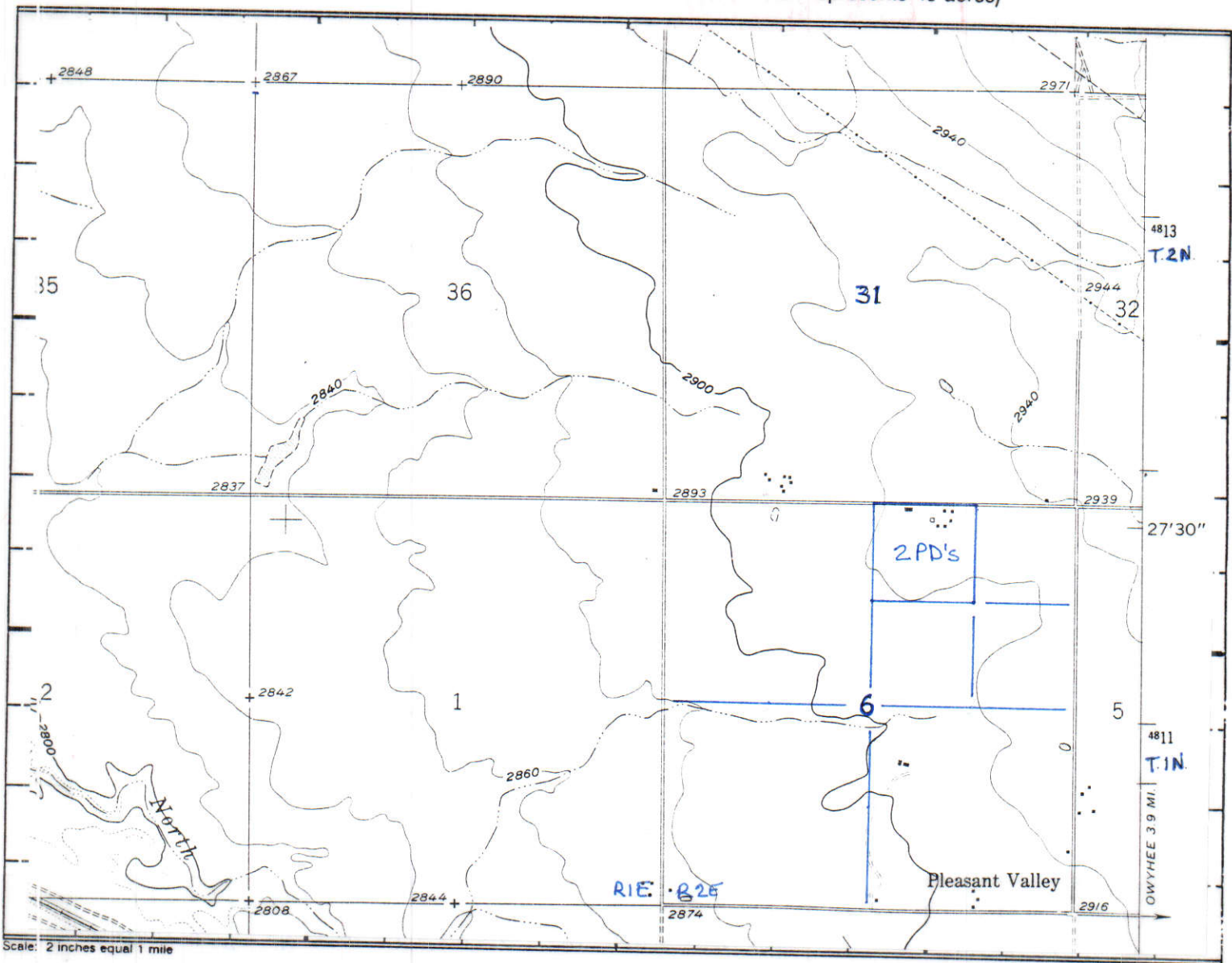


(Refer to original appl. map if necessary - SZ 9/12/95)

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

No Change



I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 1 day of September, 19 95.

Shelby Chapman
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by SZ 9/12/95 Publication prepared by N/A Date DEC 1 1995
Published in _____ Publication dates _____

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment. See the attached sheet for the conditions of approval.

Witness my hand this

4th

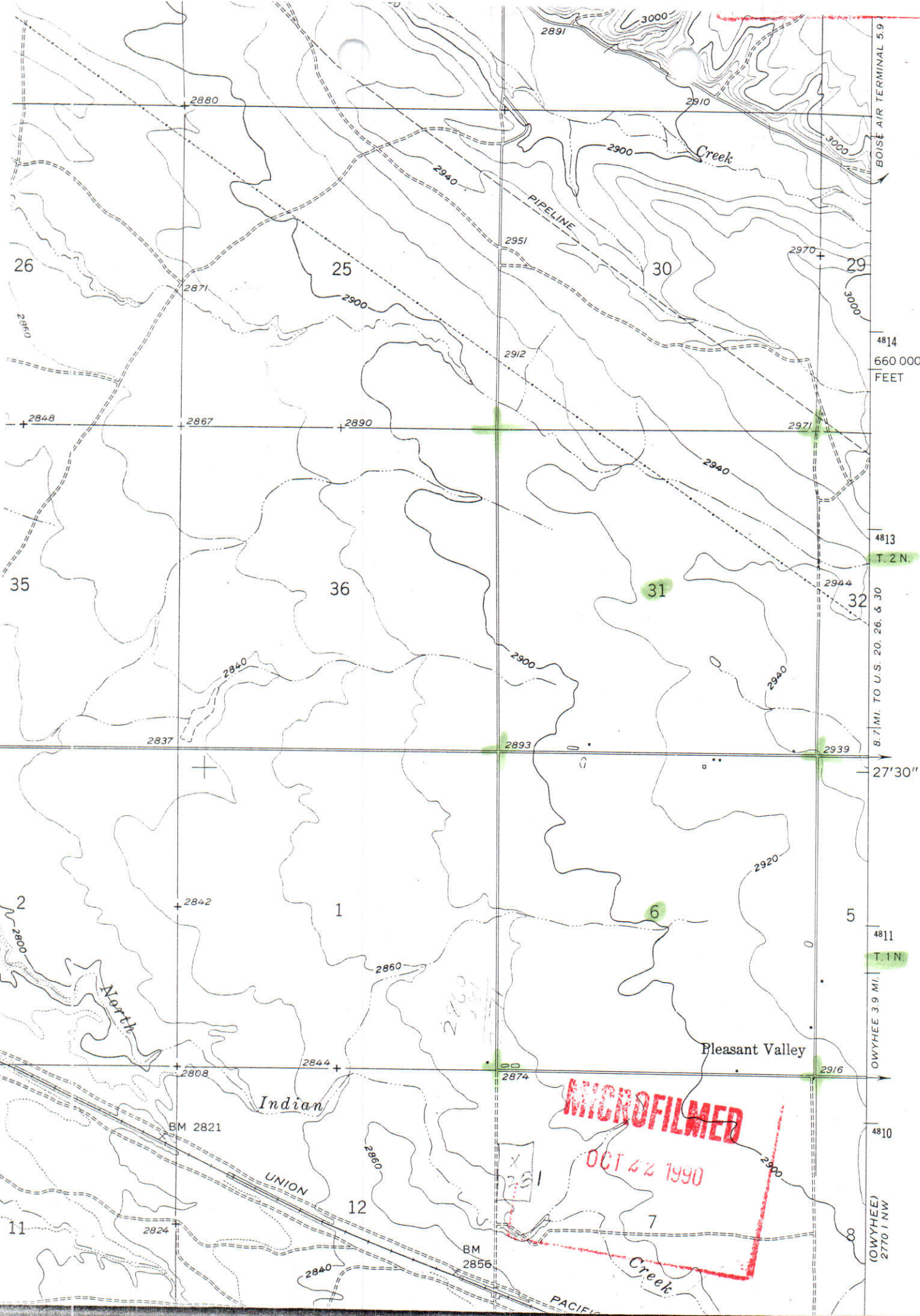
day of

December

19

95

L. Glen Saxton



BOISE AIR TERMINAL 5.9

4814
660 000
FEET

4813
T. 2 N.

8.7 MI. TO U.S. 20, 26, & 30
27'30"

4811
T. 1 N.

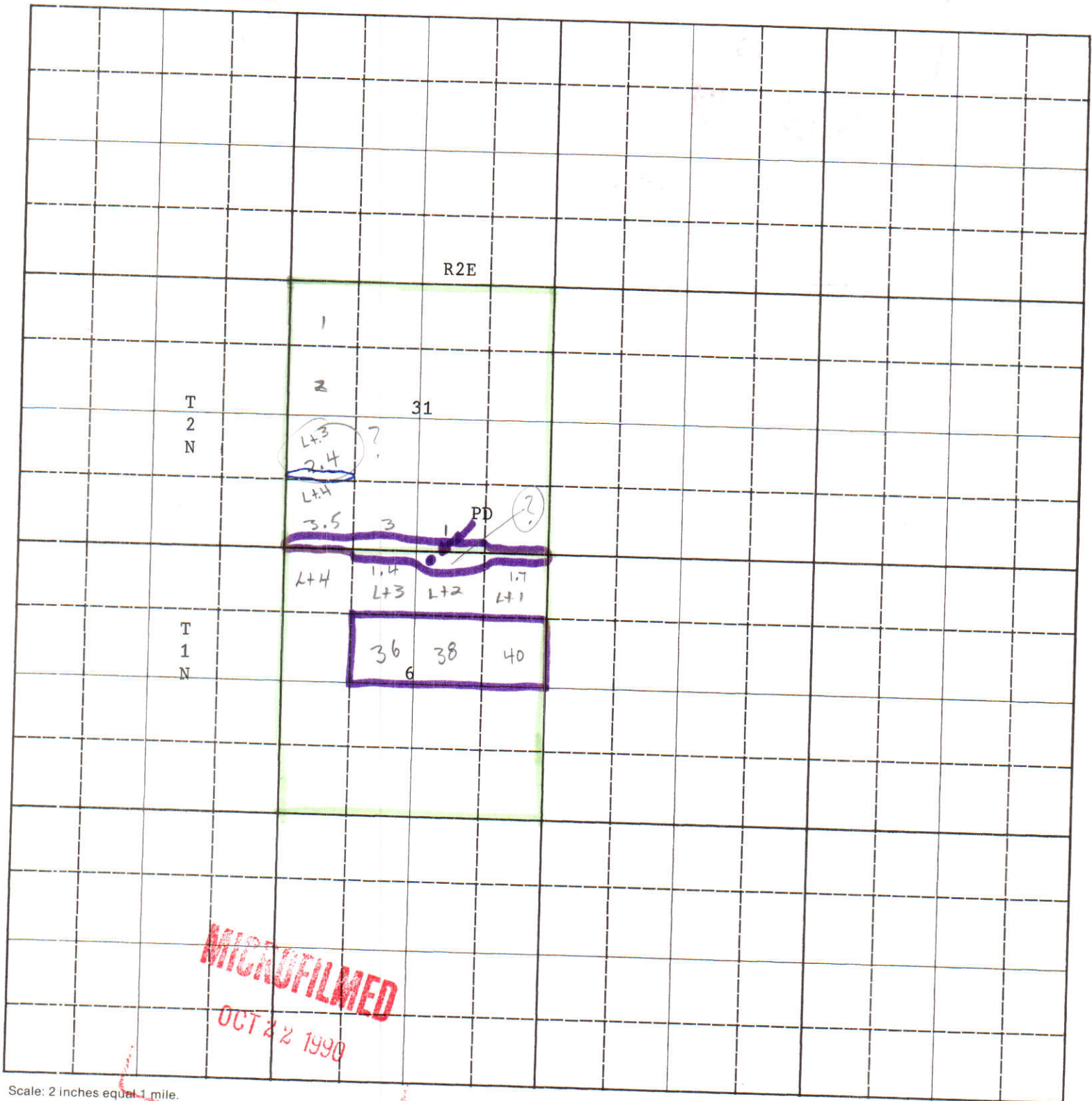
OWYHEE 3.9 MI.

4810

(OWYHEE)
2770 1 NW

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OCT 4 1990

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

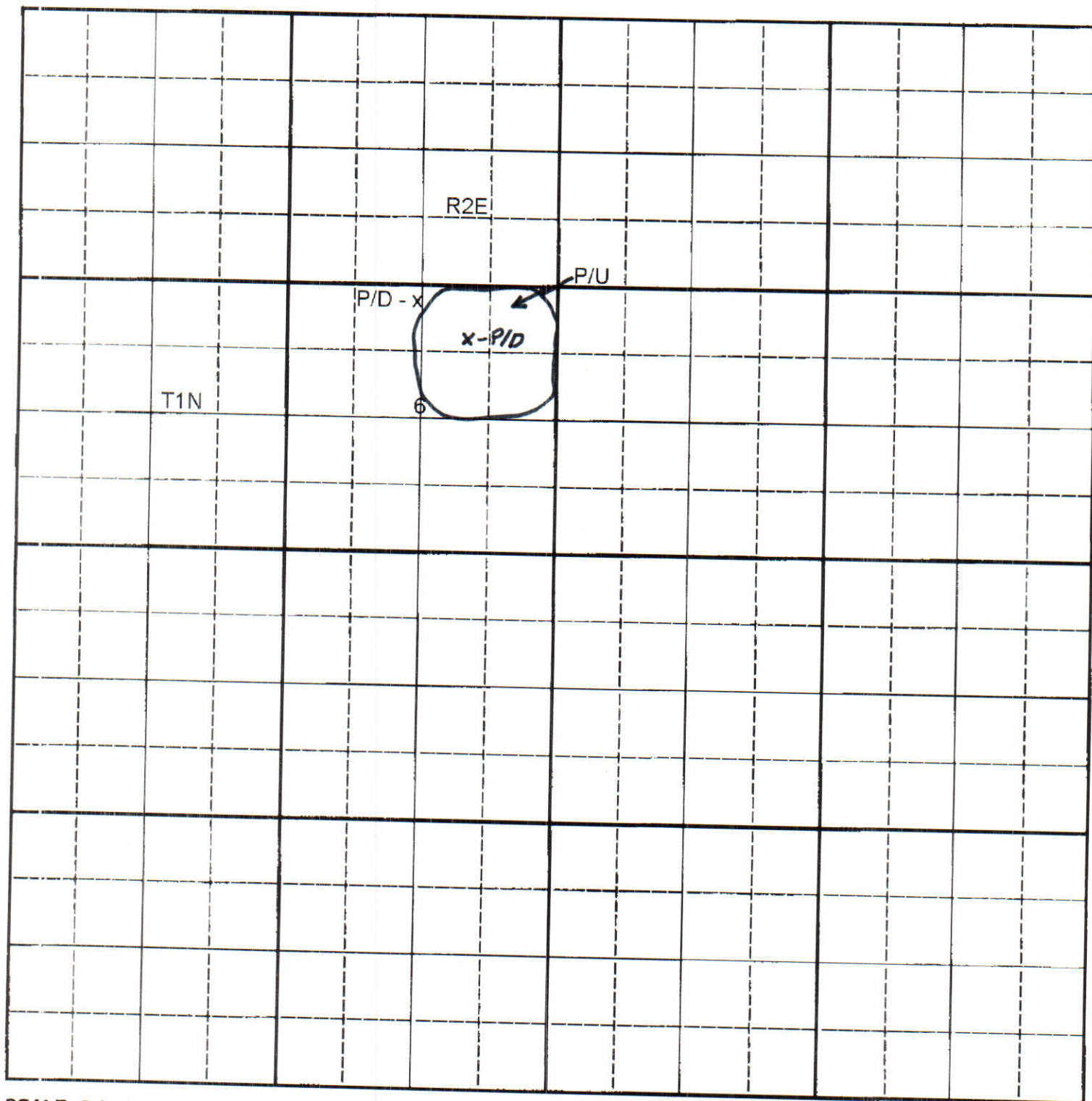


Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

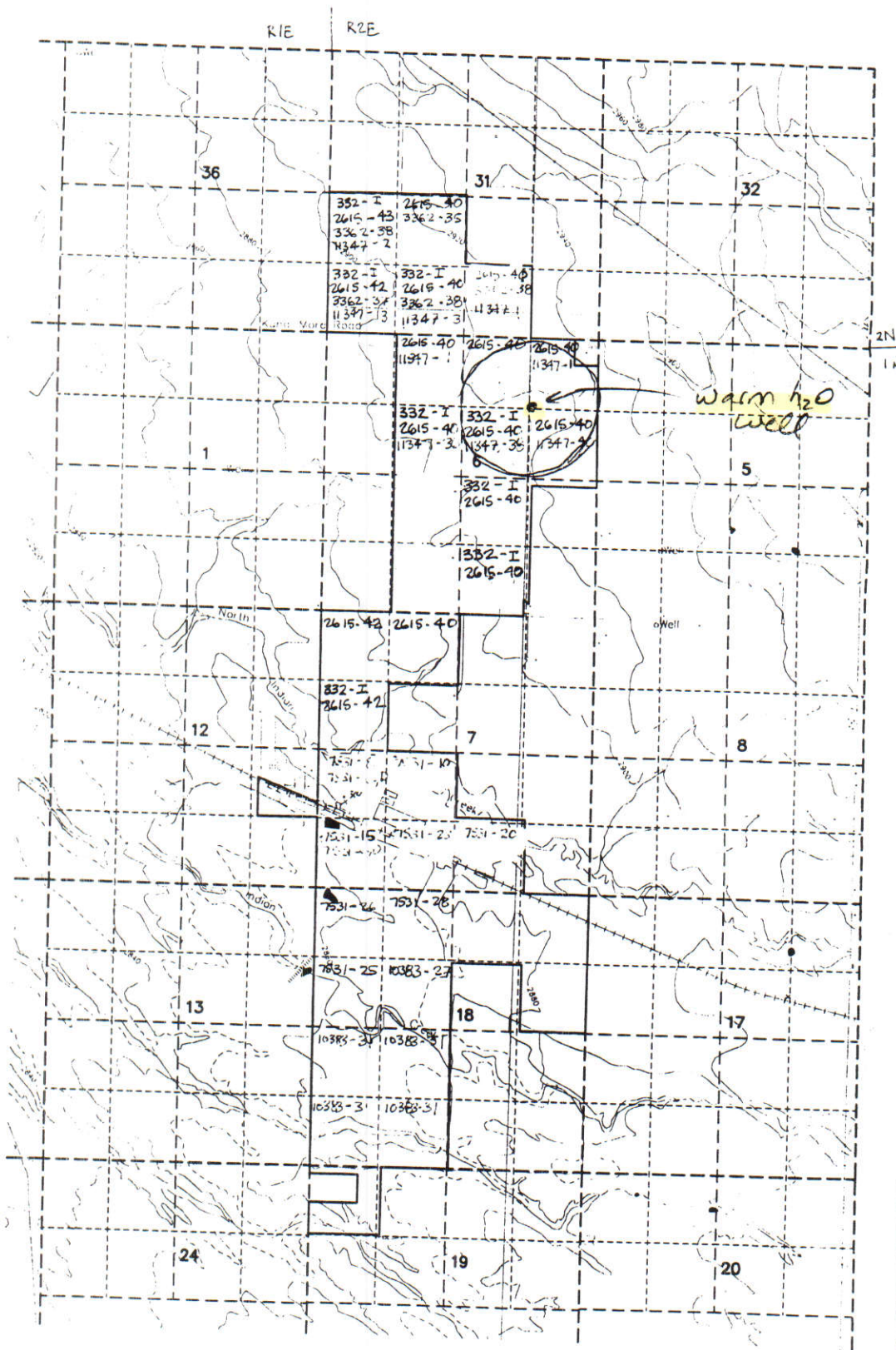
IDA-ULand of Beer
by [Signature] MANAGING PARTNER
(Applicant)

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.

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MAR 20 2000



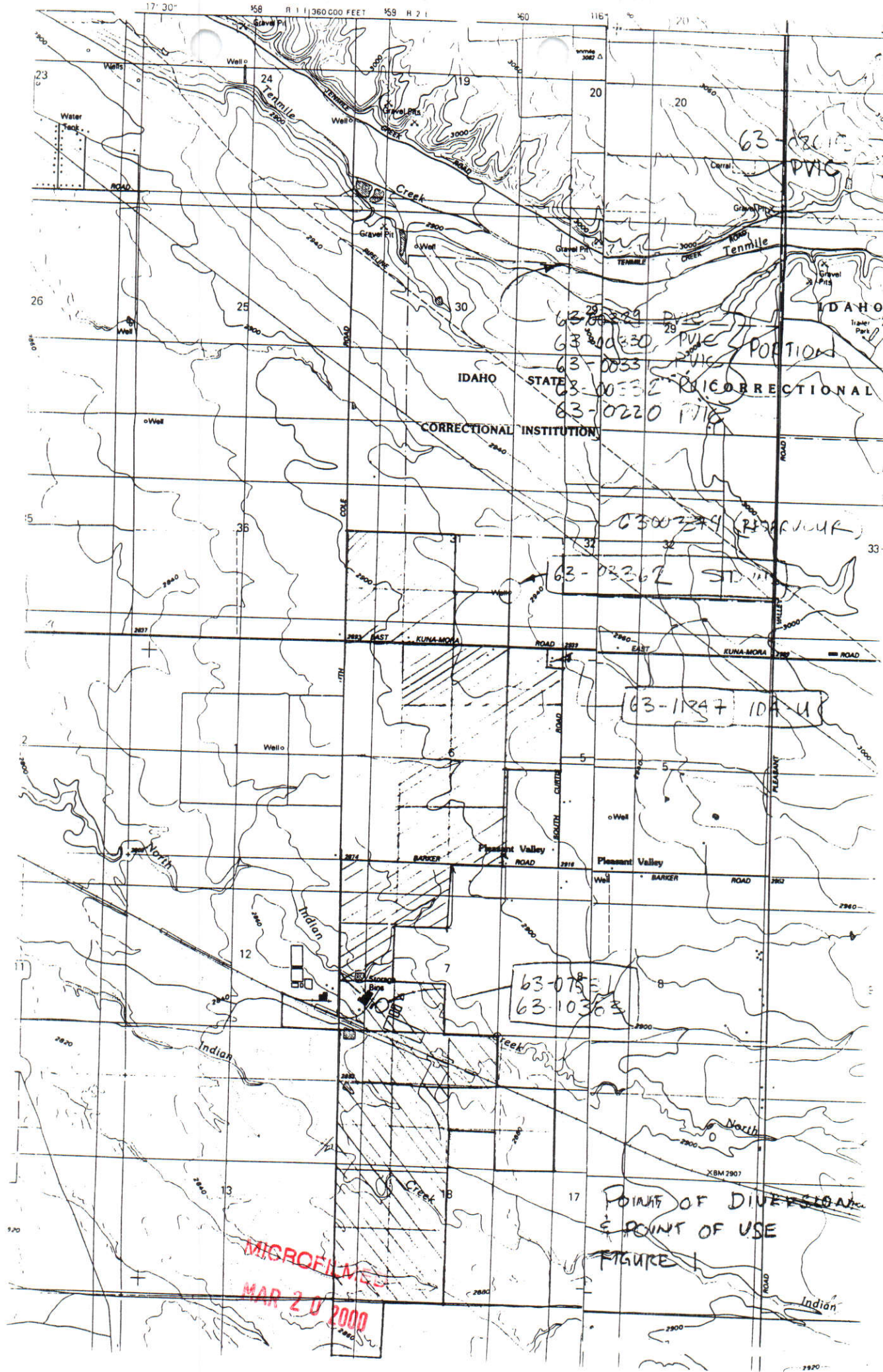
WATER RIGHTS ACREAGE

= GROUNDWATER

= SURFACE WATER

FIGURE #2

MICROFILMED
MAR 20 2000



63-00329 DUE
63-00330 PUE
63-00331 PUE
63-00332 PUE
63-00333 PUE
63-00334 PUE
63-00335 PUE
63-00336 PUE
63-00337 PUE
63-00338 PUE
63-00339 PUE
63-00340 PUE
63-00341 PUE
63-00342 PUE
63-00343 PUE
63-00344 PUE
63-00345 PUE
63-00346 PUE
63-00347 PUE
63-00348 PUE
63-00349 PUE
63-00350 PUE
63-00351 PUE
63-00352 PUE
63-00353 PUE
63-00354 PUE
63-00355 PUE
63-00356 PUE
63-00357 PUE
63-00358 PUE
63-00359 PUE
63-00360 PUE
63-00361 PUE
63-00362 PUE
63-00363 PUE
63-00364 PUE
63-00365 PUE
63-00366 PUE
63-00367 PUE
63-00368 PUE
63-00369 PUE
63-00370 PUE
63-00371 PUE
63-00372 PUE
63-00373 PUE
63-00374 PUE
63-00375 PUE
63-00376 PUE
63-00377 PUE
63-00378 PUE
63-00379 PUE
63-00380 PUE
63-00381 PUE
63-00382 PUE
63-00383 PUE
63-00384 PUE
63-00385 PUE
63-00386 PUE
63-00387 PUE
63-00388 PUE
63-00389 PUE
63-00390 PUE
63-00391 PUE
63-00392 PUE
63-00393 PUE
63-00394 PUE
63-00395 PUE
63-00396 PUE
63-00397 PUE
63-00398 PUE
63-00399 PUE
63-00400 PUE

63-00349 (REARVIEW)
63-00362 ST. 111

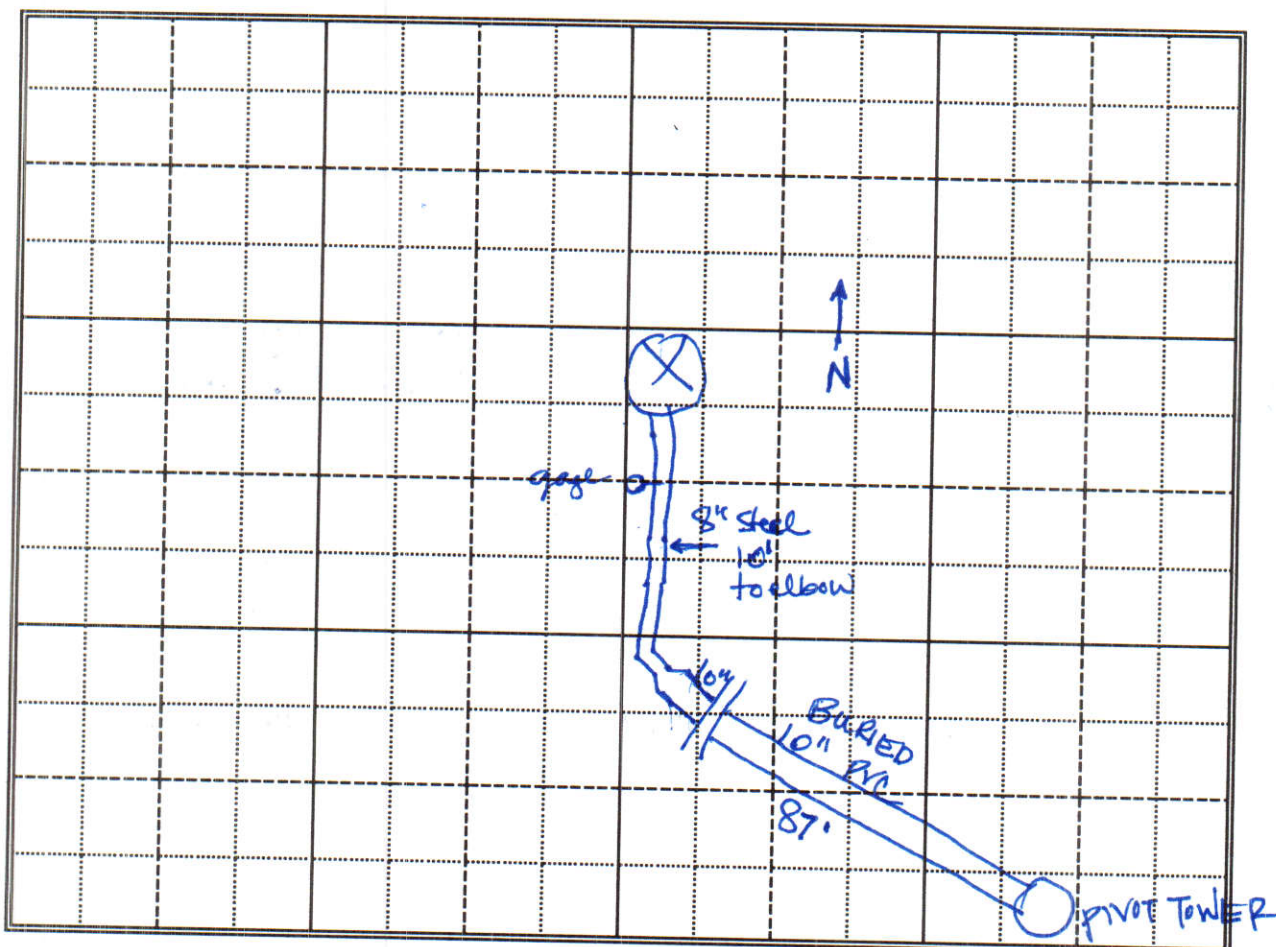
63-11247 IDA U

63-07831
63-10363

POINTS OF DIVERSION
& POINT OF USE
FIGURE 1

MICROFILMED
MAR 20 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US ELEC	150	6350/ Y10Y236R06R-1	Layne	8" 11BEH

