



10980 S. Jordan Gateway
P.O. Box 95850
South Jordan, Utah 84095
801.571.9200
800.824.9198
801.576.0600 Credit Fax
801.571.1641 Administrative Fax

RECEIVED

SEP 29 2023

DEPARTMENT OF
WATER RESOURCES

September 14, 2023

STATE OF IDAHO
Department of Water Resources
PO Box 83720
Boise, Idaho 83720

RE: NOTICE OF RELEASE for LAVA ROCK RANCH, LLC

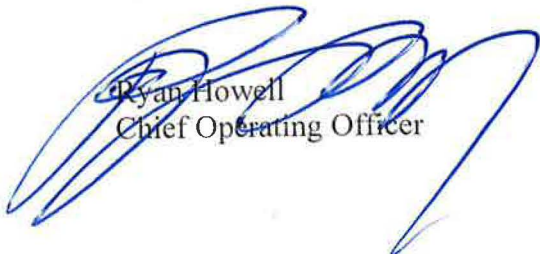
Dear State Engineer:

Please be advised that The Bank of Commerce **no longer has a security interest in the water rights** described on the attached Notice of Pledge.

Please file this notice with your records as evidence of such. Your assistance in this matter is appreciated.

Sincerely,

The Bank of Commerce
By: Western AgCredit, FLCA Servicing Agent


Ryan Howell
Chief Operating Officer

SUPPORT DATA

IN FILE # 35-2717



Our Mission: To provide the most dependable source of credit and related services to agriculture and the rural community.



State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 5, 2013

The Bank of Commerce
c/o Western AgCredit
10980 South Jordan Gateway
PO Box 95850
South Jordan UT 84095-0850

RE: Notice of Security Interest in a Water Right 35-2758A, 35-8370A, 35-2717, 35-7471

Dear Water Right Holder(s):

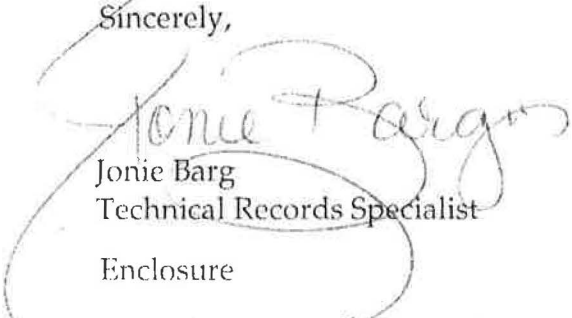
The department acknowledges receipt of correspondence adding a security interest to the above referenced water right(s) to you. The department has modified its records to reflect the security interest and has enclosed a computer-generated report for your records.

Please note if the current owner of the water right should be listed as Lava Rock Ranch LLC, a Notice of Change in Water Right Ownership will be required.

Updating the security interest record for a water right does not reconfirm the validity of the right. When processing an security interest notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

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

Sincerely,


Jonie Barg
Technical Records Specialist

Enclosure

cc: Foster Family Farms Inc

SUPPORT DATA

MM FILE # 35-2717



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 24, 2024

WESTERN AGCREDIT
PO BOX 95850
SOUTH JORDAN UT 84095

RE: Release of Security Interest in Water Right(s): 35-2717, 35-2758A, 35-7471, 35-8370A

Dear Security Interest Holder:

The Department of Water Resources acknowledges receipt of your request to release the Security Interest in a Water Right. The water rights listed above have been updated to reflect this request.

If you have any questions, please call this office.

Sincerely,

Debra Mansfield

Technical Records Specialist I

c: LAVA ROCK RANCH, LLC

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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3. USE OF THIS RIGHT WITH RIGHT NO. 35-07471 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 312 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 300 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 35-07471 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information:

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
5.290	1,248.0	312.0	35-2717 ,35-7471

SubCase:

SubCaseNumber: 35-2717
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/23/2024

Water Right 35-2758A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER FAMILY FARMS INC PO BOX 844 ABERDEEN, ID 83210 (208) 681-6222
Directors Report Owner	LAVA ROCK RANCH AN IDAHO GENERAL PARTNERSHIP 3018 W 1700 S ABERDEEN, ID 83210

