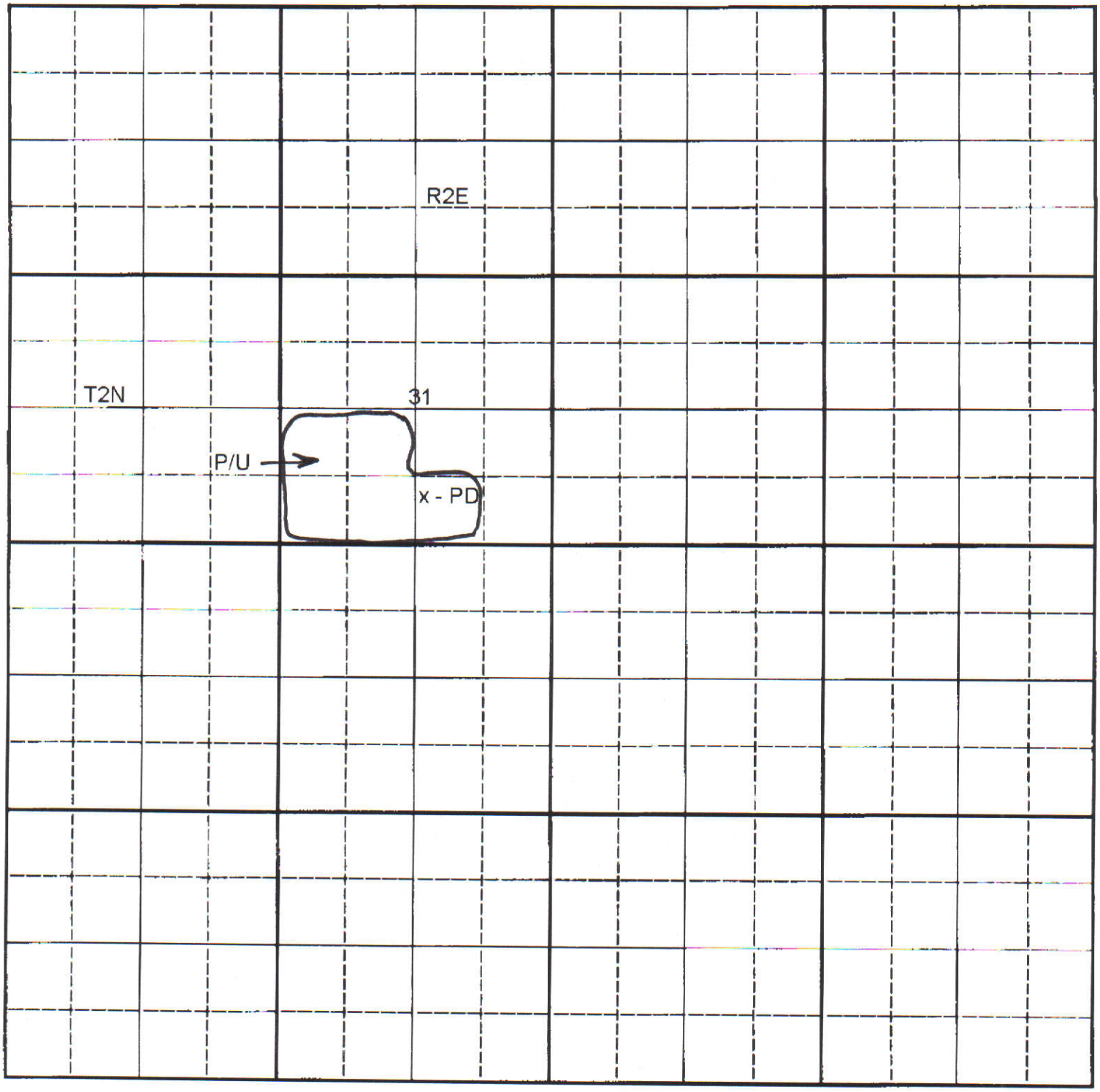
PIVOT IRRIGATION SITE MAP

MICROFILMED
NOV 2 1 2000

APR 06 1999 16:03 FR IBP ENGINEERING 402 241 3317 TO 912083423489699 P.03

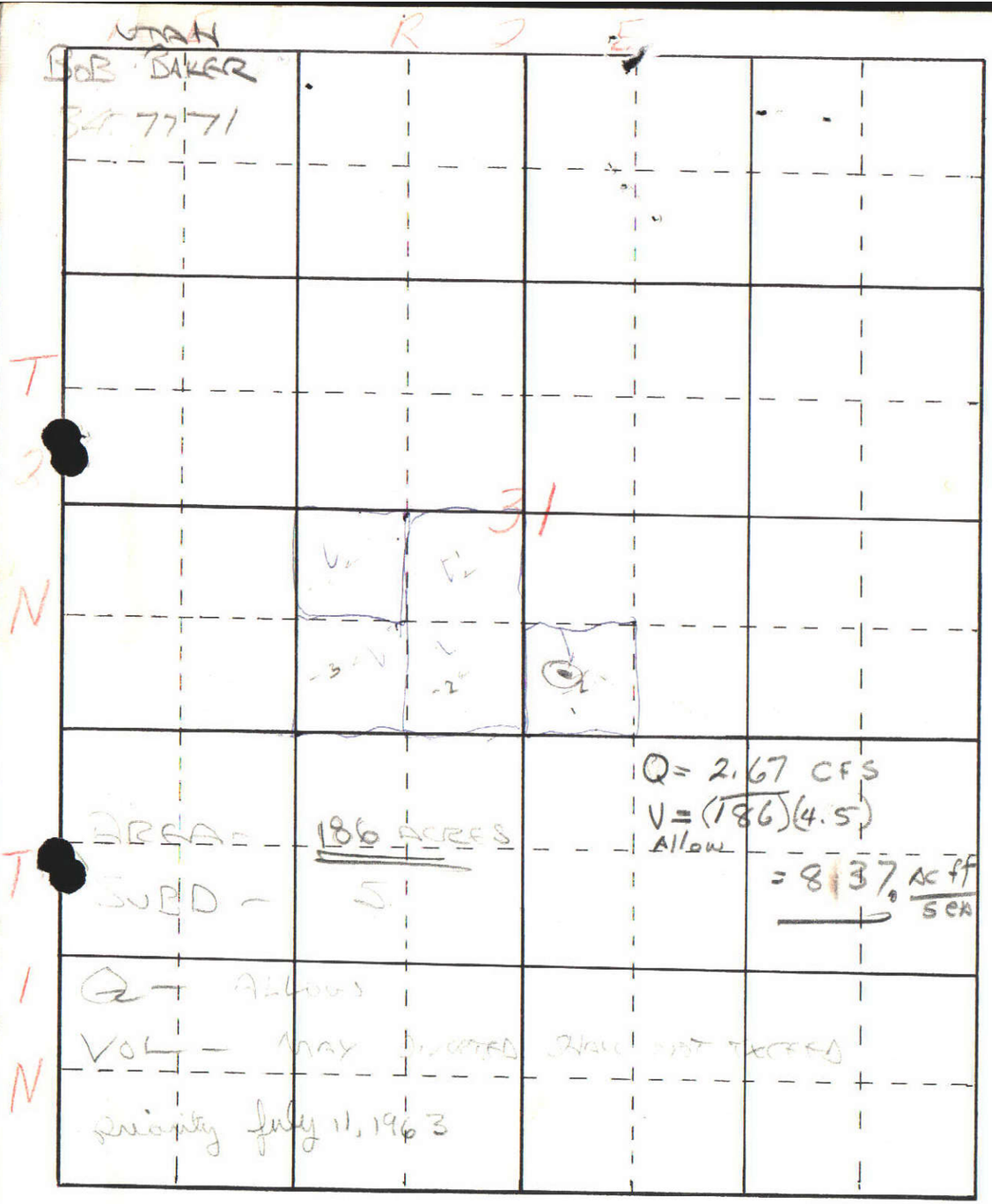
** TOTAL PAGE.03 **

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.



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

MICROFILMED
APR 14 1999



NO PHOTO COPY

Permit No. G-31242 / 63-3362 342-6-742

Name of Applicant Richard Lee Green, Route 2, Kuna, Idaho

Source of Water Subterranean

a tributary of

Location of P.D. SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M., Ada County.

Water is used for Irrigation and domestic

Quantity of water claimed: Permit 4.0 c.f.s. Depositions 200"

Type of measuring device installed or method of measurement and general description of diversion works Electric pump, well - 440'x14"/H-317'/ Q-200" (by Layne & Bowler Test Pump)

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
2 N	2 E	31	E½SW¼, Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), SW¼SE¼

Total acreage 205

Filed - July 11, 1963
Due - July 12, 1968

Made - March 12, 1968
Priority - July 11, 1963

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.

Pleasant Valley Irrigation Company shares (150) and 1/2" to share


30
31
30 29
31 32
State of Idaho
Corrections
D 365
D 366
35
37
38
38
SWSE
PD
Road - 1½
Road - 1½
Road - 1½
31
6
31
6

718550 , 49 1295

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STANDARD INSURANCE COMPANY, a corporation, Plaintiff, vs. RICHARD LEE GREEN and MAYME GREEN, husband and wife; IDAHO STATE BANK, Kuna Branch, an Idaho corporation, Defendants.	Civil No. 41673 SHERIFF'S CERTIFICATE OF SALE OF REAL ESTATE ON FORECLOSURE

I, PAUL BRIGHT, the duly qualified and acting Sheriff of Ada County, Idaho, do hereby certify that under and by virtue of a decree of foreclosure and order of sale issued out of and under the seal of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, in an action wherein Standard Insurance Company was Plaintiff, and wherein the Defendants were as stated in the caption hereof, which order was duly attested on the 9th day of May, 1969, and which order was to me duly delivered and directed, on the 9th day of May, 1969, whereby I was commanded to sell the property therein described according to law, and to apply the proceeds of said sale toward the satisfaction of the judgment in said action according to the priorities therein provided, to the Plaintiff, Standard Insurance Company, amounting with interest to the sum of $53,944.24, besides costs and expenses of sale amounting to the sum of $96.80, and I duly levied upon the following described real and personal property appurtenant thereto, and on the 16th day of June, 1969, at 10:00 o'clock A.M., at the front door of the County Courthouse in Boise, County of Ada, State of Idaho, duly sold the following described real and personal property in Ada County, according to law, after due and legal notice to Standard

Insurance Company for the real and personal property appurtenant thereto, in said order of sale described as follows, to-wit:

Lots 3 and 4, E 1/2 SW 1/4, SW 1/4 SE 1/4, Section 31, Township 2 North, Range 2 East, Boise-Meridian;

Conveying with the above described land any and all water rights and irrigating ditches belonging or in anywise appertaining thereto and especially including, but not limited to the following: 160 shares of the Pleasant Valley Irrigation Company stock or rights therein and the following described pumping equipment:

One GMC Stationary Diesel Motor, Model 64-HN8 - Series 6-71, Engine No. C-28328;
One Byron Jackson Pump - Serial No. 170673.

I do further certify that said property was first offered for sale in parcels and that no bids were received for any of the parcels thereof, and that the same was thereafter offered for sale in one parcel including the aforesaid described personal property appurtenant to said real estate, and sold to said Standard Insurance Company, and that said sum of $54041.04 was the highest and best bid therefor and the whole price paid therefor.

I do further certify that the whole of said property is subject to redemption within one year pursuant to the statute in which cases made and provided, and that in view of the fact that the judgment and decree above mentioned provide that the court expressly retain jurisdiction in this cause for the purpose of making any further orders as may be necessary to carry this decree into effect, including the appointment, if necessary, of a receiver for the protection, operation, maintenance and management and preservation of the premises covered by this sale, or the continuance of such receivership if the same is now in existence, said redemption shall be subject to any such receivership and the terms thereof in accordance with the order of this Court.

49 1207

GIVEN under my hand and seal this 16th day of June, 1969.

PAUL BRIGHT, Sheriff of Ada County, Idaho

By _____
Deputy Sheriff

STATE OF IDAHO, COUNTY OF ADA, ss.
Filed for record at the request of _____
20 Min. past 10 o'clock A. M. this 18 day of June 1969
CLARENCE A. PLANTING, Recorder
By _____ Deputy

1.50

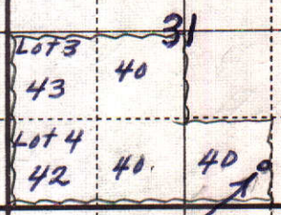
STATE OF IDAHO
COUNTY OF ADA
ss.
I, CLARENCE A. PLANTING, CLERK OF THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS O
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 24 DAY OF November 1969
CLARENCE A. PLANTING, CLERK
BY Mary E. Negley DEPUTY

NAME OF APPLICANT: Richard Lee Green

Form No. 0

Rge. 2 E B.M.

T. 2. N.



Permit Map No. 31242
As Approved JUL 12 1963
Carl L. Tappan
Acting State Reclamation Engineer

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

$31242

State of Idaho

Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 63-3362 Priority July 11, 1963 Amount 2.67 c.f.s.

THIS IS TO CERTIFY, that STANDARD INSURANCE COMPANY of Portland, Oregon, has complied with the terms and conditions of Permit No. 63-3362 issued pursuant to Application for Permit dated 7-11-63, and has submitted proof to the Department of Water Administration on 3-12-68, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity of 2.67 c.f.s., and that the water has in fact been applied to a beneficial use; a right to the use of water from a ground-water source tributary of _____, is hereby confirmed in the following amounts:

Amount 2.67 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 2.67 c.f.s. of water be diverted at any one time, said waters to be diverted within the SW¼SE¼ Sec. 31, T. 2 N., R. 2 E., B.M. in the county of Ada; and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 837 acre feet per year or 4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 N	2 E	31									36	37.5	37	38			38		186.5

Total number of acres irrigated 186

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of October, 19 70.

L. Keith Higginson
Director

63-3362
31242

STATE OF IDAHO, DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

I, RICHARD LEE GREEN, hereby assign to STANDARD INSURANCE COMPANY, a corporation, 1100 Southwest Sixth Avenue, Portland, Oregon 97207, all my right, title and interest, in and to Permit No. 63-3362 (Application No. G-39342, Permit No. G-31242) to appropriate the public waters of the State of Idaho.

The undersigned acknowledges that his rights under said permit were included in certain real and chattel mortgages dated the 27th day of April, 1967, and recorded the 28th day of April, 1967, in Book 413 of Mortgages at page 441 as Instrument No. 662974, records of Ada County, Idaho, which mortgage was on the 28th day of April, 1967, filed of record as a chattel mortgage in said office of the County Recorder of Ada County, Idaho, under recorder's Instrument No. 662975 and recorded in Book 27 of Chattel Mortgages at page G-29(2); that after default a decree of foreclosure upon aforesaid mortgages made and entered in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, in Civil Action No. 41673 on the 8th day of May, 1969, which decree was recorded in the office of the County Recorder of Ada County on the 8th day of May, 1969, and Sheriff's Certificate of Sale in said action issued on the 16th day of June, 1969, to the Standard Insurance Company, as purchaser at foreclosure sale and a copy thereof recorded in the office of the Recorder of Ada County, Idaho, as Instrument No. 718550.

Richard Lee Green
Richard Lee Green, Permit Holder

Mayme Green
Mayme Green, Wife of Permit Holder

STATE OF IDAHO)
) ss.
County of Ada)

On this 2nd day of January, 1970 ~~1969~~, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

Dale O Morgan
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires:

ok
grs

31242
63-3362

AFFIDAVIT OF PUBLICATION

I, Clyde Cornell, printer and co-publisher of The Kuna Herald, published weekly for more than 78 consecutive weeks at Kuna, Idaho, do solemnly swear that the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for

Four consecutive weeks as follows:

Commencing with the issue dated

February 9, 1968

and ending with the issue dated

March 1, 1968

Clyde Cornell

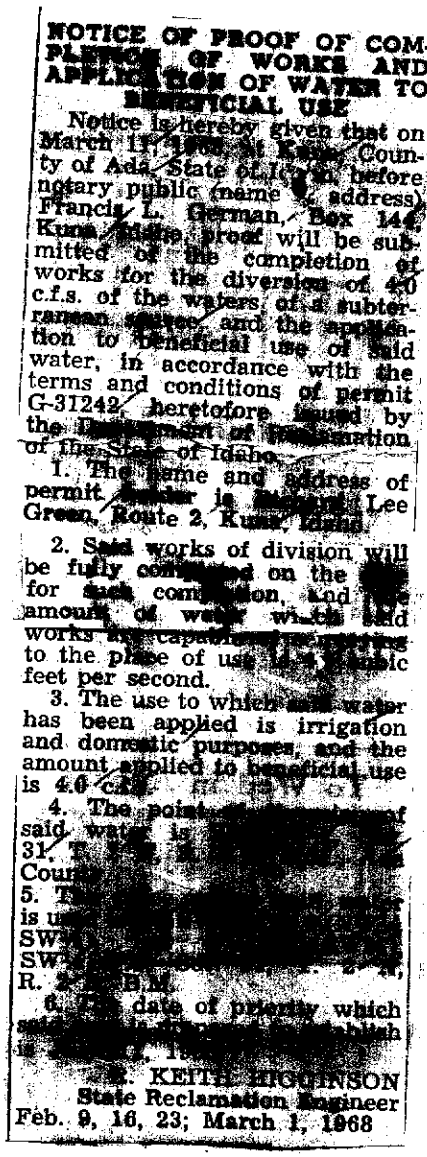
Subscribed and sworn to before me this

1st day of March, 1968

Edith M. Cornell

Notary Public for Idaho.

Residing at Kuna, Idaho.



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

Notice is hereby given that on March 11, 1968 at Kuna, County of Ada, State of Idaho, before notary public (name & address) Francis L. German, Box 144, Kuna, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 c.f.s. of the waters of a subterranean source and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31242 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permittee is Raymond Lee Green, Route 2, Kuna, Idaho.

2. Said works of division will be fully completed on the [redacted] for such completion, and the amount of water which said works are capable of supplying to the place of use is 4.0 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 4.0 c.f.s. [redacted]

4. The point [redacted] of said water is [redacted]

31. T[redacted] County.

5. T[redacted] is u[redacted] SW[redacted] SW[redacted] R. 2[redacted] B.M.

6. [redacted] date of priority which [redacted] is [redacted].

R. KEITH HIGGINSON
State Reclamation Engineer

Feb. 9, 16, 23; March 1, 1968

RECEIVED

[redacted]

b 31242

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED *AMENDED*

TRANSFER NO. 5442

WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

This is to certify that: **IBP INC**
PO BOX 9346
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 63-07531 :			
Priority: 12/10/1971			
IRRIGATION	03/15 to 11/15	3.20 CFS	720.0 AF
STOCKWATER	01/01 to 12/31	0.20 CFS	13.4 AF
COMMERCIAL	01/01 to 12/31	3.20 CFS	720.0 AF
DOMESTIC	01/01 to 12/31	0.20 CFS	11.2 AF
		3.60 CFS	**744.6 AF**
Right No. 63-10383 :			
Priority: 09/23/1986			
IRRIGATION	03/15 to 11/15	3.02 CFS	679.5 AF
INDUSTRIAL	01/01 to 12/31	2.20 CFS	1593.0 AF
		5.22 CFS	**2272.5 AF**
	SUBTOTAL:	* 5.87 CFS	
Right No. 63-03362 :			
Priority: 07/11/1963			
IRRIGATION	04/01 to 10/31	2.67 CFS	837.0 AF
Right No. 63-11347 :			
Priority: 07/08/1992			
IRRIGATION	03/15 to 11/15	2.23 CFS	549.0 AF
	TOTAL:	** 10.77 CFS	** 4403.1 AF

SOURCE

GROUNDWATER

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 6, Township 01N, Range 02E
Lot 3(NENW), Sec. 6, Township 01N, Range 02E
Lot 3(NWSW), Sec. 7, Township 01N, Range 02E
SWSE , Sec. 7, Township 01N, Range 02E
Lot 2(SWNW), Sec. 18, Township 01N, Range 02E
SWSE , Sec. 31, Township 02N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
01N	02E	6	Lot 1(NENE)	35	Lot 2(NWNE)	40	SWNE	40	
			SENE	40	Lot 3(NENW)	40	SENW	40	
			NESW	40	SESW	40	NWSE	40	
			SWSE	39					394
		7	NENW	40	Lot 1(NWNW)	40	Lot 2(SWNW)	40	
			NESW	40	Lot 4(SWSW)	36	SESW	32	
			SWSE	32					260
		18	NENE	32	NWNE	40	SENE	40	
			NENW	40	Lot 1(NWNW)	40	Lot 2(SWNW)	40	
			SENW	40	NESW	40	Lot 3(NWSW)	40	
			Lot 4(SWSW)	40	SESW	40			432
02N	02E	31	NESW	40	Lot 3(NWSW)	40	Lot 4(SWSW)	40	
			SESW	40	SWSE	40			200
					Total number of acres irrigated:				1286 ***

PLACE OF USE: STOCKWATER, INDUSTRIAL & COMMERCIAL same as IRRIGATION use

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
01N	02E	7	Lot 3(NWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
** 8. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
* 9. Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
*** 10. Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
*** 11. Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
*** 12. Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.
*** 13. Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.
*** 14. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

17. The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights.
18. The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
19. Three (3) points of diversion are located within Lot 3(NWSW), S07, T01N, R02E B.M.
20. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
21. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
22. Approval of this transfer does not preclude the opportunity for review of the validity of Rights 63-03362 and 63-07531 in the ongoing Snake River Basin Adjudication.
23. Wastewater pond is located within Lot 1(NWNW), S19, T01N, R02E B.M.

Dated this 27th day of April, 2000.

L. Glen Saxton

Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

This is to certify that: **IBP INC**
PO BOX 9346
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 63-07531 :			
Priority: 12/10/1971			
IRRIGATION	03/15 to 11/15	3.20 CFS	720.0 AF
STOCKWATER	01/01 to 12/31	0.20 CFS	13.4 AF
COMMERCIAL	01/01 to 12/31	3.20 CFS	720.0 AF
DOMESTIC	01/01 to 12/31	0.20 CFS	11.2 AF
		3.60 CFS	**744.6 AF**
Right No. 63-10383 :			
Priority: 09/23/1986			
IRRIGATION	03/15 to 11/15	3.02 CFS	679.5 AF
INDUSTRIAL	01/01 to 12/31	2.20 CFS	1593.0 AF
		5.22 CFS	**2272.5 AF**
	SUBTOTAL:	** **5.87 CFS**	
Right No. 63-03362 :			
Priority: 07/11/1963			
IRRIGATION	04/01 to 10/31	2.67 CFS	837.0 AF
Right No. 63-11347 :			
Priority: 07/08/1992			
IRRIGATION	03/15 to 11/15	2.23 CFS	549.0 AF
	TOTAL:	** **10.77 CFS**	** **4403.1 AF**

SOURCE

GROUNDWATER

MICROFILMED

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 6, Township 01N, Range 02E
Lot 3(NENW), Sec. 6, Township 01N, Range 02E
Lot 3(NWSW), Sec. 7, Township 01N, Range 02E
SWSE , Sec. 7, Township 01N, Range 02E
Lot 2(SWNW), Sec. 18, Township 01N, Range 02E
SWSE , Sec. 31, Township 02N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
01N	02E	6	Lot 1(NENE)	35	Lot 2(NWNE)	40	SWNE	40	
			SENE	40	Lot 3(NENW)	40	SENW	40	
			NESW	40	SESW	40	NWSE	40	
			SWSE	39					394
		7	NENW	40	Lot 1(NWNW)	40	Lot 2(SWNW)	40	
			NESW	40	Lot 4(SWSW)	36	SESW	32	
			SWSE	32					260
		18	NENE	32	NWNE	40	SENE	40	
			NENW	40	Lot 1(NWNW)	40	Lot 2(SWNW)	40	
			SENW	40	NESW	40	Lot 3(NWSW)	40	
			Lot 4(SWSW)	40	SESW	40			432
02N	02E	31	NESW	40	Lot 3(NWSW)	40	Lot 4(SWSW)	40	
			SESW	40	SWSE	40			200

Total number of acres irrigated: 1286 ***

PLACE OF USE: STOCKWATER, INDUSTRIAL & COMMERCIAL same as IRRIGATION use

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
01N	02E	7	Lot 3(NWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
** 8. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
* 9. Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
*** 10. Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
*** 11. Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
*** 12. Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.
*** 13. Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.
*** 14. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres in the 1286.0 acre place of use described above in a single irrigation season.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
17. The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under Rights 63-07531 and 63-10383 shall not be used for irrigation unless the water is first used in the beef slaughterhouse operation as authorized under these rights.

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

18. The right holder shall be required to utilize the cold water well located in the NENW, S06, T01N, R02E up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being provided by the cold water well.
19. Three (3) points of diversion are located within Lot 3(NWSW), S07, T01N, R02E.
20. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
21. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
22. Approval of this transfer does not preclude the opportunity for review of the validity of Rights 63-03362 and 63-07531 in the ongoing Snake River Basin Adjudication.
23. Wastewater pond is located within Lot 1(NWNW), S19, T01N, R02E.

Dated this 13th day of March, 2000.

Chief, Water Allocation Bureau

Form 1-222
12-92

RECEIVED
MAR 6 , 2000

Page 1 of 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5442

RECEIVED
JUL 17 1998
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources
REVISIONS APPROVED initials PS (CORRECTION) date 4/21/99

PART 1

Name of applicant IBP, Inc. Phone (208) 345-6660

Post Office address P.O. Box 9346, Boise, Idaho 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To reflect planned design and operation of integrated irrigation system; and to accommodate back-up supply if a well is out of order or not functioning.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
* See Attachment A				to
				to
				to
				to

2. Total amount of water being transferred ~~17.2~~ 10.77 * cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to N/A

4. Point(s) of Diversion: * See Attachment B

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

5. Lands irrigated or place of use: * See Attachment C

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	

MICROFILMED
MAR 2 1 2000

* corrected per licensing condition in 63-10383.

Total acres _____

PART 1

6. General Information:

a. Description of diversion system System consists of a collection of ~~five~~ 6 existing wells with associated pumps and piping. An additional well is proposed.

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:

The place of use and point of diversion changes will allow water from existing rights to be comingled and used throughout the farm. The total number of acres irrigated, the diversion rate, and the total amount of water used will not increase.

d. Remarks:

The purpose of these transfers is to make all points of diversion common to one another and to make all places of use common to each point of diversion.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

MICROFILMED

 Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 63-07531 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water groundwater tributary to _____
4. Date or priority 12/10/1971
5. Water is used for the following purpose:
   amount 3.2 cfs for irrigation purposes from 3/15 to 11/15
   (cfs/ac-ft) amount 0.2 cfs for stockwater purposes from 1/01 to 12/31
   (cfs/ac-ft) amount 3.2 cfs for commercial purposes from 1/01 to 12/31
   (cfs/ac-ft) 0.2 cfs for domestic purposes from 1/01 to 12/31
6. Total amount of water under right 3.6 cfs cubic feet per second and/or 744.6 acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
3		NW	SW	07	01N	02E	Ada	IBP - West
3		NW	SW	07	01N	02E	Ada	IBP - East

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	02E	7									10	03-08	04-15	23		01	20		79.8
01N	02E	18					28	01-26	02-25										80.2
01N	02E	7									C	03-C	04-C	C					
01N	02E	7									D	03-D	04-D	D					

Stockwater same plu as irrigation

Total acres 160.0

9. Describe any other water rights used for the same purpose as described above 63-00332, 63-02200

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

 Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 63-10383 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water groundwater tributary to _____
4. Date or priority 9/23/1986
5. Water is used for the following purpose:
   amount 3.02cfs (cfs/ac-ft) for irrigation purposes from 3/15 to 11/15
   amount 2.2 cfs (cfs/ac-ft) for industrial purposes from 1/01 to 12/31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 5.22cfs cubic feet per second and/or 2272.5 acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		NE	SW	07	01N	02E	Ada	IW - 1S *
3		NW	SW	7	1N	26	"	2 wells: IBP - West & East

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	02E	18								27	31	03-31	04-31	31					151.0

* this has been incorrectly recorded & will be corrected by transfer

Total acres 151.0

9. Describe any other water rights used for the same purpose as described above 63-00332, 63-0220, 63-07531

PART 2

Transfer No. _____

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      In case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 63-03362 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water groundwater tributary to _____
4. Date or priority 7/11/1963
5. Water is used for the following purpose:
   amount 2.67 cfs (cfs/ac-ft) for irrigation purposes from 4/01 to 10/31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 2.67 cfs cubic feet per second and/or 837.0 acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	31	02N	02E	Ada	IW - 2N

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
02N	02E	31									35	38	37	38			38		186.0

Total acres 186.0

9. Describe any other water rights used for the same purpose as described above 63-0332, 63-0220

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-11347

Priority: July 8, 1992 Maximum Diversion Rate: 2.23 CFS

This is to certify, that IDA U LAND & BEEF
PO BOX 9346
BOISE ID 83707-9346 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 18, 1990; and has submitted Proof of Beneficial Use on November 21, 1995. An examination indicates that the works have a diversion capacity of 2.230 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	2.23 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 6, Township 01N, Range 02E
NENW , Sec. 6, Township 01N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
01N	02E	6	Lot 1(NENE)	25	Lot 2(NWNE)	34	SWNE	34	
			SENE	25	Lot 3(NENW)	2	SENW	2	122

Total number of acres irrigated: 122

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 544.5 af at the field headgate for the lands above.

MICRO
NOV 2 - 1999

Revised Ps 9 of 12

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 63-11347

CONDITIONS OF APPROVAL AND REMARKS

6. The right holder shall be required to utilize the cold water well located in the NENW, S6, T1N, R2E up to its capacity for irrigation of the place of use described above. The low temperature geothermal well in the NWNE, S6, T1N, R2E shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being provided by the cold water well.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 12th day of MARCH, 1999.

KARL J. DREHER, Director

Revised 1/5 10 of 12

Transfer 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 rights described in part 1. Clearly depict the land by section, township and range number.

PLEASE SEE ATTACHMENT D

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

 Transfer No. _____

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.

Mary O'Donnell
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of July, 19 98.

Cindy McMackin
(Notary Public)

My commission expires June 22, 2004

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 67 attachments A-G

Received by SL Date 7/17/98 Protest filed by _____

Prelim. check by SL Fee $100

Receipted by SL Date 7/17/98 #W024151

Published in IO Statesman

Pub. dates 4/15 & 22/99 SL Copies of protest forwarded by _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Attachment A

B.1. Description of Right(s) or Portion There of, After the Requested Change

Right Number	Priority	Amount cfs	Amount AFA	Nature of Use	Period of Use
63-07531	12/10/71	3.2	720	Irrigation	3/15 - 11/15
		0.2	13.4	Stockwater	1/01 - 12/31
		3.2	720	Commercial	1/01 - 12/31
		0.2	11.2	Domestic	1/01 - 12/31
63-10383	9/23/86	3.02 ~~3.0~~	679.5	Irrigation	3/15 - 11/15
		2.2	1593	Industrial	1/01 - 12/31
63-03362	7/11/63	2.67 ~~2.7~~	837	Irrigation	4/01-10/31
63-11347 [1]	7/8/92	2.23 ~~2.5~~	544.5	Irrigation	3/15 - 11/15

* 10.77 → ~~17.2~~

Notes:

[1] Right 63-11347 is considered a low-temp geothermal well and is under review by IDRW – Licensed 3/12/99

* 2.67
5.87 (combined total 7531 + 10383)
2.23
10.77 cfs

T. 5442

Notes - JR 4/5/99

Attachment B

B.4. Points of Diversion, After the Requested Change							
Lot	1/4	1/4	Sec.	Twp.	Rge.	County	Local Name
3	NW	SW	7	01N	02E	Ada	IBP - West
3	NW	SW	7	01N	02E	Ada	IBP - East
3	NW	SW	7	01N	02E	Ada	IW - 1S
	SW	SE	31	02N	02E	Ada	IW - 2N
2	NW	NE	6	01N	02E	Ada	IW - 1N — geothermal well
1	NW	NW	19	01N	02E	Ada	Wastewater Pond [1]
[1] Wastewater pond is point of re-diversion							

place in Remarks

3	NE	NW	6	1N	2E	Ada	"Doty well"
	SW	SE	7	1N	2E	Ada	} 1 proposed well in either site
2	SW	NW	18	1N	2E	Ada	

T. 5442

-Notes PZ 4/5/99

N

0 500' 1000' 2000'

SCALE: 1"=1000'

R1E | R2E

T1N | T2N

36 31 32

1 6 5

12 7 8

13 18 17

24 19 20

Kuna-Mora Road

South Cole Road

South Curtis Road

Barker Road

North Indian Creek

Union Pacific RailRoad

2960 2980 2940 2920 2900 2880 2860 2840 2820 2800

L.1 L.2 L.3 L.4

IW-2N

IW-1N

IBP-EAST

IBP-West

IW-15

DOTY

1 Well proposed in either site

Wastewater pond from Attachment B

LEGEND

- Irrigation Well
- Production and Irrigation Well
- IBP Boundary Fence

5.19 TRACT is not part of appln land list but does host the storage pond

WELL IW-15 in NWSW 5.7 is correct per Applicant's 4/6/99 fax. License is incorrect.

- Notes SR 4/6/99

HDR Engineering, Inc.