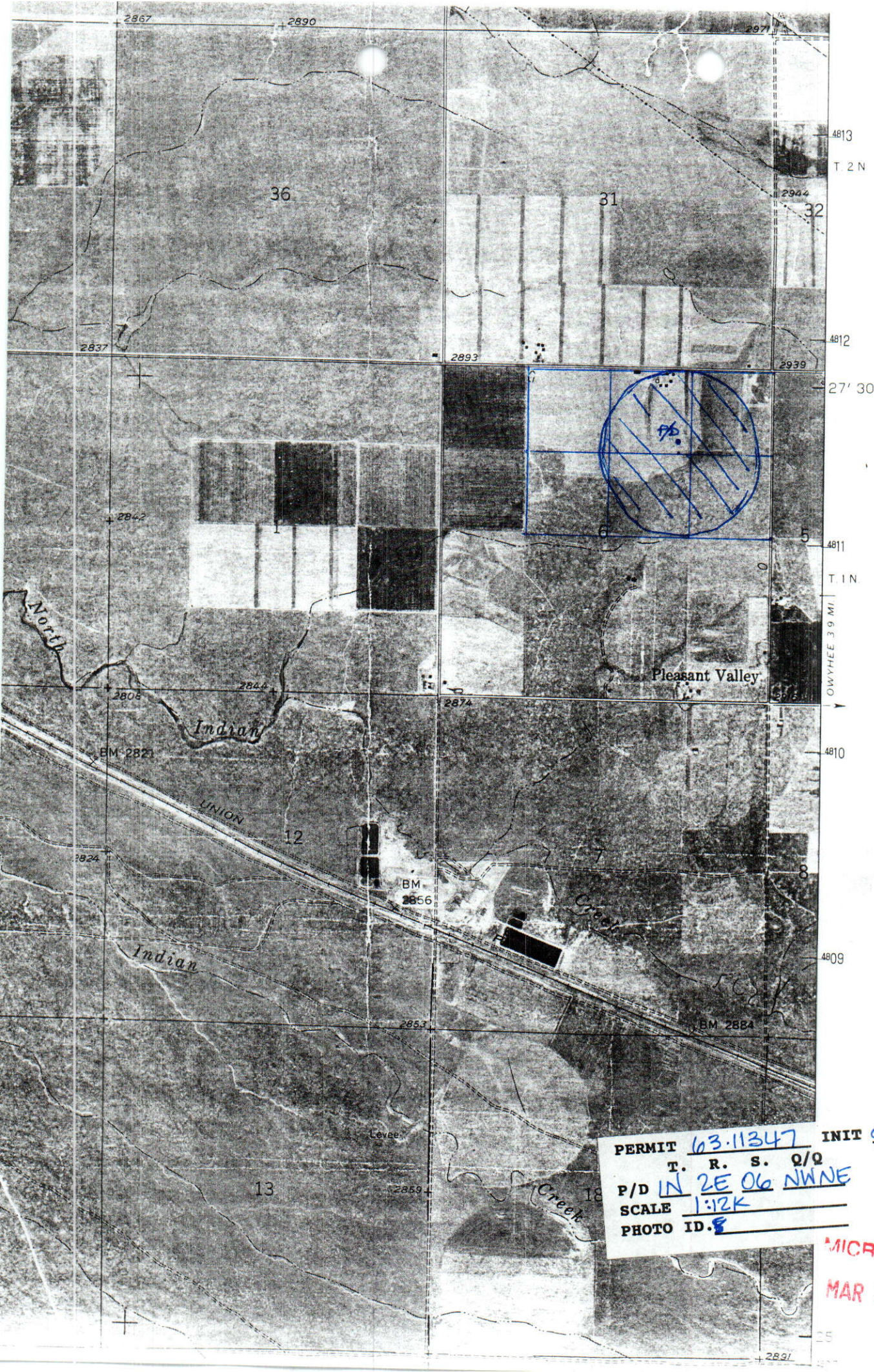
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
						MICROFILMED
						MAR 20 2000

2. Measurements: Center pivot installed by Trimatic - 50 psi operating
 pump installed by Layne: 7 stage 11BEH Bowl (full)
 design 1000 gpm @ 4.55 TDH 140 BHP Set 400' 53 psi
 well log FWL = 330' SWL = 312'
 per phone call 10/28/96 cjl



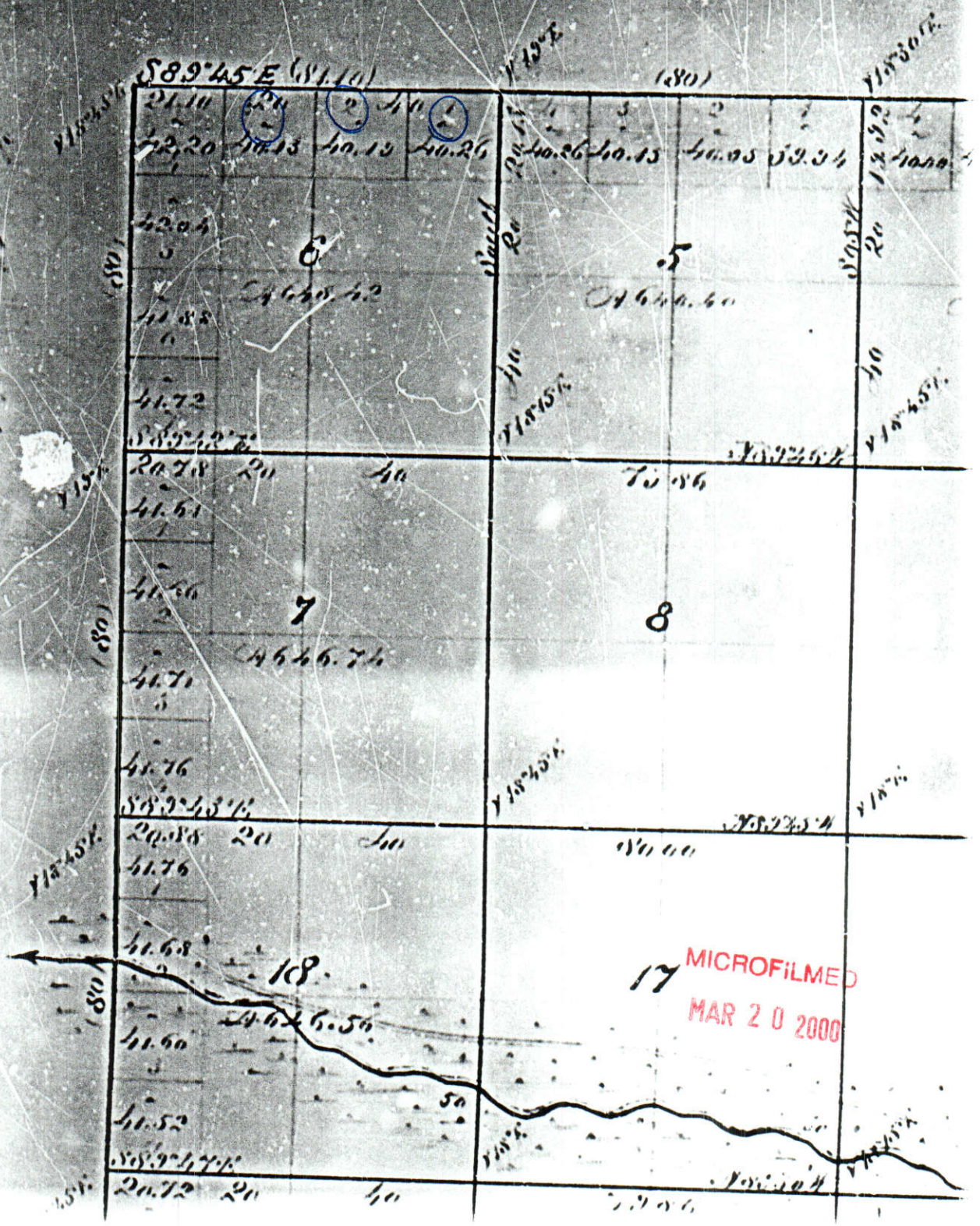
T2N
T1N

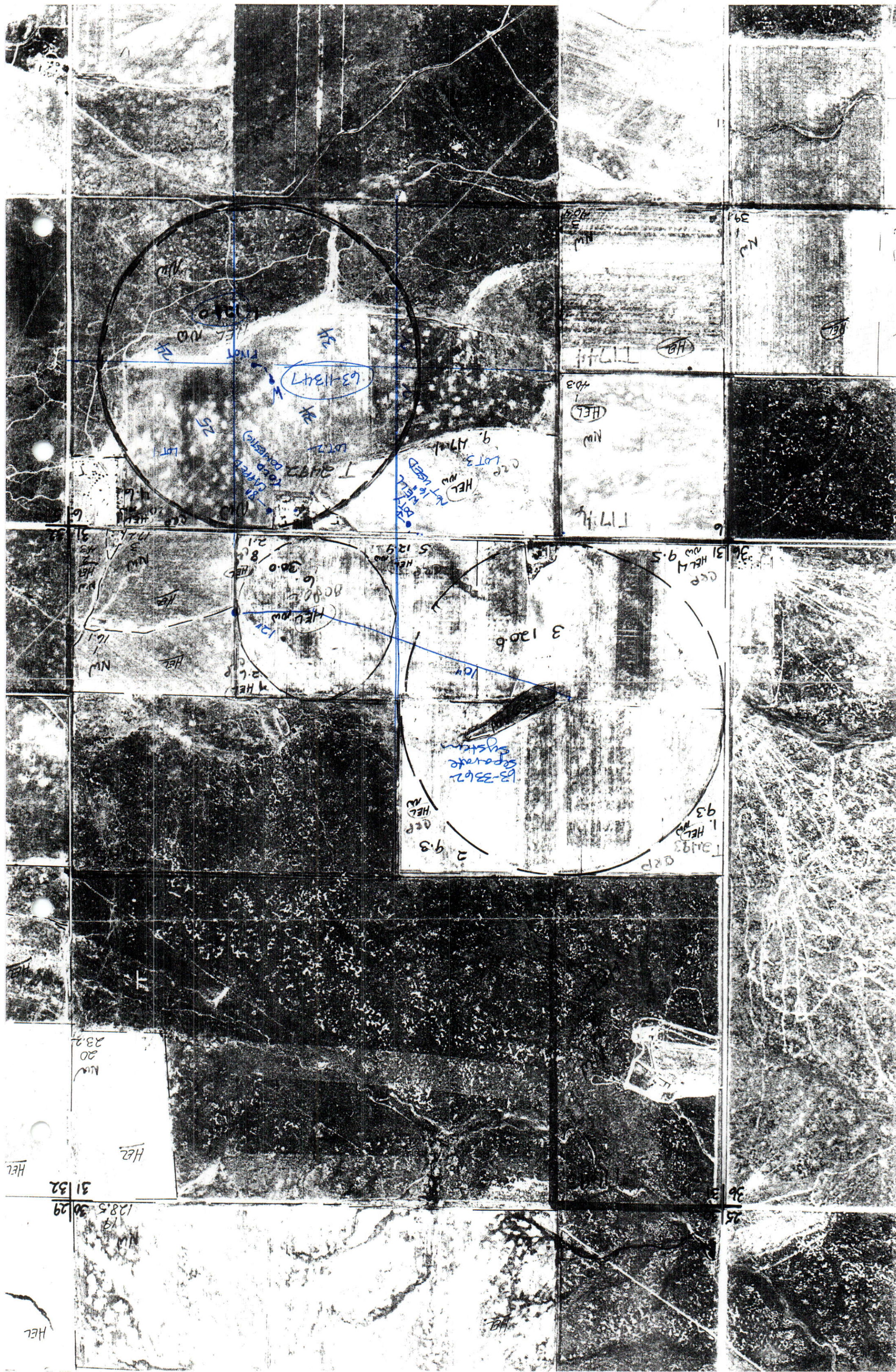
PERMIT 63-11347 INIT gh
T. R. S. Q/Q
P/D IN 2E 06 NWNE
SCALE 1:12K
PHOTO ID. 8

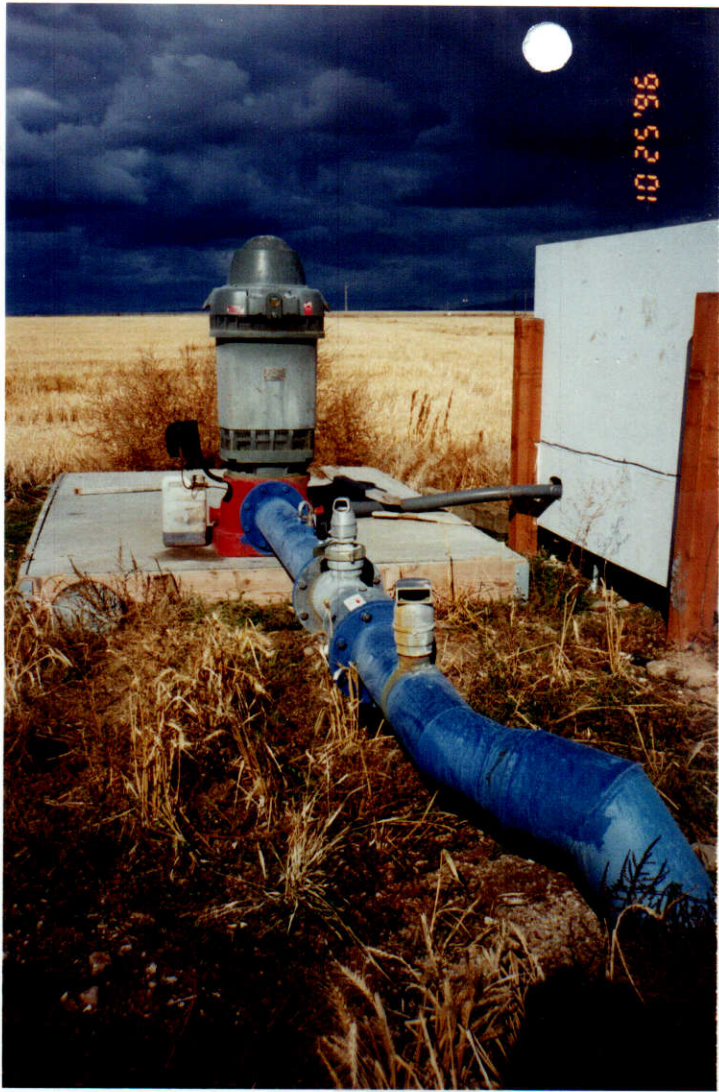
MICROFILMED
MAR 20 2000

Township N 1 North.

Section 6 filed in the U.S. Court of Appeals for the District of Columbia as per Application on file.







← P/A to buried main
view to S.

↓ Portion of P/A. view to N



Low pressure
pivot installation.
view to E.

MICROFILMED

MAR 20 2000

63-11347 cjh

1891 1892 1893

1894

1895

18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19

18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19

18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19
18.19	18.19	18.19	18.19

MICROFILMED

OCT 22 1990

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.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
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
MAY 24 2000

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

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	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

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
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

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		
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.

MAY 24 2000

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.

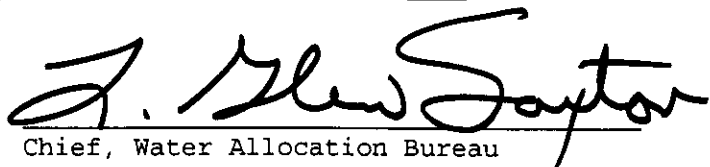
MICROFILMED
MAY 24 2000

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


Chief, Water Allocation Bureau

MICROFILMED

MAY 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
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
MAR 20 2000

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

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	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

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			<u>ACRES</u>				<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
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

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
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.

MAR 20 2000

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.

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MAR 20 2000

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

MICROFILMED
MAR 20 2000

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION	03/15 to 11/15	2.23 CFS	
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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

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
01N	02E	6	Lot 1 (NENE)	25	Lot 2 (NWNE)	34	SWNE	34	
			SENE	25	Lot 3 (NENW)	2	SENE	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.

MICROFILMED
MAR 20 2000

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.


Acting for KARL J. DREHER, Director

MICROFILMED
MAR 20 2000

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-11347

Date of Priority: July 8, 1992 Maximum Diversion Rate: 2.23 CFS
Comes now IDA U LAND & BEEF
PO BOX 9346
BOISE ID 83707-9346 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-11347, and requests that the permit be changed as follows:

Source: GROUNDWATER

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

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (NWNE), Sec. 6, Township 01N, Range 02E
ADA County
NENW, Sec. 6, Township 1N, R2E, Ada County (sk)

PLACE OF USE: IRRIGATION

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

Total number of acres irrigated: 122

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 11 day of March, 19 99.

Larry O'Donnell
(Signature)

MICROFILMED

MAR 20 2000

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-11347

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Received by HW # C044819 Date 3/11/99

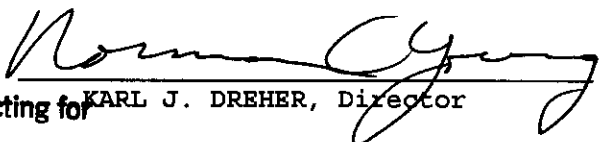
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-11347 with the following;

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.
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.

Witness my hand this 12TH day of MARCH, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED
MAR 20 2000

APPROVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR AMENDMENT OF A PERMIT****RECEIVED****OCT 11 1995**Applicant Town Beef Processors Phone 345 Department of Water ResourcesAddress PO 9346 Boise Id 83707I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-11347, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: Change point of diversion X Add point of diversion
Change place of use Change nature of use Change period of use Other1. Point of diversion: 1/4 NW 1/4 NE 1/4, Section 6, Township 1N, Range 2E, B.M.,
County of Ada. Other points of diversion NW NE Sec 6 T1N R2E(ADD 2nd P/O in Lot 2 (NWNE) - 82 9/12/95)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.54 for Irr purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)3. Place of use or land to be irrigated: (NO change - 82 9/12/95)

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>1N</u>	<u>2E</u>	<u>6</u>	<u>1.7</u>		<u>38</u>	<u>40</u>	<u>1.4</u>			<u>36</u>									<u>117.1</u>
<u>2N</u>	<u>2E</u>	<u>31</u>									<u>4.3</u>	<u>2.4</u>	<u>6.4</u>	<u>3</u>			<u>1</u>		<u>9.9</u>

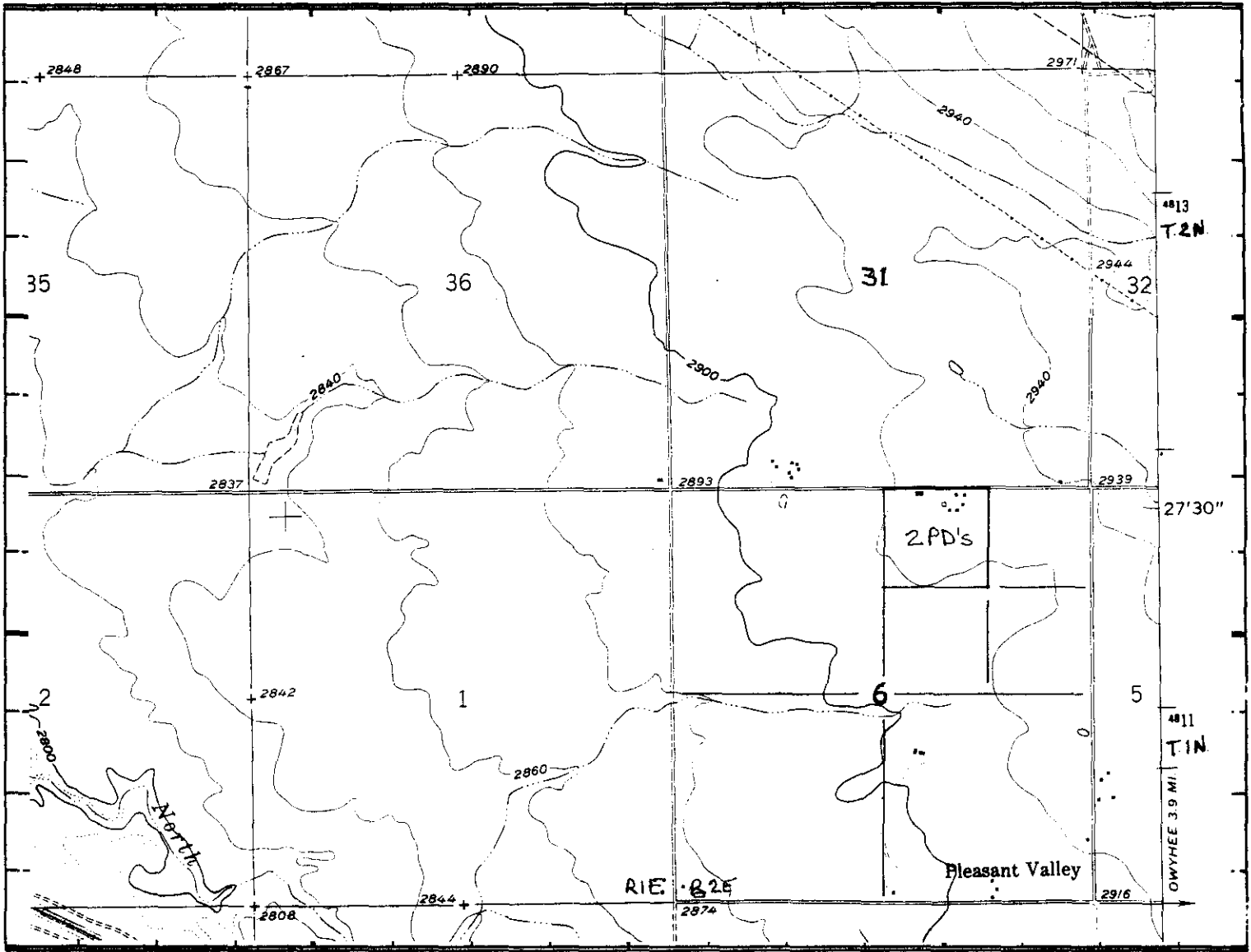
Total number of acres to be irrigated = 127

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated at the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

MICROFILMED**DEC 11 1995**

(Refer to original appl. map if necessary - JZ 9/12/95)

Complete the following map by showing land and point of diversion as proposed by this amendment. *No Change*
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 1 day of September, 1995.

Shirley Chapman
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by JZ 9/12/95 Publication prepared by N/A Date DEC 1 1995
Published in _____ Publication dates _____

I, L. GLEN SAXTON, of the Department of Water Resources hereby
approve the above referenced application for amendment. See the attached sheet
for the conditions of approval.

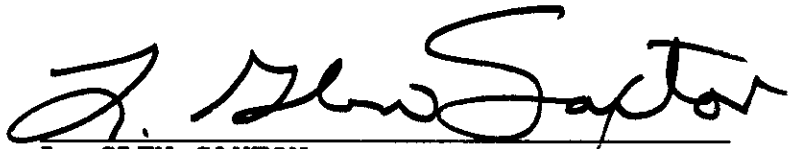
Witness my hand this 4th day of December, 1995.
L. Glen Saxton

CONDITIONS OF APPROVAL

Amendment of Permit No. 63-11347

1. The previous conditions as set forth in Permit No. 63-11347 must be met.
2. 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.
3. Two points of diversion are located within Lot 2 (NWNE), S06, T01N, R02E.

Dated this 4th day of December, 1995.



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED

DEC 11 1995

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-11347

IN THE NAME OF IDA-U LAND & BEEF

ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before October 1, 1995; and,

WHEREAS, the Department notified the permit holder on July 31, 1995, by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the department sent a lapse notice on October 19, 1995, since an acceptable proof of beneficial use or extension of time had not been received; and,

WHEREAS, Section 42-218a, Idaho Code, provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on November 21, 1995;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-11347 is **REINSTATED** with an advance in priority to July 8, 1990.

DATED this 30th day of November, 1995.

L. Glen Saxton
L. GLEN SAXTON

L. GLEN SAXTON
Chief, Water Allocation Bureau

DEC 11 1995

RECEIVED

FOR OFFICE USE ONLY

Amt. of Fee \$: 150
Receipt No. NO20124
Receipt By: dy
Date Received: 11-21-95

RECEIVED NOV 24 1995

NOV 21 1995 Department of Water Resources

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 63-11347 Telephone No. 208-345-6660
2. Name(s) of Permit Holder(s): Iowa Beef Processors
3. Mailing Address: P.O. Box 9346, Boise, ID 83707
4. Source of Water: Ground water If **GROUNDWATER** (well), Date Drilled: mo. 9 / yr. 95
 - a. Well Driller: Ponderosa Drilling Drilling Permit Number: 63 - 95 - W - 0716
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 127 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 2.54 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No <u>X</u>
	Has the measuring device been installed?	Yes _____	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>X</u>
	Has the measurement port been installed?	Yes _____	or	No <u>X</u>
8. Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Darold Gilster Telephone Number: 345-6660 Ext. 50
Address: P.O. Box 9346, Boise, ID 83707

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Keith L. Tinsell V.P. Beef Date: 10/20/95
(include your title, if on behalf of company or organization)

DEC 11 1995

Form 204
4/86Should questions arise during
the processing of this applica-
tion please contact:SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFor Office Use Only
\$15 FEE Received by Jan
Date 9-29-92
Receipt # 10015473

REQUEST FOR EXTENSION OF TIME

RECEIVED

SEP 29 1992

To provide additional time in which to submit proof
of beneficial use for a water right permitThe Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted
an additional period of time in which to complete development of a water right under the provisions of Section
42-204, Idaho Code.Permit No. 63-11347Name(s) of Permit Holder: Ida-U Land & BeefPost Office Address: 4620 Park Terrace Drive, Salt Lake City, Utah 84124Telephone No. 801-277-9303Date Proof is Due: October 1, 1992Describe what work has been completed toward the development of this water right: Hydrologic studies and
(This must be filled out! If no work has been completed, show "none".)well design project have been completed. Well drilling contractors and pump installers
have been approached for cost estimates. Due to drought conditions, contractors are not
readily available for this project. Original time requested for completion was 5 years but was
arbitrarily cut to 2 years by IDWR without consultation. Costing \$ 5,000 +

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Contractor unavailability, funding limitations and limited time for project allowed by IDWR.Permit holder(s) request an extension to October 1, 1997
(1 yr. minimum)IDA-U Land & Beef
[Signature]
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MODIFIEDIT IS HEREBY ORDERED that the above request for extension of time be
and the time within which to submit proof of beneficial use
is extended to October 1, 1995.