Priority Date: 1/28/1965

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.260 CFS	256.0 AF
	<u>Total Diversion</u>		1.260 CFS	256.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NENE	Sec. 27, Twp 05S, Rge 30E, BINGHAM County
GROUND WATER	NWNW	Sec. 27, Twp 05S, Rge 30E, BINGHAM County

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	30E	27	13.3	4.4	4.9		37.1	24.3	22.7	36.3									143.0

Right Acre Limit: 64.00
POU Total Acres: 143.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 64 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2758A and 35-8370A when combined shall not exceed a total diversion rate of 1.48 cfs and the irrigation of 118.0 acres.
3. X35 Rights 35-2758A, 35-8370A, and 35-14444 when combined shall not exceed a total diversion rate of 1.86 cfs and the irrigation of 143.0 acres.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized

IDAHO DEPARTMENT OF WATER RESOURCES
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5. 214 point(s) of diversion in accordance with Department specifications. Prior to the diversion and use of water under Transfer approval 80656, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
7. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information:

Decreed Date: 4/2/2002

State or Federal: S

Water District Number: 120

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
1.480			35-8370A ,35-2758A

SubCase:

SubCaseNumber: 35-2758A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: License

Date Filed:

IDAHO DEPARTMENT OF WATER RESOURCES
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Objection Status:

Water Supply Bank:

N/A

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1/23/2024

Water Right 35-7471

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER FAMILY FARMS INC PO BOX 844 ABERDEEN, ID 83210 (208) 681-6222
Original Owner	RONALD B FOSTER 3018 W 1700 S ABERDEEN, ID 83210

Priority Date: 1/29/1975

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.240 CFS	
	<u>Total Diversion</u>		0.240 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SENWSW	Sec. 16, Twp 06S, Rge 30E, BINGHAM County
GROUND WATER	NESWSE	Sec. 16, Twp 06S, Rge 30E, BINGHAM County

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	30E	16									40.0	39.0	38.0	39.0	39.0	40.0	39.0	38.0	312.0

POU Total Acres: 312.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-02717 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.29 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1248 AF.

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3. USE OF THIS RIGHT WITH RIGHT NO. 35-02717 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 312 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-02717 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information:

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
5.290	1,248.0	312.0	35-2717 ,35-7471

SubCase:

SubCaseNumber: 35-7471
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/23/2024

Water Right 35-8370A

Owner Type **Name and Address**
Current Owner FOSTER FAMILY FARMS INC
 PO BOX 844
 ABERDEEN, ID 83210
 (208) 681-6222

Original Owner ELDON B HARDER
 1634 S 3200 W
 ABERDEEN, ID 83210
 (208) 397-4273

Priority Date: 4/29/1985

Basis: License

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.700 CFS	216.0 AF
	<u>Total Diversion</u>		0.700 CFS	216.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NWNW	Sec. 27, Twp 05S, Rge 30E, BINGHAM County
GROUND WATER	NENE	Sec. 27, Twp 05S, Rge 30E, BINGHAM County

Place Of Use:

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	30E	27	13.3	4.4	4.9		37.1	24.3	22.7	36.3									143.0

Right Acre Limit: 54.00
POU Total Acres: 143.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 54 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2758A and 35-8370A when combined shall not exceed a total diversion rate of 1.48 cfs and the irrigation of 118.0 acres.
3. X35 Rights 35-2758A, 35-8370A, and 35-14444 when combined shall not exceed a total diversion rate of 1.86 cfs and the irrigation of 143.0 acres.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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- | | | |
|-----|-----|--|
| 5. | 214 | Prior to the diversion and use of water under Transfer approval 80656, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device. |
| 6. | R05 | Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120. |
| 7. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |
| 8. | R64 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use. |
| 9. | 933 | This right is for the use of trust water, and it is subject to review 20 years after the date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water. |
| 10. | 046 | Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. |
| 11. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 12. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |

Dates and Other Information:

Licensed Date: 3/28/1994

Water District Number: 120

Swan Falls Trust or Nontrust: T

Mitigation Plan: False

Combined Use Limits:

Rate

1.480

Volume

Acres

Water Rights

35-8370A ,35-2758A

SubCase:

N/A

Water Supply Bank:

N/A