Project Title	IBP, INC.
Sheet Title	GROUNDWATER RIGHTS DIVERSION AND PLACE OF USE MAP
Figure No.	ATTACHMENT D
Date	7/9/98
Source	t. 5442

FILENAME: WELLSNFANDJUL'Y2.DWG DATE: 7/9/98 TIME: 12:00 SCALE: 1=2000'

Attachment C

B.5. Land Irrigated or Place of Use, **After** the Requested Change

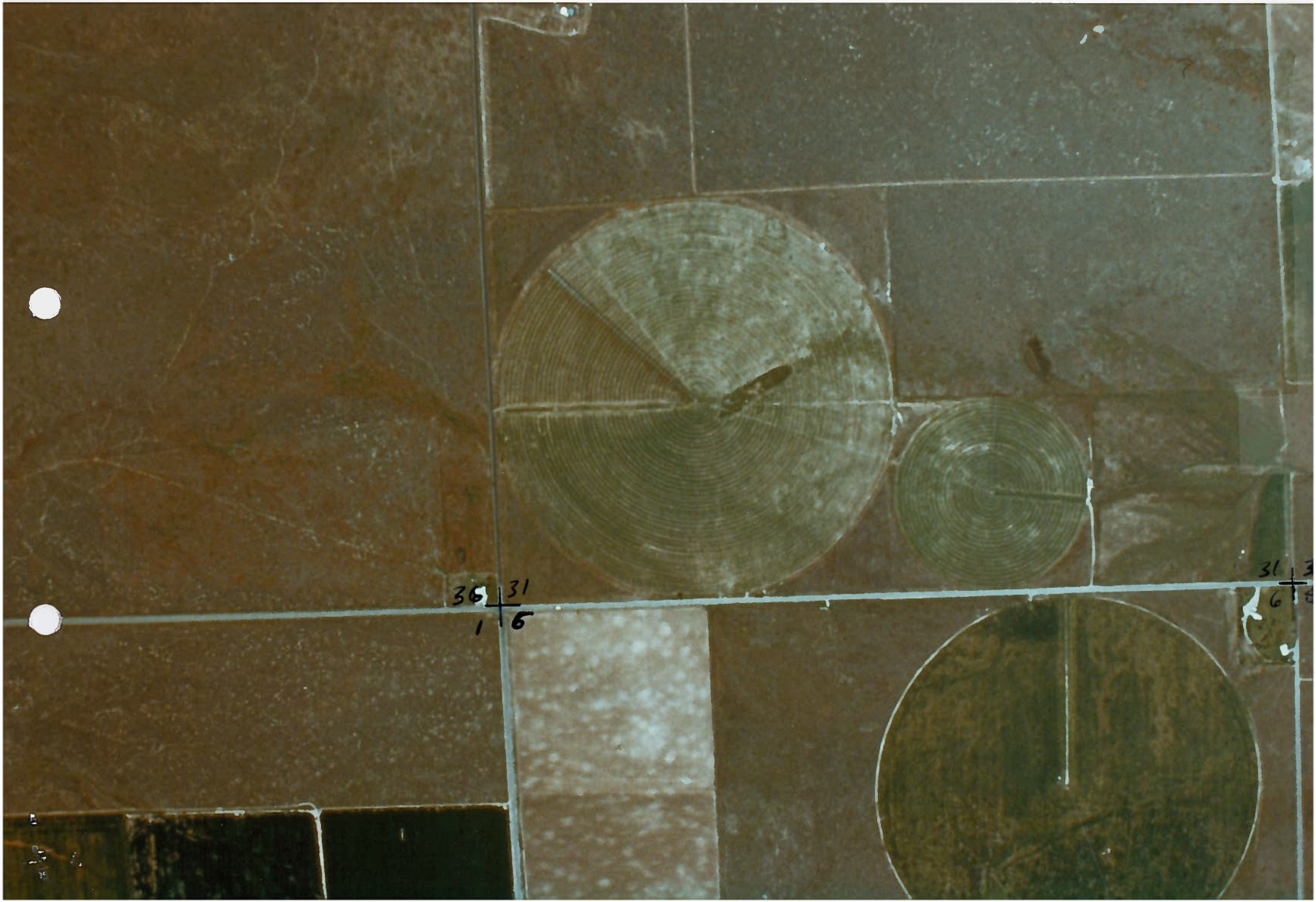
Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals acres
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	2E	6	① 35	② 40	40	40	③ 40			40	40			40		40	39		394
1N	2E	7					40	① 40	② 40		40	③ D	④ 36	32			32		260
1N	2E	18	32	40		40	40	① 40	② 40	40	40	③ 40	④ 40	40					432
2N	2E	31									40	③ 40	④ 40	40			40		200
																			1286

Notes: Acres shown indicate irrigation, industrial,* commercial and stock water uses
D indicates domestic use
Total Place of Use acrage before the requested changes was 619 ac

govt lot

* industrial & commercial to include land application of waste water on all tracts except NWSW 5.7.

T. 5442


36 31
1 6
31

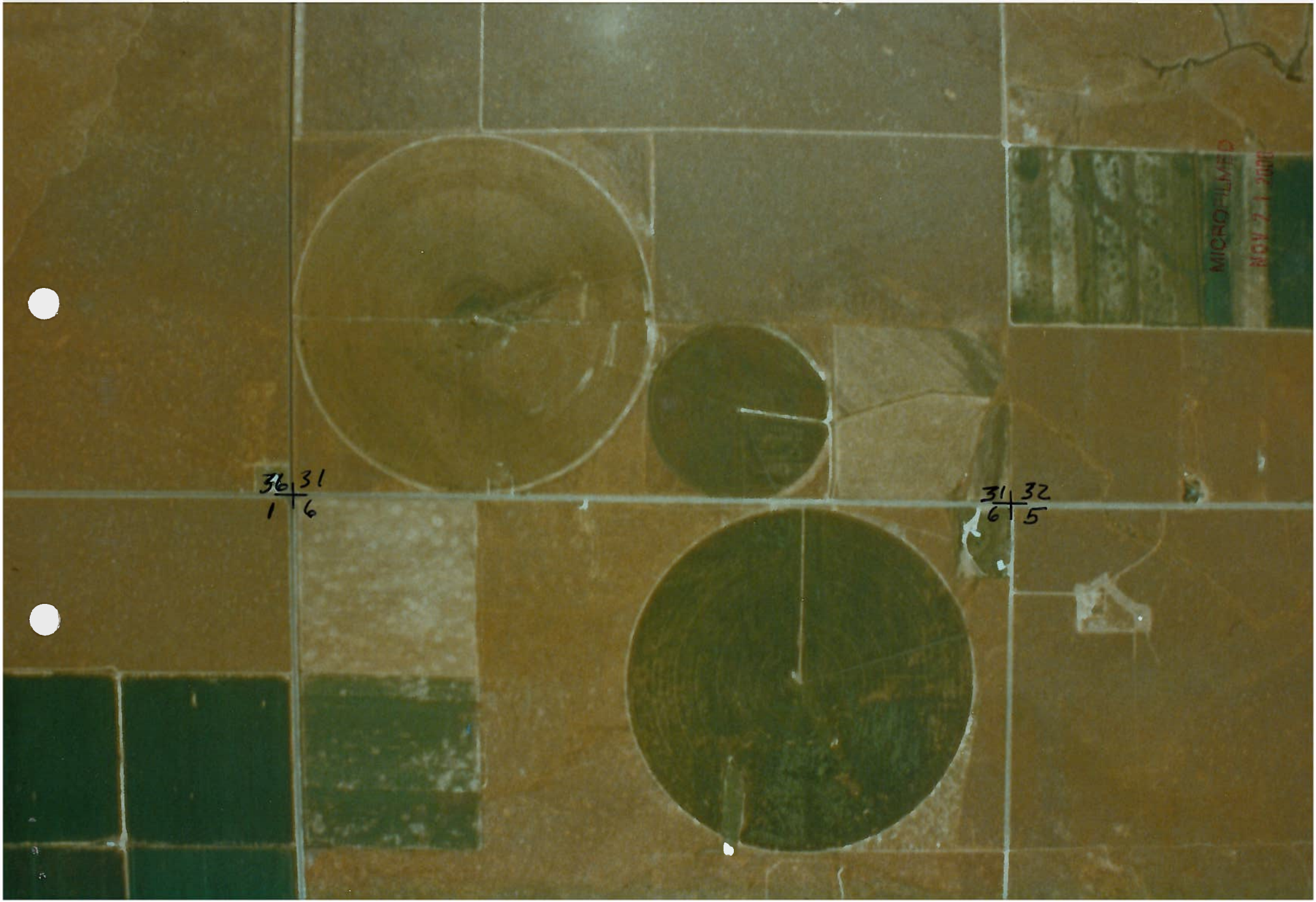
1996-97 CFSA
photos Received
with consultant's
6/3/99 letter.
-SR

MICROFILMED
NOV 2 1 2000

T. 5442

NOV 2 1 2000
MICROFILMED

1997
Section 31 T2N R2E



MICROFILMED
NOV 2 1 2007

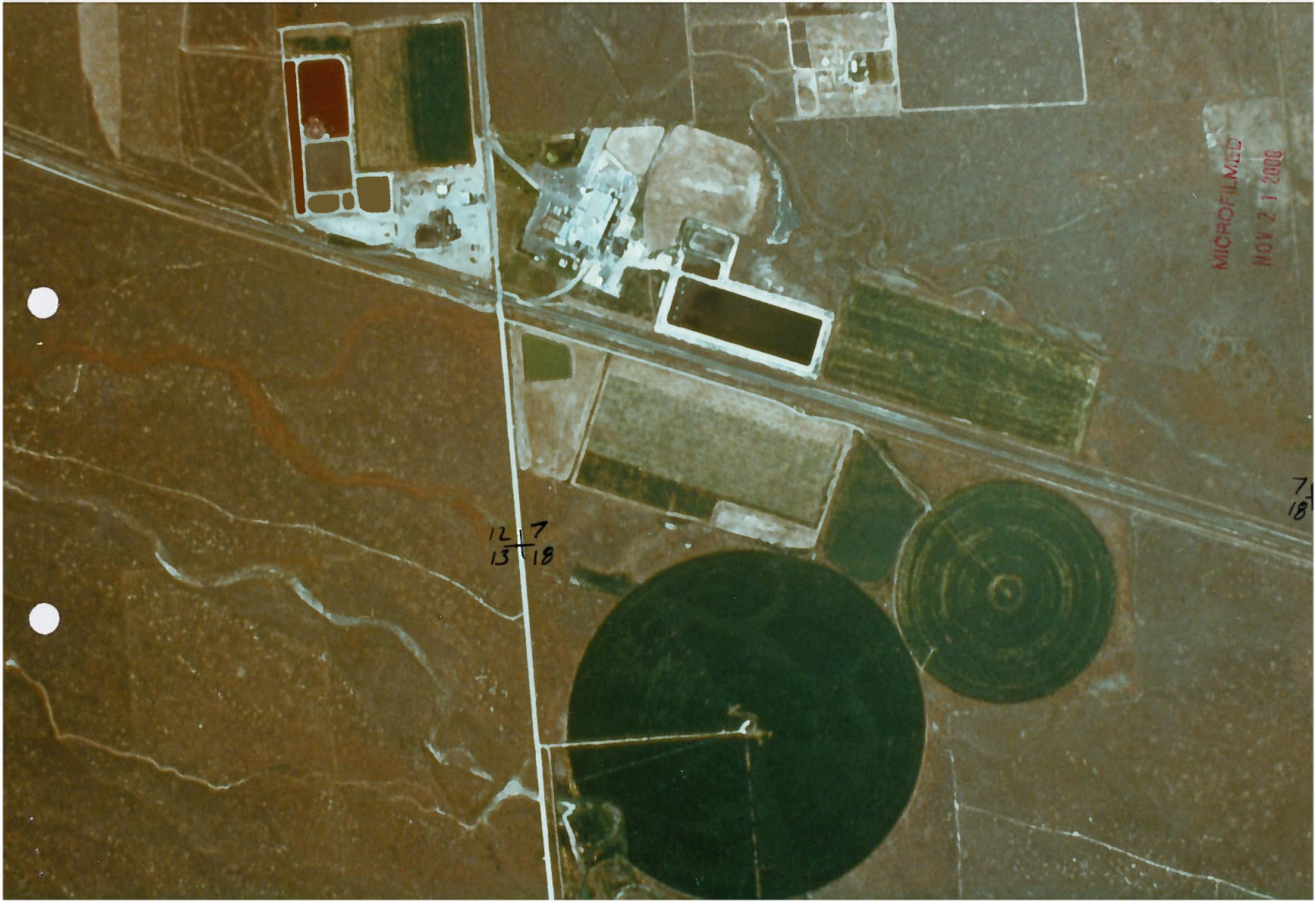
996
Section 31 T2N R2E

MICROFILMED
NOV 2 1 2000


6
7
6
7
MICROFILMED
NOV 2 1 2008

997
Section 6/7 T1N R2E

MICROFILMED
NOV 21 2000


MICROFILMED
NOV 2 1 2008
12 17
13 18
7
18

997
Section 7 TINRZE

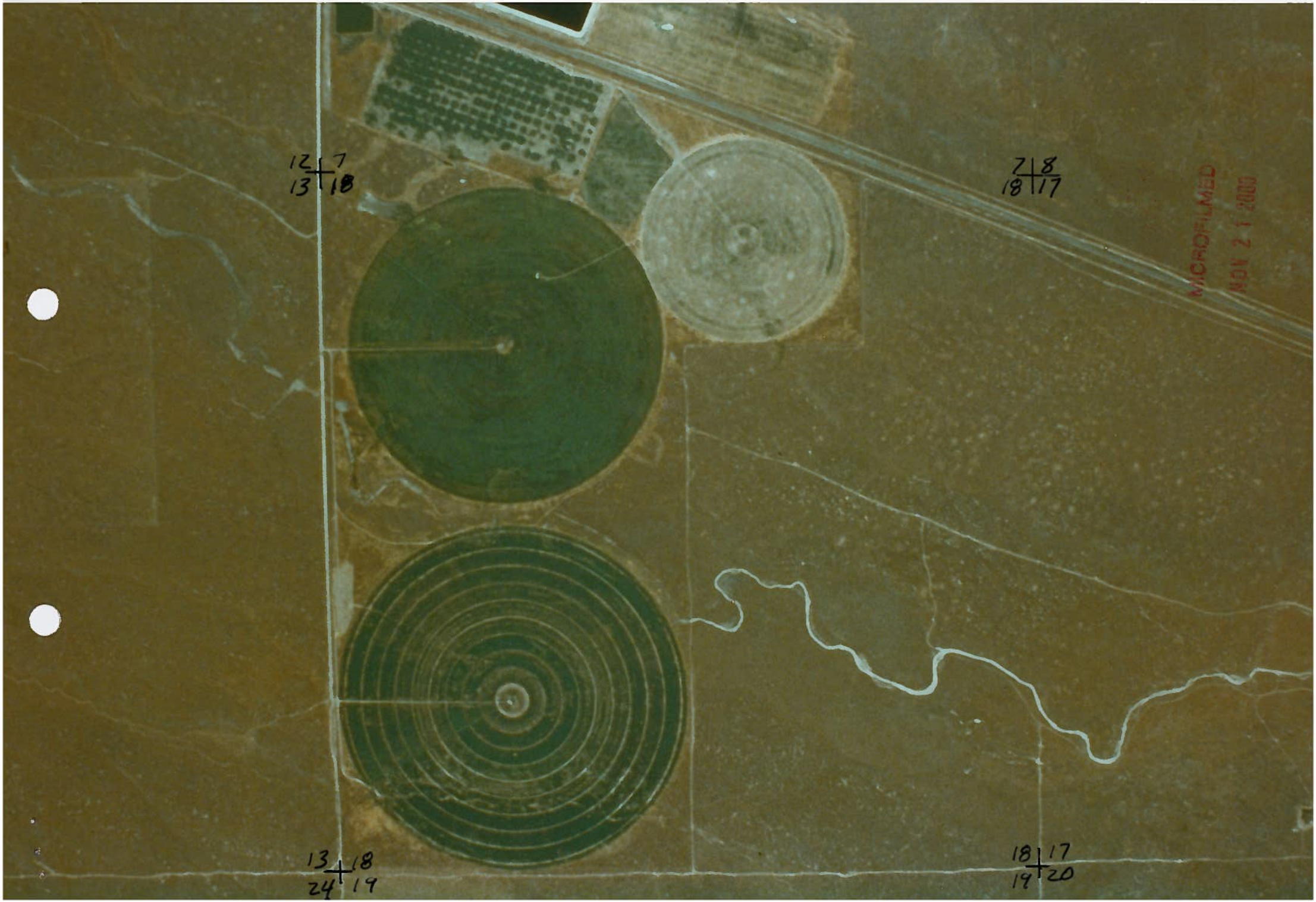
MICROFILMED
NOV 2 1 2000


6
12 7
6 5
7 8
12 7
13 18
7 8
18 17

796

Section 7 TINRZE

MICROFILMED
NOV 2 1 2000



MICROFILMED
NOV 2 1 2005

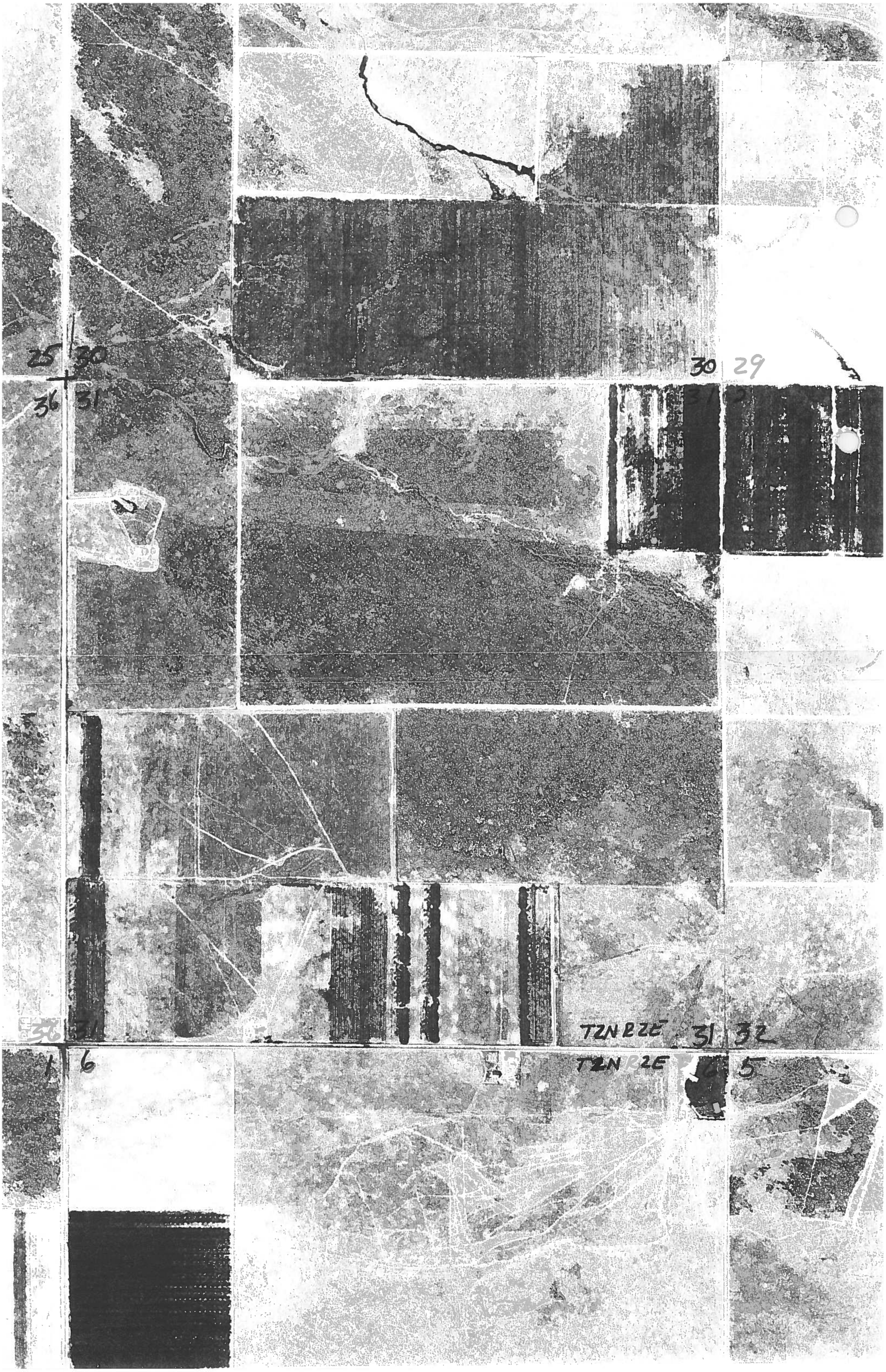
996
ection 18 TINRZE

MICROFILMED
NOV 2 1 2000


12 7
13 18
7 8
18 17
18 17
18
MICROFILMED
NOV 2 1 2000

797
Section 18 T1NR2E

MICROFILMED
NOV 2 1 2000


25
30
36
31
30
29
31
TZN R2E
31
32
TZN R2E
1
6
5

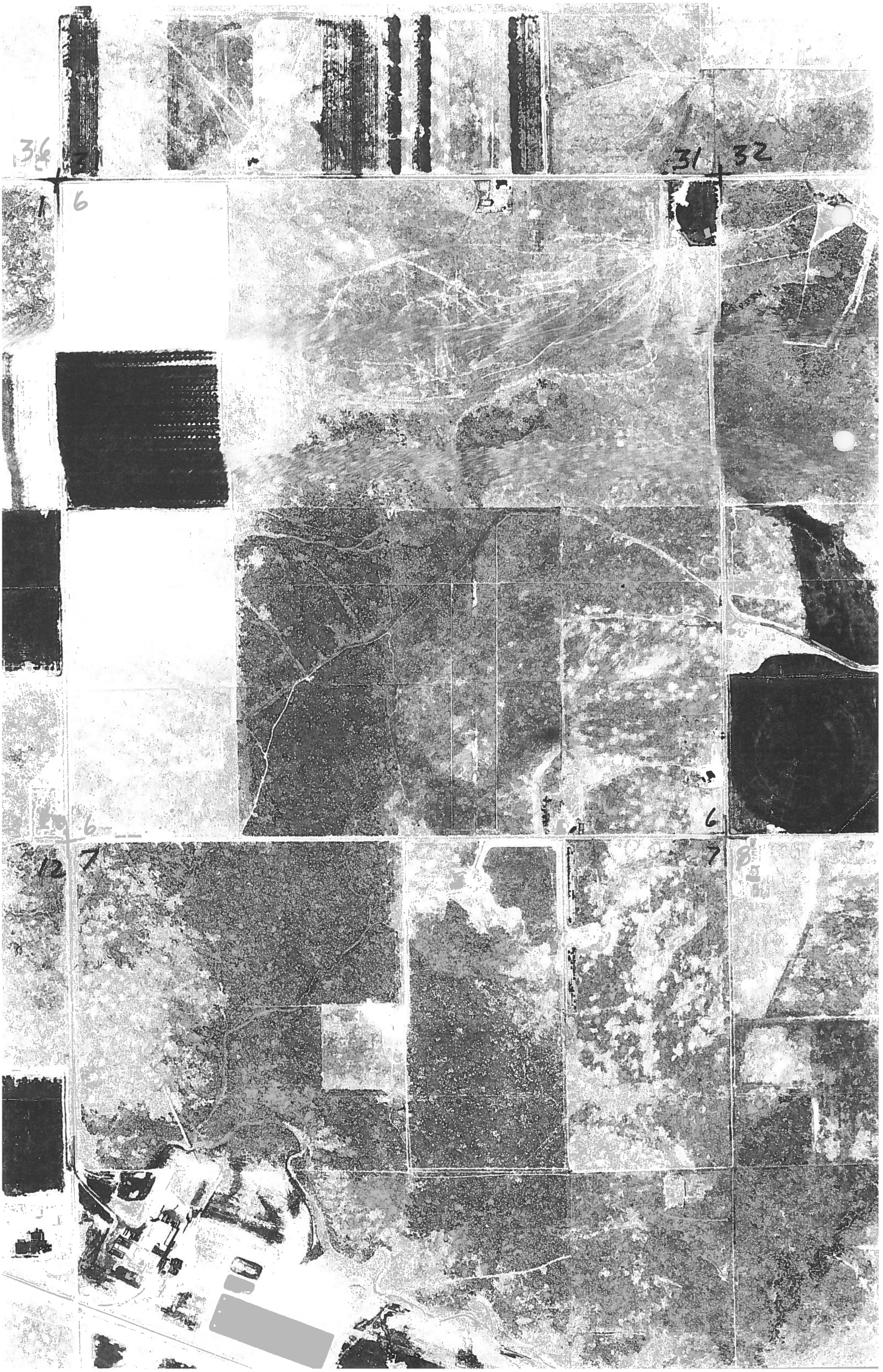
1994/93 Flight
Alameda Sanitary
Dist. County Sales Office
4/28/99

MICROFILMED
NOV 2 1 2000

1992-93
Flight
CFSA

T. 5442

received by consultants 6/3/99
letter


36
31
32
1
6
B
6
12
7
7
8

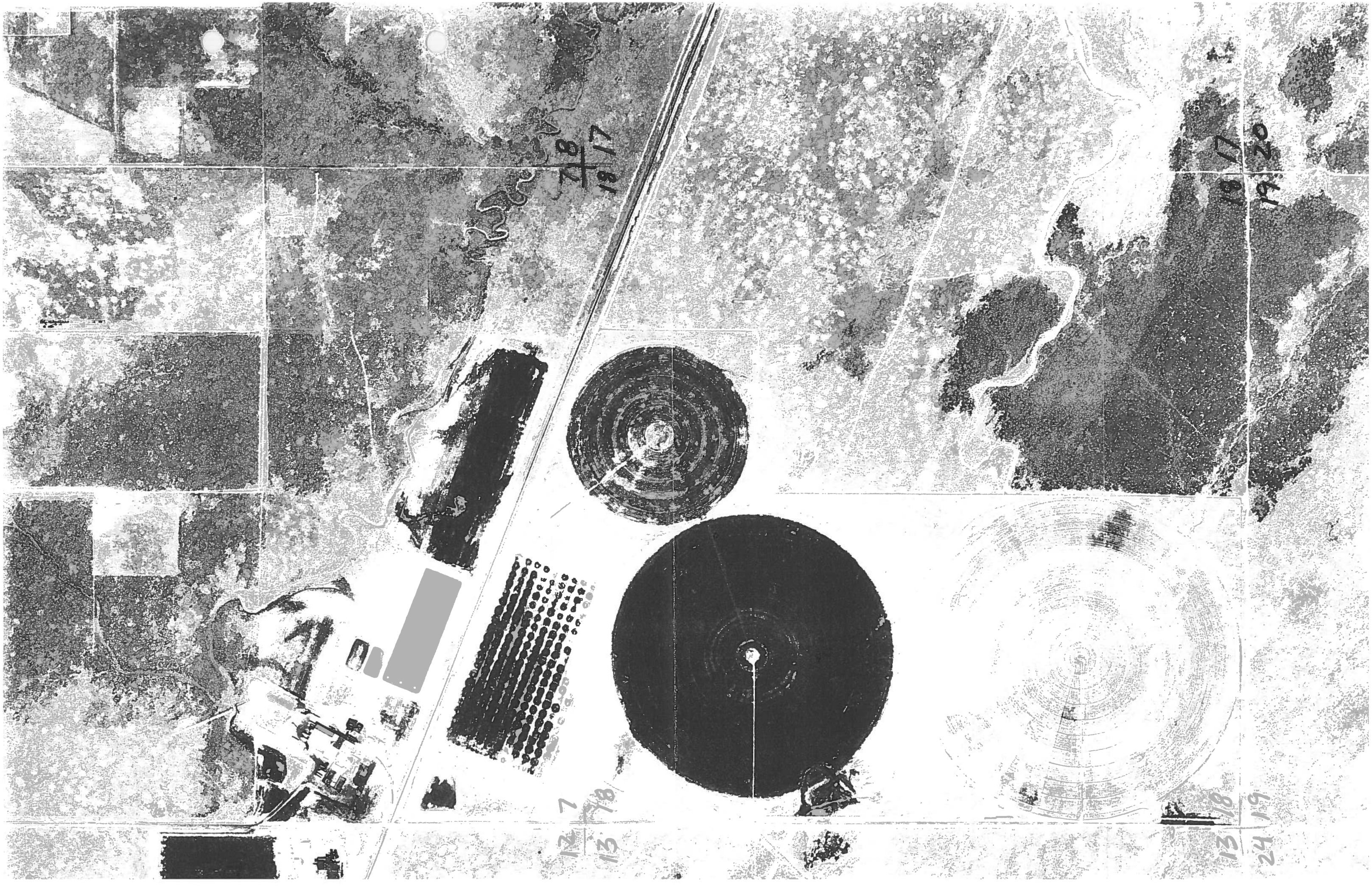
1998/99 Flight

Mary Jennyson

Ada County FSA Office

4/28/99

MICROFILMED
NOV 2 1 2000


18
17
19
20
7
18
12
13
24
19

1992/93 Flight

Mary Thompson

Aca County DSA Office

4/28/99

MICROFILMED
NOV 21 2000

ATTACHMENT E

PROOF OF BENEFICIAL USE

E-1 TABLE OF CROPPING SUMMARY

E-2 AERIAL PHOTOGRAPHY FROM CFSA SHOWING AREA PLANTED IN 1987

MICRO
NOV 2 1 2008

E,
(4 pgs)
T. 5442

Attachment E-1
Wastewater Land Application Site Cropping Summary
IBP, Boise, ID

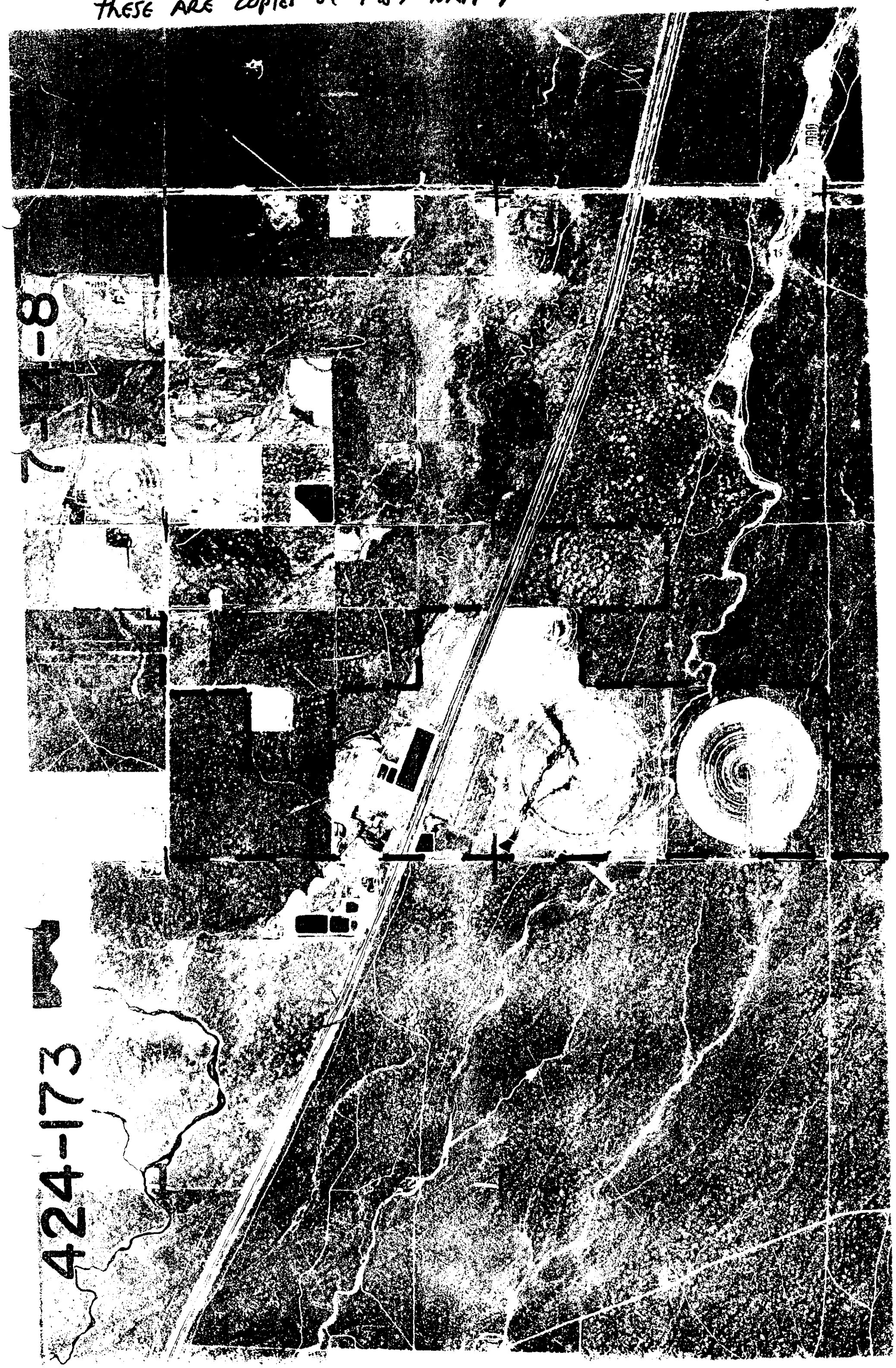
T/R	31	31	6	6	6	7	7	7	18	18	18
Section	SW	SW of SE	NE	E/2 of NW	note 1	NW	NE of SW	SW of SE	NW	note 2	SW
Field	3N	2N	1N	4N	2C	1C	WL-2	WL-1	2S	*1S	3S
year											
1994	CRP (grass)	CRP (grass)	CRP (grass)	CRP (grass)	no crop	no crop	no crop	wheat	wheat	alfalfa	wheat
1995	CRP (grass)	CRP (grass)	CRP (grass)	CRP (grass)	no crop	no crop	no crop	wheat	barley	alfalfa	alfalfa
1996	wheat	wheat	wheat	no crop	no crop	no crop	no crop	wheat	barley	corn	alfalfa
1997	alfalfa	alfalfa	wheat	no crop	no crop	no crop	no crop	barley	barley	barley	alfalfa
1998	alfalfa	alfalfa	alfalfa	no crop	no crop	no crop	no crop	barley	barley	barley	alfalfa