APPROVED

OCT 27 1992

Signed this 2nd day of October, 19 92.[Signature]
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-11347

Proposed Priority: May 18, 1990 Maximum Diversion Rate: 2.54 CFS
This is to certify, that **IDA-U LAND & BEEF**
4260 PARK TERRACE DR.
SALT LAKE CITY, UT 84124
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	2.54 CFS

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	02E	6	LOT 1(NENE) 1.7	SWNE 38	SENE 40	
			LOT 3(NENW) 1.4	SENE 36		117.1
		31	LOT 3(NWSW) 2.4	LOT 4(SWSW) 3.5	SESW 3	
			SWSE 1			9.9
Total number of acres irrigated:						127

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

27th day of September, 1990.

MICROFILMED

OCT 22 1990

for R. Keith Higginson, Director

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-11347

1. Name of applicant Ida-U Land & Beef Phone 801-277-9303

Post office address 4260 Park Terrace Drive, Salt Lake City, Utah 84124

2. Source of water supply Groundwater which is a tributary of N/A

3. Location of point of diversion is _____ ¼ of NW ¼ of NE ¼, Govt. Lot 2

Sec. 6 Township 1N Range 2E B.M. ADA County; additional
points of diversion if any: None

4. Water will be used for the following purposes:

Amount 2.54 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2.54 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Drilled 16" well, vertical turbine
pump, mainline and sprinkler system.

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 16 inches; proposed depth of well is 500 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MICROFILMED

OCT 22 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	2E	6	1.7		38	40	1.4			36									117.1
2N	2E	31										2.4	3.5	3			1		9.9

Total number of acres to be irrigated 127

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

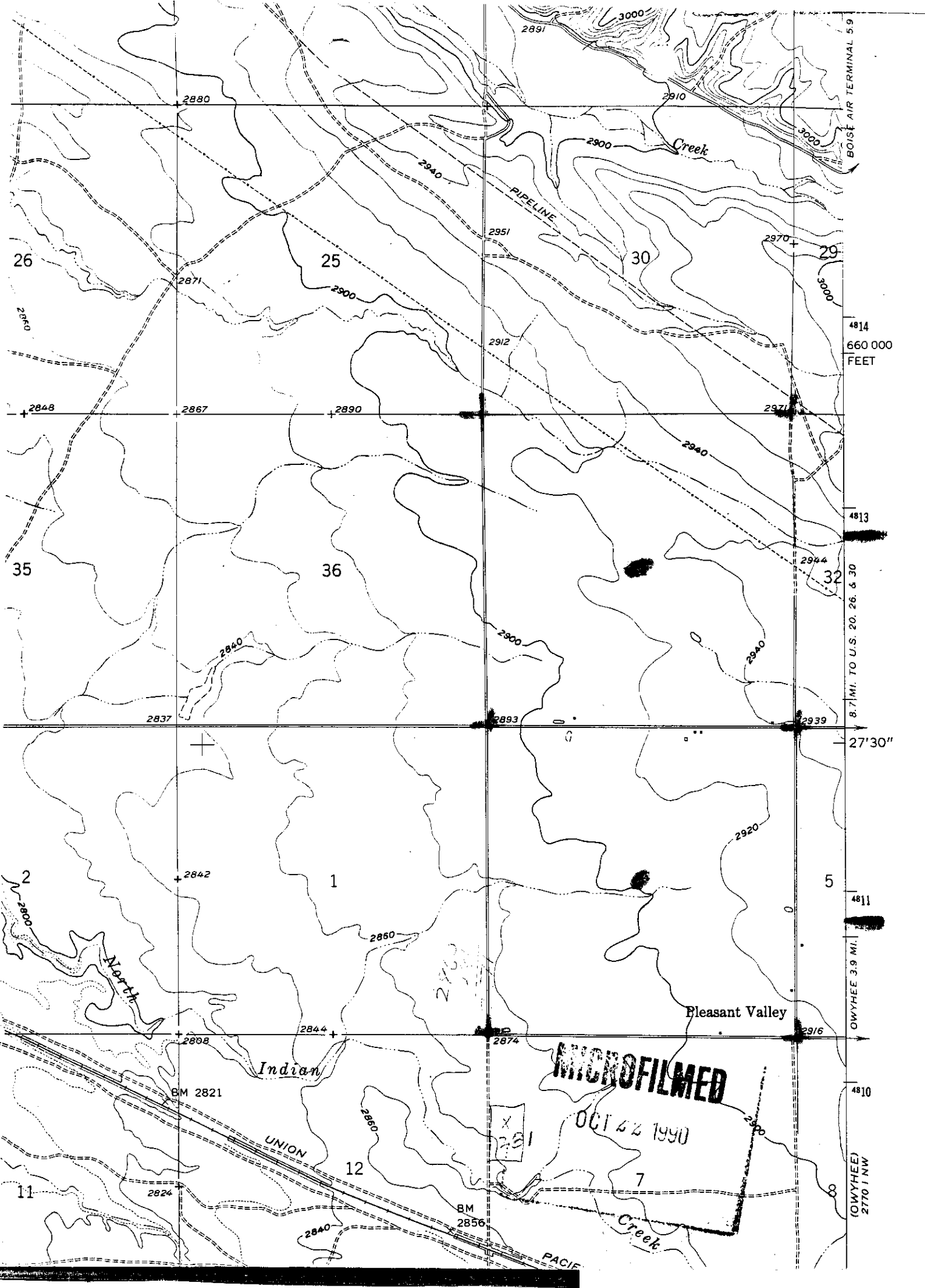
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

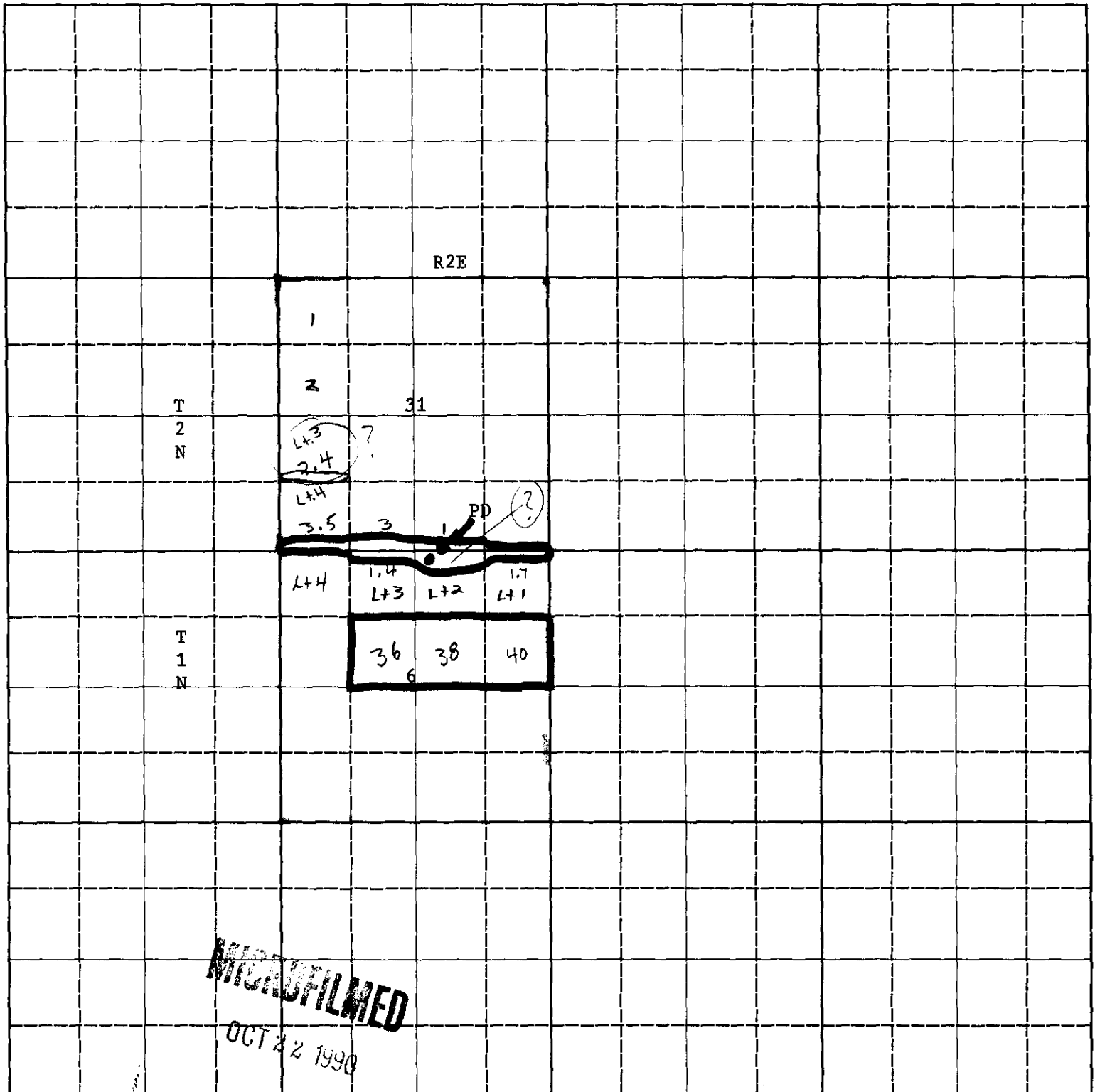
12. Remarks: Water is appropriated for land adjacent to presently irrigated cropland to fill out farmable cropland.

MicroFILMED

OCT 22 1990



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equals 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

IDA-ULAND & BEER
by [Signature] HANAGIN, PHILLIPS
(Applicant)

Received by Y/S. Date 5/18/90 Time 11:30am Preliminary check by _____
Fee \$ 85⁰⁰ Receipted by JH # W012393 Date 5-18-90
Publication prepared by GG Date 6-27-90 Published in ID Statesman
7/5 & 7/12/90
Publication approved st Date 8-21-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

OCT 22 1990

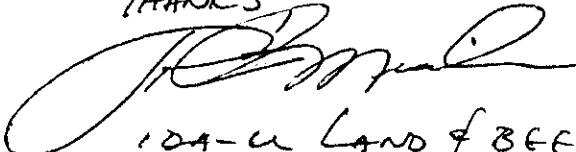
SHERL L. CHAPMAN
c/o KAREN EDWARDS
410 S. ORCHARD / SUITE 144
BOISE, IDAHO

JUNE 11, 1990
4260 PARK TERRACE DR.
SLC, UT. 84124

IN RESPONSE TO YOUR LETTER OF JUNE 8, 1990
FOR A LIST OF PARTNERS OF IDA-U LAND & BEEF FOR
THE DEPARTMENT OF WATER RESOURCES HERE ARE
THE NAMES OF THE PARTNERS:

TATSUMI MISAKA, MANAGING PARTNER
HUBERT C. BURTON, MAX HANSEN, HOWARD BOWN,
GORDON GUNNELL, RANDALL ROMNEY & EDWARD BROWN.

THANKS


IDA-U LAND & BEEF

MICROFILMED

OCT 22 1990

RECEIVED

JUL 17 1990

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

138.00

Department of Water Resources

Account Name Idaho Dept. of Water Resources - Western		Account Number 47628	
Address 2735 Airport Way		City/State Boise ID	Zip 83705
Ordered By G. Garrett	P.O. Number	Rate nt	Run Dates July 5, 12, 1990
Identification Applications for Water Rights		Estimated Inches	Real Inches
			Legal Number 5990

1

Number of Affidavits
Requested

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-11317
ROBERTS, CLYDE A.
ROBERTS, LILLIAN FAE
RT. 1, KUNA CAVE RD.
KUNA, ID 83634
Source: GROUNDWATER
Diversion Pt: NWNE Sec 15 T01N R01W
Use: IRRIGATION (.400 CFS)
Use: DOMESTIC (.020 CFS)
Total Diversion: (.420 CFS)
Date Filed: 5/9/1990
In: T01N R01W S15 NWNE
20.0 ACRES TOTAL
63-11318

COOK, JAMES
COOK, DEBROAH
350 VALLI HI RD.
EAGLE, ID 83616
Source: GROUNDWATER
Diversion Pt: SWNE Sec 32 T05N R01E
Use: IRRIGATION (.150 CFS)
Use: DOMESTIC (.040 CFS)
Total Diversion: (.190 CFS)
Date Filed: 5/16/1990
In: T05N R01E S32 SWNE
5.0 ACRES TOTAL
63-11338

WEST, WILLIAM H.
WEST, ELLEN
4509 EMERALD ST.
BOISE, ID 83706
Source: FIVE MILE CREEK
Tributary: TEN MILE CREEK
Diversion Pt: NENE Sec 31 T03N R02E
Use: IRRIGATION (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 3/14/1990
In: T03N R02E S31 NENE
1.0 ACRES TOTAL
63-11342

SYMMONDS, JEFFREY B.
6513 HILL RD.
BOISE, ID 83703
Source: GROUNDWATER
Diversion Pt: LOT 4 (SWSWSW) Sec 18 T04N R02E
Use: IRRIGATION (.160 CFS)
Use: STOCKWATER (.040 CFS)
Total Diversion: (.200 CFS)
Date Filed: 6/1/1990
In: T04N R02E S18 Lot 4 (SWSW)
8.0 ACRES TOTAL

63-11343
HAYES, H. JOHN
11399 W. BARKER RD.
KUNA, ID 83634
Source: GROUNDWATER
Diversion Pt: NWNE Sec 10 T01N R01E
Use: IRRIGATION (1.000 CFS)
Use: IRRIGATION STORAGE (22.00 AF)
Use: IRRIGATION FROM STORAGE (22.00 AF)
Use: STOCKWATER (.030 CFS)
Total Diversion: (1.000 CFS) (22.00 AF)
Date Filed: 6/21/1990
In: T01N R01E S10 NWNE SENE
55.0 ACRES TOTAL
63-11345
LUNN, JUDD K.
1360 PARKHILL DR.
BOISE, ID 83702
Source: GROUNDWATER
Diversion Pt: NWSWNE Sec 34 T04N R02E
Use: IRRIGATION (.060 CFS)
Total Diversion: (.060 CFS)
Date Filed: 4/20/1990
In: T04N R02E S34 SWNE SENW
2.0 ACRES TOTAL
63-11347 ✓

IDA-U LAND & BEEF
4260 PARK TERRACE DR.
SALT LAKE CITY, UT 84124
Source: GROUNDWATER
Diversion Pt: LOT 2 (NWNE) Sec 6 T01N R02E
Use: IRRIGATION (2.540 CFS)
Total Diversion: (2.540 CFS)
Date Filed: 5/18/1990
In: T01N R02E S06 Lot 1 (NENE) SWNE SENE Lot 3 (NENW) SENW
In: T01N R02E S31 Lot 3 (NWSW) Lot 4 (SWSW) SESW SWSE
127.0 ACRES TOTAL
63-11348

RIVER ESTATES VENTURE
900 HARRISON BLVD.
BOISE, ID 83702
Source: GROUNDWATER
Diversion Pt: SWNW Sec 25 T04N R01E
Use: AESTHETIC (1.000 CFS)
Total Diversion: (1.000 CFS)
Date Filed: 6/19/1990
In: T04N R01E S25 NWNW SWNW

The permits will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JULY 23, 1990.
R. Keith Higginson, Director
Pub. July 5, 12, 1990 5990

ds, being duly
she is the Principal Clerk of The
per printed and published at Boise,
having a general circulation therein
been continuously and uninterruptedly
a period of twelve consecutive
on of the notice, a copy of which is
was published in The Idaho
action 60-108, Idaho Code as

utive daily ☐ single ☐ odd skip

ssue of July 5, 1990

July 12, 1990

Richard

MICROFILMED

OCT 22 1990

July in the year of

a Notary Public, personally appeared

known or identified

name subscribed to the within in-
rst duly sworn, declared that the
nd acknowledged to me that she

Idaho
Boise, Idaho

expires: 12/93



Jett Veggerson
D. Staff

*Please note
in records
my*

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

800 STEVENS PORT DRIVE, SUITE 710, DAKOTA DUNES, SOUTH DAKOTA 57049-8710



September 7, 2001
Page 2

This notification is provided for informational purposes inasmuch as IBP does not anticipate any need for changes to its environmental permits. All pertinent correspondence should continue to be directed to IBP at the Dakota Dunes address listed above. If you have any questions regarding this matter, please contact me at 605-235-2036.

Very truly yours,

A handwritten signature in cursive script that reads "Kim Dirks".

Kim Dirks
Environmental Engineer
Permits and Compliance

Enclosure

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

MEMORANDUM

TO: FILE 63-11347
FROM: VAULT
RE: TRANSFER # 5442
DATE: 4.28.00

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 63-03362

MICROFILMED
MAY 24 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

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,

A handwritten signature in black ink, reading 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Fiscal - Debbie Allen

MICROFILMED

MAR 20 2000

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton *LS*
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 ($\$3.25 \times 4,398.6 \text{ AF}$): \$14,295.45
Return to owner ($\$2.25 \times 4,398.6 \text{ AF}$): \$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

MICROFILMED

MAR 20 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

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,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

MICROFILMED

MAR 20 2000

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 J. Beaton

KJB:ww

Enclosure

cc: Kim Dirks (w/enc.)
Sherl Chapman (w/enc.)

MICROFILMED
MAR 20 2000

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.

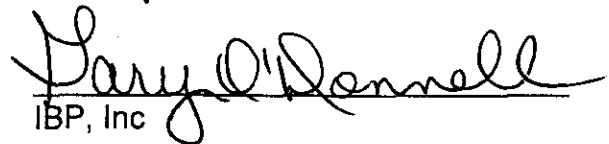
MICROFILMED

MAR 20 2000

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.


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 KARL J. DREHER, Director
Department of Water Resources
MICROFILM

MEMORANDUM

TO: FILE 63-11347

FROM: PAM SKAGGS

RE: TRANSFER # _____

DATE: 4-12-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 63-03362.

MICROFILMED

MAR 20 2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C045077

Date: 4/ 8/1999
Time: 13:37:41

Received I B P, INC.
From:

	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

CHECK 106685

~~14,295.45~~
Total

Region: STATE

Signature: _____

[Handwritten Signature]

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MAR 20 2000

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.

MICROFILMED
MAR 20 2000

11/92

Should questions arise during
the processing of this applica-
tion 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 to 11/15 (irrigation)
1/1 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

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MAR 20 2000

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 VZA Date 4-2-99 Time 3:10 P.M.

Published in N/A Pub. dates _____

Protests filed by _____

Hearing held by _____ Date _____

Action recommended _____

MICROFILMED
MAR 20 2000

IBP, INC.
WATER BANK APPLICATION

ATTACHMENT "A"

Maximum Volume of Water Sought (Acre Feet)

63-07531

✓Irrigation -	720 ✓
✓Stock -	13.4 ✓
✓Commercial -	720 ✓
✓Domestic -	<u>11.2</u> ✓

TOTAL 744.6 ✓

63-11347

Irrigation - 544.5 - *when combined w/ all other*

63-10383

Irrigation -	679.5 ✓
Industrial -	<u>1,593</u>

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 ✓

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MAR 20 2000

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

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MAR 20 2000

**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 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	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.

MAR 20 2009

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Water Supply Bank No. _____

Water Right No. _____

Should questions arise during
the processing of this applica-
tion 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 83707

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

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

b. License No. 63-11347 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 7/8/92

4. Water is used for the following purposes:

amount 2.23 cfs for Irrigation purposes from 3/15 to 11/15

amount _____ for _____ purposes from _____ to _____

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

5. Total amount of water under right: a. 2.23 cubic feet per second
&/or
b. 544.5 acre feet per annum

6. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6

Township 1N Range 2E, B.M. in Ada County

Additional points of diversion, if any NENW, Sec. 6, T1N, R2E, B.M., Ada County

MICROFILMED

MAR 20 2000

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	
1N	2E	6	25	34	34	25	2			2									122

Total number of acres to be irrigated 122

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

MAR 20 2000

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 water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

The water described 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. The supply is reliable and no curtailment of
water rights has occurred in this area due to shortages.

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.

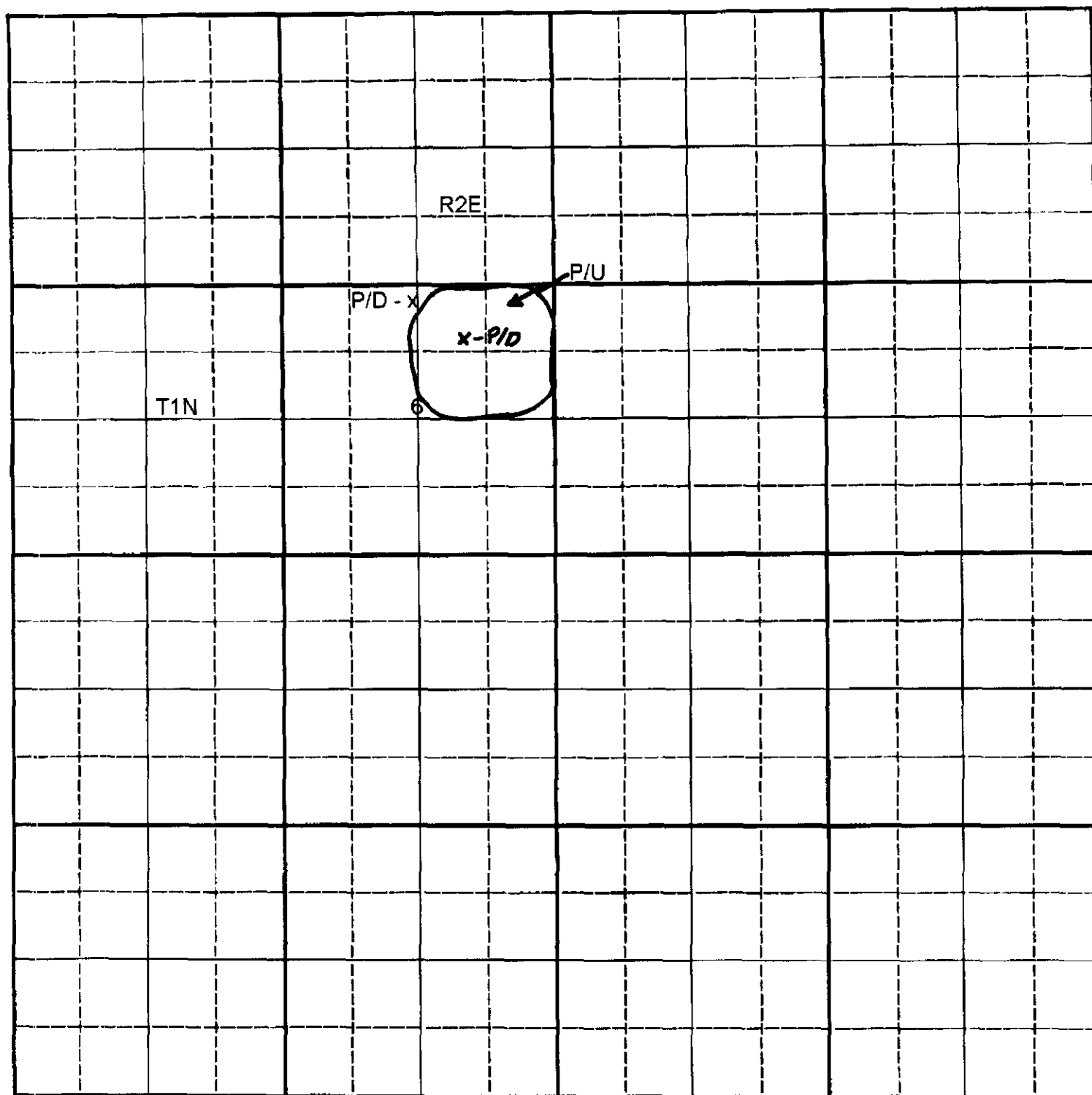
6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached. N/A

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

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MAR 20 2003

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.

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MAR 20 2000

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 to December 31, 1999
(year) (year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

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 WJA Date 4-2-99 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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5
MAR 20 2000

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.

MICROFILMED
MAR 20 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

March 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDA U LAND & BEEF
PO BOX 9346
BOISE ID 83707-9346

RE: WATER RIGHT NO. 63-11347

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It 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 described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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CERTIFICATE OF MAILING

I hereby certify that on the 26th day of **March, 1999**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 63-11347

IDA U LAND & BEEF
PO BOX 9346
BOISE ID 83707-9346



Kari Lynn Townsend
Secretary

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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.

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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.

MEMORANDUM

To: File 63-11347

FROM: Sharla

DATE: March 12, 1999

RE: Signed License

On this date, copies of the signed license were sent by FAX to Steve Lester (IDWR – Western Region), Kevin Beaton (attorney at Steel Rives), Sherl Chapman, and Gary O'Donnell (IBP).

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MEMORANDUM

DATE: March 12, 1999

TO: Water right file 63-11347

FROM: Shelley W. Keen *svk*

RE: Addition of the Doty well to the amendment

Today I conferred on the phone with Gary O'Donnell, and he instructed me to add the Doty well as a point of diversion on the amendment application he submitted yesterday. The Doty well is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S6, T1N, R2E.

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MEMORANDUM

TO: FILE 63-11347

FROM: NORM YOUNG

RE: TELEPHONE CONVERSATION WITH SHERL CHAPMAN

DATE: March 12, 1999

Sherl Chapman advises me that the water from the Doty well was used for a short period of time to irrigate a portion of the place of use by surface irrigation. The field was planted to grain at the time, and he believed the water was put to beneficial use under terms of the permit from this point of diversion.

Based upon this information he asked that the amendment include the addition of the Doty well as an authorized point of diversion.

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MEMORANDUM

TO: File 63-11347

FROM: Sharla

DATE: March 4, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 63-11347 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T1N, R2E, S6 – NENE (25 acres), NWNE (34 acres),
SWNE (34 acres), SENE (25 acres),
NENW (2 acres), SENW (2 acres)
TOTAL = 122 acres

The ¼¼ totals add up to 122 acres.

This right was originally filed for use of groundwater with a temperature less than or equal to 90 degrees as identified on the application. The temperature of the water from the drilled well ended up being 92 degrees. This permit is not within the Boise Front Ground Water Management Area, but it still requires special exemption from the director in order for the water to be used for irrigation without utilizing the heat value prior to putting it on the lands identified. The criteria for such an exemption is listed in Section 42-233, Idaho Code. The file contains documentation submitted to demonstrate reasons for exemption.

In line with Glen Saxton's memo of this date, conditioning of the license has been used to require diversion of cold water from the available "Doty" well prior to use of the geothermal well. The geothermal well will then only be used to make up the difference in rate of diversion of the amount not capable of being pumped from the cold well. The cold well is not yet connected to IBP's system and thus is not being added to the license as part of the development prior to proof submittal. There is no other recorded water right for diversion from the cold water well, but it is IBP's intention to add the well to their groundwater right(s) via a transfer filing.