Note 1: Cropping is E/2 of SW and W/2 of SE

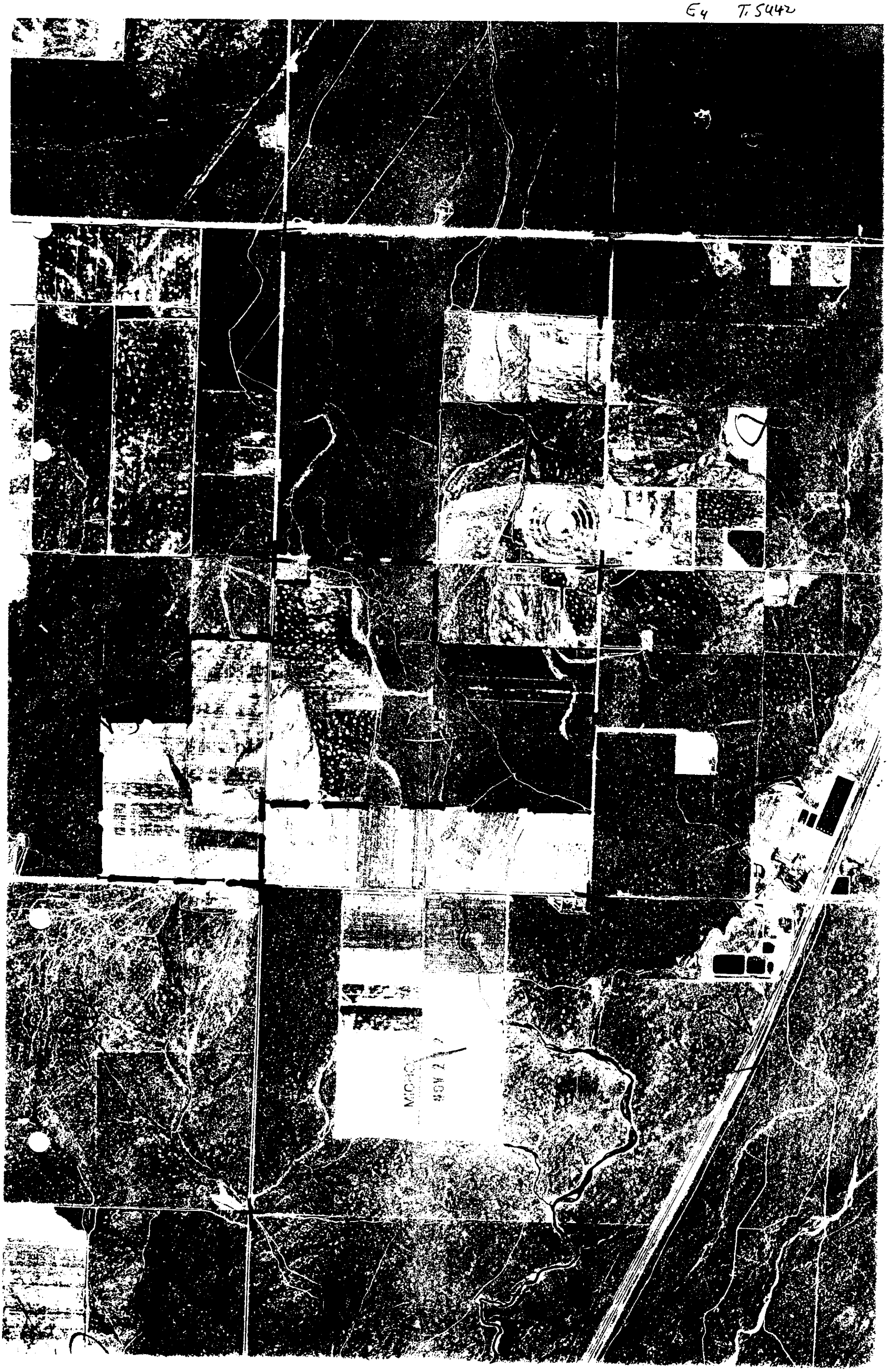
Note 2: cropping in 1S is for NE 1/4 of NE 1/4 of Section 18; E1/2 of NE 1/4 has no had crop in last 5 years

These are copies of 1987 NAPP photos YB NE & SE

E3 T. 54N2
-8W 4/8/99



E4 T. 5442



ATTACHMENT F

LAND PURCHASE AGREEMENTS

T. 5442
F1

All lands is transfer
Accounted for with
supplemental fax Rec'vd.
-pc 4/20/99

(25 pgs.)
+ 3 = 4/13/99 fax
28 total

B U Y E R (S) F I N A L C L O S I N G S T A T E M E N T

Prepared by
Stewart Title of Idaho, Inc.
1412 West Idaho Street
Boise, Idaho 83702-5245
(208) 336-6515

Buyer(s).....: IBP, INC.
Seller(s).....: IDA-U LAND & BEEF
Lender.....:
Property.....: KUNA MORA ROAD ADA COUNTY, IDAHO
Closing date..: 08/30/1994 Proration date: 08/30/1994
File Number...: 94050367

	DEBIT	CREDIT
SALES PRICE.....	625,000.00	
PRORATIONS:		
County Taxes.....		1,157.72
from 01/01/94 to 08/30/94 @ $ 4.80384 per day		
MISCELLANEOUS ADJUSTMENTS:		
Earnest Money Paid to Seller.....		12,500.00
ESCROW CHARGES:		
Escrow Fee - 1/2.....	275.00	
PAYEE...: STEWART TITLE OF IDAHO, INC.		
RECORDING FEES/TRANSFER CHARGES:		
Recording Fee 1/2 amount $6.00.....	6.00	
PAYEE...: STEWART TITLE OF IDAHO, INC.		
.....SUBTOTALS:	625,281.00	13,657.72
.....BALANCE DUE FROM BUYER:		611,623.28
.....TOTALS:	625,281.00	625,281.00

WE APPROVE THE FOREGOING SETTLEMENT STATEMENT, IN ITS ENTIRETY, AUTHORIZE PAYMENTS IN ACCORDANCE THEREWITH AND ACKNOWLEDGE RECEIPT OF A COPY THEREOF.

DATED THIS 31th DAY OF Aug IN THE YEAR 1994.

IBP, INC.

By: IBP inc
Terry J Kucera

By: _____

STEWART TITLE OF IDAHO, INC.

BY: _____ DATE: _____

AMERICAN LAND TITLE COMPANY

8050 W. Rifleman Street
P.O. Box 9245 • Boise, Idaho 83704
Phone 208-375-0485 • FAX 208-375-2983

November 6, 1996

I.B.P. Inc.
IBP Ave.
Dakota City, Nebraska 68731

Attn: Terry Kucera

Dear Terry,

Enclosed please find the necessary documents for the purchase of the property located in Boise. There are only a few documents that need to be signed. They are as follows: Purchasers Closing Statement, Escrow Closing instructions and a copy of the Warranty Deed to be signed as "read and approved".

I have enclosed a return federal express airbill and envelope for the return of the documents. In returning the documents we need a CASHIERS CHECK in the amount of $85,190.24 made payable to American Land Title.

If you have any questions regarding the documents please don't hesitate to call me at 1-800-657-5511. We will need to have the documents back in our office on the 11th of November. Thank you for your prompt attention to this matter.

Thank you

Jennifer Kassis
Escrow Officer

MICROFILMED
NOV 2 1 2000

EXHIBIT "A"

File Number: P150398

PARCEL I

LOTS 1 AND 2 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 7, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.
EXCEPT ANY PORTION LYING WITHIN THE RIGHTS OF WAY FOR SOUTH COLE ROAD AND BARKER ROAD.

PARCEL II

ALL THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 12, TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, LYING SOUTH OF THE RAILROAD TRACKS.
EXCEPT ANY PORTION LYING WITHIN THE RIGHTS OF WAY FOR SOUTH COLE ROAD AND THE OREGON SHORT LINE RAILROAD.

5-12 N/A to transfer -SR 11/6/99

PARCEL III

THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE BOISE MERIDIAN IN ADA COUNTY, STATE OF IDAHO.
EXCEPT DITCH AND ROAD RIGHTS OF WAY.

END OF LEGAL DESCRIPTION

MICROFILMED
NOV 2 1 2000

ORDER NO. 9405036 / KS

EXHIBIT "A" New Property

PARCEL I

Lots 3 and 4: the East 1/2 of the Southwest Quarter; and the Southwest Quarter of the Southeast Quarter, all in Section 31, Township 2 North, Range 2 East, Boise Meridian, Ada County, State of Idaho.

PARCEL II

The East 1/2 of the Northwest Quarter; and the Northeast Quarter, all in Section 6, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho.

EXCEPTING Therefrom:

A parcel of land in the Northeast Quarter of Section 6, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

- this exclusion shown on Attach. D map -JR 4/6/95

BEGINNING at the Northeast corner of Section 6, Township 1 North, Range 2 East, Boise Meridian; thence
West along the North section line of Section 6, 400.00 feet to a point; thence
South parallel to the East section line of Section 6, 545.00 feet to a point; thence
East parallel to the North Section line of Section 6, 400.00 feet to the intersection of the East Section line of Section 6; thence
North along the East section line of Section 6, 545.00 feet to the REAL POINT OF BEGINNING.

RECEIVED
APR 11 1995

A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED ONE A PROPERTIES, AN IDAHO LIMITED PARTNERSHIP

Grantor , does hereby grant, bargain, sell and convey unto I.B.P., INC., A DELAWARE CORPORATION

the Grantee , whose current address is: P.O. BOX 515, DEPT. 13, DAKOTA CITY, NE 68731
the following described real property in ADA County, State of Idaho, more particulary described as follows, to-wit:
SEE EXHIBIT A ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT TO SAID PROPERTY.

COPY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , and Grantee heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee , the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee ; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 16, 1996

ONE A PROPERTIES

STATE OF _____, County of _____, ss.

On this _____day of _____, in the year of _____, before me _____, a notary public, personally appeared _____, known or identified to me to be the person whose name _____ subscribed to the within instrument, and acknowledged to me that _____executed the same.

Notary Public: _____
Residing at: _____
My Commission Expires: _____

LETTER OF CLOSING INSTRUCTIONS
TO

AMERICAN LAND TITLE CO.

Escrow No. 45838 Date November 5, 1996

We, the undersigned, hereby instruct American Land Title Co. hereinafter referred to as "Closing Agent", when in receipt of all documents and monies as set out herein, to close this transaction according to the following instructions and information:

The parties have entered into a contract for the purchase and sale of subject property entitled R.E. Purchase and Sale Agreement and dated September 12 19 96, hereinafter referred to as the contract. The "Closing Agent" is hereby instructed to close the transaction in accordance with the terms of the contract as well as these instructions. HOWEVER, in the event the terms of the contract and the terms of these instructions shall conflict, the terms of these instructions shall control.

PROPERTY: (CONTINUED)

BUYER: I.B.P., INC., a Delaware Corporation

SELLER: Thero W. Kassis, Vasiliki G. Kassis and Betsy L. Kassis as Trustees of the Therc

EXHIBIT "A"

File Number: P150398

PARCEL I

LOTS 1 AND 2 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 7, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.
EXCEPT ANY PORTION LYING WITHIN THE RIGHTS OF WAY FOR SOUTH COLE ROAD AND BARKER ROAD.

PARCEL II

ALL THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 12, TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, LYING SOUTH OF THE RAILROAD TRACKS.
EXCEPT ANY PORTION LYING WITHIN THE RIGHTS OF WAY FOR SOUTH COLE ROAD AND THE OREGON SHORT LINE RAILROAD.

5.12 NA to transfer -SR 1/6/99

PARCEL III

THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE BOISE MERIDIAN IN ADA COUNTY, STATE OF IDAHO.
EXCEPT DITCH AND ROAD RIGHTS OF WAY.

END OF LEGAL DESCRIPTION

When the "Closing Agent" has received all properly executed documents and all funds necessary for the completion of this transaction and the title insurer is in a position to issue the type of policy(s) set out above, subject only to exceptions No's __ 1,B,C __ as set out in their commitment or preliminary report dated 08/30/96, and their usual printed exceptions, the "Closing Agent" is hereby authorized and instructed to record or file all necessary documents and disburse funds deposited in accordance with the amounts shown on the closing statement. Minor adjustments may be made for additional interest due to delay in disbursing beyond the control of the "Closing Agent", for which the respective party shall be given an accounting.

In the event this transaction does not close for any reason, the "Closing Agent" shall be entitled to reimbursement for any and all costs expended by it and shall be further entitled to an escrow cancellation fee not to exceed one half of the normal fee and the parties hereto agree to be jointly and severably liable for same. Further, any earnest money deposited with the "Closing Agent" shall be refunded only upon written instructions from the parties hereto. EXCEPT that, in the event the earnest money has been deposited by the Broker, the "Closing Agent" is hereby authorized to refund same to the broker's trust account for his disposition to the parties and in the event the "Closing Agent" has incurred expenses in connection herewith, the "Closing Agent" shall be entitled to retain so much of the earnest money as it is entitled to hereunder for the reimbursement of said expenses.

The "Closing Agent" shall have no responsibility for compliance with any truth-in-lending, usury or consumer protection laws of the United States or the State of Idaho.

The "Closing Agent" is directed to comply with the instructions contained herein and the parties hereto agree to indemnify and hold harmless the "Closing Agent" from any and all actions or losses related hereto other than failure to comply herewith, including but not limited to any attorney's fees or costs incurred by the "Closing Agent" in defending itself in any such action.

BY THEIR EXECUTION OF THESE INSTRUCTIONS, THE BUYER AND SELLER ACKNOWLEDGE THE FOLLOWING:

1) The "Closing Agent" is not acting as a representative or advocate of either party,
2) The documents prepared in connection with this transaction will affect the legal rights of the parties, and the parties rights or interests in those documents may differ,
3) Any documents typed by the "Closing Agent" have been done so at our direction or the direction of our counsel,
4) The "Closing Agent" is not licensed to practice law and no legal advice—advice as to the content of the documents, nor advice as to the merits of the transaction has been offered by the "Closing Agent", and
5) THE "CLOSING AGENT" HAS ADVISED THE PARTIES HERETO TO SEEK THE ADVICE OF INDEPENDENT COUNSEL IF ANY PART OF THIS TRANSACTION IS NOT FULLY UNDERSTOOD.

ADDITIONAL INSTRUCTIONS:

..) The undersigned buyer and seller hereby agree and acknowledge that all terms and conditions of the Real Estate Purchase and Sale Agreement dated September 12, 1996 and/or any Addendums or counter offers have been met, waived or complied with to the satisfaction of the buyer and the seller.

..) The undersigned buyer and seller instruct closing agent to use November 11, 1996 as the proration and funding date.

..) The undersigned buyer and seller are aware and acknowledge that closing agent is the niece of the Sellers by marriage.

..) The undersigned buyer understands and acknowledges that closing agent has withheld 30.93 to pay for 1996 taxes. If the amount of taxes is more than amount held than buyer agrees to pay any funds necessary to bring taxes current, if the amount held is more than what taxes are, closing agent will refund the buyer any difference.

BUYER:

[redacted]

SELLER:

Thero W. Kassis, Trustee

American Land Title Company

BY: Jennifer Kassis

JENNIFER KASSIS

Case # 45838

Warranty Deed

For Value Received Thero W. Kassis, Vasiliki G. Kassis and Betsy L. Kassis as Trustees of the Thero W. Kassis Family Trust Dated June 3, 1986

the grantor s , does hereby grant, bargain, sell and convey unto I.B.P., INC., a Delaware Corporation

whose current address is

P.O. Box 515 Dept. 13 , Dakota City, Nebraska 68731

the grantee s , the following described premises, in Ada County Idaho, to wit:

EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH OF RANGE 2 EAST, OF THE BOISE MERIDIAN, TOGETHER WITH THEIR APPURTENANCES

I certify that I have read and approved of the contents of the original of this document

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s , their heirs and assigns forever. And the Grantors does hereby covenant to and with the said Grantee s, that they the owner s in fee simple of said premises; that they are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s ; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, includes irrigation and utility assessments, (if any) for the current year, which are not due and payable, and that Grantor s will warrant and defend the same from all lawful claims whatsoever.

Dated: November 5, 1996

Thero W. Kassis, Trustee

Vasiliki G. Kassis, Trustee

Betsy L. Kassis, Trustee

STATE OF IDAHO, COUNTY OF Ada

On this 11th day of November , 19 96 ,

before me, a notary public in and for said State, personally appeared

Thero W. Kassis, Trustee

Vasiliki G. Kassis, Trustee

Betsy L. Kassis, Trustee

known to me to be the person s whose name s subscribed to the within instrument, and acknowledged to me that they executed the same.

Jennifer Kassis Notary Public

Residing at Boise , Idaho

Comm Expires 05-18-99

Furnished by the AMERICAN LAND TITLE COMPANY, INC.

PURCHASER'S STATEMENT OF SETTLEMENT

File Number: 45838

Settlement Date: 11/11/96 Pro-ration Date: 11/11/96

Purchasers: I.B.P., INC.

Sellers: Thero W. Kassis, Trustee Betsy L. Kassis, Trustee
Vasiliki G. Kassis, Trustee

Property Address: see attached exhibit "A"

	Charges	Credits
Selling Price	85,000.00	
County taxes paid in arrears from 01/01/96 to 11/11/96		26.69
Recording of Deed	6.00	
Settlement or closing fee	150.00	
Federal Express fee	30.00	
American Land Title Co., Inc.		
1996 taxes		
Ada County Treasurer	30.93	
Sub-totals	85,216.93	26.69
Balance due from Purchaser		85,190.24
Totals	85,216.93	85,216.93

19[illegible] taxes are prorated on 1996 tax amount. We hereby acknowledge that there may be a difference between the amount pro-rated and the actual amount and hold American Land Title harmless for any difference.
WE HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE STATEMENT:

I.B.P., INC.

SS#: SS#: 82-0838666

FUTURE OR CURRENT MAILING ADDRESS:

AMERICAN LAND TITLE COMPANY

By: Jennifer Kassis
JENNIFER KASSIS

A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

November 21, 1996

IBP, INC., a Delaware Corporation

P.O. BOX 515
DAKOTA CITY, NB 68731

RE: Escrow No. 152131
IBP, INC./OWINGS/OWINGS/IBP, INC.
Property Address
, ID

Dear Mr. Smith,

The closing of your purchase of the above-noted property has now been completed. Enclosed for your records are your original Warranty Deed and Title Insurance Policy.

We appreciate having had this opportunity to be of service to you. If you have questions or if we can help you again, please feel free to contact us.

Very truly yours,
PIONEER TITLE COMPANY OF ADA COUNTY

M. Cabbage

MICHELLE CABBAGE
Escrow Officer

Owner's Policy

American Land Title Association Owner's Policy 10-17-92

Policy Number **SV** 2593764

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, the said Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A, the policy to be valid when countersigned by an authorized officer or agent of the Company.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including, but not limited to, building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
   (a) created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
   (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
   (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
      (i) to timely record the instrument of transfer; or
      (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

Issued through the Office of:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

Authorized Signature

President

CONDITIONS AND STIPULATIONS

1. *Definition of Terms.*

The following terms when used in this policy mean

(a) "insured": the insured named in Schedule A, and subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors

(b) "insured claimant": an insured claiming loss or damage

(c) "knowledge" or "known": actual knowledge, not constructive knowledge or notice that may be imputed to an insured by reason of the public records as defined in this policy or any other records which impart constructive notice of matters affecting the land

(d) "land": the land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.

(e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument

(f) "public records": records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge. With respect to Section 1(a)(iv) of the Exclusions from Coverage, "public records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district in which the land is located.

(g) "unmarketability of the title": an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

2. *Continuation of Insurance after Conveyance of Title.*

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenants of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from the insured of either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to the insured.

3. *Notice of Claim to be Given by Insured Claimant.*

The insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 4(a) below, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if title to the estate or interest as insured, is rejected as unmarketable. If prompt notice shall not be given to the Company, then as to the insured all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any insured under this policy unless the Company shall be actually prejudiced by the failure and then only to the extent of the prejudice.

4. *Defense and Prosecution of Actions; Duty of Insured Claimant to Cooperate.*

(a) Upon written request by the insured and subject to the options contained in Section 6 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in litigation in which any third party asserts a claim adverse to the title or interest as insured, but only as to those stated causes of action alleging a defect, lien or encumbrance or other matter insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the insured to object for reasonable cause) to represent the insured as to those stated causes of action and shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs or expenses incurred by the insured in the defense of those causes of action which allege matters not insured against by this policy.

(b) The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

(c) Whenever the Company shall have brought an action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

(d) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the insured for this purpose. Whenever requested by the Company, the insured, at the Company's expense, shall give the Company all reasonable aid (i) in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as insured. If the Company is prejudiced by the failure of the insured to furnish the required cooperation, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

5. *Proof of Loss or Damage.*

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of

the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph shall terminate any liability of the Company under this policy as to that claim.

5. Options to Pay or Otherwise Settle Claims; Termination of Liability.

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the amount of insurance under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations to the insured under this policy, other than to make the payment required, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or

(ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

6. Determination, Extent of Liability and Coinsurance.

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

(a) The liability of the Company under this policy shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A, or,

(ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than 80 percent of the value of the insured estate or interest or the full consideration paid for the same, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this policy is subject to the following:

(i) where no subsequent improvement has been made, as to any partial loss the Company shall only pay the pro rata in the proportion that the amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or

(ii) where a subsequent improvement has been made, as to any partial loss the Company shall only pay the pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.

The provisions of this paragraph 6 shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

8. Apportionment.

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

9. Limitation of Liability.

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

10. Reduction of Insurance; Reduction or Termination of Liability.

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

11. Liability Non-cumulative.

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

12. Payment of Loss.

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

13. Subrogation Upon Payment or Settlement.

(a) The Company's Right of Subrogation.

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and

remedies in the proportion which the Company's payment bears to the whole amount of the loss.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

(b) The Company's Rights Against Non-insured Obligors.

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.

14. Arbitration.

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is $1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of $1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

15. Liability Limited to this Policy; Policy Entire Contract.

(a) This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or Validating Officer or Authorized Signatory of the Company.

16. Severability.

In the event any provision of the policy is held invalid or unenforceable under the applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

17. Notices, Where Sent.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to its Home Office: 400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111.

Agent#	State	Cty.	Prop.	Tran	Reissue Amt.	Re. Tran	Simultaneous Issue
A11006	11	001	1	010	$		

OWNERS

SCHEDULE A

OFFICE FILE #	POLICY NUMBER	DATE OF POLICY	AMT OF INSURANCE	TOTAL PREMIUM
P152131	SV 2593764	November 7, 1996 AT 3:55 PM	$89,000.00	$516.50

1. Name of Insured:

   IBP, INC., A DELAWARE CORPORATION

2. The estate or interest in the land to as covered by the policy is:

   FEE SIMPLE

3. Title to the estate or interest in land is vested in:

   IBP, INC., A DELAWARE CORPORATION

4. The land herein described is encumbered by the following mortgage or Trust Deed, and assignments:

5. The land referred to in this Policy is described as follows:

   SEE SCHEDULE C

NOV 2 1 2023

OWNER
SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of the following:

General Exceptions:

(1) Rights or claims of parties in possession not shown by the public records.

(2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.

(3) Easements, or claims or easements, not shown by the public records.

(4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

(5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

(6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices to such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions: The mortgage, if any, referred to in Item 4 of Schedule A.

1. GENERAL TAXES FOR THE YEAR 1996, WHICH ARE LIENS, ARE NOT YET DUE AND PAYABLE.

2. ANY, RIGHT OR INTEREST IN ANY MINERAL, MINERAL RIGHTS, OR RELATED MATTERS, INCLUDING BUT NOT LIMITED TO OIL, GAS, COAL, AND OTHER HYDROCARBONS.

3. REAL PROPERTY TAXES WHICH MAY BE ASSESSED, LEVIED AND EXTENDED ON ANY "SUBSEQUENT AND/OR OCCUPANCY ROLL" WITH RESPECT TO IMPROVEMENTS COMPLETED DURING THE YEAR WHICH ESCAPED ASSESSMENT ON THE REGULAR ASSESSMENT ROLL, WHICH ARE NOT YET DUE AND PAYABLE.

CONTINUED

4. LIENS AND ASSESSMENTS OF THE FOLLOWING DISTRICT AND THE RIGHTS AND POWERS THEREOF AS PROVIDED BY LAW. NO DELINQUENCIES APPEAR IN THE COUNTY RECORDER'S OFFICE.
   DISTRICT: PLEASANT VALLEY IRRIGATION COMPANY

5. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.
   FOR: POLE LINE EASEMENT
   IN FAVOR OF: IDAHO POWER COMPANY, A CORPORATION
   RECORDED: OCTOBER 8, 1968
   INSTRUMENT NO.: 701431

6. DITCH, ROAD AND PUBLIC UTILITY EASEMENTS AS THE SAME MAY EXIST OVER THE PREMISES.

7. AS EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, AS DISCLOSED IN INSTRUMENT OR BY ACTION HEREIN SET FORTH.
   FOR: ROADS AND UTILITIES
   IN FAVOR OF: WALLACE T. MEREEN AND DOROTHY E. MEREEN, HUSBAND AND WIFE
   DISCLOSED: BY WARRANTY DEED
   RECORDED: MARCH 17, 1981
   INSTRUMENT NO.: 8110737
   AFFECTS: 25 FEET WIDE ALONG THE EAST BOUNDARY
   AFFECTS PARCEL II

8. AS EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, AS DISCLOSED IN INSTRUMENT OR BY ACTION HEREIN SET FORTH.
   FOR: PIPELINE
   IN FAVOR OF: WALLACE T. MEREEN AND DOROTHY E. MEREEN, HUSBAND AND WIFE
   DISCLOSED: BY WARRANTY DEED
   RECORDED: MARCH 17, 1981
   INSTRUMENT NO.: 8110737
   AFFECTS: A STRIP OF LAND 10 FEET WIDE, BEING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
   COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO; THENCE
   NORTH 89 DEGREES 57'00" EAST 485.00 FEET; THENCE
   NORTH 00 DEGREE 03'00" WEST 659.36 FEET TO THE REAL POINT OF BEGINNING; THENCE
   NORTH 00 DEGREE 03'00" WEST 330.64 FEET TO THE TERMINUS OF SAID CENTERLINE.
   AFFECTS: PARCEL II

END OF EXCEPTIONS

NOTE:
THERE IS NO NOTICE OF RECORD AND THEREFORE NO SEARCH HAS BEEN MADE FOR ANY UNPAID ASSESSMENTS, CHARGES OR FEES FOR SEWER, WATER, GARBAGE, IRRIGATION AND OTHER POSSIBLE UTILITY SERVICES.

SCHEDULE C

PARCEL I

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE-MERIDIAN, ADA COUNTY, IDAHO;
EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE
NORTH 295.00 FEET; THENCE
WEST 147 1/2 FEET; THENCE
SOUTH 295 FEET; THENCE
EAST 147 1/2 FEET TO THE POINT OF BEGINNING.

AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR COLUMBIA ROAD AND **ALSO EXCEPT**

A TRACT OF FARM LAND SITUATED IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

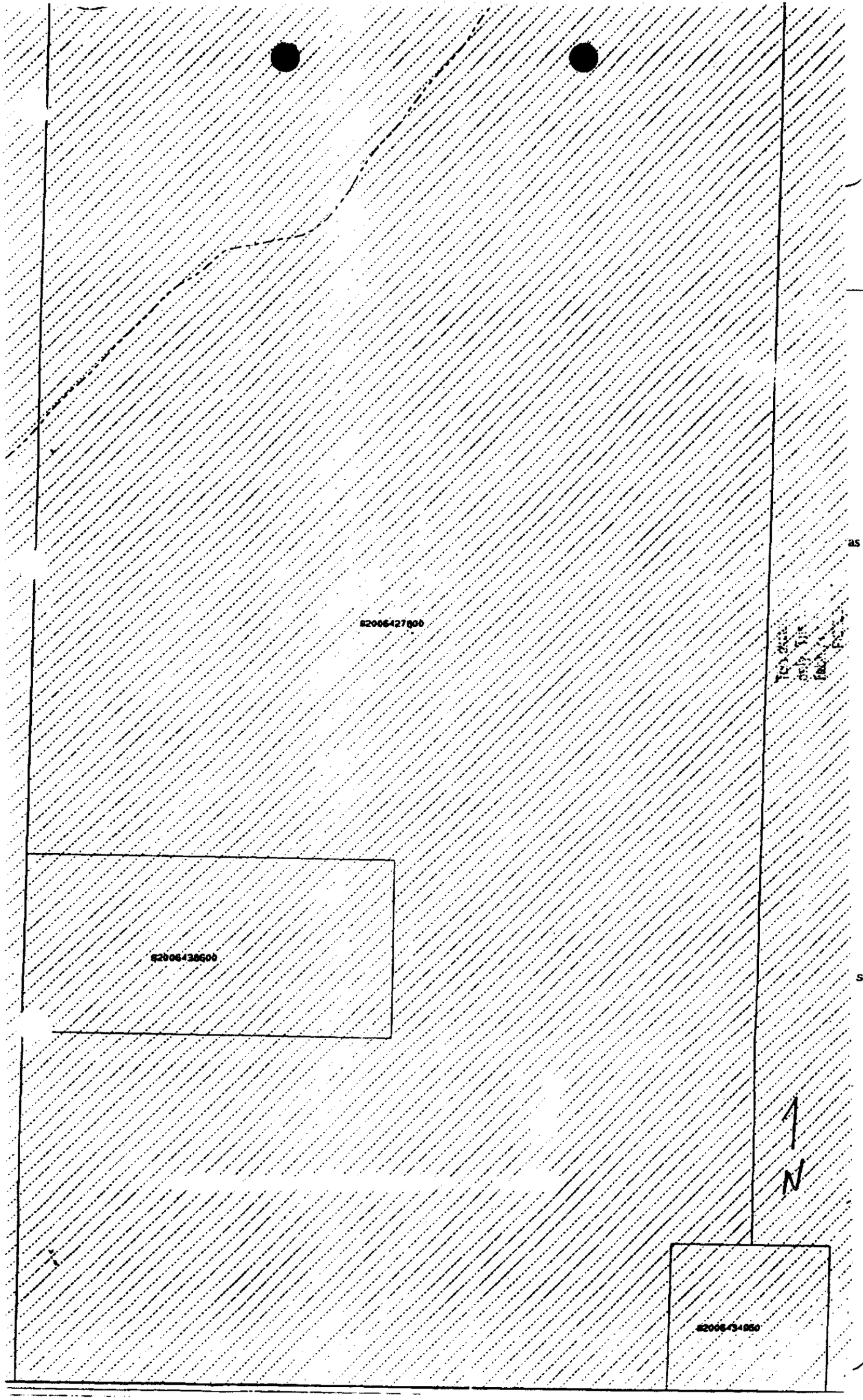
COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE
NORTH 89 DEGREES 57'00" EAST 660.00 FEET; THENCE
NORTH 00 DEGREE 03'00" WEST 659.36 FEET TO THE REAL POINT OF BEGINNING; THENCE CONTINUING
NORTH 00 DEGREE 03'00" WEST 330.64 FEET; THENCE
SOUTH 89 DEGREES 57'00" WEST 661.92 FEET; THENCE
SOUTH 00 DEGREE 09'39" EAST 330.64 FEET; THENCE
NORTH 89 DEGREES 57'00" EAST 661.28 FEET TO THE POINT OF BEGINNING.

PARCEL II

A TRACT OF LAND SITUATED IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6; THENCE
NORTH 89 DEGREES 57'00" EAST 660.00 FEET; THENCE
NORTH 00 DEGREE 03'00" WEST 659.36 FEET TO THE REAL POINT OF BEGINNING; THENCE CONTINUING
NORTH 00 DEGREE 03'00" WEST 330.64 FEET; THENCE
SOUTH 89 DEGREES 57'00" WEST 661.92 FEET; THENCE
SOUTH 00 DEGREE 09'39" EAST 330.64 FEET; THENCE
NORTH 89 DEGREES 57'00" EAST 661.28 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION


as
s
8200427800
8200438600
8200434950
N

96092585

A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

RECORDER
J. DAVID NAVARRO
BOISE ID

PIONEER TITLE

SEP 11 PM 3:55

FEE 6.00
RECORDED AT REQUEST OF

READ AND APPROVED BY: JM

P1952131 MCFee

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED KEITH E. OWINGS and LUANNE C. OWINGS, husband and wife

Grantor s , do hereby grant, bargain, sell and convey unto IBP, INC., a Delaware Corporation

the Grantee , whose current address is: P.O. BOX 515, DAKOTA CITY, NB 68731
the following described real property in County, State of Idaho, more particulary described as follows, to-wit:
SEE ATTACHED "EXHIBIT A", WHICH BY THIS REFERENCE BECOMES A PART HEREOF, AND WHICH IS COMPRISED OF ONE (1) PAGE

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , and Grantee heirs and assigns forever. And the said Grantor sdo hereby covenant to and with the said Grantee , the Grantor s are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee ; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s will warrant and defend the same from all lawful claims whatsoever.

Dated: October 24, 1996

KEITH E. OWINGS

LUANNE C. OWINGS

STATE OF IDAHO, County of ADA, ss.

On this 24th day of October, in the year of 1996, before me MICHELLE D. CABBAGE, a notary public, personally appeared KEITH E. OWINGS AND LUANNE C. OWINGS, known or identified to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

MICHELLE D. CABBAGE NOTARY PUBLIC STATE OF IDAHO

Notary Public: Michelle D. Cabbage
Residing at: MERIDIAN, IDAHO
My Commission Expires: 11/03/01

COMMITMENT FOR TITLE INSURANCE

File Number: P152131

EXHIBIT A

this concludes 1 listed tracts in transfer -JL 4/6/99

PARCEL I

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE-MERIDIAN, ADA COUNTY, IDAHO;
EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE
NORTH 295.00 FEET; THENCE
WEST 147 1/2 FEET; THENCE
SOUTH 295 FEET; THENCE
EAST 147 1/2 FEET TO THE POINT OF BEGINNING.

AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR COLUMBIA ROAD AND **ALSO EXCEPT**

A TRACT OF FARM LAND SITUATED IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE
NORTH 89 DEGREES 57'00" EAST 660.00 FEET; THENCE
NORTH 00 DEGREE 03'00" WEST 659.36 FEET TO THE REAL POINT OF BEGINNING; THENCE CONTINUING
NORTH 00 DEGREE 03'00" WEST 330.64 FEET; THENCE
SOUTH 89 DEGREES 57'00" WEST 661.92 FEET; THENCE
SOUTH 00 DEGREE 09'39" EAST 330.64 FEET; THENCE
NORTH 89 DEGREES 57'00" EAST 661.28 FEET TO THE POINT OF BEGINNING.

PARCEL II

A TRACT OF LAND SITUATED IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6; THENCE
NORTH 89 DEGREES 57'00" EAST 660.00 FEET; THENCE
NORTH 00 DEGREE 03'00" WEST 659.36 FEET TO THE REAL POINT OF BEGINNING; THENCE CONTINUING
NORTH 00 DEGREE 03'00" WEST 330.64 FEET; THENCE
SOUTH 89 DEGREES 57'00" WEST 661.92 FEET; THENCE
SOUTH 00 DEGREE 09'39" EAST 330.64 FEET; THENCE
NORTH 89 DEGREES 57'00" EAST 661.28 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

THIS FORM FURNISHED COURTESY OF:

STEWART TITLE OF IDAHO, INC.

READ & APPROVED BY GRANTEE(S): _____ _____

BOISE

STEWART TITLE

'94 AUG 31 AM 9:00

RECORDED AT REQUEST OF

SPACE ABOVE THIS LINE FOR RECORDING DATA

{0000; 0022}

Order No.: 94050367 JH

WARRANTY DEED

FOR VALUE RECEIVED IDA-U LAND & BEEF, a Utah partnership

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto IBP, INC., a Delaware corporation

GRANTEE(S), whose current address is: IBP AVENUE, DAKOTA CITY, NE 68731

the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrrant and defend the same from all lawful claims whatsoever.

Dated: August 23, 1994

IDA-U LAND & ~~BEEF, a~~ Utah partnership

By: _____

Tatsumi Misaka, Managing General Partner

this repeats info from earlier in ownership documents ("buyer's final closing statement" from Stewart Title dated 8/31/94)

-JL 4/6/99

STATE OF UTAH, County of Salt Lake, ss.

On this 25th day of August in the year of 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Tatsumi Misaka known or identified to me to be the managing general partner in the partnership of IDA-U LAND & BEEF and the partner who subscribed said partnership's name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

Signature: Richard W. Dunlop

Name: Richard W. Dunlop
(Type or Print)

Residing At:

My Commission expires:

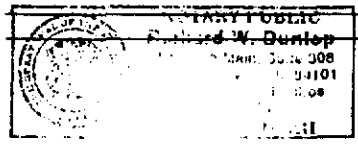


EXHIBIT "A"

PARCEL I

Lots 3 and 4; the East 1/2 of the Southwest Quarter; and the Southwest Quarter of the Southeast Quarter, all in Section 31, Township 2 North, Range 2 East, Boise Meridian, Ada County, State of Idaho.

PARCEL II

The East 1/2 of the Northwest Quarter; and the Northeast Quarter, all in Section 6, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho.

EXCEPTING Therefrom:

A parcel of land in the Northeast Quarter of Section 6, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

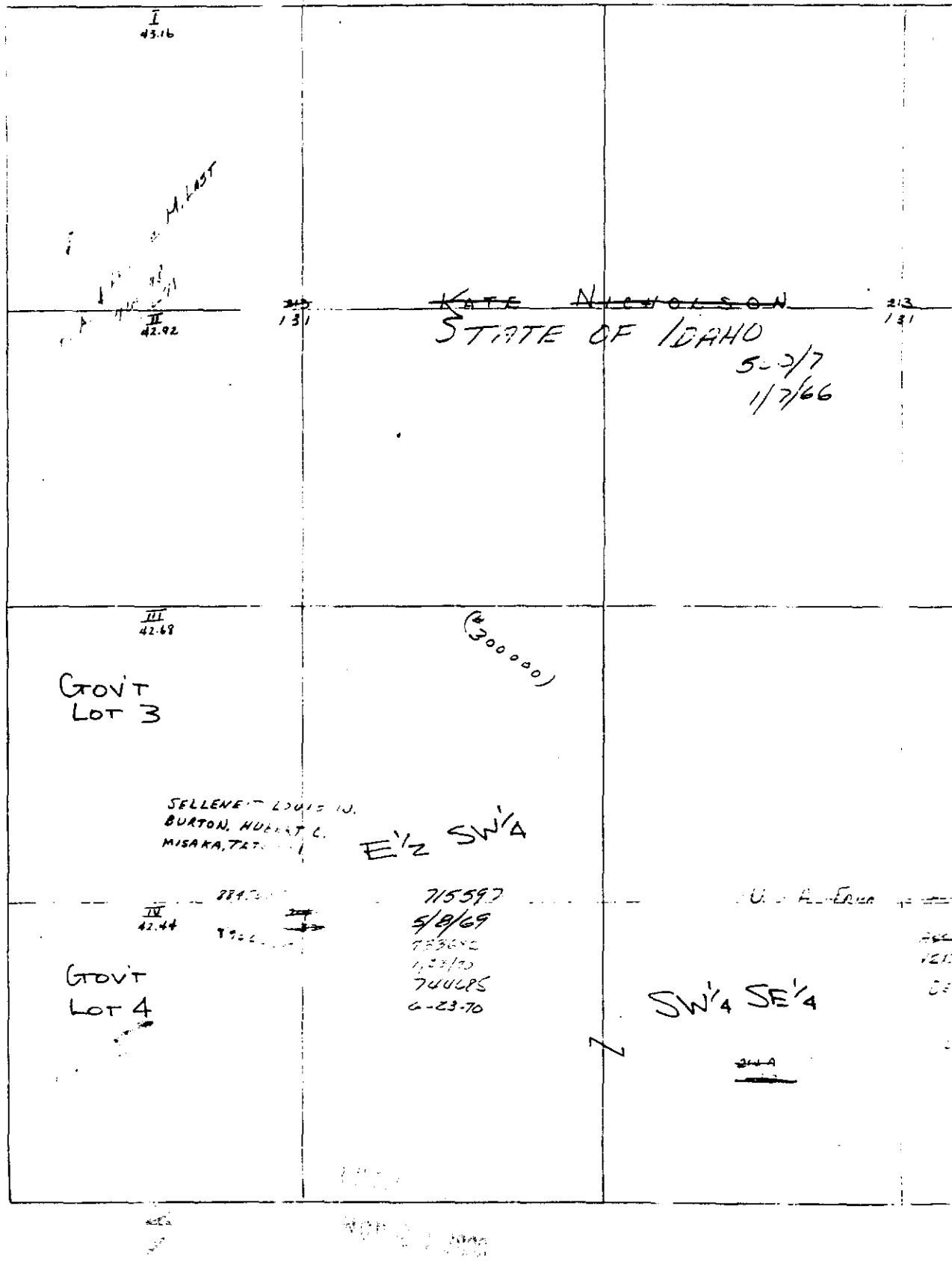
BEGINNING at the Northeast corner of Section 6, Township 1 North, Range 2 East, Boise Meridian; thence
West along the North section line of Section 6, 400.00 feet to a point; thence
South parallel to the East section line of Section 6, 545.00 feet to a point; thence
East parallel to the North Section line of Section 6, 400.00 feet to the intersection of the East Section line of Section 6; thence
North along the East section line of Section 6, 545.00 feet to the REAL POINT OF BEGINNING.

SCALE: 1" = 400'

2 ONLY HBS-120
5 212-150

SECTION 31

Township 2N Range 2E



ibp®

FAX COVER SHEET

DATE: 13-Apr-99

TO: Steve Lester

Idaho Dept. of Water Resources

FAX NUMBER: 208-334-2348

FROM: Kim Dirks

Environmental Affairs Dept.

PHONE NUMBER: 605-235-2036

FAX NUMBER: 605-235-3317

NUMBER OF PAGES (INCLUDING COVER): 3

MESSAGE: Attached is the warranty deed for the land discussed in item 2 of your 4/9/99 letter to Sherl Chapman. Let me know if this isn't sufficient.

If any part of this fax transmission is missing or not clearly received, call:

NAME: Maggie Loutsch

PHONE NUMBER: 605-235-2298

T. 5S 42E
F25

Supplement to Attachment F (3 more pgs)

Property 1

WARRANTY DEED

FOR VALUE RECEIVED MBPXL CORPORATION, a Delaware Corporation, as successors to Missouri Beef Packers Inc., the grantor, does hereby grant, bargain, sell and convey unto COLUMBIA FOODS INC., a Washington Corporation, the grantee, the following described premises, located in Ada County, Idaho, to wit:

The East half of the Southwest quarter; the Southwest quarter of the Southeast quarter; and Government Lots 3 and 4 of Section 7, Township 1 North, Range 2 East, Boise Meridian, Ada County, State of Idaho.

AND
The Northwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter; the East half of the Southwest quarter; the Northeast quarter of the Northwest quarter; and Government Lots 1, 2, 3 and 4 of Section 18, Township 1 North, Range 2 East, Boise Meridian, Ada County, State of Idaho.

AND
Government Lot 1 of Section 19, Township 1 North, Range 2 East, Boise Meridian, Ada County, State of Idaho.

Reply to my letter 4/9/99 -SL 4/20/99

And including, but without limitation, all of the rights of grantor under and pursuant to that certain contract for Sewer Pipe Line Crossings executed by and between Oregon Short Line Railroad Company, Union Pacific Railroad Company and Missouri Beef Packers, Inc., recorded July 2, 1973, under Recorder's Fee No. 852393, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and its 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 incumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

DATED: Dec. 3, 1976.

MBPXL CORPORATION

By David J. LaFleur
DAVID J. LAFLEUR, Its President

ATTEST:
Leslie H. Williams
LESLIE H. WILLIAMS, Its Secretary

NOTE: Columbia Foods Inc. was merged into IBP, inc. on October 24, 1978.

F27

STATE OF IDAHO

COUNTY OF ADA

On this 30th day of DECEMBER, 1976, before me, a notary public and in and for said State, personally appeared DAVID J. LAFLEUR and LESLIE H. WILLIAMS, known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at Boise, Idaho
Comm. Expires 9/20/76

Ada County, Idaho, ss.
Request of
PIONEER TITLE CO.
TIME 10:55 A M.
DATE 12-3-76
CLARENCE A. PLANTING
RECORDER
By Deputy
Fee $2.00

JAN 2 1 2000

F58

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

RECEIVED
APR 0 5 1999
WATER RESOURCES
WESTERN REGION

April 2, 1999

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Steve:

Iowa Beef Processors, Inc. have asked me to notify you that we would like to add the following well sites as added points of diversion to the application for transfer of water right and establishment of a permissible place of use which has been submitted to the Department. While there are two new points, only one well will be drilled. The final locations will be determined after further hydrologic study. This will complete any amendments we wish to make and we would ask that you publish the application as quickly as possible. I understand from our previous conversations that you should be able to publish it during the last two weeks of April.

If you have any questions or there are any problems, please contact me as soon as possible.

Sincerely yours,

Sherl L. Chapman
President

SLC:kje
cc:Mr. Kim Dirks

NEW POINTS OF DIVERSION: SW/4 NW/4, Section 18 or SW/4 SE/4, Section 7, both in T1N, R2E, B.M.

NOV 2 1 2000

Specialist In
Ground-Water Hydrology / Water Rights / Water Well Design / Geothermal Resources

Attachment G
T. 5442

V 31242

62-3362

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39342
Permit No. G- 31242
District No.

Assigned to Standard Insurance
1100 Southwest Sixth Ave.
Portland, Oregon
97207

1. Name of Applicant: Richard Lee Green
   Postoffice address: ~~Rt. #1, Box 219~~ Rt #2 Kuna ~~Caldwell,~~ County: ~~Canyon~~ Ada State: Idaho

2. Quantity of water claimed: 4.0 cfs

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

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the SW ¼ of the SE ¼ of Section 31
   Twp. 2 N , Rge. 2 E , B.M., County of Ada

5. Water is to be used for: Irrigation & domestic

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

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp.
   Rge. , B.M.

   (b) Waste water or sewage effluent is to be returned to
   at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.

7. Kind of works: Electric pump, gravity flow

8. Estimated cost of works: $ 11,000

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

   (b) Capacity of reservoir: None

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:

   (b) Amount of capital stock: $ (c) Amount paid in: $

   (d) Names and addresses of directors:

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

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

   (d) Other resources:

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: Pleasant Valley Irrigation Co. Shares 150 (½" to share)

   (a) 4 (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) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Pleasant Valley Irrigation Co. water has been for 18 to 21 days the last 2 years. The year before that there was none.

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.

s/ Richard Lee Green *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 10:00 A.M. July 11, 1963

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 31242

Recorded in Book 109 Page 31242 Approved July 12, 1963

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 deligently 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 12, 1966

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 12, 1968

Witness my hand this 12th day of July, 1963

s/ CARL E. TAPPAN, Acting
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 12th day of July, 1963

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

STATE OF IDAHO

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
												Lot 3	Lot 4						
2 N.	2 E.	31									40	43	42	40				40	205

LICENSE ISSUED FOR 2.67 SEC. FT.
LICENSE ~~PAGE NO.~~

Jeff Koppenaal #
D. Shaff

Please write to records

mg

RECEIVED

SEP 11 2001

Department of Water Resources

September 7, 2001

Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RE: IBP, inc. Corporate Status Update

Dear Sir or Madam:

This letter is provided as notification that IBP, inc. is in the process of being acquired by Tyson Foods, Inc., with a projected completion date of September 28, 2001. IBP will continue to be the owner/operator of the facilities and associated permits and/or licenses, but will function as a wholly owned subsidiary of Tyson Foods.

Pertinent information regarding Tyson Foods as the parent company to IBP is presented below.

- Official Name: Tyson Foods, Inc.
- IRS Employer Identification Number: 71-0225165
- Corporate Office Physical Address: 2210 West Oaklawn Drive, Springdale, AR 72762-6999
- Corporate Office Mailing Address: P.O. Box 2020, Springdale, AR 72765-2020
- Telephone Number: 501-290-4000
- IBP Corporate Office (Environmental): IBP, inc., 800 Stevens Port Drive, Suite 710, Dakota Dunes, SD 57049-8710

Enclosed is a list of program areas where IBP holds permits and/or licenses issued by your state.

63-12546 - application
63-3362
63-7531
63-10383
63-11347

KD01-252

IBP Environmental Permits
Includes IBP, IBP Foods, PBX, TASCO, and TCCS Operations

City	State	Program Area						
		ASTs	Coolant Water	Solid Waste	Storm Water	UIC	Wastewater	Water
Amarillo	TX	X		X	X	X	X	
Amarillo (TASCO)	TX			X	X			
Boise	ID				X		X	X
Columbus Junction	IA			X	X		X	X
Council Bluffs	IA				X		X	X
Dakota City	NE			X	X		X	X
Denison	IA			X	X		X	X
Detroit	MI						X	
Emporia	KS	X			X	X	X	
Goodlettsville	TN				X		X	
Grand Rapids	MI		X		X			
Holcomb	KS	X		X		X	X	X
Joslin	IL			X	X		X	X
Lexington	NE			X	X		X	
Logansport	IN			X	X		X	
Madison	NE				X		X	X
Montgomery City	MO				X			
Norfolk	NE		X		X		X	
Ottawa	IL				X			
Pasco	WA				X		X	X
Perry	IA			X	X		X	X
Sioux City	IA				X			
Storm Lake	IA			X	X		X	
Waterloo	IA			X	X		X	
West Point	NE				X		X	X

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2000

IBP INC
PO BOX 9346
BOISE ID 83707

RE: Water Rights 63-03362/63-07531/63-10383/63-11347 (Amended Transfer 5442)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Amended Transfer of Water Right for the above referenced water rights (Transfer 5442). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **amended preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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.

Failure to report these changes in a timely manner could result in a $100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7940.

Sincerely,

Pamela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt
Enclosures

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the **2nd** day of **May, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHTS 63-03362/63-07531/63-10383/63-11347 (Transfer 5442)

IBP INC
PO BOX 9346
BOISE ID 83707

Kari Lynn Townsend
Secretary

MICROFILMED

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

> I HEREBY CERTIFY (swear or affirm) that I have this day of , served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
> (Signature)

MICROFILMED
NOV 2 1 2007

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when (a) the petition for reconsideration is disposed of; or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

MICROFILMED
NOV 2 1 2000

P.01

TRANSACTION REPORT

MAY-02-00 TUE 10:51 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#
MAY-02	10:49 AM	93442744 SHERL CHAPMAN	1'47"	4	SEND	OK	

FAX'D AMENDED TRANSFER 5442
Ket

MICROFILMED
MAY 2 4 2000

Norm

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

April 21, 2000

RECEIVED
APR 24 2000
Department of Water Resources

Mr. Norm Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Transfer No. 5442

Dear Mr. Young:

IBP, Inc. (IBP), by this letter requests an amendment of Transfer #5442 for water rights #63-03362, 07531, 10383 and 11347 to clarify the scope of the Transfer approved so that the Transfer accurately describes the method of operation and the intent of the initial filing. The requested clarifications are necessary to distinguish the irrigation component of the rights from the commercial and industrial component of the rights. This is necessary because the intent of the Transfer was to specifically authorize the application of wastewater effluent on all IBP lands governed by the Transfer. While the water rights and their use may be clear to us today, IBP feels that it is important to clarify the Transfer to assure accurate future interpretation. The substance of the recommended amendments have been discussed with you and Mr. Norm Young and IBP concurs with the amendments.

The conditions of approval that require clarification are set forth in conditions #14, #17 and #18. Condition #14 defines the acreage to be irrigated and which water is applied under the Transfer. This condition should be limited to the irrigation component of the rights and not limit the acreage for land application of wastewater under the commercial and industrial component of the rights. As noted, one of the reasons for the Transfer was to allow disposal of wastewater and effluent on lands owned by IBP in response to a permit issued by the Idaho Division of Environmental Quality wherein IBP is required to utilize land application for disposal of its wastewater to meet water quality requirements. Similarly, condition #17 should clarify that land application of wastewater under the commercial and industrial component of the rights is permissible on all IBP lands.

Finally, condition #18 relates to the use of a well located in the NENW, Section 6, TIN, R2E and the use of cold water from that well. Originally it was anticipated that this well would produce water at a temperature of less than 85°F. Water right license #63-11347 was conditioned to require that water from this well was required to be used prior to utilization of warm water (greater than 85°F) from the additional point of diversion under the water right. However, upon prolonged pumping of the initial well it was determined that it too produced water greater than 85°F. Pursuant to our discussions we would also request that condition #18 on the Transfer be

MICROFILMED
NOV 21 2000

modified to reflect this change in condition. IBP understands that such an amendment to condition #18 would supercede the corresponding condition #6 of water right License No. 63-11347.

IBP believes that the modification to the Transfer conditions as discussed above, and agreed to with you on April 18, 2000, will clarify the use of water under Transfer #5442.

Thank you for your attention to this matter. If there are any questions, please don't hesitate to contact me.

Sincerely,

Sherl Chapman
President

SLC:kje
cc:Mr. Kevin Beaton
Mr. Kim Dirks

MICROFILMED
NOV 2 1 2000

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

RECEIVED
APR 2 4 2000
Department of Water Resources

April 21, 2000

COPY

Mr. Norm Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Transfer No. 5442

Dear Mr. Young:

IBP, Inc. (IBP), by this letter requests an amendment of Transfer #5442 for water rights #63-03362, 07531, 10383 and 11347 to clarify the scope of the Transfer approved so that the Transfer accurately describes the method of operation and the intent of the initial filing. The requested clarifications are necessary to distinguish the irrigation component of the rights from the commercial and industrial component of the rights. This is necessary because the intent of the Transfer was to specifically authorize the application of wastewater effluent on all IBP lands governed by the Transfer. While the water rights and their use may be clear to us today, IBP feels that it is important to clarify the Transfer to assure accurate future interpretation. The substance of the recommended amendments have been discussed with you and Mr. Norm Young and IBP concurs with the amendments.

The conditions of approval that require clarification are set forth in conditions #14, #17 and #18. Condition #14 defines the acreage to be irrigated and which water is applied under the Transfer. This condition should be limited to the irrigation component of the rights and not limit the acreage for land application of wastewater under the commercial and industrial component of the rights. As noted, one of the reasons for the Transfer was to allow disposal of wastewater and effluent on lands owned by IBP in response to a permit issued by the Idaho Division of Environmental Quality wherein IBP is required to utilize land application for disposal of its wastewater to meet water quality requirements. Similarly, condition #17 should clarify that land application of wastewater under the commercial and industrial component of the rights is permissible on all IBP lands.

Finally, condition #18 relates to the use of a well located in the NENW, Section 6, TIN, R2E and the use of cold water from that well. Originally it was anticipated that this well would produce water at a temperature of less than 85°F. Water right license #63-11347 was conditioned to require that water from this well was required to be used prior to utilization of warm water (greater than 85°F) from the additional point of diversion under the water right. However, upon prolonged pumping of the initial well it was determined that it too produced water greater than 85°F. Pursuant to our discussions we would also request that condition #18 on the Transfer be

RECEIVED

Specialist In

modified to reflect this change in condition. IBP understands that such an amendment to condition #18 would supercede the corresponding condition #6 of water right License No. 63-11347.

IBP believes that the modification to the Transfer conditions as discussed above, and agreed to with you on April 18, 2000, will clarify the use of water under Transfer #5442.

Thank you for your attention to this matter. If there are any questions, please don't hesitate to contact me.

Sincerely,

Sherl Chapman
President

SLC:kje
cc:Mr. Kevin Beaton
Mr. Kim Dirks

MICROFILMED
NOV 2 1 2000

HP LaserJet 3100
Printer/Fax/Copier/Scanner

ND CONFIRMATION REPORT for
IDAHO DEPT OF WATER RESOURCES
2083275400
Apr-20-00 7:32AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
398	4/20 7:29AM	3'00"	CASTELLE	Send.....	7/ 7	144	Completed.....

Total 3'00" Pages Sent: 7 Pages Printed: 0

4-21-00

Glen,
Thanks. Kevin's requested changes look OK to me.
Phil

MEMORANDUM

To: Phil Rassier

From: L. Glen Saxton

RE: **IBP MEETING - T 5442**

Date: April 19, 2000

Post-it® Fax Note 7671	Date 4-19-00	# of pages 7
To Kevin Beaton	From Phil Rassier	
Co./Dept.	Co.	
Phone #	Phone # 327-7900	
Fax # 389-9040	Fax #	

Based on our meeting with Kevin Beaton yesterday, it appears that the following revised conditions of approval on Transfer No. 5442 should resolve his concerns:

Revised Conditions:

14. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for waste treatment purposes to satisfy water quality requirements.

17. The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be land applied for waste treatment purposes to satisfy water quality requirements. Water diverted under rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes authorized under these rights.

18. The right holder shall be required to utilize any cold water from the well located in the NENW Section 6, T1N, R2E, B.M. up to its capacity for irrigation of the place of use under right 63-11347. The low temperature geothermal well in the NWNE Section 6, T1N, R2E, B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being provided by the cold water well.

A question also was raised in connection with Condition of Approval No. 22 which consisted of why the condition cited only 2 of the 4 rights involved in the transfer. The reason is that two of the rights have not been claimed in the SRBA, since they were represented by permits when SRBA claims were filed. Hence the condition is correct as written on the March 13, 2000 transfer approval.

Also attached are Norm's notes from the meeting.

MICROFILMED

MEMORANDUM

To: Phil Rassier

From: L. Glen Saxton

RE: **IBP MEETING - T 5442**

Date: April 19, 2000

Post-it® Fax Note 7671	Date 4-19-00	# of pages ▶ 7
To Kevin Beaton	From Phil Rassier	
Co./Dept.	Co.	
Phone #	Phone # 327-7900	
Fax # 389-9040	Fax #	

Based on our meeting with Kevin Beaton yesterday, it appears that the following revised conditions of approval on Transfer No. 5442 should resolve his concerns:

Revised Conditions:

14. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for waste treatment purposes to satisfy water quality requirements.

17. The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be land applied for waste treatment purposes to satisfy water quality requirements. Water diverted under rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes authorized under these rights.

18. The right holder shall be required to utilize any cold water from the well located in the NENW Section 6, T1N, R2E, B,M, up to its capacity for irrigation of the place of use under right 63-11347. The low temperature geothermal well in the NWNE Section 6, T1N, R2E, B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being provided by the cold water well.

A question also was raised in connection with Condition of Approval No. 22 which consisted of why the condition cited only 2 of the 4 rights involved in the transfer. The reason is that two of the rights have not been claimed in the SRBA, since they were represented by permits when SRBA claims were filed. Hence the condition is correct as written on the March 13, 2000 transfer approval.

Also attached are Norm's notes from the meeting.

MICROFILMED
NOV 2 1 2005

4-20-00

GLEN,

We faxed this to Kevin Beaton for his review. He will review it with his client and get back with us.

Phil

MICROFILMED

NOV 2 1 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 13, 2000

IBP INC
PO BOX 9346
BOISE ID 83707

RE: TRANSFER OF WATER RIGHTS 63-03362/63-07531/63-10383/63-11347
(Transfer 5442)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5442). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 the department if you have questions.

Sincerely,

Pamela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the **13th** day of **March, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 63-03362/63-07531/63-10383/63-11347
(Transfer 5442)

IBP INC
PO BOX 9346
BOISE ID 83707

Kari Lynn Townsend
Secretary

MICROFILMED

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
NOV 2 1 1997

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) the petition for reconsideration is disposed of; or
(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
NOV 2 1 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5442 **Date Reviewed** 03-10-2000 CS

Right(s) 63-03362* 63-11347
63-07531*
63-10383

✓ WRQ/Split Summary ✓ SRBA Status (No Activity*) ✓ Run POU Comparison Report (Per Region)

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U (J:)Add P/D & Change P/U

Proof of Ownership Per region review - Historical use confirmed.

Transfer ✓ **All of Right** ____ **Portion of Right**
Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 3-1 **to** 11-15 **Standard Volume** 4.5 / 3.5

(1) ✓ Priority (2) ✓ Use (3) ___ Season (W61) (4) ___ Rate (5) ___ Volume
63-03362 (4-1 to 10-31) other 3 rts (3-15 to 11-15)

(6) ✓ Source (7) ___ P/D (8) ___ P/U (9) ✓ Proof/Owner (10) ✓ Map

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion w/combined rt limits.

(3) All licensed seasons shorter than current Standard
(4) Combined Rt Limit 63-07531 + 65-10383 limited to 5.87cfs
(5) Volume correction to 63-11347 - License Vol limit based on 121 acres instead of 122.
(7) Add/Change P/Ds - Combine system
(8) 128.6 Acre PP/U IND/COMM/STOCK same P/U as IRR - Includes land application.

6 existing wells + 1 proposed new well

63-11347 - Supplemental Grw / 375 shares or 3.75 cfs Pleasant Valley IRR Co.

Transfer Remarks (Modified 058) Limit Use of Low Temp Geothermal Water - New Well 3 P/Ds Lot 3, NWSW, S7, T01N R02E. Temp. of 68° Wastewater pond located Lot 1 (NWNW, S19, T01N, R02E) ~~Industrial use for a beet slaughterhouse operation~~ in WD8
P/U rt + Combined Rt P/D (61.9 acres)
for approval W61, W35, 753/3383 = 5.87 cfs, 081 WB4 WD8/ IND+COMM

Conditions 046, 01M, R65, T07, T08 T17 T09/63-03362 + 7531.
63-11347 - 065, 104 + cold water first remark

Database/Processing Notes **Standard** ✓ **Non-Standard** ____
T files all. - Add total line to approval.

"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ____
Database Updated Following Approval ____ Memo/Form Files Deleted ____

CS 03-13-00 Amended Approval updated 5-2-00

63-03362	2.67 cfs		186.0 acres	837.0 afa	
63-07531	3.20 "	3.60	160.0 " (COMM)	720.0 "	744.6 afa
	.40 "		(Stock + DOM)	24.6 "	
63-10383	3.02 "	5.22	151.0 acres	679.5 "	2272.5 afa
	2.20 "		(Industrial)	(VDR) 1593.0 "	
	Combined Rt Limit	5.87			
63-11347	2.23 cfs		122 Acres	(549.0 afa)	vol. correction 122 Acres instead of 121
	10.77 cfs		619.0 Acres* Stock/DOM/IND	4403.1 afa*	

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-10383	IOWA BEEF PROCESSORS	C	09/23/1986	L/	GROUNDWATER	IRR INDUST	WR
T63-10383	IBP INC	C	09/23/1986	L/	GROUNDWATER	IRR INDUST	WR

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-11347	IDA U LAND & BEEF	C	07/08/1992	L/	GROUNDWATER	IRR	WR
T63-11347	IBP INC	C	07/08/1992	L/	GROUNDWATER	IRR	WR

RECEIVED
MAR 6 , 2000
Department of Water Resources

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

Revisions = "Amended" prior to publication

OK

-JL

MICROFILMED
MAR 2 1 2000

FORM 222a
8/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT IBP INC. TRANSFER NO. 5442

INITIAL ALLOCATION REVIEW BY [illegible] DATE 4/7/99

* 1. Right number(s) 63-03362 -07531 -10383 -11347

2. Type of right ___ Decree ✓ License ___ Statutory Claim
___ SRBA Beneficial Use Claim

3. Purpose of transfer ✓ Change P/D ✓ Add P/D ✓ Change P/U = ppou
___ Change N/U ___ Change Period ___ Split Right
___ Other: _____

4. **Check Existing Right:** ✓ Source ✓ Priority ✓ Amount ✓ Purpose
✓ Period ✓ SRBA Claim
✓ Description of original point(s) of diversion
✓ Description of original place of use
✓ Overlapping rights on original place of use

5. **Check Proposed Right** for amount of land &/or water transferred:

a. ✓ Analysis memo (*always* - unless justify why not needed) = 2/11/2000

b. ✓ All of right

c. N/A Part of right (***NOTE!*** *Part B should be filled in only if part of right is owned by the applicant*)

d. ✓ Description of point(s) of diversion

e. ✓ Description of place of use

f. ✓ Map showing P/D & P/U after transfer

g. ✓ Correct notarized signature and $100 fee

h. ✓ ok Proof of ownership of right &/or land from which water is transferred

i. ✓ ok Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

_____

_____

* Statewide Adj N/A since each Right considerably < 10 cfs & combined total is 10.77 cfs.

j. ✓ Overlapping rights - check current & proposed scenarios:

Current ? Only other water is PVIC surface water

Proposed (3.75 cfs) for some of IBP's land. See MEMO of this.

k. ✓ SRBA claim(s) A63-07362 & 07531 - claimed as licensed except fewer acres for comm/dom uses in latter claim than in license. No need to include SRBA info in legal notice.

NIA to other 2 rights since proofs > 1987

l. ✓ Comment letters ___ Yes ✓ No

If yes ___ Water District #

___ Other, see #2 below for name and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ✓ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on N/A, Received on _____

Other comments letters: ___ See attached information

3. Transfer published correctly? ✓ Yes ___ No

4. Affidavit of publication received? ✓ Yes ___ No

5. Protests received? ___ Yes ✓ No; Acknowledgement sent? ___ Yes

6. Data entry of application completed? ✓ Yes

RECOMMENDED ACTION

1. ✓ Approve ___ See attached memo

2. ___ Deny due to _____

3. Conditions (special conditions in Water Districts) See Steve Lester's memo dated Feb. 11, 2000

4. By Gary S Date 2/16/2000

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ___ Yes pam

2. File forwarded to S.O.: by _____ date 2-17-00

MEMORANDUM

TO: File

FROM: Steve Lester

DATE: February 11, 2000

RE: **Transfer No. 5442 for IBP, Inc.**

Important note for S.O. staff

Applicant hopes for transfer approval before this irrigation season to avoid having to lease water from the water bank to cover its needs. IBP used a water bank strategy for 1999 while transfer processing continued. The lease covered the PPOU with land application scenario proposed in this transfer. Please call Sherl Chapman at 344-6690 when transfer approval is immenent to allow IBP to choose its best course of action.

The transfer proposes to combine four licensed groundwater rights plus add a new backup well (a well in one of two proposed tracts) for a PPOU. Wastewater will be land applied within the PPOU. A wastewater holding pond integrated into the land application method is located at the southwest end of the PPOU. See Attachment D for a map of the system.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 12 pages and 7 attachments. Note the location of the following application items:

Attach. A – description of rights after the change

Attach. B – proposed P/D's (note that waste water pond can be addressed by transfer conditions)

Attach. C – proposed PPOU

Attach. D – map

Attach. E – crop summary

Attach. F – ownership records

The applicant's consultant, Sherl Chapman, prepared the application. Contact him instead of the applicant for more information.

Other information used in this review includes 1987 NAPP photos, 1994 IR 7.5' map, 1996-1997 CFSA color photo prints, and department water right and adjudication records.

MICROFILMED

CURRENT RECORDS & PROPOSED CHANGE

Each right was licensed for a fairly discrete system. Considerable work was needed to finally license the junior right (63-11347) last spring. Recall that the junior license included a condition requiring that cold well water be used prior to use of the "hot well" developed under that right.

The two senior rights are claimed in the SRBA essentially as licensed. Claim A63-07531 lists fewer tracts for non-irrigation use than the license. The SRBA information was not needed in the legal notice. Although the total amount of water in the transfer (barely) exceeds 10 cfs, statewide advertising did not occur since no single right approaches the 10 cfs threshold. The two junior rights in the transfer are beyond the SRBA scope due to post-1987 development.

Surface water shares from Pleasant Valley Irrigation Company are used in the current and proposed place of use (375 shares or 3.75 cfs). Considerable discussion took place over the past two years between IBP, the ditch company and Western Region about including surface water in this transfer or in a companion filing. IBP and/or the delivery organization did not choose to pursue that at this time. IBP can continue to use its surface water within the limits of the "ditch rights." This should not interfere with processing the groundwater transfer.

No other rights are involved with the IBP site.

VERIFICATION & OTHER ANALYSIS

IBP owns the rights as noted in Attachment F. Some of the land was in set aside and/or CRP. An "early out option" was used for some CRP land in 1995 according to field information in licensing 63-11347.

All of the licensed irrigation was confirmed for 1987 via NAPP photos Y8 NE and SE. The 1994 IR maps K7 and J7 only covered part of the licensed acres. Additional verification of beneficial use within the five year period prior to the transfer application (1993-1997) came with the consultant's 6-3-99 letter. See the color photo prints from CFSA for that 1996-97 confirmation of irrigation patterns. It appears that all four rights remain valid based on this information as summarized in the following table:

Water Right	*Completed development by*	*Field exam*	*1987 Napp irrig. confirmed.*	*Last 5 year irrig. confirmed*
63-03362	1968	1970	Yes	Yes
63-07531	1981	1986	Yes	Yes
63-10383	1989	1989	N/A	Yes
63-11347	1995	1996	N/A	Yes

The rights are fully confirmed. No SRBA complications are observed. Parameters for the combined system as proposed should include these factors:

- 6 existing wells and 1 proposed well (the latter in one of two tracts)
- wastewater pond in Lot 1 (NWNW) S19 (include as transfer remark/condition?)
- 10.77 cfs and 4398.6 afa diversion volume for all uses

MICROFILMED
NOV 2 1 2000

- total of 619 acres per year where each right is limited to its licensed number of acres within the 1286 acre PPOU

- land application of wastewater (industrial/commercial) in the same PPOU.

IBP filed application 63-12546 to bring the rate of flow up to .02 cfs/acre for these rights. The application remains on hold at Western due to Basin 63 issues.

RECOMMENDATIONS

The transfer should be approved subject to standard conditions, the above listed parameters and the following conditions:

1. Surface water must be used to the extent that it is available for this site.

2. Low temperature geothermal water (see 63-11347) must not be used under any of the rights until the full extent of cold water well production is realized each irrigation season. This "cold water first" limit must include the new well to be drilled if it is used for more than backup purposes.

3. The proposed well shall not be a "hot well."

4. The irrigation season is March 1 through November 15 (new standard season, assuming that we are doing this in transfers now).

MICROFILMED
NOV 2 1 1995

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

RECEIVED
JUN 04 1999
WATER RESOURCES
WESTERN REGION

June 3, 1999

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Steve:

Enclosed are the photos you requested for inclusion in your consideration on the application for transfer in behalf of Iowa Beef Processors, Inc. The aerial photos have been certified by Mary Lou Simpson of the Farm Service Agency in Boise in writing on the back and the color photos are CRP compliance photos obtained from the same source for the years 1996 and 1997. I've gone through the photos and marked section corners on the face, which I believe should assist you in your deliberations.

If you need anything else or any other information regarding the transfer, please don't hesitate to give me a call.

Thanks for your help in our efforts.

Sincerely yours,

Sherl L. Chapman
President

SLC:kje
Enclosure
cc:Mr. Kim Dirks w/enclosures

MICROFILMED
NOV 2 1 2000

CONVERSATION MEMORANDUM

DATE 4/21/99

FILE T. 5442

NAME OF PARTY Paul Shard + Kim Dirks

EMPLOYEE R

RE: Office visit

IBP Reps. visited from Nebraska today. Per my 4/9/99 letter:

① Item 1 - transfer Revisions Approved.

② Item 2 - proof of ownership completed 4/13 fax (added to Attach. F).

③ Item 3 - Verify B.U. - pending ... Sheal C to submit info to SWONEST

We called Sheal & confirmed proposed plot sites to address IBP concern on that.

Water Bank lease in place, they said so PPOA from existing wells covered for 1999.

Once Receive Sheal's info to ... can complete Regional processing. Pressure to complete is off for 1999 but want to wrap everything up before 2000 irrig. season.

MICROFILMED

NOV 2 1 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 9, 1999

SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

RE: IBP GROUND WATER TRANSFER

Dear Sherl:

The transfer application for IBP's proposed changes will be advertised in the last two weeks of April. Additional information should be submitted to expedite transfer processing.

Please reply to the following items.

ok 4/21 Office visit Paul & Kim @ IBP

1. Application revisions - An authorized party should approve necessary revisions to the application. The easiest way to do this is to visit the Western Region office. However, I can mail the revised original document if the applicant prefers.

ok 4/13 fax, added to Attach. F

2. Proof of ownership - IBP should document its ownership, or other appropriate evidence of possessory interest, for the SW 1/4 and SWSE Section 7 plus the NWNW Section 19, T1N, R2E. Ownership of the remainder of the land in the application was documented in the filing.

pending 4/21- Shad G. to provide

3. Verification of beneficial use - The five year period prior to the application covers the 1993-1997 irrigation seasons. The transfer included 1987 aerial photographs. Independent confirmation of irrigation use for the places of use listed in right nos. 63-03362, 63-07531 and 63-10383 is needed for the five year period. The best information is a dated aerial photograph clearly showing the land in question.

Note that the department's 1994 aerial photos do not cover these places of use. Also, the land in 63-03362 was enrolled in CRP for 1994 and 1995, suggesting that verification should focus on 1996 and 1997 for this right.

ok per 2/11/00 review

I received a copy of Paul Sharp's March 31 letter to DEQ regarding land application of waste water in which Mr. Sharp discussed the use of surface water on IBP's land. A transfer for the use of surface water will only be needed if IBP plans to deviate from the recorded place of use for the surface water rights.

MICROFILMED

Please let me know if I can offer any help in these matters. Your reply within thirty days will be appreciated.

Sincerely,

Steve Lester

Steve Lester

c: IBP (Boise address)

faxed to home office per his call

Post-it® Fax Note 7671	Date 4/12/99	# of pages ▶ 02
To Kim Dirks	From Steve Lester	
Co./Dept. IBP	Co. IDWR	
Phone #	Phone #	
Fax # 605-235-3317	Fax #	

MICROFILMED
NOV 2 1 2000

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE				NW				SW				SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
WR-NUMBER	SOURCE	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
T6303362	T01N R02E S 6 GROUNDWATER																	
		01-35	02-40	40	40	03-40			40	40			40		40	39		394
6300329	TEN MILE C																	
A6300329A	TEN MILE C	38	03	02		38			04									85
A63003298	TEN MILE C										35	30		25			37	127
6300330	TEN MILE C																	
A6300330A	TEN MILE C	38	03	02		38			04									85
A6300330B	TEN MILE C										35	30		25			37	127
6300331	TEN MILE C																	
A6300331A	TEN MILE C	38	03	02		38			04									85
A6300331B	TEN MILE C										35	30		25			37	127
6300332	TEN MILE C			I					I		I	I		I	I	I	I	
A6300332	TEN MILE C										35	30		25			37	127
A6300379	TEN MILE C										35	30		25			37	127
A6302200	TEN MILE C										35	30		25			37	127
6302615	UNNAMED ST	01-40	02-40	40	40	03-40			40		07-42	08-42		40	40	40	40	484
A6302615A	EIGHTMILE	40	40	40	40	40			40									240
6303130	UNNAMED ST										06-41	07-41						82
T6307531	GROUNDWATE	01-35	03???	40	40				40	40			40		40	39		394
6307864	GROUNDWATE						40	40										80
A6307864	GROUNDWATE			*			40	40										80
R6307864	GROUNDWATE						04-40	05-40										80
T6310383	GROUNDWATE	01-35	02-40	40	40	01-40			40	40			40		40	39		394
6311347	GROUNDWATE	01-25	02-34	34	25	03-02			02									122
T6311347	GROUNDWATE	01-35	02-40	40	40	03-40			40	40			40		40	39		394
T6303362	T01N R02E S 7 GROUNDWATER																	
						40	01-40	02-40		40		04-36	32			32		260
											03-X							
6300329	TEN MILE C																	
A63003298	TEN MILE C	35	15		15													65
6300330	TEN MILE C																	
A6300330B	TEN MILE C	35	15		15													65
6300331	TEN MILE C																	
A6300331B	TEN MILE C	35	15		15													65
6300332	TEN MILE C	I	I	I	I		01-I							I	I			
A6300332	TEN MILE C	35	15		15													65
A6300379	TEN MILE C	35	15		15													65
A6302200	TEN MILE C	35	15		15													65
6302615	UNNAMED ST	40	40	40	40	40	01-42	02-42	40									324
6307531	GROUNDWATE									10	03-08	04-15	23		01	20		77
A6307531	GROUNDWATE									10	08	15	23		01	20		77
T6307531	GROUNDWATE					40	01-40	02-40		40		04-36	32			32		260
6308178	WASTE WATE	40		*	20													60
A6308178	WASTE WATE	18	14															32
T6310383	GROUNDWATE					40	01-40	02-40		40		04-36	32			32		260

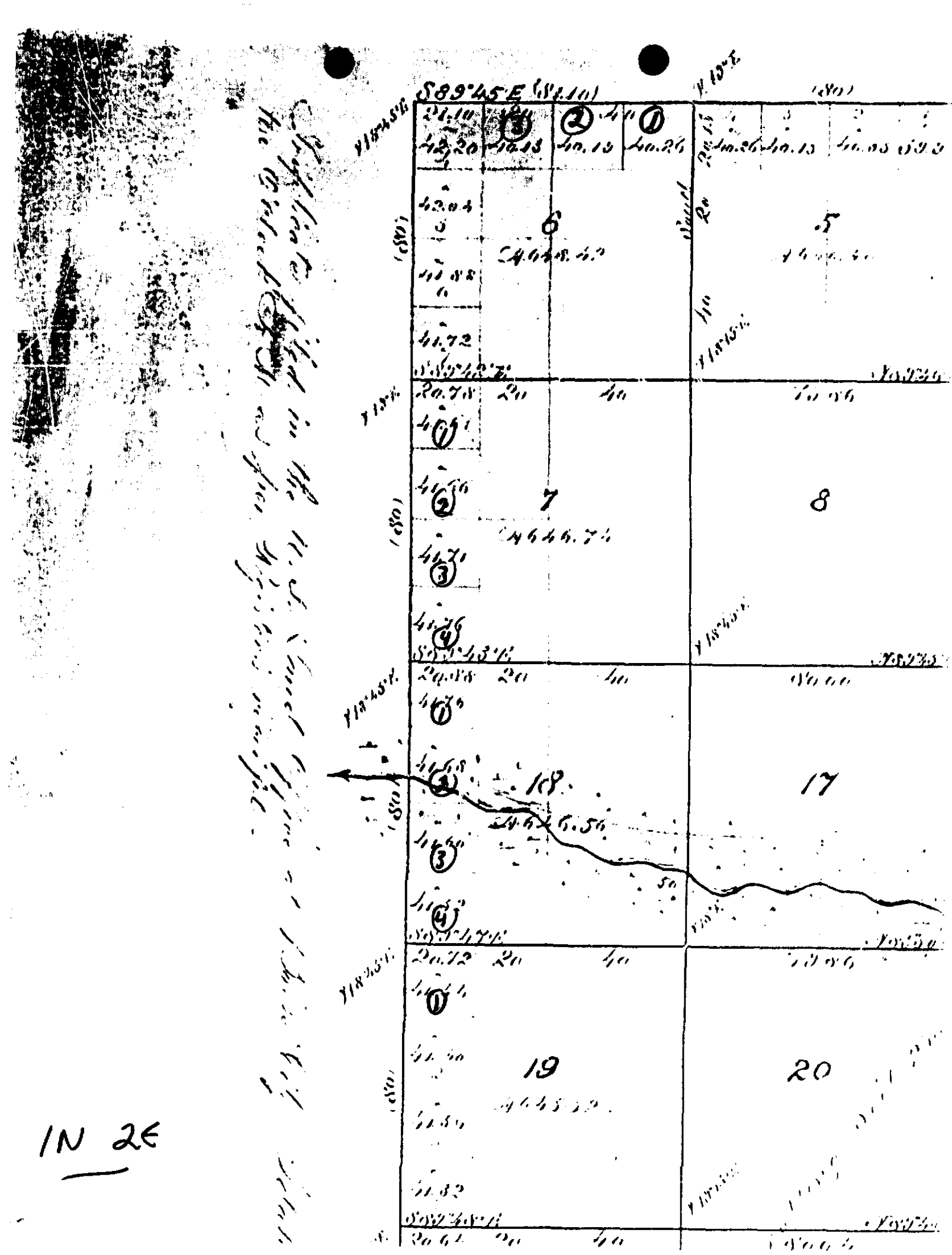
REVIEWER'S INTS 4/7/99

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

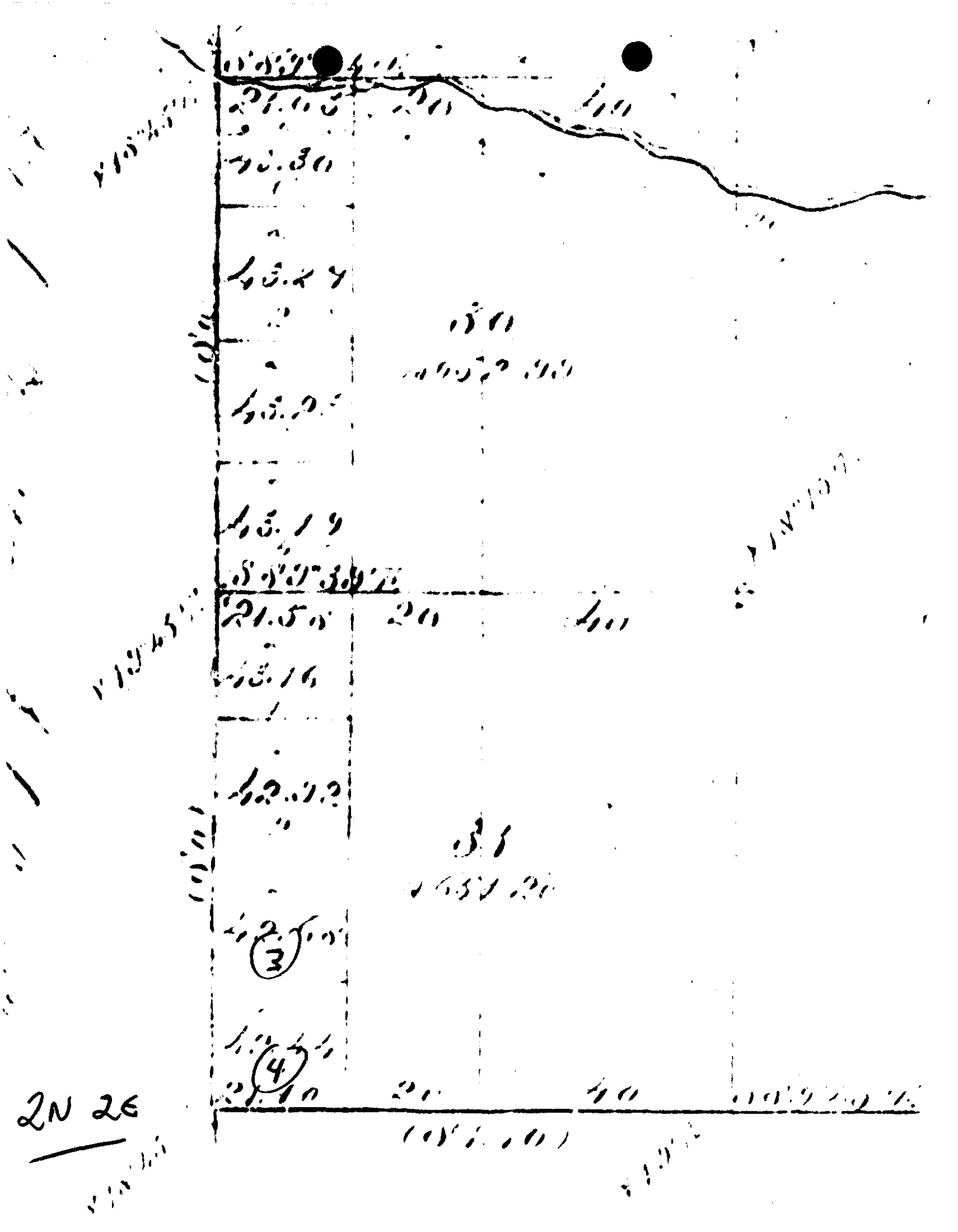
		NE				NW				SW				SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
WR-NUMBER	SOURCE	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
T6311347	GROUNDWATE :					40	01-40	02-40		40		04-36	32			32		260
T6303362	T01N R02E S18	GROUNDWATER																
	:	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432
6307531	GROUNDWATE :					28	01-26	02-25										79
A6307531	GROUNDWATE :					28	26	25										79
T6307531	GROUNDWATE :	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432
6310383	GROUNDWATE :								27	31	03-31	04-31	31					151
T6310383	GROUNDWATE :	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432
T6311347	GROUNDWATE :	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432
T6303362	T02N R02E S31	GROUNDWATER																
	:									40	03-40	04-40	40			40		200
6300329	TEN MILE C :																	
A6300329A	TEN MILE C :										40	39	37					116
A6300329B	TEN MILE C :									35	38	37	38			38	40	226
6300330	TEN MILE C :																	
A6300330A	TEN MILE C :										40	39	37					116
A6300330B	TEN MILE C :									35	38	37	38			38	40	226
6300331	TEN MILE C :																	
A6300331A	TEN MILE C :										40	39	37					116
A6300331B	TEN MILE C :									35	38	37	38			38	40	226
6300332	TEN MILE C :										I	I	I					
A6300332	TEN MILE C :									35	38	37	38			38	40	226
A6300379	TEN MILE C :									35	38	37	38			38	40	226
A6302200	TEN MILE C :									35	38	37	38			38	40	226
6302615	UNNAMED ST :									40	03-43	04-42	40	40	40	40	40	325
A6302615A	EIGHTMILE :									40	43	42	40			40		205
6303362	GROUNDWATE :									35	38	37	38			38		186
A6303362	GROUNDWATE :									35	38	37	38			38		186
T6307531	GROUNDWATE :									40	03-40	04-40	40			40		200
T6310383	GROUNDWATE :									40	03-40	04-40	40			40		200
T6311347	GROUNDWATE :									40	03-40	04-40	40			40		200
6312296	GROUNDWATE :	40	40	25	25	20	*		10									160
A6330296	GROUNDWATE :	23																23

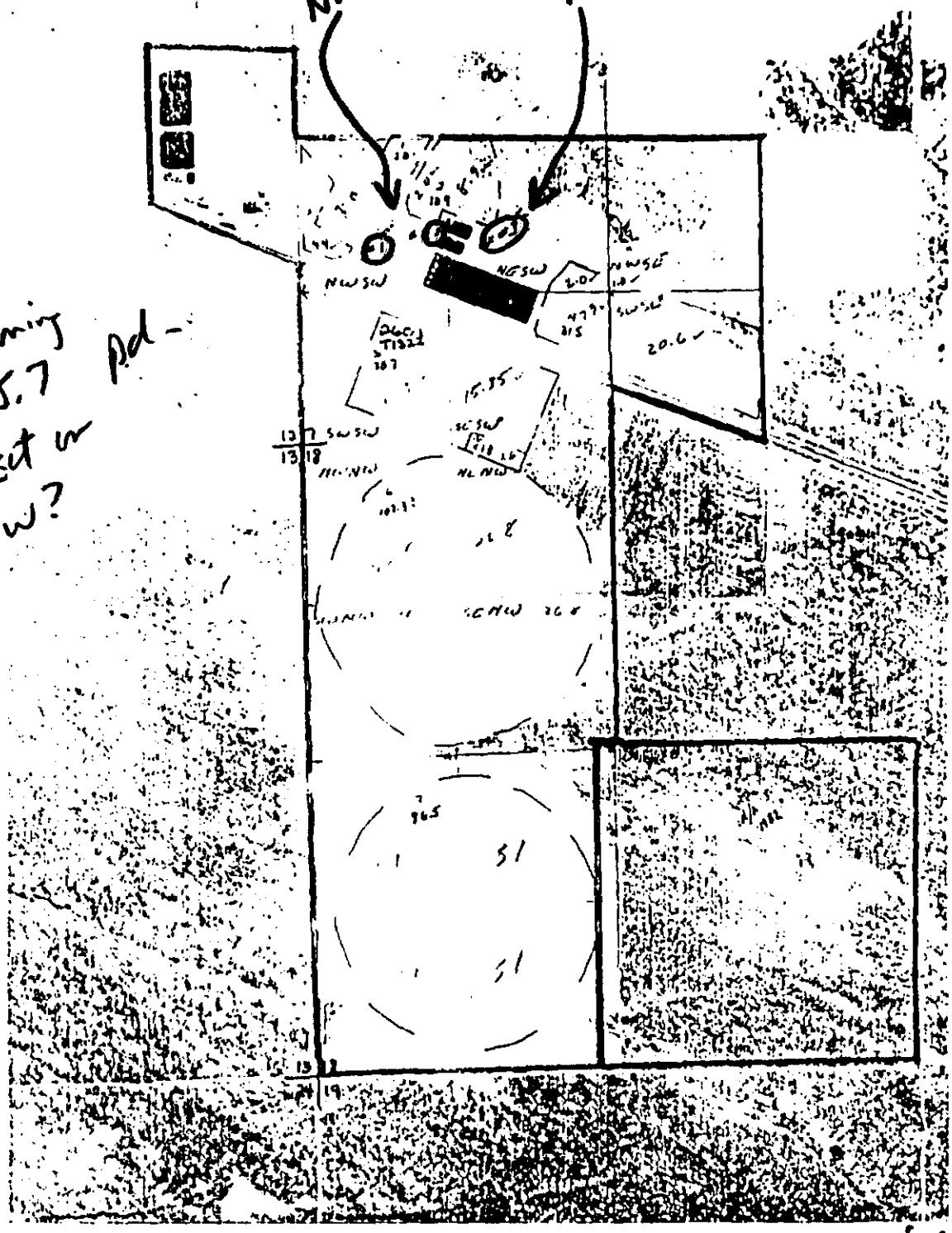
* N/A to lands in T5442 for IBP POU proposal.

Remaining rights listed in each section are surface water rights for Pleasant Valley Irr. Co. (PVIC). Some duplicate claim coverage of that water occurs in names of PVIC & IBP.



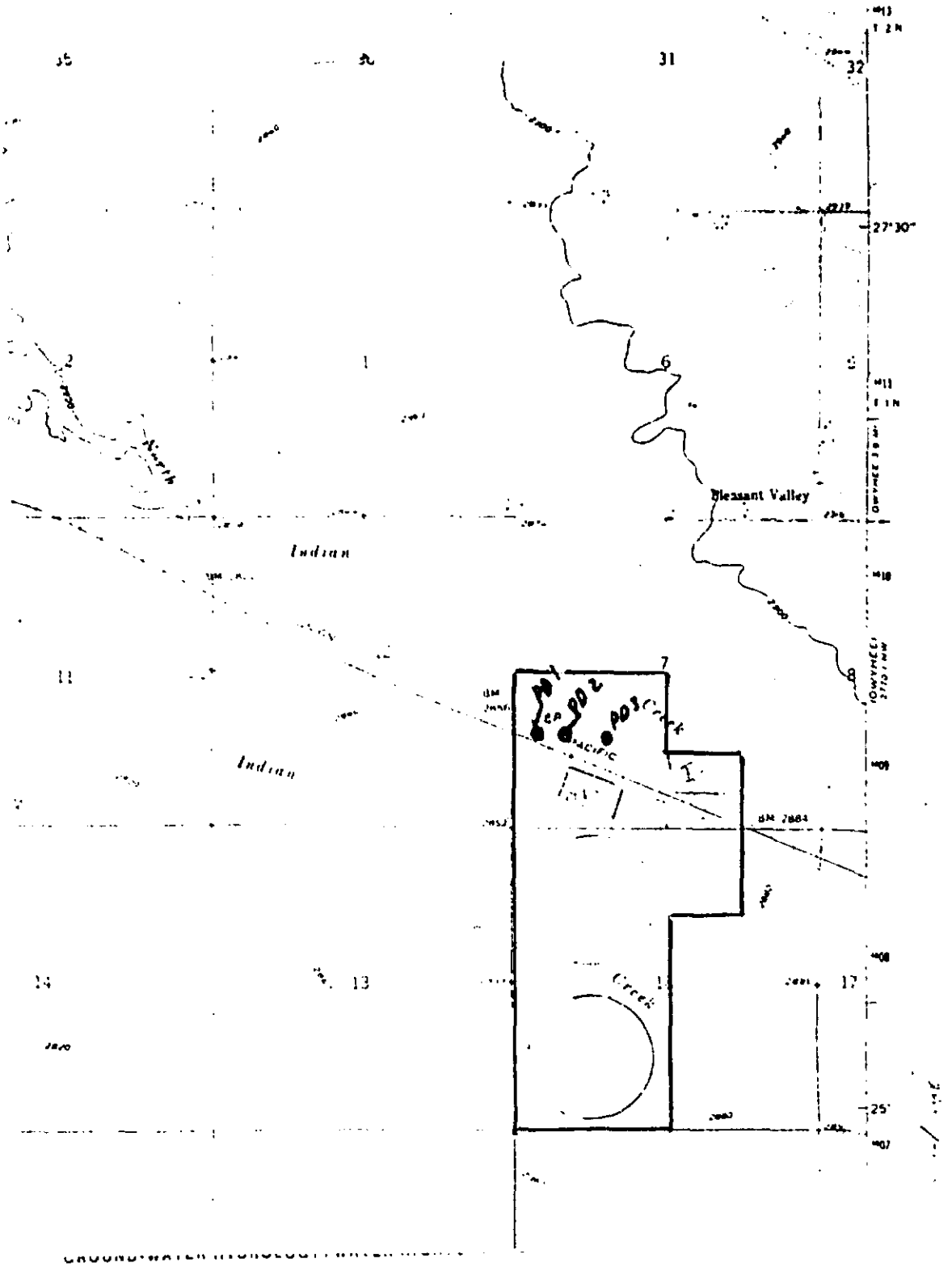
IN 2E


3
4
2N 2E



Confirming NESW 5.7 pd - correct or NWSW?

from 83-10383 11/7/89 Field Exam by S.C. (permit examiner)


31
32
27°30"
6
Pleasant Valley
Indian
Indian
7
MW-1
MW-2
PDS Creek
PACIFIC
I-
BM 2884
Creek
13
17
25'

System Description (continued)

3 **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

220 employees, wash down product lines, cleaning of equipment and processed beef (1470 head/day). Irrigation through sprinkler system, 2 wheel lines, 3 pivots, one solid set system. Water may be piped directly to the irrigation system or through the plant to waste water pond where it is pumped for irrigation using two short coupled vertical turbine pumps.

☐ See Remarks on page 4 for continuation

4

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well #1	U.S.	150	C2688-01-567	Aurora	U 74-01906
Well #2	Franklin	100	None available	Berkeley	09-0014
Well #3	Franklin	100	None available	Berkeley	6"

**Code to correspond with No. on map and aerial photo*

5 **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination / Remarks
1		NW	SW		7	1N	2E	Ada	Aerial photo
2		NW	SW		7	1N	2E	Ada	Aerial photo
3		NE	SW		7	1N	2E	Ada	Aerial photo

6 **Place(s) of Use:** Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	2E	7											15.4	17			20.6		53
1N	2E	18					27	27	27	27	31	31	31	31					232

Do not use this space

WR0749NP | IDAHO DEPARTMENT OF WATER RESOURCES | DATE: 04/07/99
No. T63-03362 | WATER RIGHT PROFILE REPORT | PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	IBP INC PO BOX 9346 BOISE ID 83707 (208) 345-6660	07/11/1963	IRRIGATION	03/15	11/15	2.670 CFS	837.00 AFA
					TOTAL DIVERSION:	2.670 CFS	837.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion:

T01N R02E	S06 Lot 02(NWNE) Lot 03(NENW)		ADA County
	S07 Lot 03(NWSW)	SWSE	ADA County
	S18 Lot 02(SWNW)		ADA County
T02N R02E	S31	SWSE	ADA County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
01N	02E 6	01-35	02-40	40	40	03-40			40	40			40		40	39		394.0
01N	02E 7					40	01-40	02-40		40		04-36	32			32		260.0
01N	02E 18	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432.0
02N	02E 31									40	03-40	04-40	40			40		200.0
															TOTAL ACRES			1286.0 *

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03362 63-07531 63-10383 63-11347 T63-07531 T63-10383 T63-11347 ← NO other Rights w/ these p/d's except those in T. 5442.

Remarks: GEN AC. IRR.=185.5.

Dates: App. Received: Priority Date: 07/11/1963
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/07/1999 User-ID: SLESTER Subject: TRANSFER 5442 FOR 63-03362 -07531 -10383 -11347
Combined use in T. 5442 is limited to 10.77 cfs per condition of approval in 63-10383. PPOU proposes common P/D's and P/U's. Transfer corrects the well location of NESW to NWSW S7 (license data was incorrect). Three P/D in NWSW S7 and one P/D in either SWSE S7 or SWNW S18. See Transfer Attachment B for local well names. Waste water pond in NWNW S19 is part of land application system. Transfer lists the pond as point of re-diversion (not required in rights?). Note limits in 63-11347 regarding cold water use prior to use of hot well in NWNE S6.

* limited to 186 Ac. in 1286 Ac. PPOU

"T files" e 4/7/99

Audit: 04/07/99 SLESTER 04/07/99 SLESTER

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	IBP INC	12/10/1971	IRRIGATION	03/15	11/15	3.200 CFS	720.00 AFA
	PO BOX 9346		STOCKWATER	01/01	12/31	0.200 CFS	13.40 AFA
	BOISE ID 83707		COMMERCIAL	01/01	12/31	3.200 CFS	720.00 AFA
	(208) 345-6660		DOMESTIC	01/01	12/31	0.200 CFS	11.20 AFA
				TOTAL DIVERSION:		3.600 CFS	744.60 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 4.220 CFS

Point(s) of Diversion:

T01N R02E S06	Lot 02(NWNE)	Lot 03(NENW)	ADA County
S07	Lot 03(NWSW)	SWSE	ADA County
S18	Lot 02(SWNW)		ADA County
T02N R02E S31	SWSE		ADA County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
01N	02E 6	01-35	02-40	40	40				40	40			40	40		39		394.0
01N	02E 6		03-40															
01N	02E 7					40	01-40	02-40		40		04-36	32			32		260.0
01N	02E 18	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432.0
02N	02E 31									40	03-40	04-40	40			40		200.0
															TOTAL ACRES			1286.0 *

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for COMMERCIAL is the same location as described for: IRRIGATION

Place of use Legal Description for: DOMESTIC

01N	02E 7										03-D							

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03362 63-07531 63-10383 63-11347 T63-03362 T63-10383 T63-11347

Remarks: GEN Two points of diversion located within NWSW, S07, T01N, R02E.

Dates:
App. Received: 12/10/1971 Priority Date: 12/10/1971
Proof Due Date: 01/01/1982 Proof Made Date: 10/31/1981
Exam Made Date: 09/15/1986 Exam Sent to S.O.:
Licensed Date: 08/23/1990

* limited to 160 Ac. in 1288 Ac. POU

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 04/07/1999 User-ID: SLESTER Subject: TRANSFER NO. 5442
See review Comments in 63-03362.

Audit: 04/07/99 SLESTER 04/07/99 SLESTER

WR0749NP — IDAHO DEPARTMENT OF WATER RESOURCES — DATE: 04/07/99
No. T63-10383 — WATER RIGHT PROFILE REPORT — PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	IBP INC	09/23/1986	IRRIGATION	03/15	11/15	3.020 CFS	679.50 AFA
	PO BOX 9346		INDUSTRIAL	01/01	12/31	2.200 CFS	1593.00 AFA
	BOISE ID 83707						
	(208) 345-6660			TOTAL DIVERSION:		5.220 CFS	2272.50 AFA

Water Source: GROUNDWATER — Tributary to: — Stage: LICENSE

Point(s) of Diversion Capacity: 5.870 CFS

Point(s) of Diversion:

T01N R02E S06	Lot 02(NWNE)	Lot 03(NENW)	ADA County
S07	Lot 03(NWSW)	SWSE	ADA County
S18	Lot 02(SWNW)		ADA County
T02N R02E S31	SWSE		ADA County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
01N	02E 6	01-35	02-40	40	40	01-40			40	40			40	40		39		394.0
01N	02E 7					40	01-40	02-40		40		04-36	32			32		260.0
01N	02E 18	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432.0
02N	02E 31									40	03-40	04-40	40			40		200.0
																TOTAL ACRES		1286.0 *

Place of use location for INDUSTRIAL is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03362 63-07531 63-10383 63-11347 T63-03362 T63-07531 T63-11347

Conditions of Approval:
R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for
- irrigation of the lands above.

Remarks: GEN This right uses the same wells as Right 63-07531 and when combined with Right 63-07531 shall not exceed a diversion rate of 5.87 cfs.
Two points of diversion are located within Lot 3, NWSW, S07, T01N, R02E.
Industrial use is for a beef slaughterhouse operation.

Dates: App. Received: 09/23/1986 Priority Date: 09/23/1986
Proof Due Date: 12/01/1989 Proof Made Date: 11/13/1989
Exam Made Date: 11/07/1989 Exam Sent to S.O.:
Licensed Date: 11/16/1993

151
* limited to ~~160~~ Acres in 1286 Ac PBUM

Misc: Water District Number: Field Exam Fee: N (Not Required)

Comments: Date: 04/07/1999 User-ID: SLESTER Subject: TRANSFER 5442
See Comments in 63-03362.