Exam Date: 10/25/96

Examiner: Cindy Hodges

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L6311347	T01N R02E S 6 GROUNDWATER																	
		: 01-25		02-34		34		25		: 03-02		02		:		:		: 122
6300329	TEN MILE C :																	:
A6300329A	TEN MILE C :	38		03		02			38			04						: 85
A6300329B	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 :				1							1		1		1	1	:
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		: 484
A6302615A	EIGHTMILE :	40		40		40		40		40								: 240
6303130	UNNAMED ST :											06-41		07-41		:		: 82
6307864	GROUNDWATE :							40	40									: 80
A6307864	GROUNDWATE :							40	40									: 80
R6307864	GROUNDWATE :							04-40		05-40		:		:		:		: 80
6311347	GROUNDWATE :	01-01		30		40		: 03-01		36		:		:		:		: 116
--86 MAP--	C1Q-Y 8 :				09		10									09	01	06 38 : 73
NO QTRS	MAPPING	Lot01-34		Lot02-21		Lot04-36		Lot05-08		Lot06-37		Lot07-27						

LICENSE REVIEW CHECKLIST

PERMIT NO. 63-11347 DATE 9/18/98 REVIEWER: SHARLA

NAME Change/OK
Address still the same (assignment not rec'd)
OK

SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40
W32 (multiple in 1/4)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

PLACE OF USE chg Change (P41/P47) Add (P41/P42) Feds - P43
W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
Permitted Rate 2.94 cfs
Fee limit 3.00 cfs \$150⁰⁰
Measured 2.07 cfs
Theoretical 2.23 cfs 2.23 pump curve

Recommended Total Div Rate 2.23 cfs

WATER USES	<u>OK</u>	<u>2.23</u> cfs	<u>121</u> af	Irrig -	overlap (R58-R61) R62-R65, R66-R69
		cfs	af		supp. gw (WB7/065/073)
		cfs	af		overlap spec. combined rts (W35)
		cfs	af		<1acre (W31)
		cfs	af	Domestic	(W01/WB5/070/071/075)
TOTALS		<u>2.23</u> cfs	<u>544.5</u> af	Power	(W42 or W43/025/027/R22 or R23)
				Fish (042)	Fire (077) Wtr Quality (081/R07)

Flow rate 2.23 cfs X 246 days X 1.98 = 1086.2 af

REMARKS Not part of Boise Front but falls under
42-233 processing. Documentation in file serves
for exemption data for director approval.

ADD'L CONDITIONS Watermaster Control WD# _____
DIM GW Measurement/Measuring Device
Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes no SRBA Claim N/A Adjust Memo P41, P37
Amend letters P38

MEMORANDUM

To: File 63-11347

From: L. Glen Saxton 

RE: REVIEW OF REQUEST TO WAIVE USE OF LOW TEMPERATURE
GEOTHERMAL WATER

Date: March 4, 1999

Groundwater Protection Section has reviewed the letter request dated August 6, 1998 from Sherl Chapman seeking exemption from the requirements of Section 42-233, Idaho Code, which require use of low temperature geothermal groundwater for its heat value before using it for some other use. Department files show that a bond was secured for the construction of the well. A review of the department's western regional office files do not show that there are other outstanding issues related to well construction.

Groundwater Protection Section did not oppose an exemption for the use of the low temperature geothermal water under Permit No. 63-11347.

I recommend that the department issue a license for Permit No. 63-11347 including a condition of approval requiring the right holder to use cold water wells for irrigation purposes to the extent cold water is available before using the low temperature geothermal water under 63-11347 for irrigation. The condition should be written broad enough to also apply to future transfers which include water right no. 63-11347.

Exemption from the requirements of Section 42-233, Idaho Code, will be implied in the license which includes the use of cold water as described above.

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Young, Norm

From: Lester, Steve
Sent: Friday, February 26, 1999 3:55 PM
To: Young, Norm
Cc: Lester, Steve
Subject: IBP's geothermal well, 63-11347

Norm:

I understand that this file is at your desk for consideration of a waiver regarding use of the low temp. geothermal well. I have been in touch with IPB staff (mostly Paul Sharp of the head office in Nebraska) as IBP looks to settle this issue, then move on to creating PPOU for its ground and surface water rights (separate transfer applications). The PPOU idea is needed to match IBP's pending land application.

As you may know, IBP faces an April 1 deadline with DEQ. IBP hoped to have all its water rights issues settled by then ... does not look possible at this time but might be able to come close. The only thought I can add to 63-11347 is one taken from Quail Hollow Golf Course transfer: require IBP to use its cold water first before uses any hot water. The "Doty well" discussed in 63-11347 might provide up to 500 gpm. If so, this would significantly reduce the annual hit on the low temp aquifer. IBP mentioned in its supporting documents that might add Doty well to PPOU anyway. Perhaps the license can be issued for both wells with the cold/hot water caveat.

Paul Sharp visited Western yesterday & today to discuss these issues. He strongly indicated that Sherl Chapman & attorney Kevin Beaton (with Stolle-Reeves but formerly with DEQ) will help with IBP's transfers (I have g.w. transfer appl. & IBP is working on s.w. transfer).

Please let me know asap once a licensing decision is reached. If the answer is "yes", I will incorporate the new license into transfer & get it advertised right away. Let me know if I can do anything to assist in this process. Here is another example where I appear to be an applicant's advocate when ideally I should not be. I guess I'm the messenger (?).

thanks,

Steve

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

AUG 18 1998

WATER RESOURCES
WESTERN REGION

August 6, 1998

RECEIVED
AUG 07 1998
Department of Water Resources

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

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

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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 our 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

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Mr. Karl Dreher
August 6, 1998
Page 3

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,

A handwritten signature in black ink, reading "Sherl L. Chapman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sherl L. Chapman
President

SLC:kje
Enclosure

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ground water resources of this state; and to this end, the director of the department of water resources may, on behalf of the state of Idaho enter into cooperative investigations, researches, and studies with any agency or department of the government of the United States, or any other state or public authority of this state, or private agencies or individuals. It shall likewise be the duty of the director of the department of water resources to control the appropriation and use of the ground water of this state as in this act provided and to do all things reasonably necessary or appropriate to protect the people of the state from depletion of ground water resources contrary to the public policy expressed in this act. [1951, ch. 200, § 6, p. 423; am. 1953, ch. 182, § 2, p. 277.]

Compiler's notes. The name of the director of the department of water administration (formerly the state reclamation engineer) has been changed to the director of the department of water resources on the authority of S.L. 1974, ch. 286, § 1 and S.L. 1974, ch. 20, § 28 (§ 42-1801a).

Section 1 of S.L. 1953, ch. 182, is compiled herein as § 42-226.

Cited in: State ex rel. Tappan v. Smith, 92 Idaho 451, 444 P.2d 412 (1968).

42-232. Ground water recharge program — Negotiations with bureau of reclamation. — The director of the department of water resources is hereby authorized and directed to institute negotiations with the United States bureau of reclamation and the senators and representatives representing the state of Idaho in the congress of the United States for purposes of examining the possibility of incorporating an artificial ground water recharge program or project into those water projects for withdrawal of waters from ground water basins in the Coltman area of Bonneville County, the Menan Buttes area in Madison county, or any other area contemplated by the bureau of reclamation, which have been authorized by congress as a part of the Salmon Falls Creek irrigation project located in Twin Falls county. [I.C., § 42-232, as added by 1978, ch. 366, § 3, p. 955.]

Compiler's notes. A former § 42-232, which comprised S.L. 1951, ch. 200, § 7, p. 423; am. 1953, ch. 182, § 3, p. 277, was repealed by S.L. 1967, ch. 374, § 13. Section 2 of S.L. 1978, ch. 366 is compiled as § 42-233a.

42-233. Low temperature geothermal resource. — (1) The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water. Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; (iii) the exemption is in the public interest.

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MAR 20 2000

(2) Any or deepening director of the penal twenty the department pressure relevant proper con 42, Idaho The bond drilling, r writing by (3) All use of gr geothermal valid and applicable deepened. permits, chapter 4 temperature prior to Ju are not ap § 3, p. 74

Compiler which comp 423; am. 1 repealed by

42-233: — Public Appeal. basin, or provide a uses in t withdraw and perm the direct Upon th of the dir hearing in the reaso consecuti immediat In the e and the di designation

(2) Any owner of a well who engages in the drilling, redrilling, modifying or deepening of any low temperature geothermal well shall file with the director of the department of water resources a surety bond or cash bond in the penal sum of not less than five thousand dollars (\$5,000) or more than twenty thousand dollars (\$20,000) as determined by the director of the department of water resources based on the temperature, depth and pressure of the resource, the size and depth of the well, and any other relevant factors. The surety or cash bond shall be conditioned upon the proper compliance with the provisions of this chapter and chapter 40, title 42, Idaho Code, and rules and regulations promulgated pursuant thereto. The bond shall remain in effect for one (1) year following completion of drilling, redrilling, modifying or deepening of the well or until released in writing by the director, whichever occurs first.

(3) All permits, licenses, decreed rights and valid claims to a right to the use of ground water which would be classified as a low temperature geothermal resource having a priority date prior to July 1, 1987, remain valid and the bond provisions of subsection (2) of this section are not applicable unless the well from which the right diverts water is modified or deepened. The provisions of this section shall not be applicable to all permits, licenses and rights to the use of geothermal resources as defined in chapter 40, title 42, Idaho Code, which would be classified as a low temperature geothermal resource under this section, issued or proclaimed prior to July 1, 1987, and the bond provisions of subsection (2) of this section are not applicable to such wells. [I.C., § 42-233, as added by 1987, ch. 347, § 3, p. 741; am. 1988, ch. 311, § 1, p. 967.]

Compiler's notes. A former § 42-233, which comprised S.L. 1951, ch. 200, § 8, p. 423; am. 1953, ch. 182, § 4, p. 277, was repealed by S.L. 1967, ch. 374, § 14.

Section 2 of S.L. 1987, ch. 347 is compiled as § 42-230 and § 4 is compiled as § 42-235. **Sec. to sec. ref.** This section is referred to in §§ 42-230 and 42-238.

42-233a. "Critical ground water area" defined — Public hearings — Publication of notice — Granting or denial of application — Appeal. — "Critical ground water area" is defined as any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands, or other uses in the basin at the then current rates of withdrawal, or rates of withdrawal projected by consideration of valid and outstanding applications and permits, as may be determined and designated, from time to time, by the director of the department of water resources.

Upon the designation of a "critical ground water area" it shall be the duty of the director of the department of water resources to conduct a public hearing in the area concerned to apprise the public of such designation and the reasons therefor. Notice of the hearing shall be published in two (2) consecutive weekly issues of a newspaper of general circulation in the area immediately prior to the date set for hearing.

In the event an area has been designated as a "critical ground water area" and the director of the department of water resources desires to remove such designation or modify the boundaries thereof, he shall likewise conduct a

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MAR 20 2000

MEMORANDUM

TO: ^{File} ~~SHELLEY KEEN AND SHARLA CURTIS~~

FROM: STEVE LESTER *SL*

DATE: FEBRUARY 18, 1999

RECEIVED

FEB 19 1999

Department of Water Resources

RE: LICENSING OF IBP 63-11347

This memo replies to Sharla Curtis' mail message of 9-22-98 (copy attached) regarding my 9-17-98 memo requesting expedited licensing on behalf of IBP. The water right owner is standing by to see if this right can be licensed and then incorporated into a PPOU transfer for all of IBP's ground water for land application of waste water purposes. I spoke with IBP representative Paul Sharp earlier this week and promised him that I would make some progress in this matter.

I recognize in hindsight that an error was made in the my memo of last September. Not enough background correspondence was included with that memo but is attached in today's package. Please excuse that oversight.

Sharla's mail message raised four points answered as follows.

1. Copy of Rob Whitney's 4-17-98 letter is enclosed, along with letters before and after that date.

2. Region did not respond to Sherl Chapman's 8-6-98 request for a waiver to the low temperature geothermal requirement. The letter makes a case for the Director's decision to be made, thus a regional response did not seem necessary. With adequate background information now provided to S.O., it appears that the Director can now make that determination. The opinion here has been that S.O. is going to approve the waiver based on the strength of Chapman's letter, which is why it was forwarded without regional response last fall. The region should have been clearer and more complete when forwarding information to S.O. last fall.

3. The "500 gpm well", aka the "Doty well", was completed in August 1995 (well log in field exam). Although it was tested at 500 gpm, production was insufficient for the beneficial use. The low temp. well was completed in October 1995 and apparently put to use that fall (see Kucera's 4-23-98 memo included with IBP's 7-15-98 letter). Proof of beneficial was filed after the low temp. well was completed.

IDWR's field examiner noted that the Doty well was capped by the time of the October 1996 exam. Chapman's 5-20-97 letter states that this well "is presently capped awaiting integration into the system." For example, IBP might include the Doty well with the pending ground water PPOU transfer as another P/D. That would be an acceptable option.

Regional staff does not know when the cold water well was capped, but the permit file suggests that it probably occurred in late 1995 or by early 1996 once the low temp. well was completed to the owner's satisfaction. The Doty well

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63-11347
Feb. 18, 1999
Page 2 of 2

does not present a licensing problem.

4. The low temp. well is in Section 6, T1N, R2E and outside of the Boise Front GWMA.

CONCLUSION

The low temp. well was completed and put to beneficial use before proof was filed. The right was reinstated with an advanced priority. The 1996 exam documented the extent of use. IBP has responded to IDWR's requests for additional information. The only outstanding issue is whether or not the Director will issue a waiver based on Chapman's 8-6-98 letter.

Once the license issue is resolved, IBP's PPOU ground water transfer can be processed. IBP hopes to resolve the license and transfer issues by the beginning of this irrigation season to comply with IDWR and DEQ requirements for land application of waste water.

Thanks for your attention to this, and please let me know if any more information is needed.

c: Rob Whitney, Western Region

MICROFILMED
MAR 20 2000

From: DWR03::SCURTIS
To: DWR80::SLESTER
CC:
Subj: misc

22-SEP-1998 14:46:05.19

SL

Steve, I have several ASAP and OLDIES licenses I'm trying to clear out and I have some "information requests" that I hope you can help me with.

63-11347 (IBP) --

- ✓ 1) can we have a copy of Rob Whitney's 4/17/98 letter?
- ✓ 2) did Gary or anyone else respond to Sherl Chapman's letter of 8/6/98 and if so, can we get copies?
- ✓ 3) does Rob or someone else over there have any info concerning when and why the 500 gpm well was capped?
- ✓ 4) considering the fact that an order extending the GWMA designation for 5 more years was just issued on September 1, and I see no written documentation from any IDWR personnel as to why the 92 degree well should be allowed and licensed, do you have any written supporting info. we could place in the file?

MICROFILMED

MAR 20 2000



RECEIVED

AUG 10 1998

WATER RESOURCES
WESTERN REGION

July 15, 1998

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

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".

= Sherl's
8/6/98
letter to
Director

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, P.E.
Senior Environmental Project Engineer

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

MICROFILMED

PS98-547

MAR 20 2000

IBP, inc. P.O. BOX 515, DAKOTA CITY, NEBRASKA 68731 TELEPHONE: 402-494-2061



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,

A handwritten signature in cursive script that reads 'Paul Sharp'.

Paul Sharp, P.E.
Senior Environmental Project Engineer

PS/aem

cc: Jack Harrison
Kim Dirks

*RBW has in
his IBP file
e western
-sc*

A handwritten arrow pointing from the handwritten note towards the 'Re:' field of the letter.

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



Farm Management • Agricultural Consulting
Environmental Permits and Compliance • Soil and Sludge Testing

MICROFILMED
MAR 20 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

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)

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MAR 20 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

page 2, IBP

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,

A handwritten signature in black ink, appearing to read 'R. B. Whitney'.

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

c: Chapman, Slifka, File

MICROFILMED
MAR 20 2000



File: PS98-520

RECEIVED

MAR 30 1998

WATER RESOURCES
WESTERN REGION

March 24, 1998

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

Re: IBP, inc., Boise, ID - Water Rights

Dear Mr. Spackman:

IBP, inc. agrees that meeting to discuss Water Right Permit No. 63-11347 and Drilling Permit Nos. 63-95-W-0716 and 63-95-W-0042 as described in your letter of March 5, 1998 is appropriate. In addition to the above issues, IBP, inc. desires to discuss surface water rights and transfer of rights. Per our telephone conversation on Monday, March 23, I understand the meeting is scheduled for 10:00 a.m. Wednesday, April 8, 1998, at Idaho Department of Water Resources, 1301 North Orchard Street, Boise, Idaho.

Sherl Chapman of Sherl L. Chapman Consulting, Inc., Jack Harrison of HDR Engineering and Kim Dirks and Paul Sharp of IBP, inc. will attend the meeting. For your information and suggested use as an agenda for the meeting, enclosed is copy of HDR Engineering, Inc. memorandum of March 12, 1998, summarizing status of IBP, inc. water rights. IBP, inc. looks forward to resolving these issues as soon as possible.

It is requested IDWR confirm the above meeting date and agenda. Call me at 402/241-2004 if you have questions.

Sincerely,

Paul Sharp

Paul Sharp
Senior Pollution Control Engineer

*Called 4-1-98
JW*

to confirm

MICROFILMED

MAR 20 2000

PS/aem

cc: Sherl Chapman
Gary O'Donnell

Jack Harrison

Bill Tolle

To Paul Sharp
From Jack Harrison
Brett Madron,
Date 3/12/98
Subject Status of IBP Water Rights

HDR

D r a f t
M e m o r a n d u m

Basic information has been prepared for Application for Transfer of Water Rights to consolidate water rights by changing "Place of Use." However, actions to finalize the application and resolve other water rights issues are on hold until an IDWR meeting to discuss the status of the new well located at center pivot 1N.

Issues regarding status of water rights include:

- demonstration of beneficial use of all water rights will be needed to change place of use
- surface rights that may or may not be fully owned by IBP
- groundwater right 63-11347 is considered low-temperature geothermal by IDWR and may have additional requirements before water right can be exercised.
- proof of beneficial use of groundwater right 63-11347 was made after due date

Existing water rights are summarized in Table 1, and the points of use are summarized in Table 2. Many of the rights in the summary sheets listed the same point of use. Table 2 shows the maximum number of acres irrigated per lot. The amount of water used to irrigate these acres may vary dependent upon crop, season, and water availability. Figure 1 (rough draft), shows the approximate points of diversion and the places of use. Figure 2 (rough draft) shows the water right and acreage listed as point of use.

Purpose of transfer

IBP is interested in taking all water that they have rights to and using them as needed on any portion of their property. This is described in application as the "place of use" and by changing to include the entire farm will allow water from existing rights to be commingled and used throughout the farm. The total number of acres irrigated, the diversion rate, and the total amount of water used should not increase. 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. IDWR indicated that the inclusion of surface waters in the application for transfer of water rights may provide additional requirements for IBP and HDR.

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MAR 20 2000

Use of water

The proof of existence of water rights will be required during the transfer process. Beneficial use will have to be established and will require research and verification using air photos. Also transferring water rights may include new and additional restrictions on use or monitoring.

Surface Water Rights in Question

Rights 63-00329, 63-00330, 63-00331, 63-00332, 63-02200, 63-02615 and 63-00379 owned by Pleasant Valley Irrigation Company show a total of 94.1 cubic feet per second plus 7900 acre feet per acre reservoir storage available. This total amount of water is divided up between lands that are owned by IBP plus lands that border property owned by IBP. Thus, IBP is entitled only to a portion of this water. ?

The rights listed under Pleasant Valley Irrigation District may only partially be available to IBP dependent upon the number of shares owned by IBP in this irrigation company. IBP's shares of Pleasant Valley Irrigation Company will require contact with Pleasant Valley Irrigation Company. 2001 1/16/98

Low Temperature Geothermal Well

Right 63-11347 owned by Ida-U Land and Beef is referenced in a letter to IBP from IDWR as being a low temperature geothermal source. This designation presents concerns with it's use for irrigation. IBP responded to IDWR in a letter (prepared by Sherl Chapman asking for exclusion from any restrictions caused by this designation.

HDR requested a meeting with IDWR in January to discuss this well and other water rights issues. IDWR wanted to respond to the Chapman letter prior to the meeting. Gary Spackman of IDWR responded in a letter dated March, 5, 1998 addressing two major issues regarding this particular right:

- IBP must show that the water was beneficially used prior to filing proof of beneficial use, or the right must be justified by applying the criteria of the Idaho Code 42-233, which states exemptions for the use of low-temperature geothermal resources and
- if the right can be justified, then IBP may have to meet the criteria for low temperature geothermal well construction, which are in question with this well.

Gary Spackman indicated in a March 13, 1997 telephone conversation that IDWR had not established a position on the well. They want to meet and lay issues on the table for discussion. Their goal will be to decide what should be done to produce worth while information regarding this well and warm temperature waters in the area. A chronology for this water right is attached.

Water Rights Not in Question

Rights 63-03751 and 63-10383 owned by IBP, and 63-03362 owned by Standard Insurance Company are not in question and the point of use change should be straight forward.

Table 1, Description of Right(s) or Portion Thereof, Before the Requested Change

Right Number	Priority	Amount cfs	AFA	Nature of Use	Period of Use	Current Owner	Point of Use Listed	Source
63-03751	12/10/71	3.2	720	Irrigation	3/15 - 11/15	IBP	1N 2E, 7,8	GW
		0.2	13.4	Stockwater	1/01 - 12/31	IBP	1N 2E, 7	GW
		3.2	720	Commercial	1/01 - 12/31	IBP	1N 2E, 7	GW
		0.2	11.2	Domestic	1/01 - 12/31	IBP	1N 2E, 7	GW
63-10383	9/23/86	3.0	679.5	Irrigation	3/15 - 11/15	IBP	1N 2E, 6,31	GW
		2.2	1593	Industrial	1/01 - 12/31	IBP	1N 2E, 6,31	GW
63-03362	7/11/63	2.7	837	Irrigation	4/01-10/31	Std. Ins. Co.	2N 2E, 31	GW
63-11347	7/8/92	2.5		Irrigation	3/15 - 11/15	Ida-U L&B	1N 2E, 6,31	GW
63-00329	4/1/07	4.0		Irrigation		PVIC	None	Surface
63-00330	4/1/08	4.0		Irrigation		PVIC	None	Surface
63-00331	4/1/10	5.0		Irrigation		PVIC	None	Surface
63-00332	5/16/12	13.0		Irrigation		PVIC	1N 2E, 3,4,5,6,7,8 31,24,2,3,10,19,29 31,34,35	Surface
63-02200	5/16/12	48.1		Irrigation		PVIC	Remarks	Surface
63-02615	5/16/60	20.0		Irrigation		PVIC	1N2E, 4,5,6,7,8,19 29,30,31	Surface
63-00379	5/16/12		*7900	Irrigation Storage		PVIC	None	Reservior

IBP - Iowa Beef Processors, PVIC - Pleasant Valley Irrigation Company, GW - Groundwater

Notes:

* Indicates reservior storage

Amount of PVIC rights available to IBP is undetermined at this time

Right 63-11347, is considered low-temp geothermal, and is in question

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MAR 20 2008

Table 2, Land Irrigated or Place of Use, Before the Requested Change

Twp	Rge	Sec.	Source	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	
1N	2E	6	S Water	40	40	40	40	40			40						40	40		320
			G Water	1		38	40	1			36									116
1N	2E	7	S Water					40	42	42										124
			G Water									10	8	15	23			20		76
1N	2E	18	S Water																	0
			G Water					28	26	25	27	31	31	31	31					230
1N	2E	19	S Water																	0
			G Water																	0
2N	2E	31	S Water									40	43	42	40			40		205
			G Water										2	3	3			1		9
			G Water									35	38	37	38			38		186

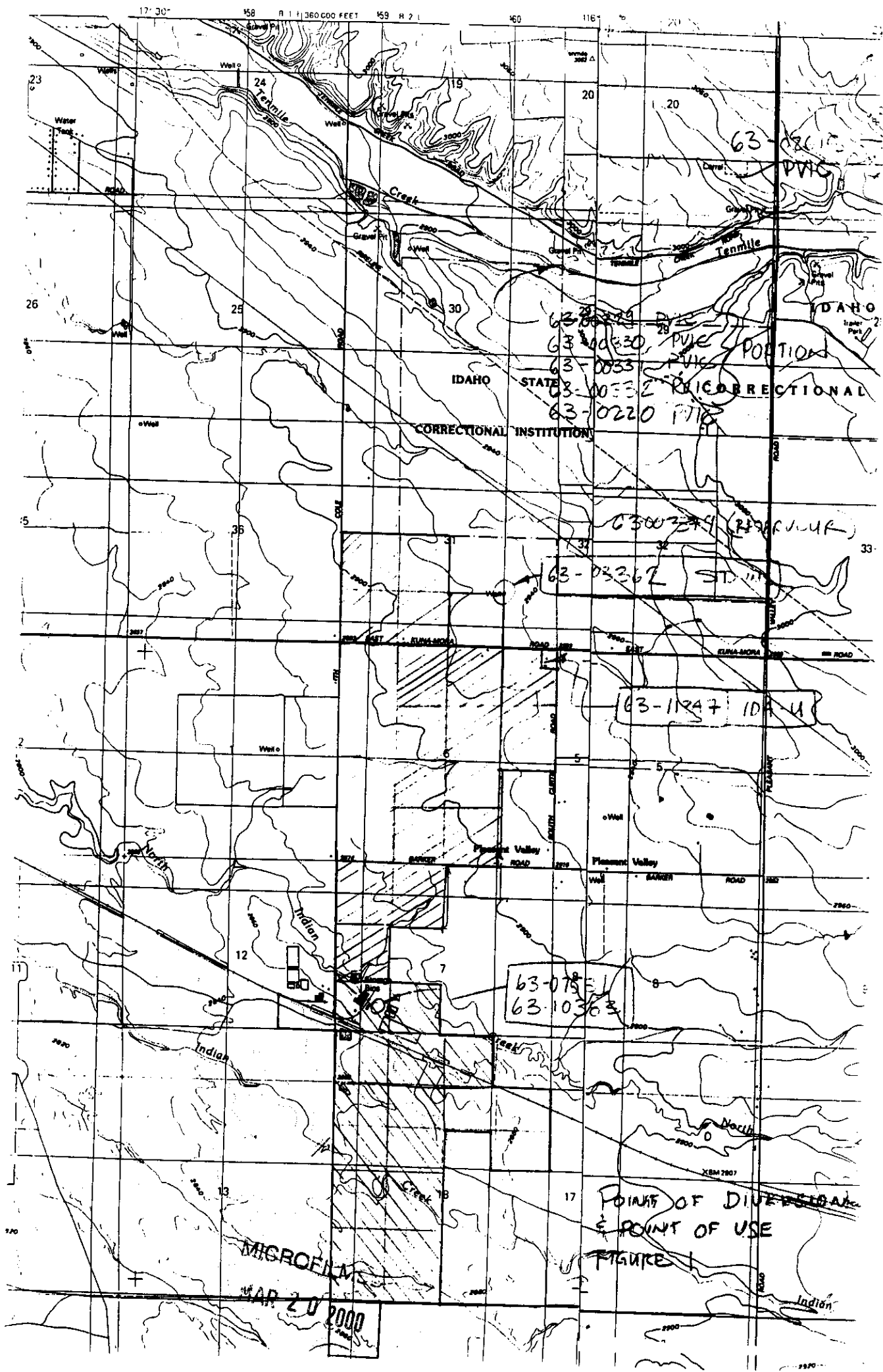
Total 1266

Subtotoals

GW 617

SW 649

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MAR 20 2000



Chronology of Water Right 63-11347

May 18, 1990	Application for well permit to IDWR
September 27, 1990	Permit to Appropriate Water
July 8, 1992	Priority data established; Water Right Permit # 63-11347
October 1, 1992	Proof of Beneficial Use due
September 29, 1992	Request for Extensions of Time: requested Oct. 1, 1997; granted to Oct. 1, 1995
August 15, 1995	Completed 1st well (63-95-W-0042): TD 535; tested at 500 gpm
August 30, 1995	Application for Drilling permit to IDWR; assigned # 63-95-W-0716
October 1, 1995	Proof of Beneficial Use due
October 13, 1995	Completed 2nd well: TD 710; tested at 1000 gpm at 92 deg
November 21, 1995	Proof of Beneficial Use made
March 7, 1997	Letter from R Whitney, IDWR: requested for information on well temperature and cominingling
May 20, 1997	Letter from S Chapman to IDWR: requested waiver on information
February 4, 1998	Call from HDR to IDWR: requested informal meeting to discuss water rights issues
March 5, 1998	Letter from G Spackman, IDWR: Issues-1) usage of low temp well; 2) proof of Beneficial Use
April 6, 1998	Proposed meeting with IDWR

MICROFILMED
MAR 20 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHERL L. CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

Re: Iowa Beef Processor's Well; Water Right Permit No. 63-11347 and Drilling Permit Nos.
63-95-W-0716 and 63-95-W-0042

Dear Mr. Chapman:

This letter is a belated response to your letter dated May 20, 1997. Your letter was a response to a letter mailed to Terry Kuchera by Rob Whitney of this office on March 7, 1997.

I reviewed your letter in detail with Rob Whitney and with Mark Slifka, manager of IDWR's ground water protection section. I also discussed this matter with Norm Young of IDWR.

Idaho Code § 42-217 states:

On or before the date set for the beneficial use of waters appropriated under the provisions of this chapter, the permit holder shall submit a statement that he has used such water for the beneficial purpose allowed by the permit.

Idaho Code § 42-233 states:

Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of IDWR exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature eighty-five (85) degrees or less in a well available; (iii) the exemption is in the public interest.

All three of the criteria listed above must be satisfied before IDWR can approve use of low temperature geothermal water for irrigation.

MICROFILMED

MAR 20 2000

Sheri Chapman
March 5, 1998
Page 2

Condition no. 8 of drilling permit no. 63-95-W-0716 states that, if a temperature of 85 degrees Fahrenheit or greater is encountered, drilling should immediately cease, and the well driller and the well owner must contact the department immediately. Administrative rules for well construction standards do not allow construction of a low-temperature geothermal well without prior submittal of a drilling prospectus and additional construction requirements.

Proof of beneficial use of water diverted under permit no. 63-11347 was due on or before October 1, 1995. A well driller's report for a 710 foot well was submitted to IDWR on November 6, 1995. The well driller's report states that the well was completed on October 13, 1995. An earlier well was completed in August of 1995, but your letter states that it is capped and implies that water was not beneficially used from the well. Proof of beneficial use was submitted on November 21, 1995.

The well driller's report for the 710 foot deep well states that water of 92 degrees Fahrenheit is being pumped from the well. The temperature is seven degrees warmer than the threshold for low temperature geothermal water. Rob Whitney's letter of March 7, 1997 correctly pointed out that the temperature was not reported to IDWR prior to completion of the well.

The reason for the reporting requirement is to ensure that the well is constructed in a manner that protects the low temperature geothermal resource.

As I stated earlier in the letter, IDWR meticulously reviewed your response letter and the construction methods that were employed. The construction does not satisfy minimum well construction standards for a low temperature geothermal well. IDWR believes it is improbable that the drilling mud and cuttings sealed the annular space. IDWR staff would be happy to discuss the details of our analysis and conclusion if you want. A written explanation would unduly lengthen this letter.

The March 7, 1997 letter from Rob Whitney requested some testing to determine whether the well was properly constructed. IDWR carefully analyzed these requests and your request for a waiver. IDWR believes there is too much uncertainty about the seal integrity to grant a waiver at the present time. Nevertheless, IDWR shouldn't order costly activity that will not resolve whether there is a proper seal in the well and whether there is a commingling of aquifers.

MICROFILMED

MAR 20 2000

the
"Dotty well"
ne
63-95-W-
0042
-92

Sherl Chapman

March 5, 1998

Page 3

The water right issues should be resolved first. If the use of low temperature geothermal water for irrigation cannot be justified by applying the criteria of Idaho Code § 42-233, or if IDWR finds that the water was not beneficially used prior to filing proof of beneficial use, the use of water from the well may be questioned. There is no sense doing extensive testing on the well if IDWR determines that water cannot be diverted from the well. Upon resolution of the water right issues, technical staff of IDWR and IBP should discuss least cost alternatives for testing to determine whether the well is properly sealed and whether there is mixture of warmer aquifers with colder aquifers.

Administration suggests that representatives of IDWR and IBP meet to discuss all of these issues. Because of full calendars this time of year I have scheduled a meeting on Monday, April 6, 1998, at 1:30 p.m. in the downstairs conference of the Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706. If this time is not convenient, please let me know so I can reschedule another time.

Sincerely,



Gary Spackman

GS:st

CC: Rob Whitney, Norm Young, Mark Slifka, Paul Sharp, Brett Madrin

MICROFILMED
MAR 20 2000

BUYER (S) FINAL CLOSING STATEMENT

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.....		1,157.00
from 01/01/94 to 08/30/94 @ \$ 4.80384 per day		
MISCELLANEOUS ADJUSTMENTS:		
Earnest Money Paid to Seller.....		12,500.00
CROW CHARGES:		
Crow 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	13,657.00
.....BALANCE DUE FROM BUYER:		611,623.00
.....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 31st DAY OF Aug IN THE YEAR 1994

IBP, INC.

By: IBP Inc
Terry J Kucera

By: _____

STEWART TITLE OF IDAHO, INC.

BY: _____

DATE: MAR 20 2000

MICROFILMED

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.

MICROFILMED

MAR 20 2000



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 particularly 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, per-
sonally 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: _____

MICROFILMED

MAR 20 2000

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.

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

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MAR 20 2000

AMERICAN LAND TITLE COMPANY

8050 W. Riffeeman 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
Jennifer Kassis
Escrow Officer

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**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, 1996, 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 Thero Kassis Family Trust Dated June 3, 1986

TERMS:

Sale Price \$ 85,000.00

Payable as follows:

Earnest Money Deposit	\$ _____	held by _____
Cash (approximate)	\$ _____	
Assumption of	\$ _____	approximate balance owing to _____
Assumption of	\$ _____	approximate balance owing to _____
New Loan amount	\$ _____	from _____
Deed of Trust (Mortgage) amount	\$ _____	in favor of _____
_____	\$ _____	
_____	\$ _____	
_____	\$ _____	

In the event more than one deed of trust or mortgage is to be recorded in connection with this transaction, said liens shall be recorded in the following order of priority:

1st lien shall be in favor of _____ in the amount of \$ _____
 2nd lien shall be in favor of _____ in the amount of \$ _____
 3rd lien shall be in favor of _____ in the amount of \$ _____

In the event this transaction involves a new loan or assumption of existing loan, these instructions must conform to the instructions of that lender.

PRO-RATION DATE: November 11, 1996 CLOSING DATE: November 11, 1996. The "Closing Agent" is instructed to pro-rate all items to be pro-rated as of the above date with the seller being responsible for all such items up to but not including the date of pro-ration and the Buyer being responsible for such items from and including the date of pro-ration.

The property taxes for 1996 shall be pro-rated on the basis of the 1996 tax assessed. If the amount assessed is not known, taxes shall be pro-rated based on the estimate of \$ 30.93. The parties hereto acknowledge that there may be a difference between the amount of taxes pro-rated and the actual tax assessment levied. The parties further acknowledge that under Idaho Code Sections 63-403 and 63-2203, and Title 63, Chapter 39 "New and Additional Assessments," "Adjustments of Taxes by the Board of Commissioners," and "Tax on Newly Constructed and Occupied Residential and Commercial Structures," additional taxes may be levied. The parties hereto agree to hold the closing agent harmless for any pro-ration difference or additional taxes and agree to promptly adjust any such difference between themselves. The "Closing Agent" shall not pro-rate any utility charges, unless specifically instructed to do so. THE FOLLOWING ITEMS SHALL BE PAID BY BUYER (B), SELLER (S), DIVIDED BETWEEN BUYER AND SELLER EVENLY UNLESS OTHERWISE STATED (D) OR PAID OUTSIDE CLOSING (POC)

<u>POC</u> Attorney's Fees	<u>S</u> Title Insurance, Owners Policy	<u>N/A</u> Assumption Fee
<u>D</u> Closing Fee	<u>N/A</u> Title Insurance, Loan Policy	<u>N/A</u> Escrow Set-up Fee
<u>_____</u> Survey	<u>_____</u> IRS 1099-B	
<u>S</u> Real Estate Commission of <u>100.00%</u> to <u>Landwatch Realtors</u>	Total Commission _____	
<u>N/A</u> Real Estate Commission of <u>0.00</u> % to <u>N/A</u>	(<u>6.00</u>)	

TITLE INSURANCE: Insurer Chicago Title Insurance Company Order No. 45838

<u>S</u> (<u>X</u>) std () ext. coverage owners policy	Amt. \$ <u>85,000.00</u>
<u>_____</u> () std () ext. coverage loan policy	Amt. \$ _____
<u>_____</u> () std () ext. coverage purchasers policy	Amt. \$ _____

HAZARD INSURANCE:

_____ Assume Existing, _____ Obtain New, From _____ Paid p/c _____

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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 V.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 severally 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 that taxes are, closing agent will refund the buyer any difference.

BUYER:

Jennifer Kassis
JENNIFER KASSIS

SELLER:

Thero W. Kassis, Trustee

Kassis, Trustee

American Land Title Company

BY:

Jennifer Kassis
JENNIFER KASSIS

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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 deed.

[Signature]

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee **s**, their heirs and assigns forever. And the Grantor **s** 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, 1996.

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

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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
tals	85,216.93	85,216.93

1996 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:

Jennifer Kassis
P., INC.
SS#: _____

SS#: 72-0838666

☐ FUTURE OR CURRENT MAILING ADDRESS: _____

AMERICAN LAND TITLE COMPANY

By: *Jennifer Kassis*
JENNIFER KASSIS

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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


MICHELLE CABBAGE
Escrow Officer

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Owner's Policy

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



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 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, or 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 creating 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

812-271-1111

Handwritten signature of Stuart W. B...

Authorized Signatory

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Handwritten signature of [illegible]

President

1 Definition of Terms

The following terms when used in the Act 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, inasmuch as 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.

21. "Insured claimant," an insured claiming loss or damage

of "knowledge" or "knowing" actual knowledge not constructive knowledge or not de jure may be imputed to an insured as a reason of the DOD's records as defined in this policy (and other records in an insured's constructive notice of matters affecting the ...)

2. "Land" means the area 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, to, through streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent of an easement or right of access to and from the land described by this plan.

3. Marriage - Marriage, date of first marriage or other

Public records records established under state statutes at Date of 2010 for the purpose of means no constructive notice of matters relating to real property to purchasers for value and without knowledge with respect to Section 101 of the Business and Coverage "Public records" shall also include any documents, protection was filed in the records of the clerk of the United States District Court for the district of Columbia and is listed.

[illegible]

1. *Phragmites australis* (Cav.) Trin. ex Steud.

[illegible]

1. What is the purpose of the document?

[illegible]

- The following information was obtained from the above-mentioned source:

[illegible]

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, whereunder 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 asserted 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 access 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 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 action or in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest 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 or 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 Schedule are provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 30 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 requested by any authorized representative of the Company; the insured claimant shall grant its permission, in writing, to 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. If information disclosed as confidential by the insured claimant prior to the Company's designation in a Section shall not be disclosed to others, then the reasonable cost of the Company, as necessary, to be determined by the Company.

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to 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 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.

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

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 (a) or (b), the Company's obligations to the insured under this policy for the claim 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, 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 hereinafter described.

The amount of the Company's liability under this policy shall not exceed the lesser of:

(1) The Amount of Insurance stated in Schedule A; or

(2) The difference between the actual insured estate or interest as insured and the value of the insured estate or interest subject to the deduction of encumbrances insured against by this policy.

Or, 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 consideration paid for the same, whichever is less, and if subsequent to the Date of Policy an improvement is erected on the land and 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:

Where no subsequent improvement has been made, as to any claim for loss, the Company shall pay the loss or damage on a pro rata basis 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.

Where a subsequent improvement has been made, as to any claim for loss, the Company shall pay the loss or damage on a pro rata basis in the proportion that 100 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 shall not apply to costs, attorneys' fees and expenses incurred by the insured claimant under this policy, and shall only apply to the payment of the loss or damage, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

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, 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 reasonable, 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 rata.

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 made by 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 the 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

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amounts in the proportion of the Company's payment 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.

13. 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 and, 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.

POOR QUALITY

MICROFILMED

MAR 20 2000

Agent. State Cty. Prop. Tran
A11006 11 001 1 010

Reissue Amt. Re. Tran
\$

Simultaneous Issue

OWNERS

SCHEDULE A

<u>OFFICE FILE #</u>	<u>POLICY NUMBER</u>	<u>DATE OF POLICY</u>	<u>AMT OF INSURANCE</u>	<u>TOTAL PREMIUM</u>
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

MICROFILMED
MAR 20 2000

**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 MICROFILMED

MAR 20 2000

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.

MICROFILMED

MAR 20 2000

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

MICROFILMED

MAR 20 2000

82006427800

82006438600

TECHNICAL
DRAWING
NO. 100
PAGE 1

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N

82006434800

MICROFILMED
MAR 20 2006



A Pioneer Company

RECORD ORDER
J. DAVIS LAMARRO

BOISE ID

PIONEER TITLE

PIONEER TITLE COMPANY

OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83725

REC'D 11/11/08 1:37 PM
FEL 6-11-08
RECORDED IN THE OFFICE OF

READ AND APPROVED BY:

JM

P1932131 MC/Edu

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 particularly 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 s do 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:

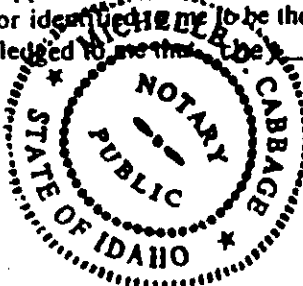
October 24, 1996

Keith E. Owings
KEITH E. OWINGS

Luanne C. 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, per-
sonally 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 they executed the same.



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

MICROFILMED

MAR 20 2000

EXHIBIT A

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

MICROFILMED

MAR 20 2000

Warranty Deed

Full 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) Jess 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 grantor(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 deed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the Grantors do 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 Grantors 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 the 11th day of November, 1996.

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
Comm. Expires 05-18-99

Idaho

MICROFILMED

MAR 20 2000

THIS INSTRUMENT FURNISHED COURTESY OF:

ROLL

STEWART TITLE

STEWART TITLE OF IDAHO, INC.

1994 JUL 31 11:11

TEL 900
REC 110

Johnson
JUL 31 1994

READ & APPROVED BY GRANTEE(S):

(0000; 0022)

SPACE ABOVE THIS LINE FOR RECORDING DATA
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 warrant and defend the same from all lawful claims whatsoever.

Dated: August 23, 1994

IDA-U LAND & BEEF, a Utah partnership

By: *Tatsumi Misaka*

Tatsumi Misaka, Managing General Partner

MICROFILMED

MAR 20 2000

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.

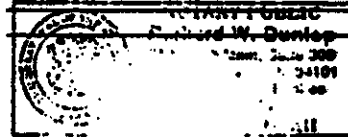
Signature: Richard W. Dunlop

Name: Richard W. Dunlop

(Type or Print)

Residing At:

My Commission expires:



MICROFILMED

MAR 20 2000

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.

MICROFILMED

MAY 20 2000

EXHIBIT "A"

FRESH WATER USE

IBP, BOISE, ID.

JANUARY 1998

Date Previous Reading	EAST AND WEST WELL Multiplier X100		IRRIGATION WELL Multiplier X100	
	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	929244		508879	
1	930740	149,600	508879	0
2	932451	171,100	508879	0
3	940890	843,900	508879	0
4	947993	710,300	508879	0
5	951139	314,600	508879	0
6	959900	876,100	508879	0
7	968089	818,900	508879	0
8	976264	817,500	508879	0
9	985151	888,700	508879	0
10	993400	824,900	508879	0
11	999154	575,400	508879	0
12	2680	352,600	508879	0
13	11094	841,400	508879	0
14	19836	874,200	508879	0
15	28057	822,100	509805	92,600
16	36722	866,500	509805	0
17	44440	771,800	509805	0
18	51046	660,600	509805	0
19	54300	325,400	509805	0
20	63425	912,500	509805	0
21	72266	884,100	509805	0
22	81152	888,600	509805	0
23	90352	920,000	509805	0
24	98347	799,500	509805	0
25	106886	853,900	509805	0
26	110542	365,600	509805	0
27	119413	887,100	509805	0
28	128159	874,600	509805	0
29	135966	780,700	509805	0
30	143600	763,400	509805	0
31	150986	738,600	509805	0
Monthly Total		22,174,200		92,600

MICROFILMED

MAR 20 2006

FRESH WATER USE

IBP, BOISE, ID.

FEBRUARY 1998

Date	EAST AND WEST WELL Multiplier X100		IRRIGATION WELL Multiplier X100	
	Meter Reading	Daily Flow	Meter Reading	Daily Flow
Previous Reading	150986		509805	
1	159681	869,500	509805	0
2	162917	323,600	509805	0
3	171892	897,500	509805	0
4	180526	863,400	509805	0
5	189428	890,200	509805	0
6	197500	807,200	509805	0
7	204795	729,500	509805	0
8	207042	224,700	509805	0
9	210588	354,600	509805	0
10	219990	940,200	509805	0
11	228899	890,900	509805	0
12	237999	910,000	509805	0
13	247149	915,000	509805	0
14	254356	720,700	509805	0
15	256443	208,700	509805	0
16	258719	227,600	509805	0
17	261808	308,900	509805	0
18	270923	911,500	509805	0
19	279576	865,300	509805	0
20	288453	887,700	509805	0
21	295328	687,500	509805	0
22	301460	613,200	509805	0
23	304571	311,100	509805	0
24	313470	889,900	509805	0
25	322378	890,800	509805	0
26	331495	911,700	509805	0
27	339612	811,700	509805	0
28	346640	702,800	509805	0
Monthly Total		19,565,400		0

MICROFILMED

MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

MARCH 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	346640		509805	
1	348471	183,100	509805	0
2	350590	211,900	509805	0
3	353233	264,300	509805	0
4	361509	827,600	509805	0
5	370611	910,200	509805	0
6	379718	910,700	509805	0
7	387547	782,900	509805	0
8	390075	252,800	509805	0
9	392736	266,100	509805	0
10	395500	276,400	509805	0
11	404537	903,700	509805	0
12	413685	914,800	509805	0
13	422776	909,100	509805	0
14	430479	770,300	509805	0
15	433110	263,100	509805	0
16	435484	237,400	509805	0
17	438566	308,200	509805	0
18	447497	893,100	509805	0
19	456589	909,200	509805	0
20	466550	996,100	509805	0
21	474743	819,300	509805	0
22	477029	228,600	509805	0
23	479610	258,100	509805	0
24	482365	275,500	509805	0
25	490823	845,800	509805	0
26	499669	884,600	509805	0
27	508591	892,200	509805	0
28	515897	730,600	509805	0
29	524421	852,400	509805	0
30	527042	262,100	509805	0
31	535375	833,300	509805	0
Monthly Total		18,873,500		0

MICROFILMED

MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

APRIL 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	535375		509805	
1	544230	885,500	509805	0
2	552547	831,700	509805	0
3	561111	856,400	509805	0
4	569526	841,500	509805	0
5	570836	131,000	509805	0
6	573122	228,600	509805	0
7	582029	890,700	509805	0
8	590802	877,300	509805	0
9	599577	877,500	509805	0
10	608130	855,300	509805	0
11	616468	833,800	509805	0
12	618085	161,700	509805	0
13	620742	265,700	509805	0
14	630260	951,800	509805	0
15	638858	859,800	509805	0
16	646562	770,400	509805	0
17	655843	928,100	509805	0
18	663145	730,200	509805	0
19	664194	104,900	509805	0
20	666013	181,900	509805	0
21	674517	850,400	509805	0
22	680542	602,500	509805	0
23	688737	819,500	509805	0
24	697130	839,300	509805	0
25	704251	712,100	509805	0
26	705357	110,600	509805	0
27	708188	283,100	509805	0
28	716718	853,000	525370	1,556,500
29	723384	666,600	542631	1,726,100
30	731828	844,400	559195	1,656,400
Monthly Total		19,645,300		4,939,000

MICROFILMED
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

MAY 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	731828		559195	
1	741092	926,400	576547	1,735,200
2	748560	746,800	589999	1,345,200
3	749851	129,100	606826	1,682,700
4	752325	247,400	626715	1,988,900
5	760702	837,700	643721	1,700,600
6	766856	615,400	660789	1,706,800
7	775052	819,600	677873	1,708,400
8	783311	825,900	691620	1,374,700
9	791692	838,100	704568	1,294,800
10	793166	147,400	704568	0
11	795677	251,100	704568	0
12	804338	866,100	704568	0
13	813124	878,600	704568	0
14	821503	837,900	704568	0
15	829835	833,200	704568	0
16	837310	747,500	704568	0
17	838914	160,400	704568	0
18	841649	273,500	704568	0
19	849956	830,700	704568	0
20	858923	896,700	704568	0
21	866382	745,900	704568	0
22	874697	831,500	704568	0
23	882783	808,600	704568	0
24	889329	654,600	704568	0
25	891117	178,800	704568	0
26	892812	169,500	704568	0
27	901697	888,500	704568	0
28	909058	736,100	704568	0
29	921491	1,243,300	704568	0
30	925576	408,500	704568	0
31	932576	700,000	704568	0
Monthly Total		20,074,800		14,537,300

MICROFILM
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

JUNE 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	932576		704568	
2	934396	182,000	704568	0
3	943541	914,500	704568	0
4	949927	638,600	704568	0
5	958466	853,900	704568	0
6	967237	877,100	704568	0
7	975755	851,800	704568	0
8	982898	714,300	704568	0
9	984970	207,200	704568	0
10	993946	897,600	721036	1,646,800
11	1789	784,300	737608	1,657,200
12	9717	792,800	743406	579,800
13	17679	796,200	743406	0
14	25144	746,500	743406	0
15	31052	590,800	743406	0
16	33460	240,800	743406	0
17	41891	843,100	743406	0
18	50005	811,400	743406	0
19	58023	801,800	743406	0
20	66107	808,400	743406	0
21	73524	741,700	756638	1,323,200
22	80013	648,900	773756	1,711,800
23	82599	258,600	793409	1,965,300
24	90962	836,300	810582	1,717,300
25	98379	741,700	824521	1,393,900
26	107607	922,800	830034	551,300
27	115680	807,300	830034	0
28	122828	714,800	830034	0
29	128975	614,700	830034	0
30	131919	294,400	830034	0
30	140615	869,600	846469	1,643,500
Monthly Total		20,803,900		14,190,100

MICROFILMED

MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

JULY 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	140615		846469	
1	148555	794,000	863627	1,715,800
2	155059	650,400	880348	1,672,100
3	165399	1,034,000	897197	1,684,900
4	172247	684,800	912197	1,500,000
5	174768	252,100	917976	577,900
6	177821	305,300	934168	1,619,200
7	185937	811,600	950584	1,641,600
8	194228	829,100	967348	1,676,400
9	203174	894,600	984311	1,696,300
10	211894	872,000	1026	1,671,500
11	219778	788,400	14957	1,393,100
12	227677	789,900	17679	272,200
13	231968	429,100	17679	0
14	240963	899,500	17679	0
15	249527	856,400	18100	42,100
16	259305	977,800	18100	0
17	268459	915,400	18100	0
18	276166	770,700	18100	0
19	278792	262,600	20444	234,400
20	282649	385,700	20444	0
21	291631	898,200	20444	0
22	300000	836,900	20444	0
23	308234	823,400	25004	456,000
24	316759	852,500	25004	0
25	324073	731,400	25004	0
26	325917	184,400	25004	0
27	328540	262,300	25004	0
28	337452	891,200	25004	0
29	345589	813,700	25004	0
30	354050	846,100	25004	0
31	361941	789,100	25004	0
Monthly Total		22,132,600		17,853,500

MICROFILMED
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

AUGUST 1998

EAST AND WEST WELL			IRRIGATION WELL	
Multiplier X100			Multiplier X100	
Date	Meter Reading	Daily Flow	Meter Reading	Daily Flow
Previous Reading	361941		25004	
1	369017	707,600	25004	0
2	370357	134,000	25004	0
3	372438	208,100	25004	0
4	380920	848,200	25004	0
5	389694	877,400	25004	0
6	398551	885,700	25004	0
7	407494	894,300	25004	0
8	415323	782,900	38275	1,327,100
9	416527	120,400	55195	1,692,000
10	419283	275,600	75179	1,998,400
11	427395	811,200	82478	729,900
12	435492	809,700	82478	0
13	444377	888,500	91704	922,600
14	453191	881,400	93252	154,800
15	460990	779,900	93252	0
16	462707	171,700	93252	0
17	465273	256,600	124693	3,144,100
18	474247	897,400	128013	332,000
19	482372	812,500	128013	0
20	490450	807,800	128013	0
21	498858	840,800	128013	0
22	506001	714,300	128013	0
23	507812	181,100	128013	0
24	510001	218,900	128013	0
25	518296	829,500	128013	0
26	526891	859,500	128013	0
27	537692	1,080,100	128013	0
28	543944	625,200	128013	0
29	550710	676,600	128013	0
30	554804	409,400	128013	0
31	560212	540,800	128013	0
Monthly Total		19,827,100		10,300,900

MICROFILMED

MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

SEPTEMBER 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	560212		128013	
2	569570	935,800	128013	0
3	578099	852,900	128013	0
4	587134	903,500	128013	0
5	595450	831,600	128013	0
6	602585	713,500	128013	0
7	603571	98,600	128013	0
8	604257	68,600	128013	0
9	606030	177,300	128013	0
10	614751	872,100	128013	0
11	623477	872,600	128013	0
12	632109	863,200	128013	0
13	640041	793,200	128013	0
14	641578	153,700	128013	0
15	644266	268,800	128013	0
16	652533	826,700	128013	0
17	661229	869,600	128013	0
18	669090	786,100	128191	17,800
19	675912	682,200	128191	0
20	683217	730,500	128191	0
21	685175	195,800	128191	0
22	689385	421,000	128191	0
23	697181	779,600	128191	0
24	705107	792,600	128191	0
25	713360	825,300	128191	0
26	721603	824,300	128191	0
27	728229	662,600	128191	0
28	730987	275,800	128191	0
29	736012	502,500	128191	0
30	744918	890,600	128191	0
	753309	839,100	128191	0
Monthly Total		19,309,700		17,800

MICROFILMED

MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

OCTOBER 1998

EAST AND WEST WELL			IRRIGATION WELL		
Multiplier X100			Multiplier X100		
Date	Meter Reading	Daily Flow	Meter Reading	Daily Flow	
Previous Reading	753309		128191		
1	762140	883,100	128240	4,900	
2	770836	869,600	128240	0	
3	777961	712,500	128240	0	
4	780533	257,200	128240	0	
5	786070	553,700	128240	0	
6	794483	841,300	128240	0	
7	803099	861,600	128240	0	
8	812120	902,100	128240	0	
9	821278	915,800	128240	0	
10	829041	776,300	128240	0	
11	832829	378,800	128240	0	
12	838413	558,400	128240	0	
13	848152	973,900	128240	0	
14	857114	896,200	128240	0	
15	865967	885,300	128240	0	
16	873600	763,300	128240	0	
17	881624	802,400	128240	0	
18	885578	395,400	128240	0	
19	892424	684,600	128240	0	
20	900412	798,800	128240	0	
21	909413	900,100	128240	0	
22	916951	753,800	128240	0	
23	925125	817,400	128240	0	
24	932298	717,300	128240	0	
25	935053	275,500	128240	0	
26	937729	267,600	128240	0	
27	946261	853,200	128240	0	
28	954839	857,800	128240	0	
29	962157	731,800	128240	0	
30	969393	723,600	128240	0	
31	976216	682,300	128240	0	
Monthly Total		22,290,700		4,900	