Audit: 04/07/99 SLESTER 04/07/99 SLESTER

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	IBP INC PO BOX 9346 BOISE ID 83707 (208) 345-6660	07/08/1992	IRRIGATION	03/15	11/15	2.230 CFS	544.50 AFA
					TOTAL DIVERSION:	2.230 CFS	

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 2.230 CFS

Point(s) of Diversion:

T01N R02E S06	Lot 02(NWNE) Lot 03(NENW)		ADA County
S07	Lot 03(NWSW)	SWSE	ADA County
S18	Lot 02(SWNW)		ADA County
T02N R02E S31	SWSE		ADA County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
01N	02E 6	01-35	02-40	40	40	03-40			40	40			40		40	39		394.0
01N	02E 7					40	01-40	02-40		40		04-36	32			32		260.0
01N	02E 18	32	40		40	40	01-40	02-40	40	40	03-40	04-40	40					432.0
02N	02E 31									40	03-40	04-40	40			40		200.0
															TOTAL ACRES			1286.0 *

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-03362 63-07531 63-10383 63-11347 T63-03362 T63-07531 T63-10383

Conditions of Approval:

01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.

R61 - This right when combined with all other rights shall provide no
- more than 4.5 afa per acre at the field headgate for irrigation
- of the lands above.

079 - This right shall not be used if the surface water right(s)
- appurtenant to the place of use is sold, transferred, leased or
- used on any other place of use.

Remarks: GEN The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual

* limited to 122 AC. in 1288 AC.

Remarks: maximum diversion volume of 544.5 af at the field headgate for the lands above.
The right holder shall be required to utilize the cold water well located in the NENW, S6, T1N, R2E up to its capacity for irrigation of the place of use described above. The low temperature geothermal well in the NWNE, S6, T1N, R2E shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being provided by the cold water well.

Dates:					
	App. Received:	05/18/1990	Priority Date:	07/08/1992	(Priority Date Advanced.)
	Proof Due Date:	10/01/1995	Proof Made Date:	11/21/1995	(Proof Received Late.)
	Exam Made Date:	10/25/1996	Exam Sent to S.O.:	09/17/1998	
	Licensed Date:	03/12/1999			

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 09/30/1992 User-ID: ANDREGG Subject: Extension of Time Received
Extension of Time Received

Date: 10/19/1995 User-ID: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Date: 11/24/1995 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 12/01/1995 User-ID: CZIMMERM Subject: AMENDED PERMIT
This permit has been amended to add a second point of diversion within Lot 2 (NWNE), S06, T01N, R02E; and, to correct the township for the place of use in S31.

Date: 04/07/1999 User-ID: SLESTER Subject: TRANSFER 5442
See Comments in 63-03362.

Audit: 04/07/99 SLESTER 04/07/99 SLESTER

RECEIVED
APR 0 6 1999
WATER RESOURCES
WESTERN REGION

March 31, 1999

Mr. Lance E. Nielsen
Drinking Water and Wastewater Bureau
Idaho Division of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

RE: IBP, inc. – Boise, Idaho
Land Application Permit No. LA-000055-03
Water Rights

Dear Mr. Nielsen:

Pursuant to our February 26 meeting and the above referenced permit, IBP offers the following summary of its water rights status, and how it intends to address operation of the land application sites with respect to the status of these rights.

1. Transfer of ground water rights will not be approved by the Idaho Department of Water Resources (IDWR) by April 1, 1999. IBP anticipates that the ground water rights transfers will be placed on public notice during the final two weeks of April, which is the next available publication period. It is difficult at this time to predict when IDWR will approve the transfers.

2. IDWR has concurred that all portions of the North and Central land application sites are within the Pleasant Valley Irrigation District. Therefore, no transfer of surface water rights needs to be accomplished for these areas. IBP has rights for 3.75 cfs, or approximately 2.42 million gallons of surface water per day. *

3. As an interim measure, and although representing a significant additional and unanticipated expense, IBP expects to complete the necessary applications this week to obtain water from the IDWR Water Supply Bank. This will allow the distribution of adequate water volumes on all portions of the North, Central, and South land application sites during the remainder of the 1999 calendar year while final approval of ground water right transfers are being accomplished.

company
-SR
4/8/99

In summary, IBP does not expect to have any issues or concerns regarding availability of supplemental fresh water for the land application sites during the 1999 crop season.

Also enclosed is a complete list of water rights for all portions of property under IBP ownership, as required by Permit Condition F, CA-055-04.

* IBP might not file S.W. transfer & PVIC shares - just use as have in past per Shari Chapman call & early April.

MICROFILMED

PS99-122/BO-PA-WW

T. 5442

IBP is in the process of moving its corporate offices. I may now be reached at the following:

Paul Sharp, Corporate Engineering
IBP, inc. World Headquarters
800 Stevens Port Drive, Suite 710
Dakota Dunes, SD 57049-8710

Telephone: 605-235-2004
Fax: 605-235-3317

If you have any questions or comments regarding this, please contact me at the above.

Sincerely,

Paul Sharp

Paul Sharp, P.E.
Senior Environmental Project Engineer

c: Kim Dirks
Gary O'Donnell
Kevin Beaton – Stoel Rives LLP
Steve Lester - IDWR

CERTIFIED MAIL #Z 433 242 095

Summary of Applicable Water Rights
IBP, inc. – Boise, Idaho

WATER RIGHT	SOURCE	STAGE
63-07531	Ground water	License
63-10383	Ground water	License
63-03362	Ground water	License
63-11347	Ground water	License
63-00329	Surface water	Decreed
63-00330	Surface water	Decreed
63-00331	Surface water	Decreed
63-00332	Surface water	Decreed
63-02200	Surface water	Decreed
63-02615	Surface water	License
63-00379	Surface water	Decreed

Notes:
1. Water right 63-11347 licensed on March 12, 1999.
2. Surface water rights are part of the Pleasant Valley Irrigation Company. IBP has 375 shares in the Company at ½ miner's inch per share.

TO: Steve Lester
FROM: Kim Dirks
2 pages + cover

I enlarged the page and included a cut-out. Let me know if this doesn't work.

FAX from Kim Dirks of IBP in Nebraska Lone office.

Survey info confirms that wells:

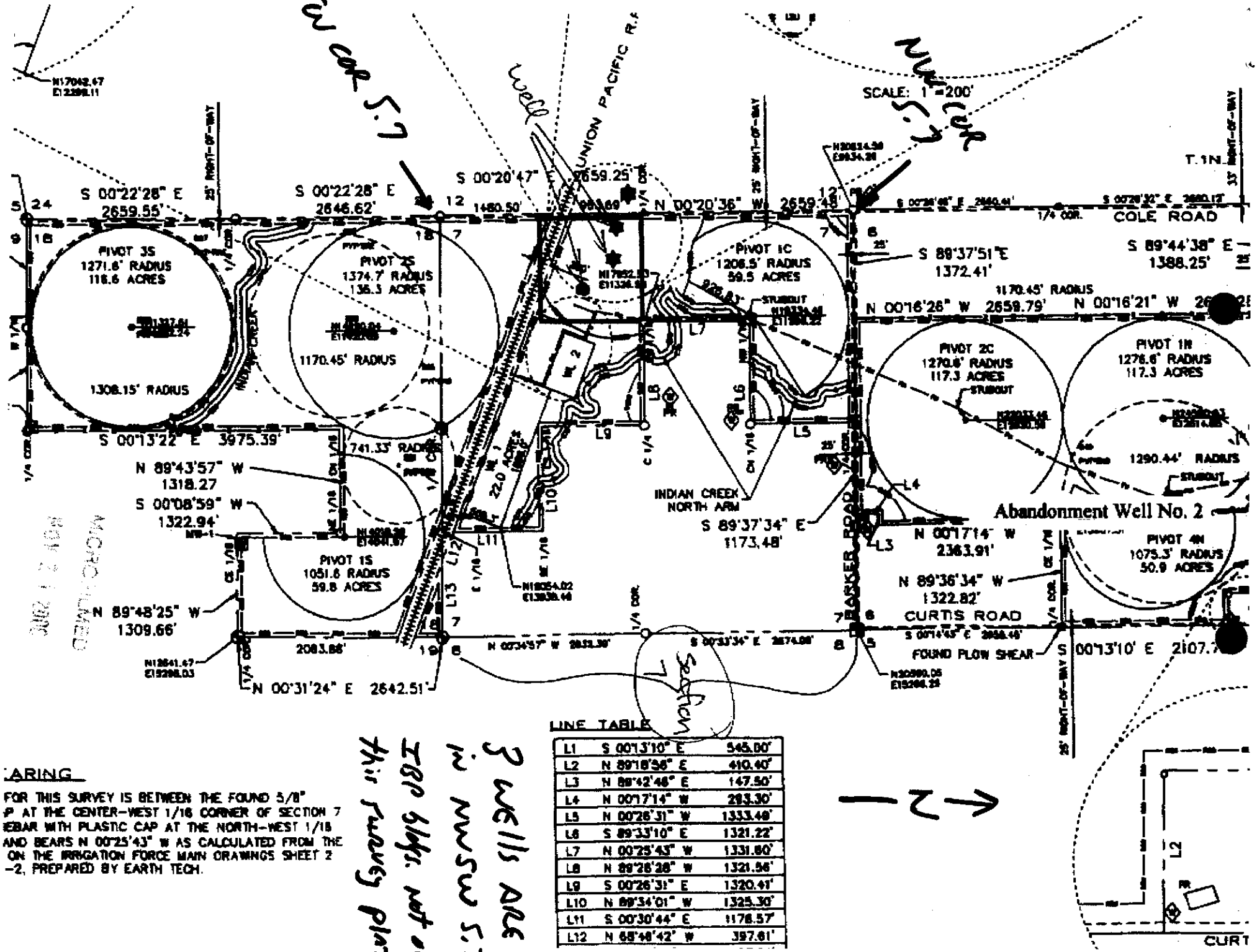
IBP - West
IBP - East
IW-15

} have always been in NWSW 5.7

Lic. 63-10383 incorrectly lists 3rd well in NESW.
Transfer corrects this.

MICROFILMED
NOV 2 1 2000

-SL 4/6/99



LINE TABLE

L1	S 00°13'10" E	545.00'
L2	N 89°18'36" E	410.40'
L3	N 89°42'46" E	147.50'
L4	N 00°17'14" W	283.30'
L5	N 00°26'31" W	1333.48'
L6	S 89°33'10" E	1321.22'
L7	N 00°25'43" W	1331.60'
L8	N 89°26'28" W	1321.56'
L9	S 00°26'31" E	1320.41'
L10	N 89°34'01" W	1325.30'
L11	S 00°30'44" E	1176.57'
L12	N 65°48'42" W	397.61'

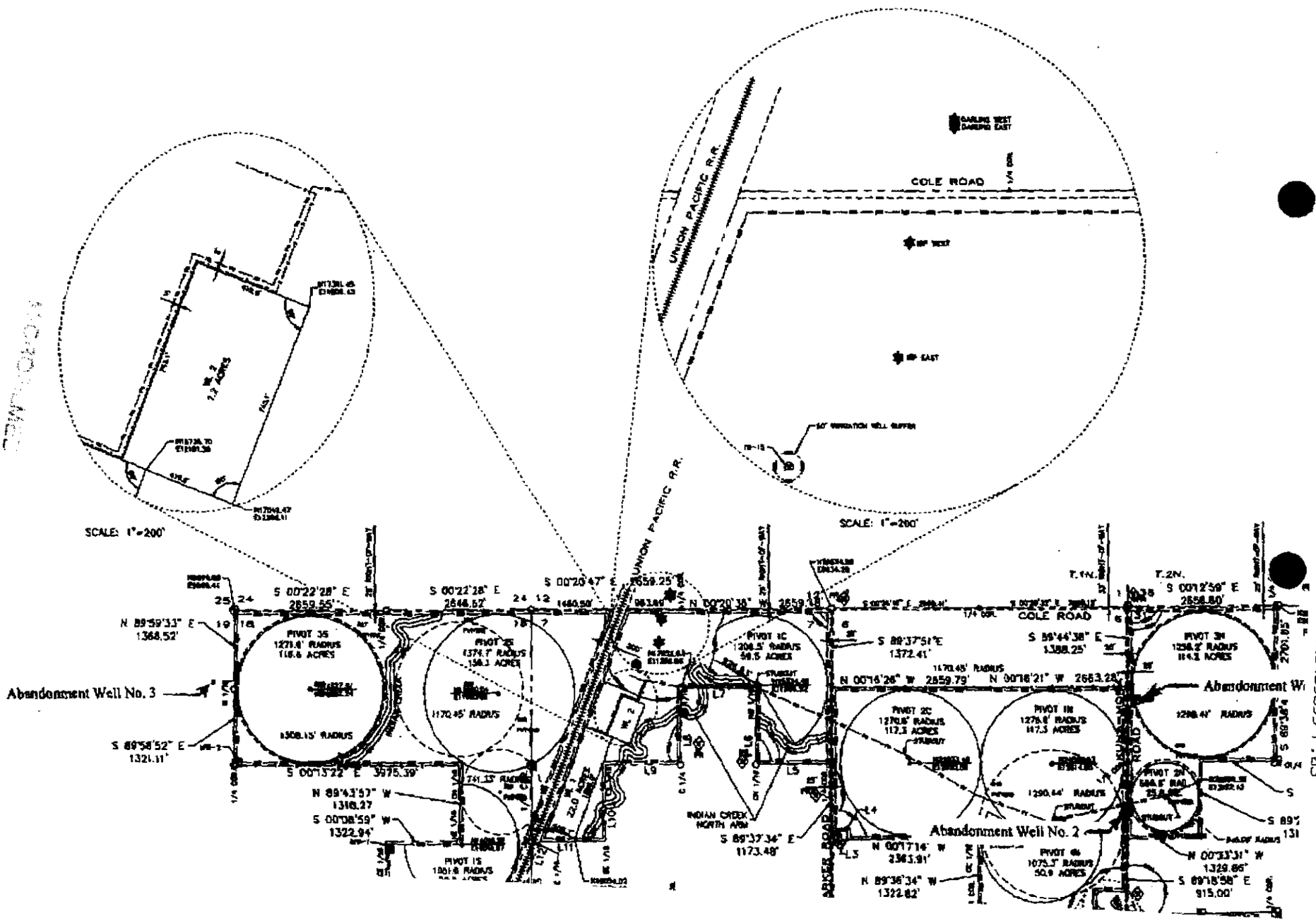
EARING

FOR THIS SURVEY IS BETWEEN THE FOUND 5/8" P AT THE CENTER-WEST 1/16 CORNER OF SECTION 7 EBAR WITH PLASTIC CAP AT THE NORTH-WEST 1/16 AND BEARS N 00°25'43" W AS CALCULATED FROM THE ON THE IRRIGATION FORCE MAIN DRAWINGS SHEET 2 -2, PREPARED BY EARTH TECH.

5 wells are in NWSW S.7 IBP bldg. not on this survey plat.

APR 06 1999 16:02 FR IBP ENGINEERING 402 241 3317 TO 912083423489699 P.02

PIVOT IRRIGATION SITE MAP



APR 06 1999 16:03 FR IBP ENGINEERING 402 241 3317 TO 912083342348969 9 P.03

** TOTAL PAGE.03 **

 Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 63-11347 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water groundwater tributary to _____
4. Date or priority 7/8/1992
5. Water is used for the following purpose:
   amount 2.54cfs (cfs/ac-ft) for irrigation purposes from 3/15 to 11/15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 2.54cfs cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		NW	NE	06	01N	02E	Ada	IW - 1N

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	02E	6			38	40	03-01			36									117.1
02N	02E	31										03-02	04-03				01		9.9

ORIGINAL PTS. 9+10 BEFORE

Total acres 127.0

9. Describe any other water rights used for the same purpose as described above 63-00332, 63-02200
   RIGHT WAS P.C.O.B.C. -SL 4/5/99

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

MICROFILMED

Total acres _____

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

April 2, 1999

Mr. Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Steve:

Iowa Beef Processors, Inc. have asked me to notify you that we would like to add the following well sites as added points of diversion to the application for transfer of water right and establishment of a permissible place of use which has been submitted to the Department. While there are two new points, only one well will be drilled. The final locations will be determined after further hydrologic study. This will complete any amendments we wish to make and we would ask that you publish the application as quickly as possible. I understand from our previous conversations that you should be able to publish it during the last two weeks of April.

If you have any questions or there are any problems, please contact me as soon as possible.

Sincerely yours,

Sherl L. Chapman
President

SLC:kje
cc:Mr. Kim Dirks

MICROFILMED

NEW POINTS OF DIVERSION: SW/4 NW/4, Section 18 or SW/4 SE/4, Section 7, both in T1N, R2E, B.M.

Steve -

Thad Chapman called. He is faxing the letter with the 2 1/4's needed to put on the transfer for Iowa Beef Processing. He said you have the newly issued license & just needed the 2 1/4's (only 1 well to be drilled but their not sure which 1/4 1/4) so it can be advertised the last 2 weeks of April. He will be gone for the next 2 weeks + if you need something else so it can be advertised that last 2 weeks you can call Iowa Beef's attorney Kevin Beaton at 387-4214.

Jan

3:24 PM - 4-2-99.

CONVERSATION MEMORANDUM

DATE 3/12/99

FILE

NAME OF PARTY Sheri Chapman for IBP

EMPLOYEE

RE: Ground and Surface water PPUC Transfers

G.W. - filed

(1) Once 63-11347 licensed - add to transfer.

(2) might add another (proposed) well to system.

(3) don't publish until 1+2 confirmed.

(4) might try putting Rights in water bank & lease back to cover DEQ land Appl. of waste water deadline (early April sometime?).

S.W. - not filed yet

(1) discussed draft idea using 63-10331 as vehicle for 3.75 cfs (375 shares).

(2) he'll discuss w/ IBP & PVIC.

(3) if too many problems w/ PVIC issues - might consider just using surface water on instream plan.

Wait to hear from Sheri on both transfer ideas.

Re Sun transfer (s) puts Rights in IBP name instead of Ida & Land & Rock).

MICROFILMED

NOV 2 1 2000

CONVERSATION MEMORANDUM DATE 2/25/99

FILE

NAME OF PARTY Paul Sharp, Kim IBP

EMPLOYEE RL

RE: Office mtg. re Water Rights

"Crunch time" for W.R. decisions Re DEQ approval of land appl. proposal

(1) IBP PLAN to supply water to the hide plant that is relocating that area? NO

(2) Expedite licensing decision re 63-11347 - will Director issue waiver? Pending at S.O. now.

ONLY hang-up I can think of: perhaps Require IBP to use 500 gpm from "duty well" + balance of Plt need from Lot well vs. All of water need from Lot well.

cost effective to use Duty well?

Add Duty well to Plant ground water transfer?

(3) Might need drill another cold H2O well re 1/2 way into the Plant N-S boundary if cost effective vs. piping water far to the south.

CAN add to transfer

MICROFILMED
NOV 21 2000

(4) Surface H2O Plant transfer for shares declared by PVIC - I'll put together outline/notes + send to Paul. Probably include the storage right ("safety net" for PVIC deliveries, keeps customers whole) plus 1 large older direct flow right - that's lot easier than listing all 7-8 PVIC rights in customer's (IBP) transfer just to reconfigure where use shares.

No River H2O for PVIC - just creek (cfs + storage rights)

FAX

Date 02/22/99

Number of pages including cover sheet 1

TO: Steve Lester
Idaho Department of Water Resources

Phone 208/994-2190
Fax Phone 208/334-2348

FROM: Paul Sharp
IBP, inc.
MD 130
P.O. Box 515
Dakota City, NE 68731

Phone 402/241-2004
Fax Phone 402/241-3317

CC: Kim Dirks

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please Comment

Re: IBP, inc. Boise

This is follow-up to our telephone conversation this a.m. regarding water rights at referenced plant.

We set up meeting at your office (2735 Airport Way) for Thursday, February 25 at 1:00 p.m. Topics to be discussed are:

1. Status of IBP application of July 15, 1998 for place of use transfer of IBP Water Rights (groundwater).
2. Status of IBP request of November 9, 1998 to apply for Permissible Place of Use transfer for surface water rights.
3. Status of IBP request of July 15, 1998 to use the Low Temperature Geothermal Well completed in October 1995

We look forward to meeting with you this coming Thursday.

MICROFILMED
FEB 2 5 2000

CONVERSATION MEMORANDUM

DATE 1/26/99

FILE

NAME OF PARTY Paul Sharp IBP 402-241-2054

EMPLOYEE JR

RE: PVIC Shares

Draft a transfer appl. to Ford to Lois to create ppw for IBP's shares of Pl. Valley Irr Co. custom w IBP Bred (same ppw as gen transfer appl.).

Send w/ blank form for IBP to complete & file.

TBP

Contest

also: get that w/ irrig

MICROFILMED
NOV 2 1 2000

RECEIVED
NOV 13 1998
WATER RESOURCES
WESTERN REGION

November 9, 1998

Mr. Steve Lester
Idaho Department of Water Resources
Western Region, 2735 Airport Way
Boise, ID 83705-5082

RE: IBP, inc., Boise, Idaho
Water Rights Transfer

Dear Mr. Lester:

In accordance with requirements in your letter of August 5, 1998, IBP, inc. proposes to intergrate IBP's shares of surface water rights owned by Pleasant Valley Irrigation Company into a common system with IBP's ground water rights. Also, IBP contacted PVIC regarding your recommendation that PVIC file a separate transfer application to incorporate all of its water shares into a service area, or Permissible Place of Use (PPOU). I understand integration of IBP's shares into a common system with the groundwater rights would be accomplished by transfer applications by both PVIC and IBP, the end result of which would be a PPOU for PVIC and a PPOU for IBP.

PVIC has informed IBP that they have decided not to apply for a PPOU transfer. I assume IBP can proceed to apply for a PPOU transfer to accomplish the above described integration of surface water shares. It is requested that IDWR inform IBP as to the transfer procedure. IBP desires to accomplish the complete water rights transfer as soon as possible.

Sincerely,

Paul Sharp, P.E.
Senior Environmental Project Engineer

c: Bill Tolle
Gary O'Donnell
Kim Dirks
Lance Nielsen, IDEQ

PS98-583

CONVERSATION MEMORANDUM

DATE 11/5/98

FILE IBP

NAME OF PARTY Paul Sharp

EMPLOYEE JL

RE: Surface water

Called & let me know that PVIC does not want to file xfer of IBP's shares.

Paul will send me letter. I can Reply & Law IBP can file xfer of its S. W. shares

MICROFILMED

NOV 2 1 2000

CONVERSATION MEMORANDUM

DATE 10/23/98

FILE IBP

NAME OF PARTY Kevin Beaton 387-4214

EMPLOYEE JL

e Stulk-Reeves

RE:

Attorney for IBP called:

WE discussed licensing & transfer issues etc re land application proposal. I told him that a reasonable time frame to resolve water issues is c beginning of 1999 irrig. season.

Requested contact if IDWR has any questions e transfer (POU) proposal for land appl. of waste water

2/17/99

Paul Sharp of IBP called:

Quoted letter from PVIC Attorney 1997:

IBP has 375 shares c 1/2" share of surface water

375 x .01 cfs = 3.75 cfs (e 1680 gpm)

MICROFILMED

NOV 2 1 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 10/1/98

TO: Amanda Keating
Dawson & Cupple
Fax 386-9428

FROM: Steve Lester

DOCUMENT DESCRIPTION: Pleasant Valley & IBP - cc of my 8/5/98 letter. Maybe best way to proceed is to review P.V.'s SRBA claims (Adjudication) to see if all its water is claimed as a PPOU. If so, does PPOU already already include IBP's proposed PPOU? Later this month, I'll do some research & see what records & I can say & that, then will get in touch w/ you.

TOTAL PAGES SENT: 02 + COVER SHEET

CONTACT:

MICHC
OCT 2

CONVERSATION MEMORANDUM

DATE 10/1/98

FILE

NAME OF PARTY Amanda Keating Atty. @ Capple's office for Pleasant Valley Co.

EMPLOYEE R

RE: PPOA for Irrig Co.

We discussed my 8/5/98 letter @ at length. Possible that Irr Co. created ppon by its JRBA claims? If so, does that include IBP's proposed ppon?

If not, Irr Co. might file transfer or might authorize IBP @ transfer just for IBP's canal shares.

Faxed her my 8/5 letter. Told her I'd do [redacted] more research @ options.

Tele - 342-3658

FAX - 386-9428

Firm: Davison & Capple

MICROFILMED

NOV 2 1 2000

CONVERSATION MEMORANDUM

DATE 9/24/98

FILE IBP

NAME OF PARTY Nancy Bowser DEQ 373-0406

EMPLOYEE SL

RE: DEQ Permit & Land Application -

Ready to issue draft to IBP w/ 30-60 day comment period for IBP. Mineral & status of water transfer is geothermal well.

Updated LER on IBP's submittal of info about wastewater for hot well to see if can get it licensed. If license can be issued, will incorporate it into transfer to create ppun for inj. + waste water land application.

Discussed ~~probably~~ probable w.r. timelines. If license can be issued soon, Reasonable to expect transfer resolution before inj. season of 1999.

She will send cc of final DEQ permit to add to transfer ~~file~~ file. She (or a higher level in DEQ) may address land appl. situation statewide by talking to IDWR administration.

MICROFILMED

NOV 2 1 2000

RECEIVED
SEP 0 4 1998
WATER RESOURCES
WESTERN REGION

August 31, 1998

Mr. Terry C. Copple
Davison, Copple, Copple & Copple
Washington Mutual Capitol Plaza
199 North Capitol Boulevard, Suite 600
Boise, ID 83701

RE: Pleasant Valley Irrigation Company
Idaho Department of Water Resources - Transfer of Surface Water Rights

Dear Mr. Copple:

This letter is "follow-up" to our telephone conversation of August 18 on referenced subject.

Idaho Department of Water Resources letter of August 5, 1998 recommends IBP, inc. request a transfer to change the surface water rights associated with the PVIC shares owned by IBP. IDWR recommends this transfer be accomplished in conjunction with a separate transfer application by PVIC to incorporate all water shares into a service area known as a Permissible Place of Use (PPOU). IBP's water rights transfer would result in an IBP PPOU within the larger PVIC PPOU.

IBP submitted an application to IDWR on July 15, 1998 for transfer of ground water rights, and desires to apply for a transfer of surface water as described above. Before applying for this surface water transfer, IBP requests information on decision by PVIC regarding the matter of incorporating all water shares into a service area, or PPOU. Correspondence to IBP should be sent to my attention at the following address:

IBP, inc. (MD 130)
P.O. Box 515
Dakota City, NE 68731

My telephone number is 402-241-2004.

Sincerely,

Paul Sharp, P.E.
Senior Environmental Project Engineer

c: Gary O'Donnell
Steve Lester (IDWR)
Jack Harrison (HDR Engineering)

PS98-558

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PAUL SHARP P E
IBP INC
PO BOX 515
DAKOTA CITY NE 68731

RE: TRANSFER OF WATER RIGHTS

Dear Mr. Sharp:

The transfer application for a combined ground water system, including the land application method to be incorporated into IBP's system, was received on July 17, 1998. Two key issues are addressed in this letter regarding the transfer situation.

LICENSING OF RIGHT NO. 63-11347

As you know, this right remains a permit pending license clarification with respect to the use of the low temperature geothermal resource developed under this right. I understand that IBP will submit information supporting its case that the "hot well" should be included in the license.

When the licensing issue is resolved for this right, the transfer application can be revised and processed accordingly.

INTEGRATION OF SURFACE WATER

I also understand that IBP's surface water shares delivered by Pleasant Valley Irrigation Company will be integrated into a common system with your company's ground water rights, all to be used within IBP's proposed "permissible place of use" (PPOU). I was informed that my office had previously determined that the use of surface water shares within IBP's boundary did not need to be shown on a transfer application due to new legislation implemented in March, 1998.

Further review of that issue and the new legislation reveals that *such a conclusion is not warranted*. The new legislation allows the creation of a PPOU for an irrigation district or water delivery companies such as Pleasant Valley. Irrigation districts enjoy privileges not enjoyed by irrigation companies under Idaho law, making it easier for a district to achieve a PPOU.

I reviewed the seven water right records and six Snake River Basin Adjudication (SRBA) records in the name of Pleasant Valley Irrigation Company. A few interesting observations can be made.

One, license no. 63-02615 (Eightmile Creek water) issued to the irrigation company is claimed in part in the SRBA by IDA-U Land & Beef (now IBP, it is assumed) but not by the irrigation company. Two, several other decreed water rights are fully claimed in the SRBA by Pleasant Valley and by IDA-U Land & Beef (duplicate claims filed). Three, the complete water right and SRBA records for the water delivered by the irrigation company do not constitute a PPOU for water to be delivered and used anywhere within the irrigation company's service area as contemplated by the recent statutory changes.

RECOMMENDATIONS

The conclusion to be made is that the use of Pleasant Valley Irrigation Company water shares within IBP's proposed integrated system *does require a transfer to change the surface water rights*. The transfer can create a PPOU for irrigation company water to be used on a determinate acreage within Pleasant Valley's service area, which can include IBP's proposed PPOU.

It is recommended that the irrigation company file a separate transfer application to incorporate all of its water shares into a service area to be defined as a PPOU. SRBA clarification will be needed within the transfer process. The end result of the two transfer applications, if approved, would be a PPOU for Pleasant Valley Irrigation Company and a PPOU for IBP. The latter would include all of the ground water and all of the surface water used by IBP within its boundary. This would provide maximum flexibility to both entities for future needs.

I hope you can discuss this with the irrigation company at the earliest opportunity. I will be glad to provide help to you and/or to Pleasant Valley Irrigation Company in the transfer application process.

Sincerely,

Steve Lester
Water Rights Supervisor

c: IBP at Boise office
Terry Copple, Esq., for Pleasant Valley Irrigation Company
Jack Harrison, P. E., of HDR Engineering for IBP

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W024151

Date: 7/17/1998
Time: 16:09:18

Received
From: IBP INC.

Type of Payment	Program Acct		Amount
TRANSFER APPL. (FULL CK. #2896045)	62105	229 21 1155	100.00

CHECK 896045

Total $ 100.00

Region: WESTERN Signature: _____

MICROFILMED
NOV 2 1 2003

RECEIVED
JUL 17 1998
WATER RESOURCES
WESTERN REGION

July 15, 1998

Mr. Steve Lester
Idaho Department of Water Resources
Western Region, 2735 Airport Way
Boise, ID 83705-5082

RE: IBP, inc., Boise, Idaho
Water Rights Transfer

Dear Mr. Lester:

Enclosed is Application for Transfer of Water Rights at referenced IBP location. Transfer involves change in point of diversion and in place of use for purpose of providing for operation of irrigation system on IBP owned lands. The transfer does not involve an increase in consumptive use.

Also enclosed is check in amount of one hundred dollars ($100) as payment of the filing fee.

IBP, inc. requests your review and approval of the enclosed transfer application. Questions should be addressed to either Jack Harrison of HDR Engineering at 208-342-3779 or Paul Sharp at 402-241-2004.

Sincerely,

Paul Sharp

Paul Sharp, P.E.
Senior Environmental Project Engineer

c: Bill Tolle
Gary O'Donnell
Nancy Bowser (IDEQ)
Jack Harrison (HDR)

PS98-548

July 15, 1998

Mr. Robert B. Whitney
Idaho Department of Water Resources
Western Region, 2735 Airport Way
Boise, ID 83705-5082

TO: STEVE LESTER

RE: IBP, inc., Boise, Idaho
Low Temperature Geothermal Well and Well Construction

Dear Mr. Whitney:

Following is information submitted in response to requests in your letter of April 17, 1998, on referenced subject.

- Enclosed letter from IBP, inc. showing evidence of $5,000 bond.
- Down hole temperature gradient information will be obtained and submitted when pump is pulled.
- There is an existing two (2) inch diameter angled side port on exposed casing on the well drilled by Doty Well Drilling Co. If this port is inadequate to provide needed access, please inform us of needed dimensions and we will make appropriate modifications.
- Enclosed letter from Mr. Terry Kucera of Ag Pros provides information regarding extent of beneficial use of water from the two wells related to referenced water right permit prior to filing proof of beneficial use.
- Enclosed letter from Mr. Sherl Chapman of Sherl Chapman Consulting, Inc. provides information justifying irrigation use of the low temperature geothermal water in the well described as the "Ponderosa Well".

IBP requests your review and approval of this information. Questions should be addressed to Jack Harrison of HDR Engineering at 208-342-3779 or Paul Sharp of IBP at 402-241-2004.

Sincerely,

Paul Sharp

Paul Sharp, P.E.
Senior Environmental Project Engineer

c: Gary O'Donnell (IBP, Boise)
Jack Harrison (HDR)
Steve Lester (IDWR)

MICROFILMED
NOV 2 1 2000

PS98-547

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region. 2735 Airport Way. Boise. Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 17, 1998

Paul Sharp
IBP, Inc
PO Box 515
Dakota City, NE 68731

RE: Agreement for submittal of additional information related to use of low temperature geothermal water and well construction.

Dear Mr. Sharp:

Pursuant to our meeting of April 8, 1998, the purpose of this letter is to document the terms of a verbal agreement between IBP, Inc. and the Idaho Department Of Water Resources (IDWR) resulting from said meeting. As discussed, IBP, Inc. agrees to the submittal of additional information related to the construction and use of the wells in connection with water right permit no. 63-11347. Additionally, IBP, Inc. will be required to secure a bond in the amount of $5000.00 in favor of the director of the department specifically attached to the well drilled by Ponderosa Drilling under drilling permit no. 63-95-W-0716. The information required is specifically listed as follows:

Well Construction

- Evidence of a $5000.00 bond for the low temperature geothermal well. This bond is to remain in effect until it is determined that the well is constructed to an adequate standard pursuant to administrative rules or properly abandoned.

- Down hole temperature gradient information including bottom hole temperature and if necessary a spinner test to determine upward or downward movement of water. This information should be obtained and submitted when the pump is pulled.

- Installation of an access port fitting on the well drilled by Doty to provide access for the Department to run a thermal log in the well drilled under drilling permit no. 63-95-W-0042.

Water Rights

- Information regarding the extent of beneficial use of water from the two wells related to water right permit no. 63-11347 prior to filing proof of beneficial use.