MICROFILMED

MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

NOVEMBER 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	976216		128240	
1	978051	183,500	128240	0
2	980979	292,800	128240	0
3	989609	863,000	128240	0
4	997484	787,500	128240	0
5	3952	646,800	128240	0
6	12730	877,800	128240	0
7	21439	870,900	128240	0
8	23830	239,100	128240	0
9	30231	640,100	128240	0
10	39380	914,900	128240	0
11	46885	750,500	128240	0
12	54699	781,400	128240	0
13	62819	812,000	128240	0
14	71014	819,500	128240	0
15	73921	290,700	128240	0
16	76815	289,400	128240	0
17	85104	828,900	128240	0
18	93795	869,100	128240	0
19	100239	644,400	128626	38,600
20	108790	855,100	128626	0
21	116453	766,300	128626	0
22	118805	235,200	128626	0
23	123970	516,500	128626	0
24	130937	696,700	128626	0
25	139660	872,300	128626	0
26	144992	533,200	128626	0
27	151075	608,300	128626	0
28	157123	604,800	128626	0
29	165244	812,100	128626	0
30	169678	443,400	128626	0
Monthly Total		19,346,200		38,600

MICROFILMED

MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

DECEMBER 1998

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	169678		128626	
1	178247	856,900	128626	0
2	186552	830,500	128626	0
3	194203	765,100	128626	0
4	202278	807,500	128626	0
5	209766	748,800	128626	0
6	211645	187,900	128626	0
7	214260	261,500	128626	0
8	222625	836,500	128626	0
9	230569	794,400	128626	0
10	238670	810,100	128626	0
11	245643	697,300	128626	0
12	252650	700,700	128626	0
13	254954	230,400	128626	0
14	257467	251,300	128626	0
15	265690	822,300	128626	0
16	273870	818,000	128828	20,200
17	282409	853,900	128828	0
18	290123	771,400	128828	0
19	297320	719,700	128828	0
20	299223	190,300	128828	0
21	303879	465,600	128828	0
22	311078	719,900	128828	0
23	320674	959,600	128828	0
24	328603	792,900	128828	0
25	331389	278,600	128828	0
26	337376	598,700	128828	0
27	342178	480,200	128828	0
28	345601	342,300	128828	0
29	353852	825,100	128828	0
30	361450	759,800	128828	0
31	369930	848,000	128828	0
Monthly Total		20,025,200		20,200

MICROFILMED
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

JANUARY 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	559925		586467	
2	568790	886,500	586467	0
3	570956	216,600	586467	0
4	579899	894,300	586467	0
5	588652	875,300	586467	0
6	596931	827,900	586467	0
7	598479	154,800	586467	0
8	607148	866,900	586467	0
9	615785	863,700	586467	0
10	624021	823,600	586467	0
11	632539	851,800	586467	0
12	642244	970,500	586467	0
13	651070	882,600	586467	0
14	652508	143,800	586467	0
15	661257	874,900	586467	0
16	669760	850,300	586467	0
17	678407	864,700	586467	0
18	687273	886,600	586467	0
19	696763	949,000	586467	0
20	703707	694,400	586467	0
21	706502	279,500	586467	0
22	715557	905,500	586467	0
23	724462	890,500	586467	0
24	732963	850,100	586467	0
25	741744	878,100	586511	4,400
26	751192	944,800	586511	0
27	752758	156,600	586511	0
28	754372	161,400	586511	0
29	762392	802,000	586511	0
30	770538	814,600	586511	0
31	778515	797,700	586511	0
Monthly Total	784698	618,300	586511	0
		22,477,300		4,400

MICROFILMED
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

FEBRUARY 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	784698		586511	
2	794097	939,900	586511	0
3	795765	166,800	586511	0
4	797648	188,300	586511	0
5	805681	803,300	586511	0
6	814057	837,600	586511	0
7	822213	815,600	586511	0
8	829956	774,300	586511	0
9	837393	743,700	586511	0
10	839007	161,400	586511	0
11	840706	169,900	586511	0
12	849128	842,200	586511	0
13	855199	607,100	586511	0
14	863678	847,900	586511	0
15	869394	571,600	586511	0
16	877994	860,000	586511	0
17	879211	121,700	586511	0
18	880213	100,200	586511	0
19	881581	136,800	586511	0
20	889897	831,600	586511	0
21	898419	852,200	586511	0
22	904718	629,900	586511	0
23	912094	737,600	586511	0
24	913318	122,400	586511	0
25	914942	162,400	586517	600
26	923329	838,700	586517	0
27	929907	657,800	586517	0
28	938386	847,900	586517	0
Monthly Total	943714	15,901,600	586517	600

MICROFILMED
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

MARCH 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	943714		586517	
1	951778	806,400	586517	0
2	953343	156,500	586517	0
3	955219	187,600	586517	0
4	963471	825,200	586517	0
5	969252	578,100	586517	0
6	978031	877,900	586517	0
7	984806	677,500	586517	0
8	993817	901,100	586517	0
9	994999	118,200	586517	0
10	996788	178,900	586517	0
11	5003	821,100	586517	0
12	13318	831,500	586517	0
13	21465	814,700	586517	0
14	27220	575,500	586517	0
15	35193	797,300	586517	0
16	36781	158,800	586517	0
17	38235	145,400	586517	0
18	46424	818,900	586517	0
19	54869	844,500	586517	0
20	63251	838,200	586517	0
21	66339	308,800	586517	0
22	75145	880,600	586517	0
23	76765	162,000	586517	0
24	78566	180,100	586517	0
25	87378	881,200	638661	5,214,400
26	94548	717,000	642874	421,300
27	103530	898,200	647508	463,400
28	110537	700,700	651880	437,200
29	119011	847,400	651880	0
30	120094	108,300	651880	0
31	121483	138,900	651880	0
Monthly Total		17,776,500		6,536,300

MICROFILMED
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

APRIL 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	121483		651880	
2	129762	827,900	657088	520,800
3	136380	661,800	657088	0
4	145385	900,500	657088	0
5	154416	903,100	657088	0
6	162811	839,500	657088	0
7	164564	175,300	657088	0
8	166333	176,900	657088	0
9	175192	885,900	657088	0
10	181185	599,300	657088	0
11	189861	867,600	657088	0
12	198674	881,300	657088	0
13	207353	867,900	657088	0
14	208661	130,800	657088	0
15	210665	200,400	657088	0
16	210665	0	657088	0
17	210665	0	657088	0
18	210665	0	657088	0
19	210665	0	657088	0
20	210665	0	657088	0
21	254468	4,380,300	657088	0
22	262880	841,200	657088	0
23	271417	853,700	657088	0
24	279605	818,800	657088	0
25	287858	825,300	657088	0
26	296026	816,800	657088	0
27	297539	151,300	657088	0
28	298770	123,100	657088	0
29	307145	837,500	657088	0
30	315281	813,600	657088	0
Monthly Total		19,379,800		520,800

MICROFILMED
MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

MAY 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	315281		657088	
2	323753	847,200	657088	0
3	332069	831,600	657088	0
4	340459	839,000	657088	0
5	346125	566,600	657088	0
6	346214	8,900	657088	0
7	351158	494,400	657088	0
8	359441	828,300	657088	0
9	367765	832,400	657088	0
10	376483	871,800	657088	0
11	384799	831,600	657088	0
12	386419	162,000	657088	0
13	387900	148,100	701529	4,444,100
14	396528	862,800	701529	0
15	405188	866,000	701529	0
16	413285	809,700	701529	0
17	421038	775,300	701529	0
18	428987	794,900	701529	0
19	430728	174,100	701529	0
20	432029	130,100	820298	11,876,900
21	440270	824,100	820298	0
22	448357	808,700	820298	0
23	456820	846,300	820298	0
24	465705	888,500	820298	0
25	474022	831,700	820298	0
26	480525	650,300	820298	0
27	481822	129,700	820298	0
28	483623	180,100	923639	10,334,100
29	491773	815,000	923639	0
30	499884	811,100	923639	0
31	508436	855,200	923639	0
Monthly Total	516401	20,112,000	923639	26,655,100

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FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

JUNE 1997

Date	EAST AND WEST WELL Multiplier X100		IRRIGATION WELL Multiplier X100	
	Meter Reading	Daily Flow	Meter Reading	Daily Flow
Previous Reading	516401		923639	
1	524479	807,800	923639	0
2	526249	177,000	948517	2,487,800
3	534613	836,400	948517	0
4	543167	855,400	948517	0
5	551580	841,300	948517	0
6	560149	856,900	948517	0
7	568498	834,900	948517	0
8	577046	854,800	948517	0
9	579021	197,500	974097	2,558,000
10	587893	887,200	974097	0
11	596306	841,300	974097	0
12	605549	924,300	974097	0
13	613717	816,800	974097	0
14	622337	862,000	974097	0
15	625218	288,100	974097	0
16	627647	242,900	976770	267,300
17	635697	805,000	976770	0
18	643855	815,800	976770	0
19	651761	790,600	976770	0
20	660350	858,900	976770	0
21	668961	861,100	976770	0
22	671158	219,700	976770	0
23	673023	186,500	989307	1,253,700
24	681126	810,300	989307	0
25	689478	835,200	989307	0
26	697963	848,500	989307	0
27	706414	845,100	989307	0
28	714715	830,100	989307	0
29	716818	210,300	989307	0
30	718917	209,900	8500	9,569,200
Monthly Total		20,251,600		16,136,000

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FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

JULY 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	718,917		8500	
1	727,676	875,900	8500	0
2	736,113	843,700	8500	0
3	745,374	926,100	8500	0
4	754,276	890,200	8500	0
5	756,560	228,400	8500	0
6	765,843	928,300	8500	0
7	768,338	249,500	208415	19,991,500
8	777,039	870,100	208415	0
9	785,769	873,000	208415	0
10	794,451	868,200	208415	0
11	803,326	887,500	208415	0
12	811,606	828,000	208415	0
13	813,608	200,200	208415	0
14	815,415	180,700	306425	9,801,000
15	824,125	871,000	306425	0
16	833,147	902,200	306425	0
17	841,981	883,400	306425	0
18	850,827	884,600	306425	0
19	859,155	832,800	306425	0
20	860,626	147,100	306425	0
21	862,199	157,300	306425	0
22	864,185	198,600	422984	11,655,900
23	873,216	903,100	422984	0
24	881,271	805,500	422984	0
25	889,817	854,600	422984	0
26	898,598	878,100	422984	0
27	901,026	242,800	422984	0
28	903,407	238,100	422984	0
29	911,856	844,900	422984	0
30	920,675	881,900	422984	0
31	922,656	198,100	423678	69,400
Monthly Total		20,373,900		41,517,800

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FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

AUGUST 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	922,656		423678	
1	931,135	847,900	423678	0
2	939,955	882,000	423678	0
3	942,059	210,400	423678	0
4	944,390	233,100	423678	0
5	952,794	840,400	423678	0
6	961,384	859,000	423678	0
7	970,037	865,300	423678	0
8	978,929	889,200	423678	0
9	987,805	887,600	423678	0
10	989,457	165,200	423678	0
11	991,271	181,400	468080	4,440,200
12	999,283	801,200	468080	0
13	7,632	834,800	468080	0
14	16,242	861,000	468080	0
15	24,651	840,900	468080	0
16	33,202	855,100	468080	0
17	35,116	191,400	468080	0
18	36,724	160,800	508140	4,006,000
19	44,998	827,400	508140	0
20	55,728	1,073,000	508140	0
21	63,656	792,800	508140	0
22	72,457	880,100	508140	0
23	79,908	745,100	508140	0
24	85,636	572,800	508140	0
25	88,648	301,200	508140	0
26	97,096	844,800	508140	0
27	104,645	754,900	508140	0
28	113,012	836,700	508140	0
29	121,545	853,300	508140	0
30	129,086	754,100	508140	0
31	136,198	711,200	508140	0
Monthly Total		21,354,100		8,446,200

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FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

SEPTEMBER 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	136198		508140	
2	138506	230,800	508140	0
3	141686	318,000	508140	0
4	151044	935,800	508140	0
5	159525	848,100	508140	0
6	166266	674,100	508140	0
7	174047	778,100	508140	0
8	183285	923,800	508140	0
9	187214	392,900	508140	0
10	196187	897,300	508140	0
11	204438	825,100	508140	0
12	212135	769,700	508140	0
13	220817	868,200	508140	0
14	228359	754,200	508140	0
15	237397	903,800	508140	0
16	241265	386,800	508140	0
17	250132	886,700	508140	0
18	259308	917,600	508140	0
19	267916	860,800	508140	0
20	276308	839,200	508140	0
21	281956	564,800	508140	0
22	284021	206,500	508140	0
23	287776	375,500	508140	0
24	296155	837,900	508140	0
25	305025	887,000	508140	0
26	312465	744,000	508140	0
27	319447	698,200	508140	0
28	327240	779,300	508140	0
29	329496	225,600	508140	0
30	333190	369,400	508140	0
Monthly Total	342243	905,300	508140	0

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FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

OCTOBER 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
1	342243		508140	
2	351362	911,900	508140	0
3	360745	938,300	508140	0
4	368522	777,700	508140	0
5	376427	790,500	508140	0
6	377851	142,400	508140	0
7	381000	314,900	508140	0
8	389682	868,200	508376	23,600
9	398554	887,200	508376	0
10	405625	707,100	508376	0
11	414895	927,000	508376	0
12	423307	841,200	508376	0
13	424925	161,800	508376	0
14	427837	291,200	508376	0
15	437083	924,600	508376	0
16	447023	994,000	508376	0
17	455127	810,400	508376	0
18	462324	719,700	508376	0
19	470107	778,300	508458	8,200
20	472016	190,900	508458	0
21	475181	316,500	508458	0
22	484037	885,600	508458	0
23	492622	858,500	508458	0
24	499202	658,000	508458	0
25	508411	920,900	508458	0
26	516207	779,600	508458	0
27	518400	219,300	508458	0
28	521557	315,700	508458	0
29	530508	895,100	508458	0
30	539709	920,100	508458	0
31	547787	807,800	508458	0
31	555078	729,100	508458	0
Monthly Total		21,283,500		31,800

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FRESH WATER USE

IBP, BOISE, ID.

PAGE 1

NOVEMBER 1997

Date	EAST AND WEST WELL		IRRIGATION WELL	
	Multiplier X100		Multiplier X100	
Previous Reading	Meter Reading	Daily Flow	Meter Reading	Daily Flow
	555078		508458	
1	563112	803,400	508458	0
2	565217	210,500	508458	0
3	568842	362,500	508458	0
4	578353	951,100	508458	0
5	587954	960,100	508458	0
6	597303	934,900	508458	0
7	604014	671,100	508458	0
8	612428	841,400	508458	0
9	614686	225,800	508458	0
10	617235	254,900	508458	0
11	626290	905,500	508458	0
12	635346	905,600	508458	0
13	642436	709,000	508458	0
14	648881	644,500	508458	0
15	657477	859,600	508458	0
16	659340	186,300	508458	0
17	662317	297,700	508458	0
18	670974	865,700	508458	0
19	680147	917,300	508458	0
20	687043	689,600	508458	0
21	694039	699,600	508458	0
22	702727	868,800	508458	0
23	704380	165,300	508458	0
24	707060	268,000	508458	0
25	715813	875,300	508458	0
26	724271	845,800	508458	0
27	730563	629,200	508458	0
28	733451	288,800	508458	0
29	739241	579,000	508458	0
30	741137	189,600	508458	0
Monthly Total		18,605,900		0

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MAR 20 2000

FRESH WATER USE

IBP, BOISE, ID.
DECEMBER 1997

PAGE 1

EAST AND WEST WELL Multiplier X100			IRRIGATION WELL Multiplier X100	
Date	Meter Reading	Daily Flow	Meter Reading	Daily Flow
Previous Reading	741,137		508458	
1	743,791	265,400	508458	0
2	752,197	840,600	508458	0
3	760,357	816,000	508458	0
4	767,569	721,200	508458	0
5	774,451	688,200	508458	0
6	782,175	772,400	508458	0
7	783,610	143,500	508458	0
8	786,534	292,400	508458	0
9	795,007	847,300	508458	0
10	803,999	899,200	508458	0
11	810,469	647,000	508458	0
12	816,767	629,800	508458	0
13	823,961	719,400	508458	0
14	825,555	159,400	508458	0
15	828,108	255,300	508458	0
16	836,848	874,000	508458	0
17	845,274	842,600	508458	0
18	852,357	708,300	508879	42,100
19	860,162	780,500	508879	0
20	868,253	809,100	508879	0
21	869,964	171,100	508879	0
22	873,042	307,800	508879	0
23	881,929	888,700	508879	0
24	888,939	701,000	508879	0
25	890,761	182,200	508879	0
26	892,778	201,700	508879	0
27	901,310	853,200	508879	0
28	909,664	835,400	508879	0
29	911,899	223,500	508879	0
30	920,744	884,500	508879	0
31	929,244	850,000	508879	0
Monthly Total		18,810,700		42,100

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MAR 20 2000

Sherl L. Chapman Consulting, Inc.

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

May 20, 1997

RECEIVED

MAY 21 1997

WATER RESOURCES
WESTERN REGION



Mr. Rob Whitney
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Mr. Whitney:

Mr. Terry Kuchera of Iowa Beef Processors has asked me to respond to your letter of March 7, 1997, regarding the irrigation well drilled for Iowa Beef Processors by Ponderosa Drilling Company of Richland, Washington. The well was started August 31, 1995, and completed October 13, 1995. Prior to the drilling effort by Ponderosa Drilling Company, a well was drilled for IBP under the same water right, 63-11347, by Bill Doty Well Drilling, approximately one-half mile to the northwest. This well did not produce sufficient water to operate a pivot system and therefore the second well was drilled. It is the intent of IBP to integrate the "Doty" well into an overall irrigation and water supply system, which is being designed at this time. At the completion of the analysis and design, an application for transfer will be filed with the Department, which will add the Doty well as one of the points of diversion. Therefore, in answer to one of the questions posed by your letter, there is no intent to abandon the well by IBP and it will be used in the future. The well was constructed in full compliance with minimum well construction standards and is presently capped awaiting integration into the system.

The well of primary concern in your letter was well #2, which was drilled to a depth of 710 feet. As you point out, the water temperature produced from the well at the time of the completion of the test was 92°F which puts it in the range of low temperature geothermal water. You point out that Idaho Minimum Well Construction Standards require that when water is encountered over 85°F that drilling is to cease and the Department is to be notified. However, drilling of the well occurred during the latter part of August and early part of September and it was drilled with a mud rotary drilling rig. The water used to mix the mud was hauled from other locations and during the drilling process no discernible change in temperature of the drilling mud was determined. Had we realized we were penetrating a low temperature geothermal aquifer, the Department would have been notified consistent with the Standards. However, we were unaware of the temperature rise in the well during the drilling process. During drilling of the well the operator complained that he was penetrating a "cemented sandstone" since his penetration rate was very low and it required a great deal of down pressure to penetrate the formation. As one can see from the log, the driller has noted cemented sand and gravel throughout the entire column with an indication that sandstone was encountered below 552 feet. In part,

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Specialist In

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

Mr. Rob Whitney
May 20, 1997
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I now believe the formation was somewhat cemented, probably due to thermal water penetration, but additionally the driller kept a very high mud weight throughout the drilling process which helped to decrease his penetration rate. Upon reaching 710 feet, I felt that because of my previous experience with wells in the area, none of which had been thermal in nature, that a screen could be set near the bottom of the hole and sufficient water obtained to power the pivot. Twelve (12) inch casing was set from land surface to a depth of 577 feet. A 10 inch string of pipe with 10 inch pipe size stainless steel screens topped with a figure K packer was installed in the interval below 577 feet to the bottom of the hole. There is a 12 foot overlap between the headpipe and the 12 inch casing string which more than adequately seals the annular space between the 10 inch headpipe and the 12 inch casing. The reason the 12 inch casing was not inserted to the bottom and pulled back as is normal with telescope type installations is that the hole gage had decreased at about 577 feet and the 12 inch casing could not be pushed any further into the formation. Additionally, the hole had been left full of drilling mud to insure that it stayed open and to provide a seal between the 12-inch casing and the formation wall. It is my opinion that there is a reasonable seal between the 12 inch casing and the formation wall at or about 577 feet as well as between the 12 inch casing and formation wall above that level because of the drilling mud being left in the hole. Because it appeared that the formation was relatively stable in the interval opposite the screens, the well was not sand or gravel packed and development was accomplished by flushing the drilling mud from the annular space outside the screen up through the well with water. Additional development occurred during pump testing of the well but no chemicals were used to remove drilling mud from the formation. The well cleared quite rapidly during the pump test which indicates that there was not a great deal of drilling mud outside the hole wall opposite the screens and that drilling mud was not migrating downward past the end of the 12 inch casing into the screens. The well was tested for over seven (7) hours and no evidence of mud migration from above the screens occurred during the entire test period. It is my opinion that any aquifers that occur above the 577-foot level are adequately separated from the production zone below 577 feet. This, however, does not eliminate your concern for migration of water between aquifers above that level in the annular space between the 12-inch and the formation wall. However, because the drilling mud was left in the hole and cement grout was pumped into the well from approximately 18 to 20 feet below land surface to the surface displacing the mud at the surface, I believe there is an adequate barrier in the annular space to prevent migration of water between aquifers. Certainly there may be some settling of the solids in the mud but since the first water was encountered at or about 314 feet below land surface, it is my opinion that the solid part of the mud barrier extends well above the static level of 312 feet.

In your letter you indicated the Department would require a temperature log of the well to determine the location of thermal aquifers. IBP begs a waiver of this requirement. Because of the reasons enumerated above, it is our opinion that there is little, if any, potential for migration of water between aquifers and that the well was constructed in such a manner so as to preclude any cross contamination between the

MAR 20 2000

Mr. Rob Whitney
May 20, 1997
Page 3

thermal aquifer, the cold water aquifer or any isolated aquifers opposite the well casing. Additionally, in order to provide such a log, the pump would have to be removed from the well and thermal gradient log prepared. The cost for the thermal gradient log is approximately \$1,000 (Ed Squires - oral communication) and the cost for pump removal is approximately \$2,500-\$3,000. Because of the size of the well and the pump installed, there is no possibility of obtaining the log without pump removal. There are, at present, a number of low temperature geothermal wells in the southwest Ada County area. It is my understanding, based on earlier studies by the Department and others, that the thermal aquifer is not isolated from the cold water aquifers in the area and that migration of thermal water into cold water aquifers is quite common. It is my opinion that because of the construction of this well there is little, if any, chance of commingling of waters and that, in fact, this well may be merely tapping a zone of mixing of both cold and thermal water because of the low temperature of the water.

Your letter also requests that IBP provide downhole flow information to evaluate commingling of waters of unlike temperature. Because of the construction of the well the only area that could be evaluated through downhole flow information would be the screened interval. This is a very narrow zone and it is my opinion that no useful information would be obtained for the Department by conducting such a test. Additionally, I am unaware of any local geophysical companies that have the capabilities to conduct such a profile. If this survey is required, the cost could easily be several thousand dollars.

In summary, IBP requests that the Department waive both the requirement of temperature log information and downhole flow information for this well. With regard to the "Doty well" it is the intent of IBP to integrate the well into the overall water supply system through a transfer application which will integrate the entire water supply system. It is my opinion that the well was constructed in such a manner so as to preclude any commingling of cold and thermal waters above 577 feet and I believe it is highly unlikely that there are alternating cold and thermal aquifers in the narrow zone opposite the installed well screens. To require IBP to conduct the thermal gradient profile and the downhole flow analysis will cost thousands of dollars without significant beneficial result to either IBP or the Department. The water produced from this well exceeds the 85° requirement by only seven (7) degrees and it is my recollection that the 85° level was an arbitrary limit when it was developed. I suspect there are many wells penetrating the low temperature thermal aquifers throughout southwest Ada County and in Canyon County which have much greater potential to allow commingling or leakage from the thermal aquifer. The IBP well was designed so as to preclude commingling regardless of temperature and constructed in a workmanship manner. It is our hope that the Department will concur in our analysis and waive these requirements. IBP, however, is most willing to file the appropriate applications for geothermal waters if the Department feels this is necessary.

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MAR 20 2003

Mr. Rob Whitney
May 20, 1997
Page 4

I appreciate your consideration of these matters and look forward to hearing from you.

Sincerely yours

A handwritten signature in black ink, appearing to read "Sheri L. Chapman", with a long horizontal flourish extending to the right.

Sheri L. Chapman
President

SLC:kje
cc:Mr. Terry Kuchera

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MAR 20 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

March 7, 1997

Terry Kucera
Iowa Beef Processors
P.O. Box 515, Mail Drop 130
Dakota City, NE 68731

RE: Inquiry regarding the development and use of Low Temperature Geothermal Ground Water at Boise Facility. Water Right Permit #63-11347, Drilling Permit #63-95-W-0716 and #63-95-W-0042.

Dear Mr. Kucera:

The purpose of this letter is to request additional information regarding well construction and water temperature in connection with the above referenced water right and drilling permits.

Water right permit no. 63-11347 was approved based on a representation that water with a temperature less than 85° F would be diverted. The well constructed pursuant to drilling permit no. 63-95-W-0716 was reported to have a water temperature of 92° F on the well driller's report submitted by Ponderosa Drilling. This drilling permit was issued for construction of a "cold water well" (85° F or less) for irrigation purposes. Condition number 8 of the drilling permit requires that drilling shall cease, and the well driller and the well owner shall contact the Department immediately if a temperature of 85° F or greater is encountered. According to our records, the Department was not notified until the driller's report was submitted after completion of the well.

Administrative Rules for well construction standards do not allow construction of a low temperature geothermal well without prior submittal of a drilling prospectus and additional construction requirements. Additionally, state law requires that the heat value of low temperature water be extracted prior to use for irrigation.

The well drilled pursuant to drilling permit no. 63-95-W-0042 by Doty Drilling apparently did not produce water in a quantity to be useful and has no appurtenant water right. Wells which are not used or do not have a valid water right may be required to be properly abandoned.

The Department will require the following data to be submitted prior to further processing of your water right:

- 1) Temperature log information including bottom hole temperature, temperature gradient and discharge temperature for the well drilled by Ponderosa Drilling.

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MAR 20 2000

page 2, Iowa Beef

- 2) Down hole flow information to evaluate commingling of waters of unlike temperature and pressure for the well drilled by Ponderosa Drilling.
- 3) A statement of intent with respect to the use or abandonment of the well drilled by Doty Well Drilling.

If it is determined that these wells do not meet minimum standards pursuant to both state law and administrative rules, the Department may require repair or abandonment of the wells. Failure to submit this information may also be cause for the Department to take action to cancel permit no. 63-11347. Please direct any questions regarding this matter to me at this office.