- Information to justify the use of low temperature geothermal water for irrigation pursuant to section 42-233, Idaho Code. (enclosed)

MICRO
NOV 2 1 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Please submit this information at your earliest convenience to allow the department to proceed with processing your water right. Any questions regarding this correspondence should be addressed to myself or Mr. Spackman of this office.

Respectfully,

ROBERT B. WHITNEY
Sr. Water Resource Agent
Well Construction Regulation

c: Chapman, Slifka, File

May 26, 1998

Mr. Robert B. Whitney
Idaho Department of Water Resources - Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: IBP, inc., Boise, ID
Low Temperature Geothermal Well

Dear Mr. Whitney:

In accordance with your letter of April 17, 1998, enclosed is copy of "Low Temperature Geothermal Resource Well" Surety Bond in the sum of five thousand dollars ($5000).

IBP, inc. is currently preparing responses to the additional requests for information in your letter of April 17, 1998. This additional information will be submitted as soon as possible.

Call me at 402/241-2004 if you have questions.

Sincerely,

Paul Sharp

Paul Sharp, P.E.
Senior Environmental Project Engineer

PS/aem

cc: Jack Harrison
Kim Dirks

File: PS98-535

AG PROS

TERRY J. KUCERA

2514 Canterbury • Sergeant Bluff, IA 51054 • (712) 943-4247

MEMORANDUM

TO: Kim Dirks

FROM: Terry J. Kucera TJK

DATE: April 23, 1998

SUBJECT: BENEFICIAL WATER USAGE

The well located south of Kuna Mora Road north of IBP's Boise plant was drilled by Ponderosa Drilling and was completed October 13, 1995. The center pivot was installed prior to that date. The field was pre-irrigated in October then seeded to wheat. We irrigated the crop after we drilled it in October. We harvested our wheat crop in July of 1996.

TJK/dk

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

August 6, 1998

Post-it® Fax Note 7671	Date 8/7	# of pages ▶ 3
To Jack Harrison	From Karen	
Co./Dept.	Co. Sherl Chapman	
Phone #	Phone #	
Fax # 342-4334	Fax #	

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Dear Mr. Dreher:

This letter is a response to correspondence dated April 17, 1998 from Mr. Rob Whitney to Paul Sharp of IBP, Inc. in Dakota City, Nebraska. A part of that letter requires justification for use of low temperature geothermal water for irrigation. It is our understanding from the Idaho Code that the Director may exempt a proposed use of low temperature geothermal water if he finds that the proposed use satisfies the following criteria:

1. There is no feasible alternative use of the resource.

2. There is no economically viable source of water having a bottom hole temperature of 85 degrees or less in the well available.

3. The exemption is in the public interest.

With regard to the above criteria, IBP would submit the following:

1. There is no feasible alternative use of the resource. Iowa Beef Processors is the sole owner of most of the land surrounding the well. There is no opportunity for other industries or businesses to move into the area close to this well to take advantage of the heat value of the resource. The closest industrial application for this water would be at the IBP facility in Section 7, T1N, R2E over one and one-half (1-1/2) miles to the southwest. This would require construction of an 8,000 foot pipeline to carry the water and it would be nearly impossible to protect the heat value of the resource over that distance. In addition, the incremental value gained for an industrial application of water at this temperature would not warrant the economic investment. The water temperature found in the well drilled for IBP in the NWNE, Section 6, T1N, R2E is 92 degrees F. Water of this temperature is highly marginal for any industrial application applicable in this area. The only

opportunity would be water to air heat pumps for residential space heating but the depth at which the water is encountered eliminates the economic feasibility. The water is inadequate for power production or other routine industrial or business applications. Therefore, it is our assertion that there is no reasonable alternative use for the resource other than irrigation.

2. No economically viable source of water colder than 85 degrees in a well is available. The nearest known cold water wells are in Section 1, 5,100 feet to the southwest at the IBP industrial facility, 8,000 feet to the southwest and in wells at the Idaho State Penitentiary over one and one-half (1-1/2) miles to the north. Two (2) other irrigation wells have been drilled in close proximity to the well in question. The first is in the SWSE, Section 31, T2N, R2E and the second is the so-called "Doty well" drilled 1,800 feet to the northwest in the NENW, Section 6, T1N, R2E.

The first well known as the "Stewart well" has been a notoriously poor producer since its development. The well is high in dissolved gases and has a history of rapid encrustation, eliminating its practicality as a reliable irrigation well. The well has been acid treated to restore production at least twice since it was drilled and it is reported to be at a relatively low production level again.

The Doty well was drilled to a depth of 535 feet below land surface in an effort to obtain cold irrigation water for IBP. Upon completion of the well it was pump tested at a maximum yield of 500 gallons per minute, totally inadequate to satisfy the conditions of the water right permit and the needs of IBP. The new well was sited at its present location in an effort to maximize distance from the Doty well and yet provide sufficient separation from a number of domestic wells to the south that would have been affected had the well been drilled further south. As documented by previous correspondence, the temperature of the water produced from the well was unknown until the well was test pumped. Based on the poor production levels of both the Doty and Stewart wells and the relative distance from high production cold water wells, it is out assertion that there is no feasible or economically viable source of cold water at this location for an irrigation supply.

3. The exemption is in the public interest. Iowa Beef Processors is a major employer in Ada and Canyon Counties and contributes significantly to the local and state economy. The use of this well and the low temperature

geothermal resource is critical to production of crops on the property for continuation of the business and for adequate waste disposal on IBP property. Additionally, it is the feeling of IBP that protection of other water rights in the area is in the public interest and the well was not moved to a more southern location where colder water may have been encountered in order to prevent interference with a number of single family residential domestic wells.

In summary, IBP feels that the criteria for exemption is met and use of the low temperature geothermal water from the IBP well located in the NWNE, Section 6, T1N, R2E is warranted. We appreciate your consideration of this matter and look forward to hearing from you.

Sincerely yours,

COPY

Sherl L. Chapman
President

SLC:kje
Enclosure

Jack Harrison, P.E., P.H.-GW
Senior Project Engineer

HDR

Employee-owned

HDR Engineering, Inc.
Suite 210
1161 W. River Street
P.O. Box 8245
Boise, ID 83707-2245
(208) 342-3779
Fax: (208) 342-4334
E-mail: jharriso@hdrinc.com
http://www.hdrinc.com/

CONVERSATION MEMORANDUM

DATE 7/10/98

FILE

NAME OF PARTY Jack Harrison – Consultant

EMPLOYEE JR

RE: IBP – Transfer : office visit

J. Harrison visited office to discuss draft transfer, attached. IBP wants to create common ground water system for existing wells, PPUC for irrigation & land application of ~~waste~~ waste water.

We discussed all the details involved See my notes, also attached.

MICROFILMED
NOV 2 1 2000

Follow up:

By IBP: submit documentation re 63-11347 per RBW's 4/17/98 letter; this will help in licensing this right.

By Town: what re surface water commingled w/ gw system? Jack recalls discussion with MM that new legislation will allow surface water shares from Pleasant Valley Irrig Co. to be used anywhere on property as long as within service area of delivery company. ~~Is this~~ DOES delivery organization need to document service area w/ IDWR, first? Do FRBA claims do this ... or need more?

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5442

Notice is given that **IBP INC.** of PO Box 9346, Boise ID 83707 has applied to the Department of Water Resources to change the Point of Diversion and Place of Use pursuant to I.C. § 42-222 for the following licensed ground water rights in Ada County (all sites are in T1N R2E unless noted):

#63-03362, priority 7-11-1963, 2.67 cfs, diverted in SWSE S31 to irrigate 186 acres in portions of S 1/2 S31, T2N R2E.

#63-07531, priority 12-10-1971, 3.60 cfs, diverted in NWSW S7 (2 wells) for irrigation, commercial, stockwater and domestic uses in portions of S7 & S18. Total irrigation is 160 acres.

#63-10383, priority 9-23-1986, 5.22 cfs, diverted in NESW & NWSW S7 for irrigation of 151 acres and industrial uses in W 1/2 S18. This right uses the above wells in NWSW S7 and is limited to 5.87 cfs when combined with #63-07531.

#63-11347, priority 7-8-1992, 2.23 cfs, diverted in NWNE & NENW S6 to irrigate 122 acres in portions of N 1/2 S6.

These rights include 6 wells and provide 10.77 cfs to irrigate 619 acres plus serve IBP's animal processing facility. Each right serves separate acres. The site is east of S. Cole Rd. and mostly south of Kuna-Mora Rd.

PROPOSED CHANGE

Combine all the rights in a permissible place of use (PPOU). Correct the record to show that NESW S7 well is in NWSW S7. Add 1 new well in either SWSE S7 or SWNW S18. Use any combination of the wells to divert 10.77 cfs to irrigate up to 619 acres per year in a 1286 acre PPOU in previously described Sections 6, 7, 18 & 31. Waste water from the processing facility will be land applied on the PPOU. All water uses will occur throughout the PPOU except domestic use will be limited to NWSW S7.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of $25 for each application on or before May 3, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on April 15 and 22, 1999.

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 14, 1999

IBP, Inc.
c/o Kevin Beaton
STOEL RIVES
101 South Capital Blvd
STE 1900
Boise, ID 83702-5958

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK - LICENSE NOS. 63-07531, 63-10383, 63-11347 AND 63-03362

Dear Mr. Beaton:

The department has requested the issuance of a state warrant in the amount of $9,896.85 as payment to IBP, Inc. for the rental of 4,398.6 acre feet of the above referenced water rights from the Water Supply Bank managed by the Idaho Water Resource Board.

The return to IBP, Inc. is based on $2.25 per acre foot of water rented. The warrant will be issued by the Controller's office within the next thirty (30) days.

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

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Fiscal - Debbie Allen

MEMORANDUM

To: Debbie Allen

From: L. Glen Saxton

RE: **WATER SUPPLY BANK RENTAL FEE - LICENSE NOS. 63-07531, 63-10383, 63-11347 AND 63-03362**

Date: April 14, 1999

The following information is provided in order that you can reimburse the owner of a water right which has been rented from the Water Supply Bank. Attached is a copy of the receipt. The following information is pertinent to the rental:

Renter: IBP, Inc.

Renter's address: P.O. Box 9346
Boise, ID 83707

Amount of water rented: 4,398.6 AF

Date of rental: April 14, 1999

Rights rented: 63-07531, 63-10383, 63-11347 and 63-03362

Total rental amount ($3.25 x 4,398.6 AF): $14,295.45

Return to owner ($2.25 x 4,398.6 AF): $9,896.85

Owner of rented right: IBP, Inc.

Please prepare a State Warrant in the amount of $9,896.85 payable to IBP, Inc.

c: Water right nos: 63-07531, 63-10383, 63-11347 AND 63-03362

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 14, 1999

Kevin Beaton
STOEL RIVES
101 South Capitol Blvd
STE 1900
Boise ID 83702-5958

RE: IBP Water Supply Bank Rental Agreement

Dear Mr. Beaton:

I have enclosed an executed copy of the Water Supply Bank Rental Agreement for IBP, Inc.

If you have any questions concerning the terms of the agreement, please contact Glen Saxton at (208)327-7955.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

APR 14 1999

STOEL RIVES LLP
ATTORNEYS

101 SOUTH CAPITOL BOULEVARD
SUITE 1900
BOISE, IDAHO 83702-5958
Phone (208) 389-9000 Fax (208) 389-9040
Internet: www.stoel.com

RECEIVED
APR 13 1999
Department of Water Resources

April 13, 1999

KEVIN J. BEATON
Direct Dial
(208) 387-4214
email kjbeaton@stoel.com

via HAND DELIVERY

L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83720

Re: IBP Water Supply Rental Agreement

Dear Mr. Saxton:

Enclosed is the original Water Supply Rental Agreement executed by an authorized representative of IBP on this date. Upon execution of the Rental Agreement by the Director, IBP intends to commence irrigation consistent with the Agreement. Please provide me a copy of the Agreement after it is signed by the Director.

Thank you for your prompt attention to this matter.

Sincerely,

Kevin Beaton

Kevin J. Beaton

KJB:ww
Enclosure
cc: Kim Dirks (w/enc.)
Sherl Chapman (w/enc.)

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: IBP, Inc

2. Address: P.O. Box 9346, Boise, ID 83707

3. Source of water: Ground water

4. Volume of water rented: 4,398.6 AF, Max rate: 10.77 cfs

5. Diversion period: from April 1, 1999 to April 1, 2000

6. Use of water: Irrigation, domestic, commercial, industrial and stockwater

7. a) Renter's point of diversion:

   Legal description: NWSW Section 7 (3 pts), NENW, NWNE Section 6, NWNW Section 19, all in T1N, R2E, B.M., SWSE Section 31, T2N, R2E, B.M.

   Pump HP: 100 to 150 Lift: 250 to 312 feet

   b) Renter's place of use:

   Legal description: 1286 acres within parts of Sections 6,7 and 18, T1N R2E, B.M. and part of Section 31, T2N, R2E, B.M. as described on IBP's application to rent water from the water supply bank.

8. The rights from which water will be rented are 63-07531, 63-10383, 63-11347 and 63-03362.

MICROFILMED

Conditions of water use under this agreement:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.

2. Prior to diversion of water under this agreement, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director.

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to the licensed points of diversion and place of use.

4. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of the diversion and use of water under this agreement.

5. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.

6. The maximum rate of diversion for irrigation purposes when combined with all other water rights for the same land shall not exceed 0.02 cfs for each acre of land.

Dated this 13 day of April, 1999.

Daryl O'Donnell
IBP, Inc

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and Rule 30 of the Water Supply Bank Rules, IDAPA 37.02.03030, for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 14th day of April, 1999.

for L. Glen Saxton
KARL J. DREHER, Director
Department of Water Resources

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C045077

Date: 4/ 8/1999
Time: 13:37:41

Received From: I B P, INC.

Type of Payment		Program Acct	Amount
WATER SUPPLY	55109	229 21 1205	9,896.85
WATER SUPPLY	55109	229 21 1205	1,429.54
WATER SUPPLY	13602	490 2 1205	2,969.06
		Total	$ 14,295.45

CHECK 106685

Region: STATE

Signature: [signature]

MICROFILMED
APR 14 1999

11/92

Should questions arise during the processing of this application please contact:
SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

Before the Idaho Water Resource Board

APPLICATION TO RENT WATER

FROM THE

WATER SUPPLY BANK

Applicant IBP, Inc. Phone 208-345-6660.

Address P.O. Box 9346, Boise, ID 83707.

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Ground water

which is tributary to N/A.

2. Maximum volume of water sought See Attachment A AF.

3. Maximum rate of diversion See Attachment A cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use Irrigation, domestic, commercial, industrial & stock water.

2. Location of point of diversion NW 1/4 SW 1/4, Section 7, Twp 1N, Rge 2E, B.M. Ada County. (3 points)

Additional points of diversion, if any: SWSE, 31, 2N2E; NENW, 6 & NWNE, 6, 1N, 2E; NWNW, 19, 1N, 2E (rediversion).

3. Season of use: From 3/15 (irrigation) / 1/1 (other) to 11/15 (irrigation) / 12/31 (other).

4. Description of diverting works: SEE ATTACHMENT B

Pump HP _____ Lift _____ Pump type _____.

Canal name, if appropriate _____.

5. Place of use:

a. If water is for irrigation, describe the number of acres to be irrigated by 40 acre tract, section, township and range.

See Attachment C

MICROFILMED
MAR 14 1995

b. If water is not for irrigation, describe the nature of the intended use and the place of use.
A portion of the water will be used for commercial, industrial and domestic purposes at the IBP, Inc. facility.

6. Describe any other water rights used for the same purposes as the rental water sought under this application.

63-02200, 63-00332 (surface water - Ten Mile Creek)

7. Who owns the property at the point of diversion?

Applicant.

8. Who owns the property at the place of use? Applicant.

9. Are you seeking a rental for more than one (1) year? NO.

If so, how many years? _____.

9. Remarks: The water is intended to be used to augment and initiate a waste water, land disposal project as required by IDEQ.

4/2/99
Date

Gary O'Donnell
Signature of applicant

****

FOR DEPARTMENT USE ONLY

Rec'd by VLS Date 4-2-99 Time 3:10 P.M.

Published in N/A Pub. dates _____.

Protests filed by _____.

Hearing held by _____ Date _____.

Action recommended _____.

RECEIVED
APR 14 1999

IBP, INC.
WATER BANK APPLICATION

ATTACHMENT "A"

Maximum Volume of Water Sought (Acre Feet)

63-07531

Irrigation -	720
Stock -	13.4
Commercial -	720
Domestic -	11.2
TOTAL	744.6

63-11347

Irrigation - 544.5 - when combined w/all wells

63-10383

Irrigation -	679.5
Industrial -	1,593
TOTAL	2,272.5

63-03362

Irrigation - 837

TOTAL VOLUME REQUESTED - 4,398.6

Maximum Rate Of Diversion (CFS)

63-07531 and 63-10383 - 5.87

63-11347 - 2.23

63-03362 - 2.67

TOTAL MAXIMUM RATE OF DIVERSION - 10.77

SEP 14 1993

IBP, INC.
WATER BANK APPLICATION

ATTACHMENT B

PUMP	HP	LIFT (FEET)	TYPE
East Plant	100	270	Submersible
West Plant	150	275	Vertical Turbine
Farm Well	150	275	Vertical Turbine
Thermal Well	150	312	Vertical Turbine
North Well	150	250	Vertical Turbine

IBP, INC.
WATER BANK APPLICATION
PLACE OF USE

ATTACHMENT C

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	acres
1N	2E	6	35	40	40	40	40			40	40			40		40	39		394
1N	2E	7					40	40	40		40	D	36	32			32		260
1N	2E	18	32	40		40	40	40	40	40	40	40	40	40					432
2N	2E	31									40	40	40	40			40		200
																			1286

NOTES: Acres shown indicate irrigation, industrial, commercial and stock water uses.

D indicates domestic use.

Total Place of Use acreage before the requested changes was 619 acres.

No more than 619 acres will be irrigated under the listed water rights within this place of use. Diversion rates and total volumes will not exceed the listed water right amounts. The added acreage will receive water distributed under the waste water application program permitted by IDEQ.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 1999

Kevin Beaton
STOEL RIVES
101 S. Capital Blvd
Boise, ID 83702-5958

RE: APPLICATION TO LEASE WATER RIGHT NOS. 63-07531, 63-10383, 63-11347 AND 63-03362 TO THE WATER SUPPLY BANK

Dear Mr. Beaton:

The department has reviewed the above referenced application which was submitted to the department on April 2, 1999 in the name of IBP, Inc. Please consider that the water rights offered for lease have been accepted into the bank and will be retained in the bank through April 1, 2000.

Forwarded with this letter is a Water Supply Bank Rental Agreement which a representative of IBP, Inc. needs to sign and return to me. Upon receipt of the signed agreement, the department will also sign it and return an executed copy for your records.

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - W. Region
Sherl Chapman

MICROFILMED
APR 1 4 1999

MEMORANDUM

To: Files 63-03362, 63-07531, 63-10383 and 63-11347

From: L. Glen Saxton

RE: **TELEPHONE CONVERSATION**

Date: April 9, 1999

On April 5, 1999, I called Western Region to determine whether Iowa Beef Processors (IBP) have filed an application for transfer to make permanent the proposal sought by applying to the Water Supply Bank. The region advised that IBP has filed an application for transfer which will be advertised later this month.

The purpose of the application to the water supply bank, as I understand it is to allow IBP to land apply waste water effluent in compliance with the requirements of DEQ. The application for transfer can not be processed in a time frame which will meet DEQ requirements. Hence, the application to the water supply bank is a temporary measure.

I recommend approval of the application to the water supply bank.

APR 14 1999

Form No. 42-1761
3-92

Water Supply Bank No. _____

Water Right No. _____

Should questions arise during the processing of this application please contact:
SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

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

Name of Seller/Lessor IBP, Inc. Phone 208-345-6660

Post office address P.O. Box 9346, Boise, ID 83705

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____ (Name)

   in case of _____ vs _____

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

   b. License No. 63-03362 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 N/A

3. Date of priority 7/11/63

4. Water is used for the following purposes:

   amount 2.67 for Irrigation purposes from 4/1 to 10/31

   amount _____ for _____ purposes from _____ to _____

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

5. Total amount of water under right: a. 2.67 cubic feet per second
   &/or
   b. 837 acre feet per annum

6. Location of point of diversion is SW ¼ of SE ¼ of Section 31

   Township 2N Range 2E, B.M. in Ada County

   Additional points of diversion, if any _____

MICROFILMED
APR 14 1993

7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	2E	31									35	38	37	38			38		186

Total number of acres to be irrigated 186

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

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

_____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

MICROFILMED
APR 14 1993

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.

IBP, Inc. owns the land to which the water right is appurtenant.

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:

The water under this right has been used continuously since development.

Evidence of diversion is attached as Exhibit A. Power records are available but not attached due to volume.

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 in SW Ada County. No curtailment of rights due to water storage has occurred.

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.

63-00332; 63-02200 - Yes, water is intended to be leased from the water bank to allow IBP, Inc. to continue irrigation and initiate land application of waste water as required by IDEQ.

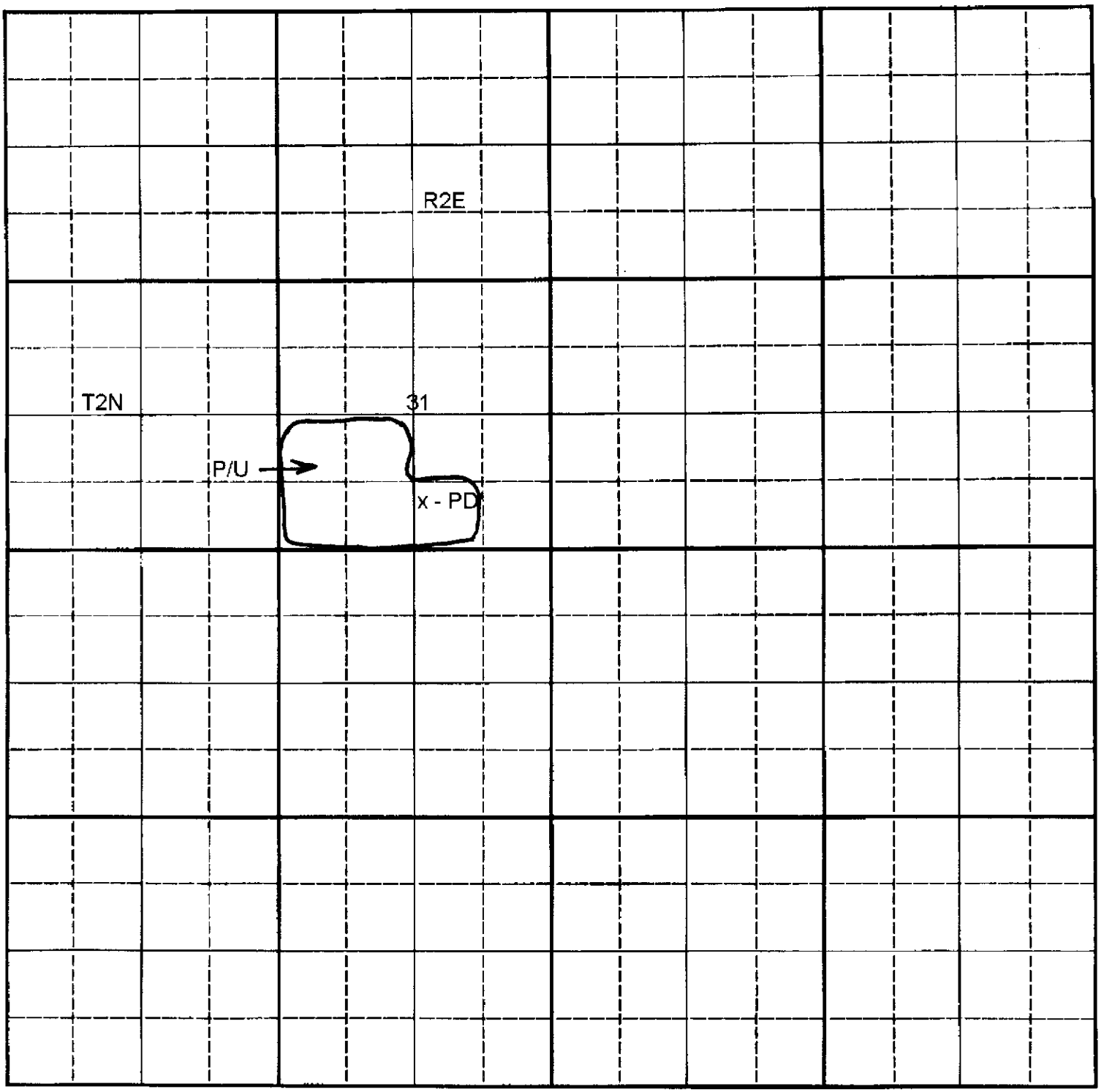
5. If the water right is a permit, describe the work accomplished toward developing the right.

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.

SEP 14 2009

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.



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

APR 14 1989

9. Remarks See Attachment A

D. SALE/LEASE AGREEMENT

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

_____ For sale

XXX For lease for period from April 1, 1999 (year) to December 31, 1999 (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)

Existing rate as established by the Idaho Water Resource Board.

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

XXX 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.

4/2/99 (Date) Gary O'Donnell (Signature of applicant)

Gary O'Donnell, Plant Manager

FOR DEPARTMENT USE ONLY

Received by VZA Date 4-2-99 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	IDA-U LAND & BEEF 4260 PARK TERRACE DRIVE SALT LAKE CITY UT 84124 (801) 277-9303	07/11/1963	IRRIGATION	04-01	10-31	2.67 CFS	837.00 AFA
					TOTAL DIVERSION:	2.67 CFS	837.00 AFA
					CONSUMPTIVE USE:		651.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T02N R02E S31 SWSE ADA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
02N	02E	31									35	38	37	38			38		186.0
																	TOTAL ACRES		186.0

POU County: ADA

Other Rights: 63-2615, 63-00329, 63-00330, 63-00331

Remarks: GEN AC. IRR.=185.5.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

ATTACHMENT "A"

The placing of this water right in the Idaho Water Bank is desired in order to allow IBP, Inc. to move ahead with land application of waste water as required by permit from IDEQ. IBP, Inc. intends to lease the water back to continue irrigation and initiate land application of wastewater as required by IDEQ. IBP, Inc. intends to file an application to lease the water simultaneously with these applications. The applicant feels the irrigation and wastewater disposal is in the local public interest and environmentally beneficial. Water rights number 63-03362 and 63-11347 offered for lease are in the name of Ida-U-Land and Beef. IBP, Inc. is now the owner of the former holdings of Ida-U-Land and Beef.

Re: Permit No: 31242/63-3362

Utah mortgage and Loan Corporation

Robert C. Baker
Agricultural Loan Representative
P.O Box 1247
Boise, Idaho 83701

Phone: 342-7771

Contact the above named gentleman if anything further develops on Mr. Green's application. They hold ~~mortgage~~ mortgage.

DJT

62-3362
31242

October 21, 1970

Re: Permit No. 63-3362 (G-31242)

Standard Insurance Company
1100 Southwest Sixth Avenue
Portland, Oregon 97207

Dear Sirs:

Enclosed herewith is your Water License issued on the above numbered permit.

Please note that your Water License was issued for irrigation purposes only. We advised you in our fee letter dated October 7, 1970 that the license would be issued for both domestic and irrigation purposes but upon further checking the exam report we found that the examiner found the water being used beneficially only for irrigation purposes and not domestic purposes. You will have 30 days within which to object to the limitations of your Water License.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

cc. Eberle & Berlin
P.O. Box 1368
Boise, Idaho 83701
Attn: Dale O. Morgan

63-3362
31242

October 19, 1970

Re: Permit No. 63-3362 (G-31242)

Mr. or Mrs. C. J. Stewart
Route 2
Kuna, Idaho 83634

Dear Mr. & Mrs. Stewart:

We are returning your check in the amount of $15. The licensing fee for the above numbered permit was paid by the law firm of Eberle & Berlin. The Water License for the above numbered permit is presently being issued.

If you should have any questions, please feel free to contact us.

Very truly yours,

DORIAN CLAY
Appropriation Examiner

DC:kh

Enclosure

63-3362
31242

EBERLE, BERLIN, MORGAN, KADING & TURNBOW
FORMERLY RICHARDS HAGA & EBERLE
TITLE INSURANCE BUILDING
BOISE, IDAHO

P. O. BOX 1368 - 83701
TELEPHONE 344-8535
AREA CODE 208

T. H. EBERLE
JAMES L. BERLIN
DALE O. MORGAN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE

H. Q. NOACK, JR.
JOHN L. RUNFT
STANLEY D. CROW
W. J. MCKLVEEN
CÜMER L. GREEN

J. L. EBERLE (1890-1964)
OLIVER O. HAGA (1872-1943)
JAMES H. RICHARDS (1852-1936)

October 13, 1970

Mr. Bobby D. Fleenor, Assitant Director
Department of Water Administration
State House Annex No. 2
Boise, Idaho 83707

Re: Permit No. 63-3362

Dear Mr. Fleenor:

This will acknowledge the receipt of your letter of October 7, 1970. We enclose herewith our check in the sum of $15.00 and request that a Water License be issued in the name of Standard Insurance Company, a corporation.

The license itself should be sent directly to Standard Insurance Company at 1100 Southwest Sixth Avenue, Portland, Oregon, 97207, and we would appreciate being advised that the license has been issued and mailed.

Very truly yours,

RBK:wem
cc: Mr. Jonathan U. Newman
Standard Insurance Company

63-3362
21242

October 7, 1970

Re: Permit No. 63-3362 (G-31242)

Standard Insurance Company
1100 Southwest Sixth Avenue
Portland, Oregon 97207

Dear Sirs:

A representative of this department has made an examination of the works covered by your Permit No. 63-3362 and has found the following:

Quantity of water diverted: 2.67 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 2.67 c.f.s.

The maximum quantity of water diverted shall not exceed 887 acre feet per season.

Beneficial Use: Domestic use and Irrigation of 186 acres of land within the SW¼, SW¼SE¼ Sec. 31, T. 2 N., R. 2 E., B.M.

The priority date established is : July 11, 1963

A fee totaling $15.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

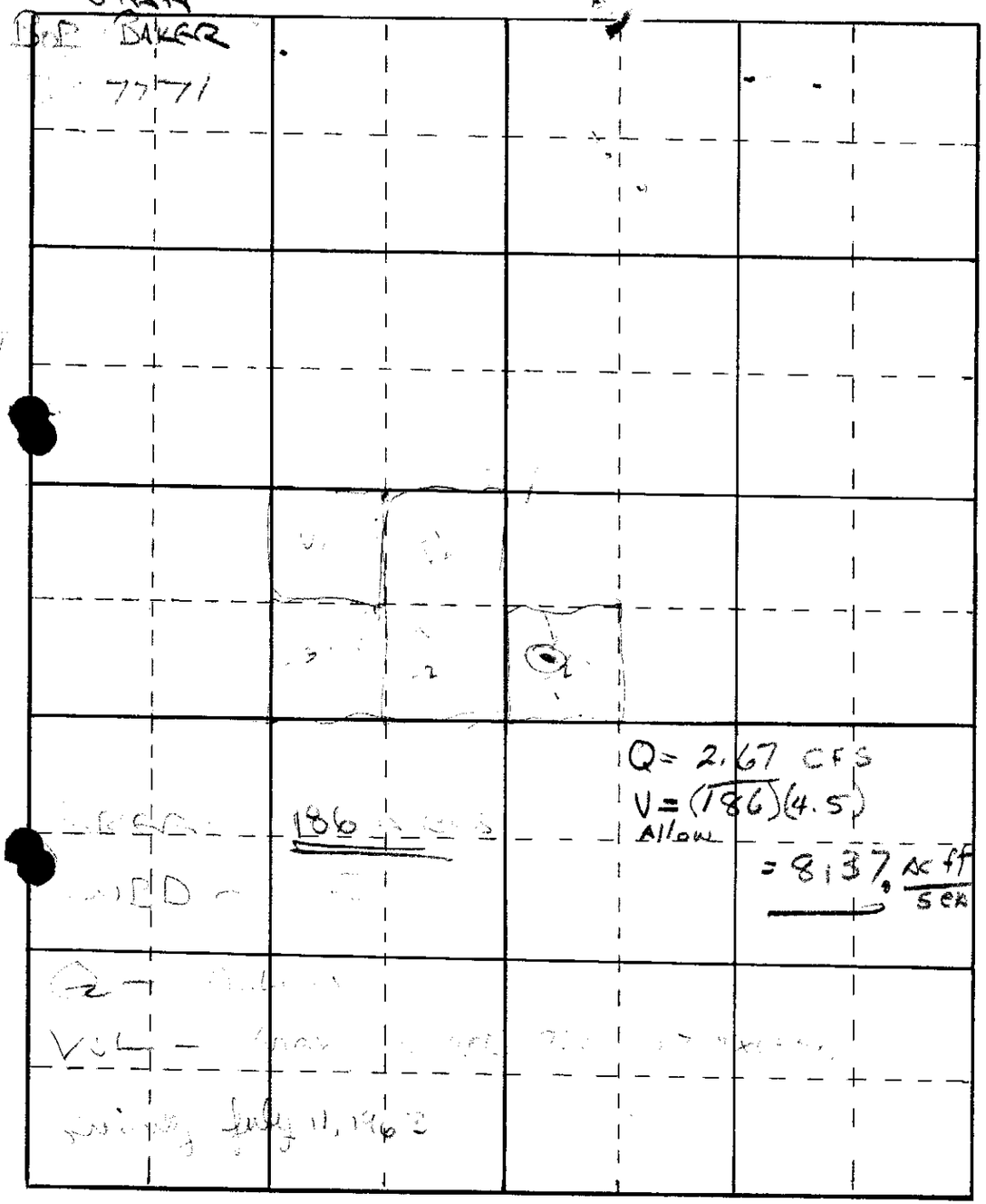
Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/kh

cc. Eberle & Berlin
Attn: Dale O. Morgan
P.O. Box 1368
Boise, Idaho 83701

63-3362
31242



NO PHOTO COPY

Permit No. G-31242 / 63-3362 342-6-342

Name of Applicant Richard Lee Green, Route 2, Kuna, Idaho

Source of Water Subterranean

a tributary of

Location of P.D. SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M., Ada County.