Respectfully,



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

cc: Sherl Chapman, Darold Gilster, Mark Slifka, Gary Spackman
enclosure

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MAR 20 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 17 1998

Department of Water Resources

A. GENERAL INFORMATION

(Assignment Solicited) Permit No. 63-11347

1. Owner: Ida-U Land, Present-bwa Beef Processors Phone No. 208-345-6660

Current Address: PO Box 9346 BOISE ID 83707

2. Accompanied by: Paula Goss EXAM DATE: 10/25/96

Address: PO Box 515 Mail Drop 130 Dakota City NE Phone No. 402-241-3463

Relationship to Permit Holder: Sr. Waste Treatment Engineer

3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-00329, 330, 331, 332, 2615

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	2	SE	NW	NE	6	1N	2E	ADA	Site Visit

2. Place(s) of Use:

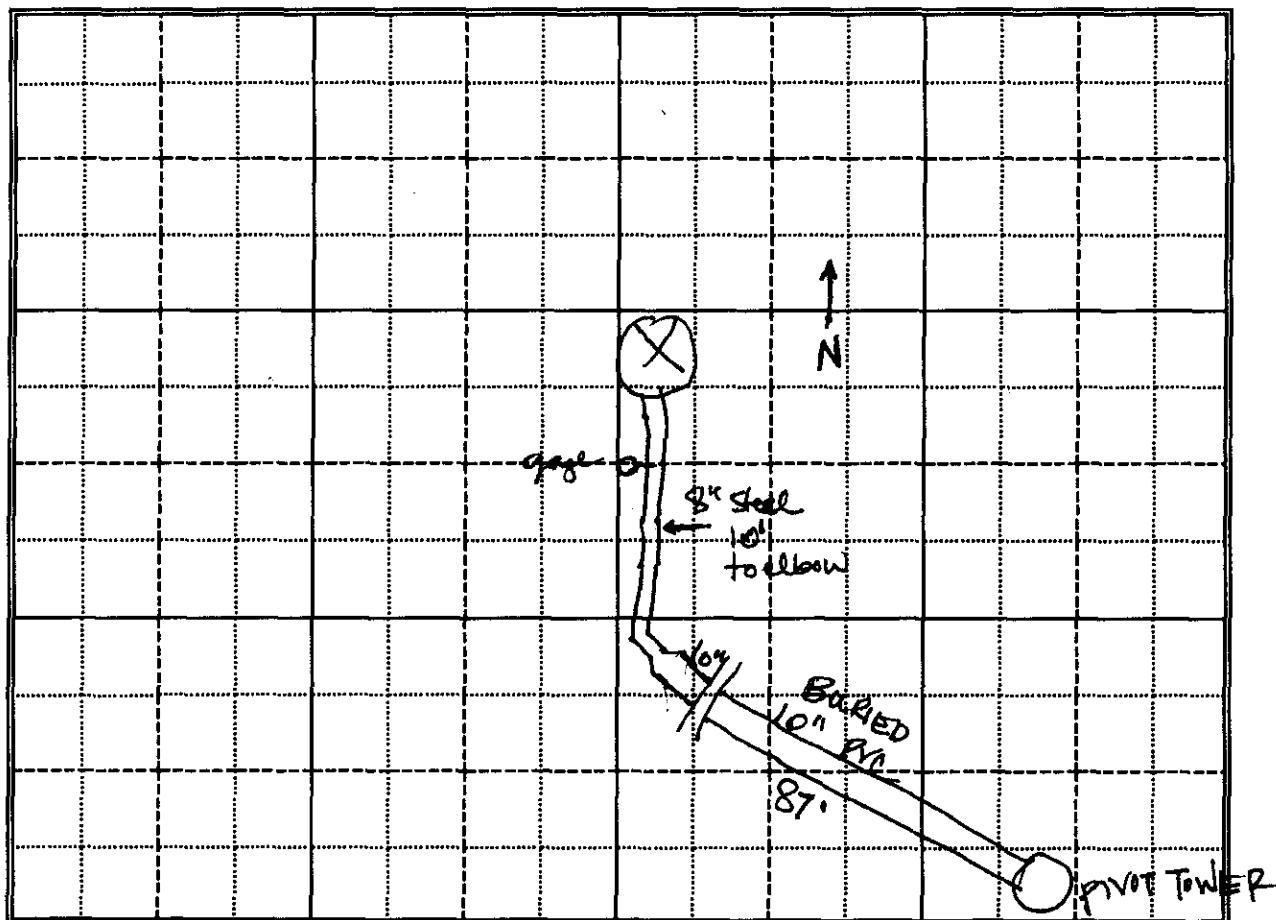
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	2E	6	25	34	34	25	2			2									121
			L.1	L.2			L.3												122

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MAR 20 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US ELEC	150	6350/	Layne	8" 11 BEH
			Y10Y236R06R-1		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
						MICROFILMED
						MAR 20 2000

2. Measurements: Center pivot installed by Trimatic - 50 psi operating
 pump installed by Layne: 7 stage 11 BEH Bowl (full)
 design 1000 gpm @ 4.55 TDH 140 BHP Set 400' 53 psi
 well log PWL = 330' SWL = 312
 per phone call 10/28/96 cje

Single well used for low-pressure center pivot system, standard quarter mile. Used on wheat in '96. Well is not used in Section 31 as shown on permit.

Groundwater is supplemental to Pleasant Valley Irrigation on some acres. This water is supplied sporadically depending on year. System down for the season at time of exam.

Theoretical computation used for system capacity

→ Overlap, continued. Per Herb Blaser, who farms ^{for IBP} north of Kuna-Mora Rd in Sec. 31, IBP has ^(Total) 355 shares in Pleasant Valley Irrigation which is deliverable and was last used in about 1987. The land was then placed in federal set-aside (Wheat & Feed Grain Program) and then into CRP in '92.

The developed acres (or applicable portion) removed from CRP using early-out option in '95. Mr. Blaser anticipates getting the operation contract under this right next year and will use Pleasant Valley water if it is available.

Two wells were drilled under this permit but only one is used to operate system. ~~2nd~~ 1st well is capped and was not used (anticipated transfer to add 1st well plus integrate w/ the entire IBP system in Sec 31, 6, 7 & 18)

Have conditions of permit approval been met? ☒ yes ☐ no

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MAR 20 2000

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

pump curve : 1000 gpm = 2.23 cfs

HP equation : $\frac{150 \times 8.8 \times 7}{330 \times (50 \times 2.31)} = 2.07 \text{ cfs}$ for 121 ac : 242 cfs
allow 2.23 per
pump curve**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 121 \times 4.5 = 544.5$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.23 \times 246 \times 1.9835 = 1088$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 544.5$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	3/15	11/15	2.23	544.5
Totals:			2.23	544.5

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Cindy J. Hodges Date 10/29/96

Reviewer _____ Date _____

SEAL

MICROFILMED
MAR 20 2000

CURVE NO.
18-105
3-15-78

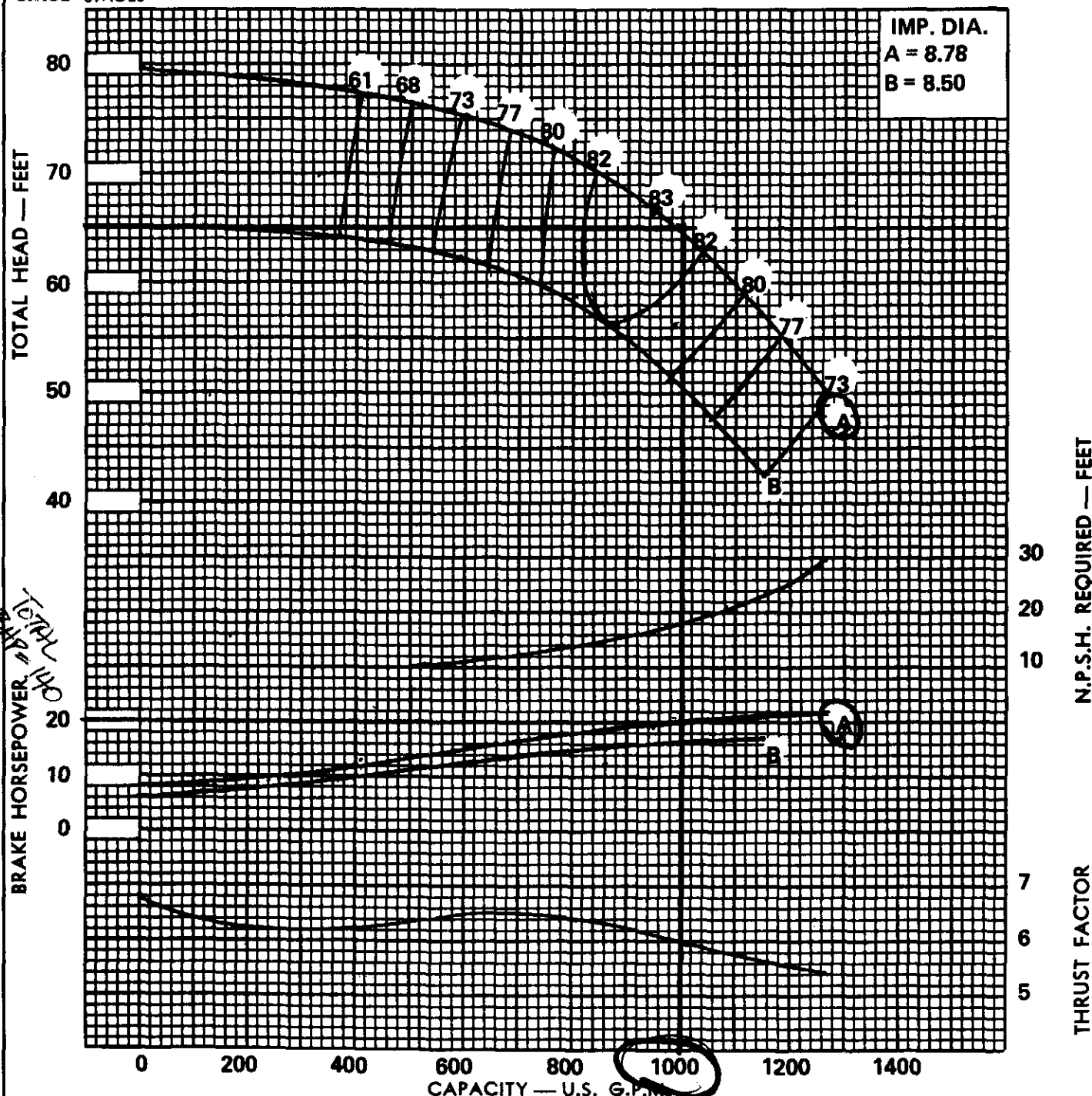
No. Stages	Eff. Change	MATERIAL	Eff. Change
1	-4	IMP.—C.I.	-2
2	-2	IMP.—NI-RI	-1
3	-1	BOWL—BRZ.	-1
4	0	BOWL—NI-R.	-1

11 BEH

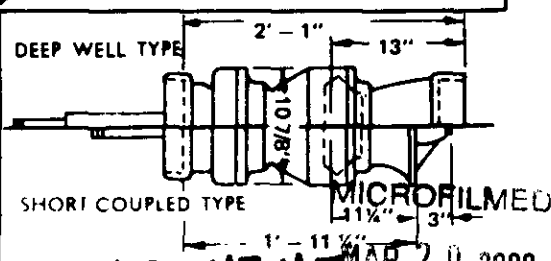
1770 R.P.M.

SINGLE STAGE LAB PERFORMANCE WITH STANDARD MATERIALS. EFFICIENCY SHOWN FOR 4 OR MORE STAGES. HORSE POWER SHOWN FOR ONE STAGE BASED ON 4 STAGE EFFICIENCY. CORRECTIONS SHOULD BE MADE FOR STAGES AND MATERIAL.

ONE (7) 65'/stage
STAGE STAGES



EYE AREA — SQ. IN. = 15.11	IMPELLER WT.-LBS. = 12.7
WR ² PER IMPELLER = 0.74 LB.-FT. ²	ONE STAGE WT.-LBS. = 186
MAX. SPHERE SIZE = 0.62 in.	ADD'L STAGE WT.-LBS. = 74
MAX. NO. STD. STAGES = 10	IMPELLER NUMBER = 55819
MAX. OPERATING P.S.I. = 430	DISCH. SIZES = 8
STD. LATERAL = 0.56 in.	SUCTION SIZES = 8
STD. SHAFT DIA. = 1.500 in.	MAX. LATERAL = — in.
MAX. SHAFT DIA. = 1.687 in.	BOWL CONN. FLANGED—COLLET
MIN. SUBMERGENCE = 25 in.	ADD 9% " PER ADDITIONAL STAGE



PERMIT 63-11347 INIT gh
T. R. S. Q/Q
P/D IN 2E 06 NWNE
SCALE 1:12K
PHOTO ID. 8

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MAR 20 2000

[illegible]

HEL

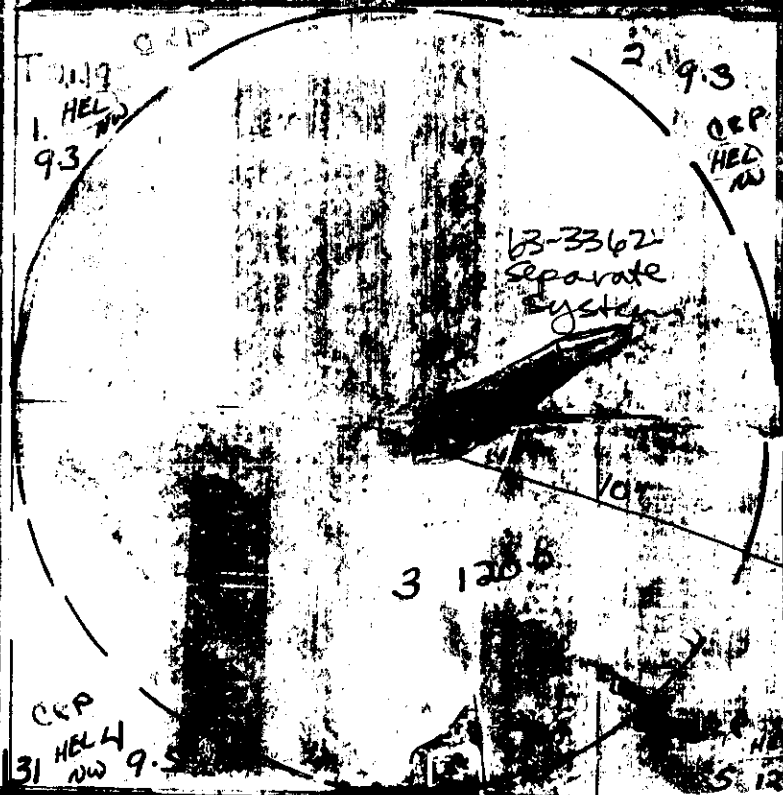
128.5 30 29

31 32

HEL

HEL

NW
20
23.2



117.4

NW

HEL

40.3



IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

Production Well

1. DRILLING PERMIT NO: 63.95.W.0716.000 OTHER APPLICABLE NO: 63.11347

2. OWNER: IBP Phone: _____
Address: _____

3. WELL LOCATION: Twp 1N, Rge. 2E, Sec. 06, SE NW 1/4 NE 1/4
County ADA (Provide sketch map and photo on reverse.)

4. DRILLER: Pedrosa Lic. No. 228
When Drilled? 10/95

TD=710

5. WELL CONSTRUCTION:
Casing Diameter 16 inches Water tight cap? ☒ Yes ☐ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe concrete pad
Depth of Casing 577 ft. Method Drilled Rotary
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☒ Yes ☐ No
Condition of Piping and Valving OK
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:
Depth to Static Water 312 ft. Water Temperature 92 °F
Flowing Artesian ☐ Yes ☒ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. WELL USE:
☐ Domestic ☒ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

MAR 20 2000

8. **POSSIBLE CONTAMINATION SOURCES:**

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. **REMARKS:** _____

Cindy Hodges SR WR Agent
Signature of Dept. Representative & Title

10/25/96
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

MICROFILMED

MAR 20 2000

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

CAPPED WELL
NOT USED

1. DRILLING PERMIT NO: 63.95.W.0042.000 OTHER APPLICABLE NO: 63.11347

2. OWNER: IBP Phone: _____
Address: _____

3. WELL LOCATION: Twp 1N, Rge. 2E, Sec. 6, NE 1/4 NW 1/4
County ADA (Provide sketch map and photo on reverse.)

4. DRILLER: DOTY Lic. No. _____
When Drilled? _____

5. WELL CONSTRUCTION: TD = 530 WELL CAPPED
Casing Diameter 16 inches Water tight cap? ☐ Yes ☒ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe concrete pad
Depth of Casing 448 ft. Method Drilled Rotary/Cable
Condition of Well Casing: ☐ Good ☒ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☒ No Pressure Gauge: ☐ Yes ☒ No
Condition of Piping and Valving NONE
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☒ Yes ☐ No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:
Depth to Static Water 310 ft. Water Temperature ? °F
Flowing Artesian ☐ Yes ☒ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. WELL USE:
☐ Domestic ☐ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☒ Not Used
☐ Other: _____

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MAR 20 2000

8. **POSSIBLE CONTAMINATION SOURCES:**

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. **REMARKS:** Cap welding separated in spots - need re-weld
or abandonment. See photo

L. Hodges SR WR Agent
Signature of Dept. Representative & Title

10/25/96
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

MICROFILMED
MAR 20 2000

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OCT 26 1995

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

Drilling Permit No. 63-95-10-0742-00
Water Right Permit No. 63-11347
Injection Permit No. _____

RECEIVED

SEP 18 1995

NORTHERN REGION
IDWR

1. Applicant (please print) John Beef Prossers
2. Mailing Address P.O. Box 515
City & State Depot City, Neb Zip Code 68231 Telephone 402-241-2900
(☒ Well Owner) (☐ Well Operator) (☐ Other, specify _____)
3. Proposed well location NW 1/4 NE 1/4, or Gov't Lot No. _____
Sec. 6, Twp. 1N, Rge. 2E, County Ada
Street Address of Well Site W. Kuna More Rd
Lot, block and subdivision _____

4. Proposed use of well:

- () Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- (☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

- () Injection

- () Monitoring - A well bore schematic and map is required for each well.

No. of proposed wells: _____

- (☒ Other Commercial (Describe) _____

5. Well construction information:

- A. (☒ New well) (☐ Deepen) (☐ Enlarge) (☐ Replace - See Condition 9)

B. Proposed Surface Diameter 20" Proposed Maximum Depth 600'

C. Anticipated bottom hole temperature:

- (☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

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MAR 20 2000

6. Construction Start Date 1 Sept 95
7. Anticipated Well Driller Scott Barrett, Ponderosa Drilling #228
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature John Beef Prossers Date 30 Aug 95
Title Owner
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 10/30/95

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFUL

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

DAVID R. TUTHILL JR.

MANAGER
WESTERN REGIONAL OFFICE

David R. Tutthill Jr.
Signature of Authorized Department Representative

Mgr, Western Reg Office
Title

Receipt No. W020035 Received by OB Fee 2.00 - Date 10.26.95

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

MICROFILMED
MAR 20 2008

RECEIVED

Form 238-7

3/95

AUG 28 1995

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

WATER
WESTERN REGION

Office Use Only

Inspected by _____

Twp _____ Rge _____ Sec _____

1/4 1/4 1/4

Lat: : : Long: : :

1. DRILLING PERMIT NO. 63 - 95 - W- 0042 - 000

Other IDWR No. WATER RIGHT NUMBER 63-11347

2. OWNER:

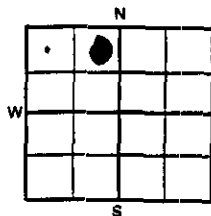
Name IOWA BEEF PACKING, INC.

Address 18300 SOUTH COLE ROAD

City KUNA State ID Zip 83634

3. LOCATION OF WELL by legal description:

Sketch: map location must agree with written location.



Twp. 1 North ☒ or South ☐
 Rge. 2 East ☒ or West ☐
 Sec. 6 1/4 NW 1/4 NE 1/4
 Gov't Lot 2 County ADA 40 acres 160 acres
 Lat: : : Long: : :

Address of Well Site SAME AS ABOVE

(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
CEMENT	0'	15'	8/YARDS	POURED

Was drive shoe used? ☒ N Shoe Depth(s) 445'Was drive shoe seal tested? ☐ Y ☐ N How? N/A

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
20"	0'	15'	.250	STEEL	☒	☐	☐	☐
16"	+2'	445'	.375	STEEL	☒	☐	☒	☐
10"	438'	448'	.250	STEEL	☐	☒	☒	☐

Length of Headpipe 10 Length of Tailpipe 18

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen Type Johnson SS.

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
448'	510'	.30		10"	S.S.	☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

310 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☒ XPump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
500 G.P.M.	108	428'	FOUR HOURS

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
36"	0'	3'	TOP SOIL		XX
36"	3'	7'	HARD PAN AND BOULDERS		XX
36"	7'	12'	BOULDERS (LAVA)		XX
36"	12'	15'	LAVA SOLID		XX
20"	15'	115'	LAVA ROCK		XX
20"	115'	120'	SAND AND GRAVEL		XX
16"	120'	130'	SAND STONE		XX
16"	130'	141'	CEMENT GRAVEL AND SAND STONE		XX
16"	141'	145'	SAND AND BOULDERS		XX
16"	145'	188'	CEMENTED SAND AND BOULDERS		XX
16"	188'	189'	SAND AND GRAVEL		XX
16"	189'	221'	SAND STONE		XX
16"	221'	255'	SAND AND BOULDERS		XX
16"	255'	260'	BROWN CLAY		XX
16"	260'	271'	SAND STONE		XX
16"	271'	275'	SAND AND BOULDERS		XX
16"	275'	345'	SAND STONE		XX
16"	345'	350'	SAND AND GRAVEL	XXX	
16"	350'	365'	SAND STONE		XX
16"	365'	370'	GRAVEL AND BOULDERS	XXX	
16"	370'	375'	SAND AND GRAVEL	XXX	
16"	375'	395'	SAND STONE		XY
16"	395'	400'	BROWN SANDY CLAY		XX
16"	400'	425'	SAND AND GRAVEL	XXX	
16"	425'	430'	BROWN SANDY CLAY		XX
16"	430'	490'	SAND AND GRAVEL	XXX	
16"	490'	493'	BROWN SANDY CLAY		XX
16"	493'	505'	SAND STONE		XX
16"	505'	510'	SAND	XXX	
16"	510'	515'	BROWN SANDY CLAY		XX
16"	515'	520'	SAND STONE		XX
16"	520'	535'	SAND	XXX	

Completed Depth 530' MAR 20 2000 (Measurable)
 Date: Started 2-14-95 Completed 8-15-95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name BILL DOTY DRILLING CO., INC. Firm No. 42

Firm Official _____ Date 8-22-95

and _____

Supervisor or Operator _____ Date 8-22-95

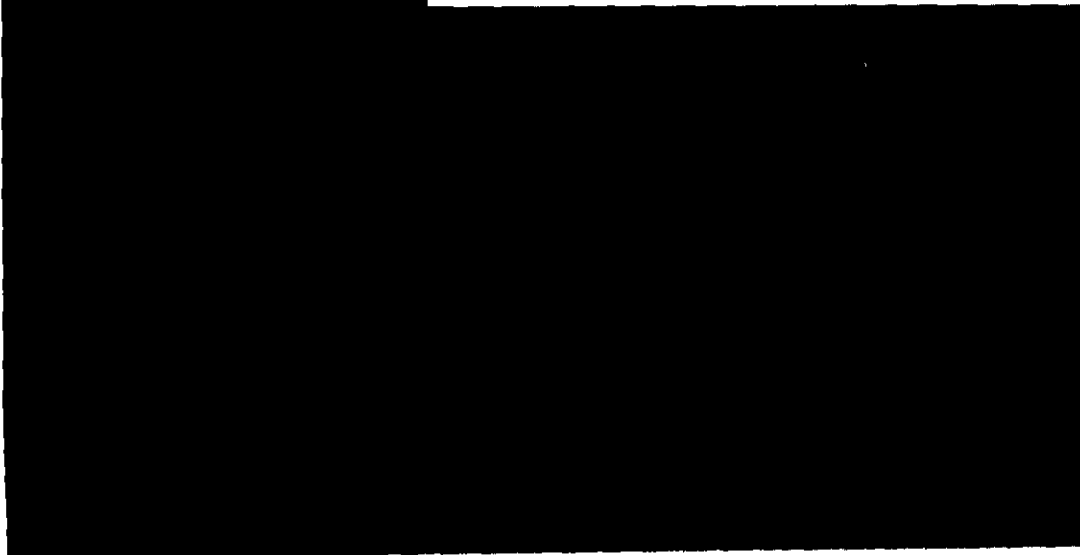
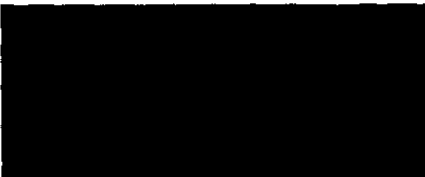
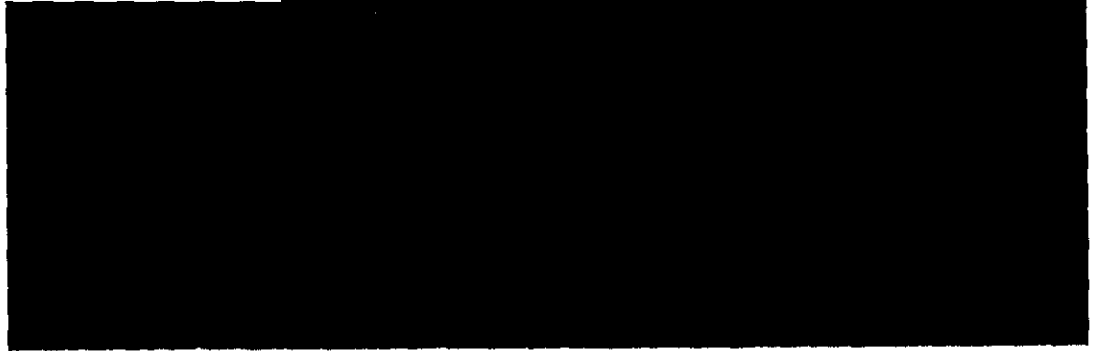
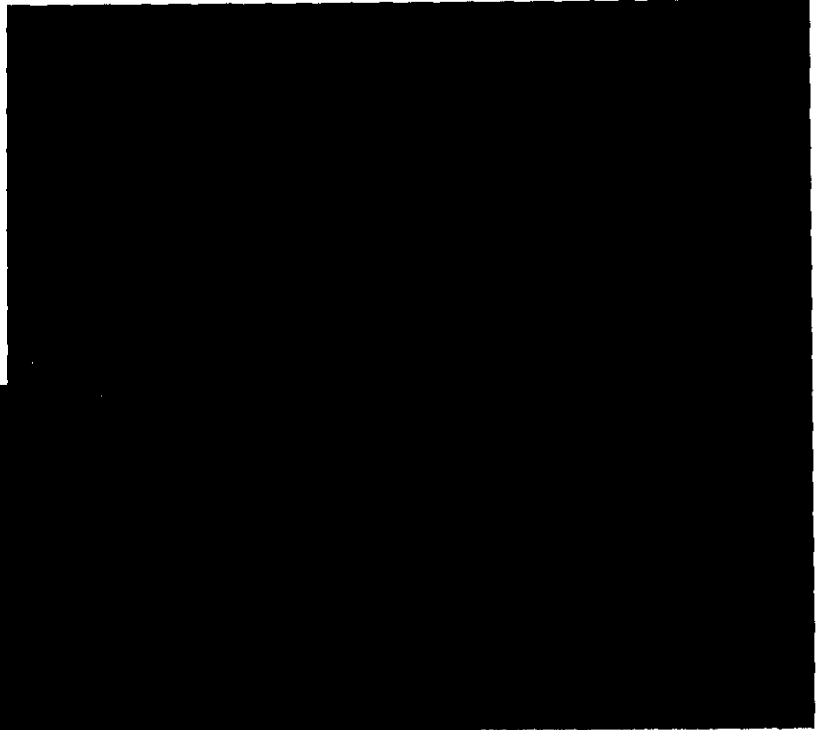
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



← P/B to buried main
view to S.