Water is used for Irrigation and domestic

Quantity of water claimed: Permit 4.0 c.f.s. Depositions 200"

Type of measuring device installed or method of measurement and general description of diversion works Electric pump, well - 440'x14"/H-317'/ Q-200" (by Layne & Bowler Test Pump)

Land to be irrigated or place of use:

TWP.	RGE.	SEC.	Description
2 N	2 E	31	E½SW¼, Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), SW¼SE¼

Total acreage 205

Filed - July 11, 1963
Due - July 12, 1968

Made - March 12, 1968
Priority - July 11, 1963

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.

Pleasant Valley Irrigation Company shares (150) and 1/2" to share

Source of supply [illegible]

a tributary of

Location of P.D.(s)

Water is used for IRRIGATION

Quantity of water found

How was the measurement made? Sparling Meter

Measurement calculations 100 CF / 37 secs

$\frac{100}{37} \times \frac{X}{60} = \frac{162}{60} = 2.67$ CFS

(2.67)( )(210) = 1121 Ac ft/sea

(186)(4.5) = 837 Allow/sea

Diversion works description and diagram

B-7 UT #1706138

[illegible]

#2-37948 M.d ADBP

[illegible]

Tank Thence

3/12 42
62-3362

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 186 Ac

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

New Owner is C.J. Stewart RT 2 Knna

System operating as stated in Proof on 25 May 70 Pumps into small stock tank then into earth ditches for gravity irrigation. Paved road bounds one side of property.

Who represented the permit holder at the examination?

Recommended allowance for licensing

Description of required amendments. Comments.

NOTE MR. GREEN STATES THAT THE OWNER ARE AT THE [illegible] THAT HE REQUEST THAT DIV TO WAIT UNTIL AFTER SUMMER [illegible] BEFORE TAKING THE MEASUREMENT

IRRIGATION REQUIREMENT = 4 AC-FT/ACRE/YEAR

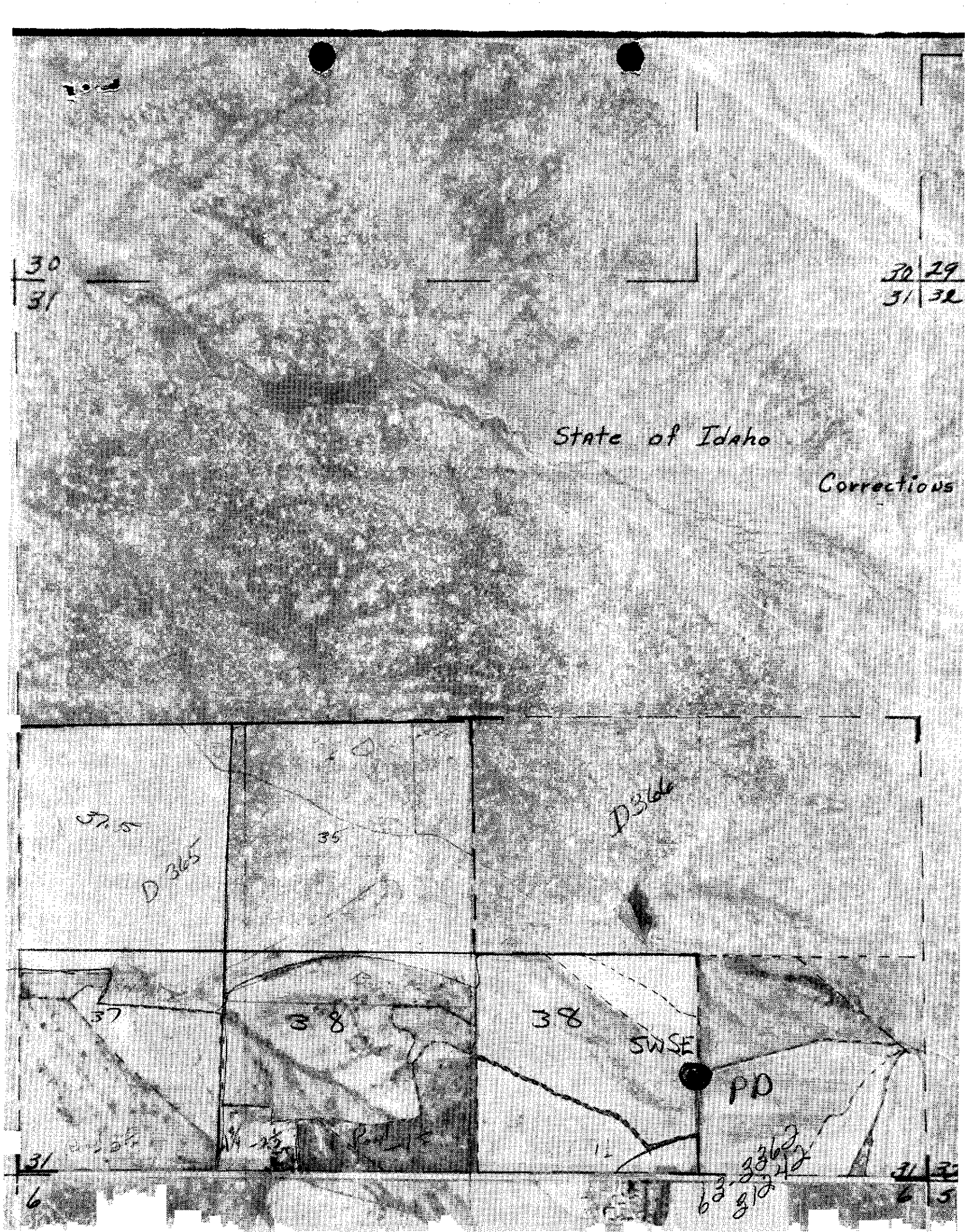
Report checked?

Examination date 25 May 70

Signature [signature]

62-3362
3/12 42

ADB 7/9/70


30
31
29
32
State of Idaho
Corrections
D 36S
35
D Blde
37
38
38
SWSE
PD
6
5

March 9, 1970

Re: Permit No. 63-3362

COPY

Utah Mortgage and Loan Corporation
Mr. Robert C. Baker
P.O. Box 1247
Boise, Idaho 83701

Dear Mr. Baker:

Enclosed herewith is a copy of an assignment which this office has approved.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosure

312 42
63-3362

March 9, 1970

Re: Permit No. 63-3362

COPY

Mr. Dale O. Morgan
EBERLE & BERLIN
P.O. Box 1368
Boise, Idaho 83701

Dear Mr. Morgan:

Enclosed you will find a copy of an assignment which this office has approved.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosure

31242
63-3362

March 9, 1970

Re: Permit No. 63-3362

COPY

Standard Insurance Company
1100 Southwest Sixth Avenue
Portland, Oregon 97207

Gentlemen:

Enclosed you will find a copy of an assignment which this office has approved. Also enclosed is a copy of the above numbered permit which is now in your company's name.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosures

31242
63-3362

December 15, 1969

Re: Permit No. 63-3362 - Richard Lee Green
Standard Insurance v. Green

COPY

Mr. Dale O. Morgan
EBERLE & BERLIN
P.O. Box 1368
Boise, Idaho 83701

Dear Mr. Morgan:

After reviewing the information supplied in your letter of November 24, 1969, and discussing the matter with the Idaho Attorney General's office, we find that the evidence you have submitted is not sufficient to obtain control of Permit 63-3362.

As indicated in a conversation with Mr. C. Stephen Allred, of this office, the permit in question is personal property of the permit holder and, inasmuch as the permit is not licensed and pertinent to the property in question, it is the opinion of the Attorney General's office and of this office that an assignment cannot be effected by the documents you have submitted.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

63-3362
31242

December 4, 1969

Re: Permit No. 63-3362 - Richard Lee Green

COPY

Mr. Robert C. Baker,
Agricultural Loan Rep.
UTAH MORTGAGE LOAN CORP.
P.O. Box 1247
Boise, Idaho 83701

Dear Mr. Baker:

We are in receipt of your letter of November 14, 1969, and will file it with the above referenced permit.

As we explained earlier in person, we will not be able to conclude processing strictly on the basis of this letter. However, we will take into consideration the intent of the letter and the situation at hand and if at all possible, we will comply with your request. The normal course of action would be to obtain an assignment of Mr. Green's interest to your company, but we realize that, under the circumstances, this would be very difficult.

If we can be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

63-3362
31242

EBERLE & BERLIN
(FORMERLY RICHARDS, HAGA & EBERLE)
TITLE INSURANCE BUILDING
BOISE, IDAHO

P. O. BOX 1368 83701
TELEPHONE 344-8535
AREA CODE 208

T. H. EBERLE
JAMES L. BERLIN
DALE O. MORGAN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE

JOHN L. RUNFT
STANLEY D. CROW

WITHDRAWN PARTNERS:
W. D. EBERLE
CHAS. F. McDEVITT

J. L. EBERLE (1890-1964)
OLIVER O. HAGA (1872-1943)
JAMES H. RICHARDS (1852-1936)

November 24, 1969

RECEIVED
NOV 24 1969
Department of Reclamation

Mr. Dean Reynolds
Bureau of Reclamation
614 State Street
Boise, Idaho

Re: Standard Insurance v. Green

Dear Dean:

I enclose for filing in the above matter notice of Standard Insurance Company's rights in connection with this well.

While I do not believe that it is necessary, I desire that it be placed in the file.

Thank you very much for your courtesies and cooperation in this matter.

Very truly yours,

Dale O. Morgan

Dale O. Morgan

DOM:jd

Enclosure

21S 4E
8 22bc
69-22bc

RECEIVED
NOV 24 1969
Department of Reclamation

TO THE DEPARTMENT OF RECLAMATION, STATE OF IDAHO

NOTICE AND AFFIDAVIT OF OWNERSHIP OF WATER AND WELL RIGHTS - PERMIT NO. 63-3362

Application No. G-39342
Permit No. G-31242

STATE OF IDAHO)
) ss.
County of Ada)

DALE O. MORGAN, being first duly sworn on oath, deposes and says:

1. That he is the attorney and agent for Standard Insurance Company, a corporation, has personal knowledge of the facts hereinafter set forth and makes this Affidavit for and on behalf of Standard Insurance Company, a corporation.

2. That Standard Insurance Company is the owner of all water and well rights in connection with permit No. 63-3362 covering well and water rights in connection with the well or wells located upon the following described real property situate in Ada County, State of Idaho, to-wit:

Lots 3 and 4, E 1/2 SW 1/4, SW 1/4 SE 1/4, Section 31, Township 2 North, Range 2 East, Boise Meridian.

3. The ownership and rights of said Standard Insurance Company are derived from certain real and chattel mortgages covering said water rights given by Richard Lee Green and Mayme Green, husband and wife, on the 27th day of April, 1967, and duly recorded on the 28th day of April, 1967, in book 413 of Mortgages at page 441, as Instrument No. 662974, and on said 28th day of April, 1967, filed for record as a chattel mortgage in said office of the County Recorder of Ada County, Idaho, under Recorder's Instrument No. 662975, and recorded in Book 27 of Chattel Mortgages at page G-29(2) and upon Decree of Foreclosure upon the aforesaid mortgages made and entered in the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, in Civil Action No. 41673 on the 8th day of May, 1969, which said Decree was recorded in the Office of the County Recorder of Ada County, on the 8th day of May, 1969, and upon Sheriff's Certificate of Sale in said action issued on the 16th day of June, 1969, records of Ada County, Idaho, as Instrument No. 718550.

Dale O Morgan

SUBSCRIBED and SWORN to before me this 24th day of November, 1969.

Kirby A. Peckham
Notary Public for Idaho
Residing at Boise, Idaho

Received by the Department of Reclamation, State of Idaho, November 24, 1969.

By_____

63-3362
31-12

In Reply Refer to No.
19 12587 Richard Lee Green

UTAH MORTGAGE LOAN CORPORATION
Boise, Idaho Office: 107 West Bannock Street, 83701
P.O. Box No. 1247
Mortgage Bankers Since 1892
Phone: (208) 342-7771

November 14, 1969

Department of Reclamation

Mr. Donald W. McEldowney
Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

Dear Mr. McEldowney:

Pursuant to our conversation in your office this past week, this letter will confirm that Standard Insurance Company of Portland currently has a mortgage on the property owned by Mr. Richard Lee Green of Route 2, Kuna, Idaho, located in Ada County, Idaho. This mortgage is currently serviced by Utah Mortgage Loan Corporation. Your office has an outstanding Water Permit No. 31242-63-3362 covering a well located in the SW ¼ of the SE ¼ of Sec. 31, Twp. 2 N., R. 2 E., B.M. We would like to respectfully request that we be notified of any anticipated assignment, relinquishment, or change of any nature in the above water permit, since it would directly affect our security property currently under foreclosure.

I am sure that it is evident to you that any change or relinquishment in this water permit would drastically affect the security for our loan which as I have mentioned before is currently under foreclosure action and has gone to the Sheriff's Sale and is in the redemptive period.

We ask that you mark your file accordingly and certainly would appreciate your cooperation on this matter.

We are currently working with legal counsel to facilitate a method whereby on future cases we can be made aware of the negotiations concerning the water permit located on property which is secured by a long term mortgage loan. You will be hearing more from us in the future on that. We certainly appreciate your cooperation on all these matters.

Mortgage Loans
Real Estate Sales
Land Development

Sincerely yours,

Robert C. Baker

Robert C. Baker
Agricultural Loan Representative

63-3362
3/2-12

November 3, 1969

Re: Permit No. 31242/63-3362

COPY

Richard Lee Green
Route #2
Kuna, Idaho 83634

Dear Mr. Green:

We have been informed that you have not used your well for sometime and you wish to relinquish your permit covering this well located in the SW¼SE¼, Section 31, Twp. 2N, Rge. 2E,B.M.

We are, therefore, enclosing a Relinquishment form for you to complete and return to this office.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:mh

11-5-69

Mr. Green came to the office. He does not want to relinquish his permit. The well is used for stock water and domestic use all year. It is also used for irrigation during the summer. It will be on all next summer and an examination can be made at that time.

DRR

31242
13-3362

718550 , 19 1965

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STANDARD INSURANCE COMPANY, a corporation,

Plaintiff,

vs.

RICHARD LEE GREEN and MAYME GREEN, husband and wife; IDAHO STATE BANK, Kuna Branch, an Idaho corporation,

Defendants.

Civil No. 41673

SHERIFF'S CERTIFICATE OF SALE OF REAL ESTATE ON FORECLOSURE

I, PAUL BRIGHT, the duly qualified and acting Sheriff of Ada County, Idaho, do hereby certify that under and by virtue of a decree of foreclosure and order of sale issued out of and under the seal of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, in an action wherein Standard Insurance Company was Plaintiff, and wherein the Defendants were as stated in the caption hereof, which order was duly attested on the 9th day of May, 1969, and which order was to me duly delivered and directed, on the 9th day of May, 1969, whereby I was commanded to sell the property therein described according to law, and to apply the proceeds of said sale toward the satisfaction of the judgment in said action according to the priorities therein provided, to the Plaintiff, Standard Insurance Company, amounting with interest to the sum of $53,944.24, besides costs and expenses of sale amounting to the sum of $96.80, and I duly levied upon the following described real and personal property appurtenant thereto, and on the 16th day of June, 1969, at 10:00 o'clock A.M., at the front door of the County Courthouse in Boise, County of Ada, State of Idaho, duly sold the following described real and personal

[illegible] County, [illegible]

Insurance Company for the real and personal property appurtenant thereto, in said order of sale described as follows, to-wit:

Lots 3 and 4, E 1/2 SW 1/4, SW 1/4 SE 1/4, Section 31, Township 2 North, Range 2 East, Boise-Meridian;

Conveying with the above described land any and all water rights and irrigating ditches belonging or in anywise appertaining thereto and especially including, but not limited to the following: 160 shares of the Pleasant Valley Irrigation Company stock or rights therein and the following described pumping equipment:

One GMC Stationary Diesel Motor, Model 64-HN8 - Series 6-71, Engine No. C-28328;
One Byron Jackson Pump - Serial No. 170673.

I do further certify that said property was first offered for sale in parcels and that no bids were received for any of the parcels thereof, and that the same was thereafter offered for sale in one parcel including the aforesaid described personal property appurtenant to said real estate, and sold to said Standard Insurance Company, and that said sum of $54041.04 was the highest and best bid therefor and the whole price paid therefor.

I do further certify that the whole of said property is subject to redemption within one year pursuant to the statute in which cases made and provided, and that in view of the fact that the judgment and decree above mentioned provide that the court expressly retain jurisdiction in this cause for the purpose of making any further orders as may be necessary to carry this decree into effect, including the appointment, if necessary, of a receiver for the protection, operation, maintenance and management and preservation of the premises covered by this sale, or the continuance of such receivership if the same is now in existence, said redemption shall be subject to any such receivership and the terms thereof in accordance with the order of this Court.

GIVEN under my hand and seal this 24th day of June, 1968.

PAUL BERGER, Sheriff of Ada County, Idaho

By [illegible]
Deputy Sheriff

STATE OF IDAHO, COUNTY OF ADA, ss.
Filed for record at the request of [illegible]
10 Min past 10 o'clock A. M. this 26 day of June 1968
CLARENCE A. PLANTING, Recorder
By [illegible] Deputy

150

STATE OF IDAHO
COUNTY OF ADA
ss.
I, CLARENCE A. PLANTING, CLERK OF THE DISTRICT COURT OF T
FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR T
COUNTY OF ADA, DO HEREBY CERTIFY THAT THE FOREGOING IS
TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS O
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND
AND AFFIXED MY OFFICIAL SEAL THIS 24 DAY OF November 19
CLARENCE A. PLANTING, CLERK
By Mary E. Negley DEPU

CERTIFICATE OF SA

March 21, 1968

Re: Permit No. G-31242

Richard Lee Green
Route 2
Kuna, Idaho

Dear Mr. Green:

We acknowledge receipt of the depositions and affidavit of publication in the Kuna Herald submitted as proof of completion of works and beneficial use on Permit G-31242.

Before a certificate and license of water right can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

G 31242



IDAHO STATE BANK

MELBA-KUNA BRANCH
KUNA, IDAHO 83634

RECEIVED
MAR 20 1968
Department of Reclamation

March 18, 1968

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Attn: Mr. Donald W. McEldowney

Gentelmen:

I'm in reference to your letter to Mr. Richard Lee Green on the 12th of March. Water Permit #G-31242.

Mr. Richard Lee Green was unable to get Mr. Coleman Green and Mr. William Hunt into my office before we closed on the 11th of March. I therefore told Mr. Richard Lee Green to be in my office at 9:30 A.M. March 12th with Mr. Green and Mr. Hunt. They came in at that time to sign the necessary papers for Mr. Green.

I did not receive any protests on Permit #G-31242(Richard Lee Green,) on 3/11/68.

Very truly yours,

Francis L. German

(Notary Public) Residing at Kuna, Idaho

Subscribed and sworn to before me this 18th day of March 1968

(Seal)

(Notary Public)

(Seal)

Residing at - Kuna Idaho

b 31242

March 12, 1968

Re: Permit No. G-31242
Richard Lee Green

COPY

Richard Lee Green
Route 2
Kuna, Idaho

Dear Mr. Green:

We have received the depositions and affidavit submitted in connection with proof on the above referenced permit.

However, before they are acceptable, we must have an affidavit from the notary Francis L. German stating why the depositions were not taken on March 11, 1968, the advertised date. The affidavit must also state whether or not his office was open on March 11, 1968, and whether or not any protests were offered or received. The affidavit must be notarized by a second notary.

Please submit the affidavit promptly.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DJ

G31242

RECEIVED
MAR 12 1968
Department of Reclamation

Byron Jackson Pump Ser. # 170673B
232686
6" discharge Head

LAYNE AND BOWLER PUMP COMPANY
WELL TEST REPORT

Water Temp. 88°

NAME Dick Brown DATE 11/16/65

LOCATION Dr. Tuna SEC. _____ RANGE _____ T. _____

WELL DEPTH 440' WELL SIZE 14" CASING 440' x 14"

TEST PUMP DEPTH 320' + Couls ORIFICE SIZE 10 x 6 1/2

STATIC WATER LEVEL 315' STARTING TIME 4:45 PM - 8:30 PM
11/17/65 9:00 AM - 10:00 AM

TIME	PUMPING LEVEL	ORIFICE READING	G.P.M.	MINERS INCHES
6:30	327'	6 1/2	900	100"
7:05	329'	10"	1125	125"
2:20	332'	14 1/2"	1350	150"
8:30	338'	26"	1800	200"

REMARKS

Set with 340 ft. of Column then
Couls with 10 ft section below them

Perforations in casing were started at 368 ft
and went to 390 then again at 420 ft to

B 31242

Form 16 - 2M
5-5-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. _____

* * * * * * *

RECEIVED
MAR 18 1963
Department of Reclamation

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: Richard L. Green, Farmer, Rt. 2 Kuna, Idaho

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

Ques. 3. State number, approval date of permit, and date of priority: G-31242, July 12, 1963, July 11, 1963

Ques. 4. State source of water supply: UNDER Ground
Give location of point of diversion, showing subdivision, section, township and range
SW⁴SE⁴ Sec. 31 Township 2N Range 2E

Ques. 5. Describe your works of diversion: Electric Pump; state amount of water they are capable of conveying from point of diversion to place of use: [redacted]; Give name of canal or ditch or other works by which water is conducted to such place of use: OWN; if a well, state depth of well 440 ft.; depth and size of casing 440', 14"; depth to water 317'; if pump is used, state discharge of pump: [redacted]200"; tell how it was measured or determined By Layne & Bowler Test pump; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: SW⁴SE⁴ 40 Ac., NE⁴SW⁴ 35 Ac.
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:
SE⁴SW⁴ 40 Ac., Lot 3 (NW⁴SW⁴) 42.5 Ac., Lot 4 (SW⁴SW⁴) 42.5 Ac.

G 31242

Russell Cowe

State nature of all improvements which have been made as a direct result of said use:

installed Electric pump & reclaimed 82½ Ac. of ground

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

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

watering Cattle & Domestic use in SE¼ SW¼ sec. 31 T. 2N R. 2E.

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: Irrigate & Domestic- Time used since first use:

Since May 1964, used 120" to start with then needed more water when 82½ Ac. was reclaimed

Ques. 10. Describe all other water rights appurtenant to same place of use:

Pleasant valley water Co. 80" of water intermittent from Black Creek No Water in 1966, 1967, 1968

(sign) Richard L. Green

* * * * * * * * * * *

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

Kuna, County of Ada

State of Idaho, on this 12th day of March, A. D. 1968.

Francis S. Belmont

My commission expires: October 10, 1971

$31242

Form 17A - 4M
5-6-65.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. _____

* * * * * * *

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:

Coleman E. Green, 66, Rt. 2, Farmer, Kuna Idaho

Ques. 2 Are you acquainted with Richard L. Green, the holder of Permit No. G-31242? How long have you known him and where does he reside?

43 yrs. Rt. #2 Kuna, Sec. 31, T. 2N R. 2E.

Ques. 3. Have you read or heard said Permit No. G-31242 read, and are you familiar with its provisions and conditions: Yes yes No. _____

Ques. 4. State source of water supply: Underground

Give location of place of diversion, showing subdivision, section, township and range

~~SE4 SW4~~ SW4SE4 Sec. 31 T. 2N., R. 2E

Describe works for conveying water to place of use: Electric Pump

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 4 cfs How much water have you seen being so conveyed? 4 cfs

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

40 Ac. in SW4SE4, 35 Ac. NE4SW4, 42.5 Ac. Lot 3 (NW4 SW4), 42.5 Ac. Lot 4 (SW4 SW4), 40 Ac. SE4 SW4,

G 31242

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

No water cattle & Domestic use in SE¼SW¼ Sec. 31 T. 2N R. 2E

Ques. 8. (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.

Sandy Loam & will take about 1" per Acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? May 1965

Other times you have seen such use: At different times each month since May 1965 till Mar. 1968

(Signed): Paleron E Greer

* * * * * * * * *

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 Kuna, County of Ada, State of Idaho, on this 12th day of March, A. D. 1968

Francis E. Germaine

Notary Public for the State of Idaho

Residing Kuna, Idaho

My commission expires October 10, 1971

b 31242

Form 17A - 4M
5-6-65.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. _____

* * * * * * *

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:

William L Hunt Island Idaho part time peace officer
Po Box 17 Island Id.

Ques. 2 Are you acquainted with Richard L. Green, the holder of Permit No. G-31242? How long have you known him and where does he reside?

Ques. 3. Have you read or heard said Permit No. G-31242 read, and are you familiar with its provisions and conditions: Yes Yes No. _____

Ques. 4. State source of water supply: Underground

Give location of place of diversion, showing subdivision, section, township and range

SW4SE4 Sec. 31 T. 2N R. 2E.

Describe works for conveying water to place of use: Electric Pump

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 4 cfs How much water have you seen being so conveyed? 4 cfs

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

40 Ac. in SW4SE4, 35 Ac. NE4SW4, 42.5 Ac. Lot 3 (NW4SW4), 42.5 Ac. Lot 4 (SW4SW4), 40 Ac. SE4 SW4.

G31242

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

watering cattle & Domestic use in SE¼SW¼, Sec. 31 T. 2N R. 2E.

Ques. 8. (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.

Sand & clay loam, It takes about 1" of water per Acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? May, 1965

Other times you have seen such use: Various times since 1965 till now in March of 1968

(Signed):

Virginia L Hunt

* * * * * * * *

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 Kuna, County of Ada, State of Idaho, on this 12th day of March, A. D. 1968

Francis E. Gasman

Notary Public for the State of Idaho

Residing Kuna, Idaho

My commission expires October 10, 1971

B 31242

NOTICE OF PROOF [illegible] C [illegible] ›LETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on March 11, 1968, at Kuna, County of Ada, State of Idaho, before notary public (name & address) Francis L. German, Box 144, Kuna, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31242, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of ›ermit holder is Richard Lee ›reen, Route 2, Kuna, Idaho.

2. Said works of division will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 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 4.0 c.f.s.

4. The point of diversion of said water is SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M., Ada County.

5. The place where said water is used is E½SW¼, Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M.

6. The date of priority which said user is prepared to establish is July 11, 1963.

R. KEITH HIGGINSON
State Reclamation Engineer

Feb. 9, 16, 23; March 1, 1968

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

Notice is hereby given that on March 11, 1968, at Kuna, County of Ada, State of Idaho, before notary public (name & address) Frances L. German, Box 144, Kuna, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31242, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard Lee Green, Route 2, Kuna, Idaho.

2. Said works of division will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 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 4.0 c.f.s.

4. The point of diversion of said water is SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M., Ada County.

5. The place where said water is used is E½SW¼, Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M.

6. The date of priority which said user is prepared to establish is July 11, 1963.

R. KEITH HIGGINSON
State Reclamation Engineer

Feb. 9, 16, 23; March 1, 1968

G-31242

February 2, 1968

Re: Permit No. G-31242
Richard Lee Green

Kuna Herald
Kuna, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to March 11, 1968. The expense of the publication is to paid by Richard Lee Green, Route 2, Kuna, Idaho, to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enc: Legal Notice

G 31242

Form 36

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

Notice is hereby given that on March 11, 1968, at Kuna, County of Ada, State of Idaho, before notary public (name & address) Francis L. German, Box 144, Kuna, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31242, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard Lee Green, Route 2, Kuna, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 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 4.0 c.f.s.

4. The point of diversion of said water is SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M., Ada County.

5. The place where said water is used is E½SW¼, Lot 3 (NW¼SW¼), Lot 4 (SW¼SW¼), SW¼SE¼, Sec. 31, T. 2 N, R. 2 E, B.M.

6. The date of priority which said user is prepared to establish is July 11, 1963.

R. KEITH HIGGINSON
State Reclamation Engineer

G 31242

February 2, 1968

Re: Permit No. G-31242

Richard Lee Green
Route 2
Kuna, Idaho 83634

Dear Mr. Green:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit G-31242.

We have mailed the notice to the Kuna Herald to be published once a week for four consecutive weeks prior to March 11, 1968, _____, which is the hearing date when the permit holder Richard Lee Green and two disinterested witnesses must appear before Francis L. German, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by Richard Lee Green. Be sure all the forms have the notary's seal and are signed.

Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McElhaney
Water Rights Clerk

DWM:dj

Enc: Depositions

cc: Notary

B 31242

Form 11

RECEIVED
FEB 2 1968
Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Kuna Herald of Kuna, Idaho; published in the county in which the works are situated.

Richard Lee Green
(signature)

Rt. 2
Kuna, Idaho
(address)

1-31-1968
(date)

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 when proof is for completion of works.

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

_____
Engineer

53242

Form 36

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

Notice is hereby given that on March 11, 1968 at Kuna, County of Ada, State of Idaho, before notary public (name & address) Francis L. German, Box 144, Kuna, Idaho, proof will be submitted of the completion of works for the diversion of 1.6 c.f.s. of the waters of 2 well, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31242, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard Lee Green Rt#2, Kuna, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 cubic feet per second.

3. The use to which said water has been applied is Irrigation-stock watering purposes, and the amount applied to beneficial use is 1.0 c.f.s.

4. The point of diversion of said water is SW¼ SE¼ Sec 31 Twp 2N, Rge 2E.

5. The place where said water is used is SW ¼ & SW¼ SE¼ Sec 31, T 2N, R 2E

6. The date of priority which said user is prepared to establish is July 11, 1963.

R. KEITH HIGGINSON.
State Reclamation Engineer

G31242

July 22, 1963

Re: Permit No. G-31242

Mr. Richard Lee Green,
Rt. #1, Box 219,
Caldwell, Idaho.

Dear Mr. Green:

We enclose Permit No. G-31242 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-8089 which was issued covering payment in the amount of $5.75 for the filing fee of the above mentioned permit.

Very truly yours,

[redacted]
State Reclamation Engineer
By

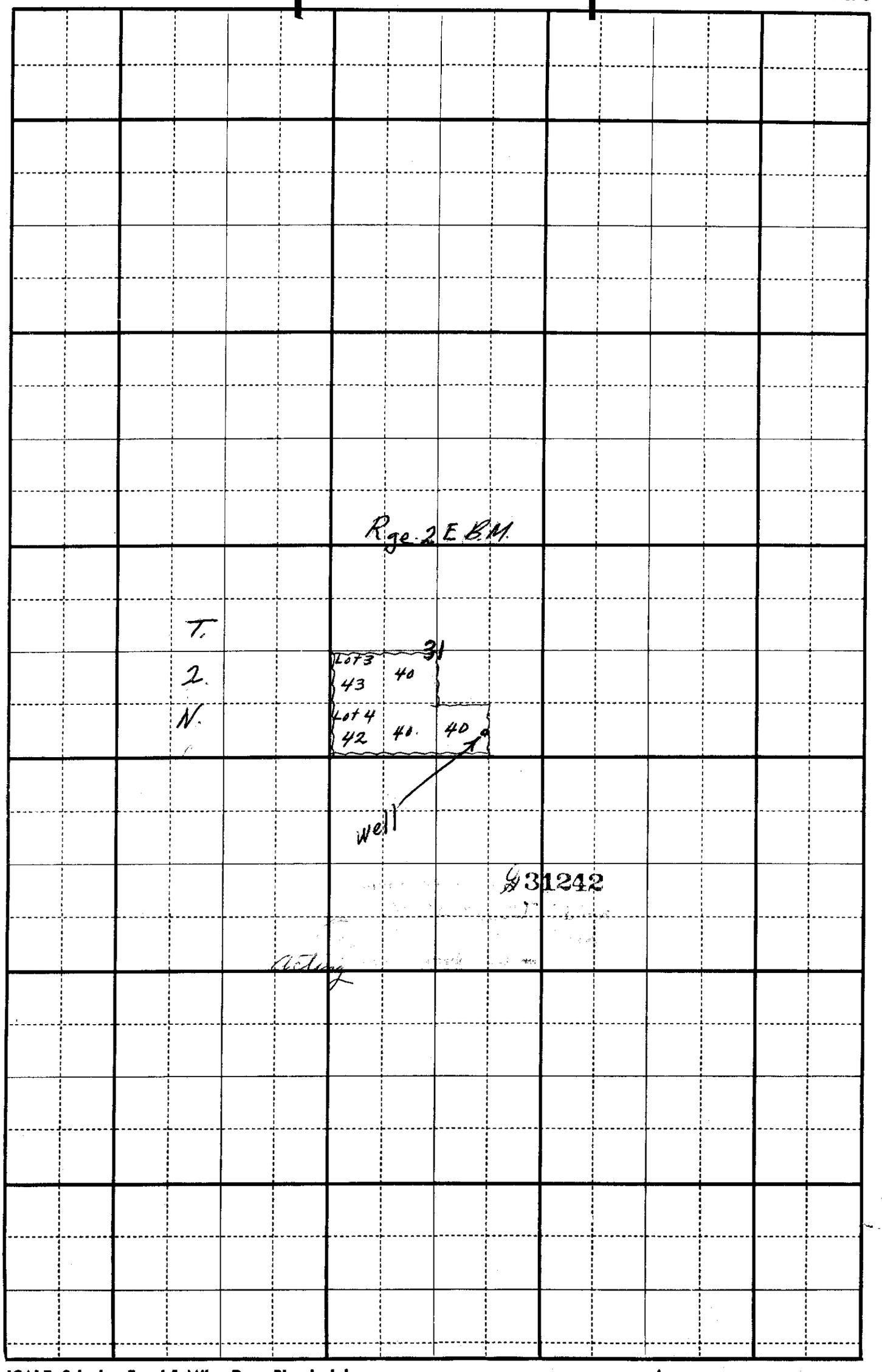
(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl.

G 31242

NAME OF APPLICANT: Richard Lee Green

Form No. 0



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

#31242