↓ Portion of P/u. view to N



Low pressure
pivot installation.

view to E.
MACROFILMED

MAR 20 2000

63-11347 cjh

Form 238-4
7/94

Use Typewriter
or
Ball Point Pen

2. OWNER:
 Name Iowa Beef Processors, Inc.
 Address P.O. Box 515
 City Dakota City State NE Zip 68231-0515

Sketch map location must agree with written location.

Address of Well Site W. Kuna Mora Rd.
City Boise

Lt. Blk. Sub. Name

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other Commercial

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

☒ Mud Rotary ☐ Air Rotary ☐ Cable ☐ Other

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Cement	0	18		Slurry

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 577
Was drive shoe seal tested? Y ☒ N ☐ How? Air

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
16	+2	18	.375	Steel	☒	☐	☒	☐
12	+2	577	.250	Steel	☒	☐	☒	☐
					☐	☐	☐	☐

Length of Headpipe 22 Length of Tailpipe 13

☐ Perforations Method _____
☒ Screens Screen Type Houston Stainless Steel

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
587	617	.030		11"	S. Steel	☒	☐
617	647	.020		11"	S. Steel	☐	☐
647	677	.030		11"	S. Steel	☐	☐

677	692	Q20	11"	S. Steel
692	710	Blank	10"	M. Steel

312 ft. below ground Artesian pressure _____ lb.
Depth flow encountered 560 ft. Describe access port or
control devices:

NW NE 6 IN 2E

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
1640	40	330	8 Hrs.

Water Temp. 92° F Bottom hole temp.

Water Quality test or comments: Clear

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
20"	0	8	Top Soil & Clay		X
20"	8	14	Hard Pan Clay		X
20"	14	18	Lava Rock Black		X
16"	18	48	Lava Rock Black		X
16"	48	55	Lava Rock Red		X
16"	55	105	Layered Lava Rock Red		X
16"	105	145	Sand & Gravel		X
16"	145	206	Sand & Gravel, Cemented		X
16"	206	208	Sand		X
16"	208	251	Sand & Gravel, Cemented		X
16"	251	274	Sand & Gravel & Clay		X
16"	274	283	Sand & Gravel, Cemented		X
16"	283	292	Sand Layers of Clay		X
16"	292	401	Sand & Gravel, Cemented		X
16"	401	411	Clay Brown		X
16"	411	456	Sand	X	
16"	456	482	Clay, Sandy Brown		X
16"	482	530	Sand & Gravel, Cemented		X
16"	530	552	Sand	X	
16"	552	669	Sandstone		X
16"	669	671	Sandstone, Fractured	X	
16"	671	676	Sandstone, Hard		X
16"	676	687	Sandstone, Fractured	X	
16"	687	710	Sandstone, Hard		X

RECEIVED	RECEIVED	RECEIVED
NOV 13 1995	NOV 06 1995	NOV 07 1995

Department of Water Resources **WATER RESOURCES**
WESTERN REGION

Completed Depth 710 (Measurable)
Date: Started Aug. 31, 1995 Completed Oct. 13, 1995

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Ponderosa Drilling & Dev Firm No. 228

Firm Official W. L. B. B. B. Date 10/26/95

and W. Scott Barratt 10/26/95

Supervisor or Operator [Signature] Date 10/20/95
(Signature of Shift Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DECEMBER 4, 1995

IOWA BEEF PROCESSORS
PO BOX 9346
BOISE ID 83707

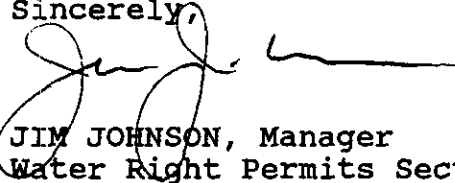
RE: Permit No. 63-11347

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please contact me at (208) 327-7946.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
DEC 11 1995

AMENDMENT OF PERMIT REVIEW

Reviewed by Cindy Zimmerman

on 12/1/95

PERMIT NO. 63-11347 NAME Lia-V Land & Beef Ad OK? N/A

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: _____ Mor _____ GWMA Trust/Non-trust

B/U PROOF DUE DATE: 10/1/95 Submitted? Yes No Due -6 months? Yes/No

SURFACE WATER: <flow chart>

In Water District - 005; WD No. _____
+ 0.2 cfs - 01J
- 0.2 cfs - 01H
Not in WD; +0.2 cfs - 01M
-0.2 cfs - No MD

GROUNDWATER: <flow chart>

+ 0.2 cfs - 01M
- 0.2 cfs - No MD
Drilling Permit - Included? No. _____
- Not included? 046-46B
- NA drilled 10/95 & 1/95

LOCATION:

Swan Falls Flag - B (1, Blank or Other)
Trust - 051-052-053 (Consumptive Uses); NA
Non Trust <1> - 048-049; NA

RIVER BASINS (Surface Water)

Boise (63) - 05A & 11E, N/A
Payette (65) - 047 (Payette Lake), 064 (consump. use), NA
Snake (01, 02 & 03) - 11A (01), 061 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 06A/09E/010 (WQ/Choose One), 042-002,
- 07A (Spec.), 044 (Policy 5G)
Power - _____ (Use Power Review)
Mining - 06A/010/09E (WQ) & 054 (req.)
Storage (3 comp?) - 18A (multi MD in WD), 18B (+10' dam)
Domestic - 021 (Boise R + L Peak), 064 (Payette R)

NON LAND OWNER - 004
PROTEST AGREEMENT - 020

Recommended conditions same as on the permit or subsequent amendment(s)
to the permit? Yes _____ Yes + cond NA No _____

Conditions of Approval: Standard, 01M, Remark W32 in W02(NWNE), SD6, TOIN, R02E
(do not include any conditions already on permit)

Comments _____

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

RECEIVED
OCT 11 1995
Department of Water Resources

INITIAL REVIEW BY: RL

Right Number 63-11347 Applicant IOWA BEEF PROCESSORS *

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s)

☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

☒ Description of amended point(s) of diversion

☒ Amount, nature and period of use. If increased, delay date of priority.

☒ Ownership of point of diversion and place of use.

☒ Map.

☒ Signature (must be permit holder). *

☒ Fee.

☒ Existing water rights from the same source, amended place of use.

☒ Right number(s) _____

☐ Yes ☒ No Should amendment be advertised?

☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

☒ Legal notice electronically transmitted to State Office.

☒ Copy of Amend. Appl. & analysis sheet filed in Region file

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☒ Protests processed.

☒ Approve.

☐ Deny.

Conditions _____

By DJA Date 10/4/95

STATE OFFICE PROCESSING:

☒ Amendment correct and complete: By cy Date 12/1/95

☐ Approved copy sent to applicant and to Region. By _____ Date _____

N/A
items

No
advertising
required
for this one.

NOTE: data entry error for 531 in
permit. Per orig. Appl. & per
Amendment, 531 is T2N, not T1N.

* per call to S. Chapman's office
9/12/95:

Rec'd - New ownership, need Assignment
- Need power of atty. or other document
that S.C. can sign for Applicant
- S.C. will provide



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OCT 11 1995

Department of Water Resources

RECEIVED

SEP 14 1995

WATER RESOURCES
WESTERN REGION

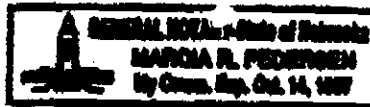
POWER OF ATTORNEY

I Keith Tingelhoff hereby nominate Sherl L. Chapman
whose address is 410 S. Orchard, suite 144, Boise, Idaho 83705, as
attorney-in-fact with full authority to act for and on behalf of the
undersigned in all matters pertaining to Amendment of Permit
63-11347 regarding well relocation. Such acts shall be limited to the
Amendment of Permit and receiving of all notices pertaining to such
Amendment as described above.

Dated this 1st day of February, 1995.

Keith R. Tingelhoff

State of Nebraska)
County Dakota) ss



On this 1st day of February, 1995,
personally appeared before me the signer (s) of the above instrument,
who duly acknowledged to me that he (she) (they) executed the same.

Marcia R. Pedersen
Notary Public

My Commission expires:

October 14, 1997

MICROFILMED

DEC 11 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 30, 1995

IDA-U LAND & BEEF
PO BOX 9346
BOISE ID 83707

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-11347

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since proof of beneficial use was received after the proof due date. Please note that the priority date has been advanced to July 8, 1990.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the WESTERN Regional Office in Boise at (208) 334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED
NOV 30 1995

DEC 11 1995

October 19, 1995

IDA-U LAND & BEEF
4260 PARK TERRACE DR.
SALT LAKE CITY UT 84124

LAPSE NOTICE

RE: PERMIT NO. 63-11347

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated July 31, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED

DEC 11 1995

CERTIFICATION OF MAILING

I hereby certify that on 10/20/95
a ~~copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

Form 238-7
3/95
RECEIVED
AUG 28 1995

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: : : Long: : :
RECEIVED

1. DRILLING PERMIT NO. 63 - 95 - W- 0042 - 000
Other IDWR No. WATER RIGHT NUMBER 63-11347

2. OWNER:

Name IOWA BEEF PACKING, INC.
Address 18300 SOUTH COLE ROAD
City KUNA State ID Zip 83634

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
W E S
Twp. 1 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 6 1/4 NW 1/4 NE 1/4
Gov't Lot 2 County ADA 40 acres 160 acres
Lat: : : Long: : :
Address of Well Site SAME AS ABOVE
City _____
(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
CEMENT	0'	15'	8/YARDS	POURED

Was drive shoe used? ☒ N ☐ Shoe Depth(s) 445'
Was drive shoe seal tested? ☐ Y ☐ N How? N/A

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
20"	0'	15'	.250	STEEL	☒	☐	☐	☐
16"	+2'	445'	.375	STEEL	☒	☐	☒	☐
10"	438'	448'	.250	STEEL	☐	☒	☒	☐

Length of Headpipe 10 Length of Tailpipe 18

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen Type Johnson SS.

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
448'	510'	.30		10"	S.S.	☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

310 ft. below ground Artesian pressure lb.
Depth flow encountered ft. Describe access port or control devices: _____

11. WELL TESTS:

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
500 G.P.M.	108	428'	FOUR HOURS

Water Temp. AUG 31 1995 Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
36"	0'	3'	TOP SOIL		XX
36"	3'	7'	HARD PAN AND BOULDERS		XX
36"	7'	12'	BOULDERS (LAVA)		XX
36"	12'	15'	LAVA SOLID		XX
20"	15'	115'	LAVA ROCK		XX
20"	115'	120'	SAND AND GRAVEL		XX
16"	120'	130'	SAND STONE		XX
16"	130'	141'	CEMENT GRAVEL AND SAND STONE		XX
16"	141'	145'	SAND AND BOULDERS		XX
16"	145'	188'	CEMENTED SAND AND BOULDERS		XX
16"	188'	189'	SAND AND GRAVEL		XX
16"	189'	221'	SAND STONE		XX
16"	221'	255'	SAND AND BOULDERS		XX
16"	255'	260'	BROWN CLAY		XX
16"	260'	271'	SAND STONE		XX
16"	271'	275'	SAND AND BOULDERS		XX
16"	275'	345'	SAND STONE		XX
16"	345'	350'	SAND AND GRAVEL	XXX	
16"	350'	365'	SAND STONE		XX
16"	365'	370'	GRAVEL AND BOULDERS	XXX	
16"	370'	375'	SAND AND GRAVEL	XXX	
16"	375'	395'	SAND STONE		XX
16"	395'	400'	BROWN SANDY CLAY		XX
16"	400'	425'	SAND AND GRAVEL	XXX	
16"	425'	430'	BROWN SANDY CLAY		XX
16"	430'	490'	SAND AND GRAVEL	XXX	
16"	490'	493'	BROWN SANDY CLAY		XX
16"	493'	505'	SAND STONE		XX
16"	505'	510'	SAND	XXX	
16"	510'	515'	BROWN SANDY CLAY		XX
16"	515'	520'	SAND STONE		XX
16"	520'	535'	SAND	XXX	

Completed Depth 530' (Measurable)
Date: Started 2-14-95 Completed 8-15-95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name BILL DOTY DRILLING CO., INC. Firm No. 42

Firm Official [Signature] Date 8-22-95

and [Signature] Date 8-22-95

Supervisor or Operator [Signature] Date 8-22-95

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

July 31, 1995

IDA-U LAND & BEEF
4260 PARK TERRACE DR.
SALT LAKE CITY UT 84124

PROOF DUE NOTICE

RE: PERMIT NO. 63-11347

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

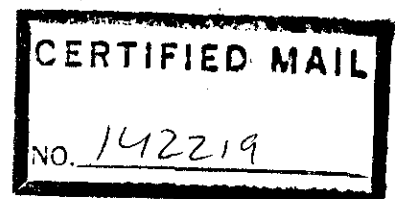
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

DEC 11 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 2, 1992

Ida-U Land & Beef
4620 Park Terrace Drive
Salt Lake City, UT 84124

Re: Permit No. 63-11347

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MICROFILMED

OCT 27 1992

July 31, 1992

IDA-U LAND & BEEF
4260 PARK TERRACE DR.
SALT LAKE CITY UT 84124

PROOF DUE NOTICE

RE: PERMIT NO. 63-11347

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

OCT 27 1992



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 1, 1990

IDA-U LAND & BEEF
4260 PARK TERRACE DR.
SALT LAKE CITY, UT 84124

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 63-11347

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

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00142 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

RECEIVED

OCT 22 1990

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RW DATE: 6-5-90 APPLICATION: 63-11347

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ___ No* In form to receipt:

Gov't Lots:
#3 P/D
S.31 #3, #4 P/U
S.6 #1, #3

ADDITIONAL INFORMATION

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached:
Critical groundwater area:
Groundwater management area:
Send dam safety information:
Send power requirement letter:
Send fish farm requirement letter:
Power residency affidavit:
Power efficiency form:
Within trust water boundary: (If yes, attach Trust Water Supplemental Analysis Sheet.)
Diversions greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

RECEIVED
SEP 13 1990
Department of Water Resources

6-5-90 DATE REQUESTED: Per Telecon Names & Addresses of Partners or Officers
Additional information on reverse side:

Rcvd. 6-15-90 RW Attached

PROCESSING

63-11347

YES NO

☒

☐

In form for advertising:

☒

Statewide advertising:

☒

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐

I.D. Health and Welfare

☐

I.D. Fish and Game

☐

I.D. Lands

☐

Adjudication Bureau

YES NO

☐

U.S. BLM

☐

U.S. Forest Svc.

☐

Water Dist. #

☐

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒

Affidavit of publication received:

☒

Application published correctly: If not, record action taken.

☒

Publication dates and paper recorded on application:

☒

Protests received. Final date for protest July 23, 1990

☒

Protest dates, resolution of protest recorded on application:

☒

Recommendations attached: Approve DM

☒

Measuring device required:

☒

Measuring port required: Flow Task Force Memo P05

☒

Water delivered by water master? District # 63

☒

Special conditions of approval or cover letter:

☒

26A (Allow 2 years)

See below for additional information

Recommended Date or Priority 5/18/1990

Recommended by: DM

Date 9/11/1990

STATE OFFICE REVIEW

P05, P23

P17

46 26

See below for additional information. By

DM

Date 9-20-90

ADDITIONAL INFORMATION

Sheri L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

RECEIVED
JUN 18 1990

Department of Water Resources
Western Regional Office

June 15, 1990

Mr. Rob Whitney
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Rob:

Enclosed is the information you requested on Ida-U Land & Beef regarding their list of partners.

If you need any further information, please give us a call.

Sincerely yours,

Karen Edwards

Karen Edwards
Secretary

KJE:p
enclosure

RECEIVED

JUN 22 1990

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

RECEIVED
MAY 18 1990

May 17, 1990

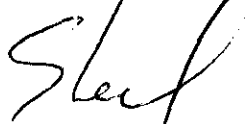
Department of Water Resources
Western Regional Office

Mr. Dave Tuthill
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Dave:

Enclosed you will find an application for permit to appropriate water from the aquifer south of Boise. I believe everything is in order, but if you have any questions or need additional information, please don't hesitate to give me a call.

Sincerely yours,

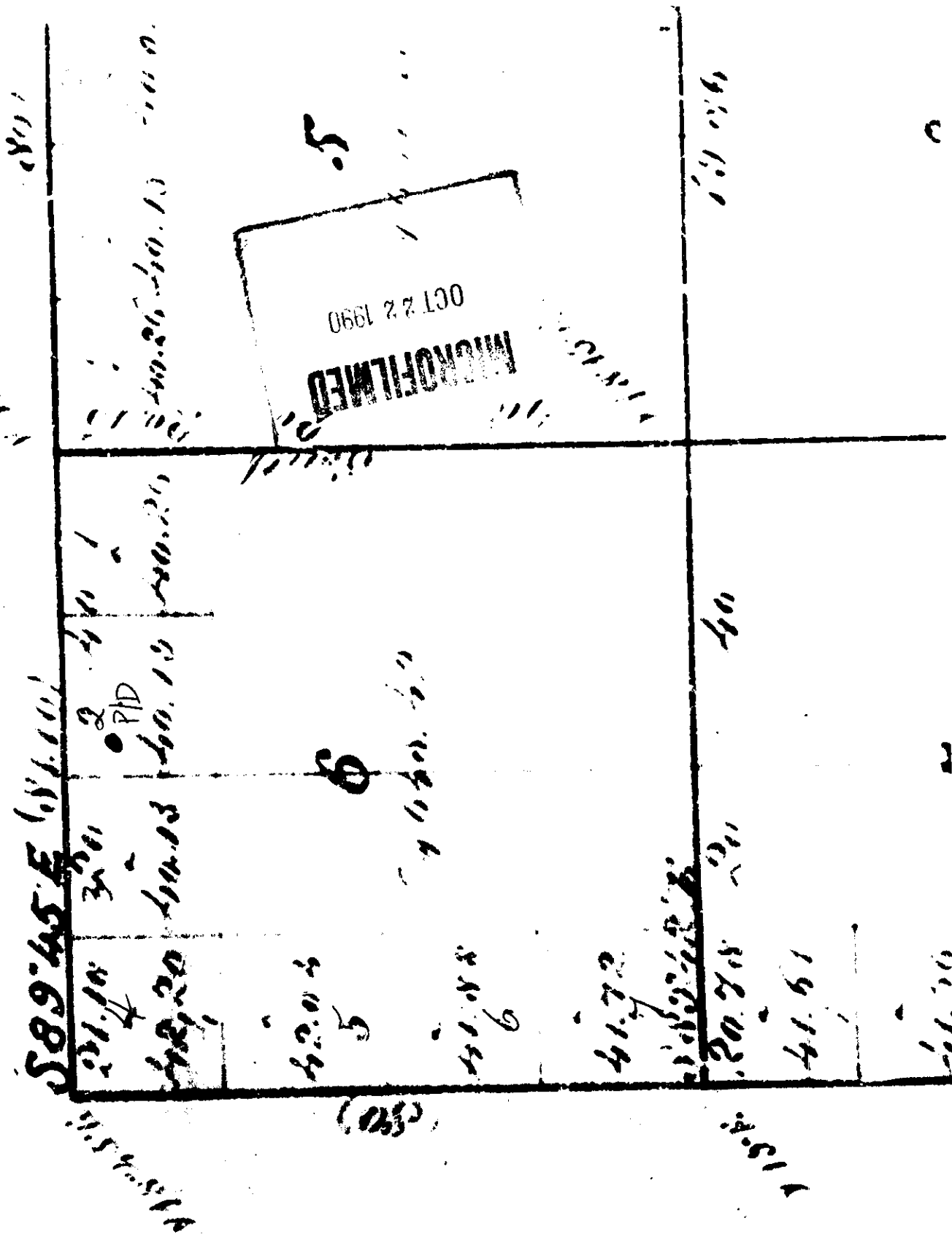


Sherl L. Chapman
Consultant

SLC:kje
enclosure
cc:Mr. Tatsumi Misaka

MICROFILMED

OCT 22 1990



Exhibits filed in the
the "Winter of 1854."

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MICROFILMED

OCT 22 1990

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER-USE-CODE	WATER RIGHT NO.	LAST NAME	Q STG C	PRIORITY DATE	WATER SOURCE
02N	02E	30	NW NW	1	15.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
			NW NW	1	11.0	01	63-03242	GERMAN	C	L 06/06/1971	EIGHTMILE CREEK
			SW SW			05	63-03637	U.S. DEPT. OF INTE	C	L 01/24/1972	GROUNDWATER
			SE SW		40.0	01	63-08088	STATE OF IDAHO	C	L 02/27/1975	UNNAMED STREAM
			NE SE		14.0	01	63-08088	STATE OF IDAHO	C	L 02/27/1975	GROUNDWATER
			SW SE		40.0	01	63-08088	STATE OF IDAHO	C	L 02/27/1975	GROUNDWATER
			SE SE		40.0	01	63-08088	STATE OF IDAHO	C	L 02/27/1975	GROUNDWATER
						01,43,04	63-00329	PLEASANT VALLEY IR	C	D 04/01/1907	TEN HILE CREEK
						01,43,04	63-00330	PLEASANT VALLEY IR	C	D 04/01/1908	TEN HILE CREEK
						01,43,04	63-00331	PLEASANT VALLEY IR	C	D 04/01/1910	TEN HILE CREEK
			SW NW	2		43	63-07406	LAST	C	L 03/05/1971	GROUNDWATER
			NE SW		40.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
											EIGHTMILE CREEK
			NE SW		35.0	01	63-03362	GREEN	O	L 07/11/1963	GROUNDWATER
						01,43,04	63-00332	PLEASANT VALLEY IR	C	D 05/16/1912	TEN HILE CREEK
			NW SW		38.0	01	63-03362	GREEN	O	L 07/11/1963	GROUNDWATER
								STANDARD INSURANCE	C		
			NW SW	3	43.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
						01,43,04	63-00332	PLEASANT VALLEY IR	C	D 05/16/1912	EIGHTMILE CREEK
			SW SW		37.0	01	63-03362	GREEN	O	L 07/11/1963	TEN HILE CREEK
								STANDARD INSURANCE	C		GROUNDWATER
			SW SW	4	42.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
						01,43,04	63-00332	PLEASANT VALLEY IR	C	D 05/16/1912	EIGHTMILE CREEK
			SE SW		40.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	TEN HILE CREEK
											UNNAMED STREAM
											EIGHTMILE CREEK
			SE SW		38.0	01	63-03362	GREEN	O	L 07/11/1963	GROUNDWATER
								STANDARD INSURANCE	C		
			NE SE		40.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
											EIGHTMILE CREEK
			NW SE		40.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
											EIGHTMILE CREEK
			SW SE		40.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
											EIGHTMILE CREEK
			SW SE		38.0	01	63-03362	GREEN	O	L 07/11/1963	GROUNDWATER
								STANDARD INSURANCE	C		
			SE SE		40.0	01	63-02615	PLEASANT VALLEY IR	C	L 05/16/1960	UNNAMED STREAM
											EIGHTMILE CREEK
			NE NE		39.0	01	63-03445	IDAHO STATE PENITE	C	L 04/16/1965	GROUNDWATER
			SE NE		39.0	01	63-03445	IDAHO STATE PENITE	C	L 04/16/1965	GROUNDWATER
			NE SW		40.0	01	63-03445	IDAHO STATE PENITE	C	L 04/16/1965	GROUNDWATER
			NW SW		40.0	01	63-03445	IDAHO STATE PENITE	C	L 04/16/1965	GROUNDWATER
			SE SW		20.0	01,43	63-09242	SCHMIDT	O	L 06/25/1979	GROUNDWATER
							SCHMIDT	O			
							BERG	C			
							BERG	C			
			NE SE		39.0	01	63-03445	IDAHO STATE PENITE	C	L 04/16/1965	GROUNDWATER
			NW SE		40.0	01	63-03445	IDAHO STATE PENITE	C	L 04/16/1965	GROUNDWATER
			NE NE		35.0	01,43,49	63-03487	STATE OF IDAHO	C	L 01/20/1966	GROUNDWATER
			NW NE		35.0	01,43,49	63-03487	STATE OF IDAHO	C	L 01/20/1966	GROUNDWATER

MULTIPLE
 OCT 22 1990

TWP	RNG	SECT	TRACT	PT ACRES	WATER-USE-CODE	WATER RIGHT NO.	LAST NAME	O STG	PRIORITY DATE	WATER SOURCE
01N	02E	5	SW SE	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
			SW SE		43	63-04212	BODILY	C S	06/01/1970	EIGHTMILE CREEK
			SW SE	40.0	01	63-07763	BODILY	C L	04/03/1973	GROUNDWATER
			SE SE		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	GROUNDWATER
					01,43,04	63-00329	PLEASANT VALLEY IR C	D	04/01/1907	TEN MILE CREEK
					01,43,04	63-00330	PLEASANT VALLEY IR C	D	04/01/1908	TEN MILE CREEK
					01,43,04	63-00331	PLEASANT VALLEY IR C	D	04/01/1910	TEN MILE CREEK
			NE NE	1 40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			NW NE	2 40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			SW NE		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			SW NE	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			SE NE	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			NE NW	3 40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			NW NW	40.0	01	63-07864	COLLIAS	C L	09/10/1973	GROUNDWATER
							COLLIAS	C		
							GATZOLIS	C		
			SW NW	40.0	01	63-07864	GATZOLIS	C L	09/10/1973	GROUNDWATER
							COLLIAS	C		
							COLLIAS	C		
							GATZOLIS	C		
			SE NW		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			SE NW	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			NW SW		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			NW SW	6 41.0	01	63-03130	HENNIS	C L	05/23/1958	UNNAMED STREAM
			NW SW	7 42.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			SW SW		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			SW SW	7 41.0	01	63-03130	HENNIS	C L	05/23/1958	UNNAMED STREAM
			SW SW	8 42.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			NE SE		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			NE SE	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			NW SE		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			NW SE	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			SW SE		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			SW SE	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
			SE SE		01,43,04	63-00332	PLEASANT VALLEY IR C	D	05/16/1912	TEN MILE CREEK
			SE SE	40.0	01	63-02615	PLEASANT VALLEY IR C	L	05/16/1960	UNNAMED STREAM
										EIGHTMILE CREEK
					01,43,04	63-00329	PLEASANT VALLEY IR C	D	04/01/1907	TEN MILE CREEK
					01,43,04	63-00330	PLEASANT VALLEY IR C	D	04/01/1908	TEN MILE CREEK
					01,43,04	63-00331	PLEASANT VALLEY IR C	D	04/01/1910	TEN MILE CREEK

MICROFILMED
OCT 22 1990

63-11347

IDA-U LAND & BEEF
4260 PARK TERRACE DR.
SALT LAKE CITY, UT 84124

Source: GROUNDWATER

Diversion Pt: LOT 2 (NWNE) Sec 6 T 01N R 02E

Use: IRRIGATION (2.540 CFS)
Total Diversion: (2.540 CFS)

Date Filed: 5/18/ 1990

In:	T01N R02E S06	Lot 1 (NENE)	SWNE	SENE	Lot 3 (NENW)
		SENE			
	S31	Lot 3 (NWSW)	Lot 4 (SWSW)	SESW	SWSE

127.0 ACRES TOTAL

MICROFILMED

OCT 22 1990