

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A29-02020**
Date Received: 1/20/1995
Receipt No: C032004
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: UNION PACIFIC RAILROAD CO 402-271-2332
Address: 1416 DODGE ST
OMAHA NE 68179

2. Date of Priority: AUG 8, 1904

3. Source: BATISE SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	7	SW	NE			POWER

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	2.900		
MUNICIPAL	01/01	12/31	0.100		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	1	NW	NE		INDUST	
			SW	NE		INDUST	
			NE	NW		INDUST	

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	1	NE	SE		INDUST	
			SE	SE		INDUST	
		16	NE	SW		INDUST	
			NW	SW		INDUST	
			SE	SW		INDUST	
			SW	SE		INDUST	
		21	NE	NE		INDUST	
			NW	NE		INDUST	
			SE	NE		INDUST	
		22	SW	NW		INDUST	
			NE	SW		INDUST	
			NW	SW		INDUST	
			SW	SW		INDUST	
			SW	SE		INDUST	
		26	NW	NW		INDUST	
			SW	NW		INDUST	
			NE	SW		INDUST	
			NW	SW		INDUST	
			SE	SW		INDUST	
		27	NW	NE		INDUST	
			SE	NE		INDUST	
		35	NW	NE		INDUST	
			SW	NE		INDUST	
			SE	NE		INDUST	
			NE	NW		INDUST	
			NE	SE		INDUST	
		36	SW	SW		INDUST	
			SE	SW		INDUST	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
29-02225

14. Remarks:

ITEM 5:

WATER IS DIVERTED WITH A 300 HP WESTINGHOUSE PUMP AND A 500 HP WORTHINGTON PUMP INTO 10" AND 12" PIPELINES TO 2 RESERVOIRS WITH A COMBINED CAPACITY OF FOUR 339,000 GALLONS LOCATED IN SW 1/4, NW 1/4, SEC. 17, T. 6 S., R. 34 E., B.M.

ITEM 14:

WATER IS USED FOR INDUSTRIAL PURPOSES WITHIN THE RAILROAD YARDS AND FACILITIES AT POCA TELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCA TELLO AND OTHER BUSINESSES BY AGREEMENTS. THIS CLAIM SUPERSEDES NOTICE OF CLAIM TO A WATER

14. Remarks: Continued

RIGHT 29-4334 SENT ON FEBRUARY 13, 1990.

CONFORMED ADDRESS TO D.E. STANDARDS 03/28/95 SS.

15. Basis of Claim: LICENSE

Water Right Number: 771

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A29-02020**
Date Received: 1/19/1995
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YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: UNION PACIFIC RAILROAD CO 402-271-2332
Address: 1416 DODGE ST
OMAHA NE 68179

2. Date of Priority: JUN 25, 1902

3. Source: BATISE SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot
06S	34E	7	SW	NE		

County
CARBON

Power.

DE. *CF*
6/6/95

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	2.900		
MUNICIPAL	01/01	12/31	0.100		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	1	NW	NE		INDUST	
			SW	NE		INDUST	
			NE	NW		INDUST	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	34E	1	NE		SE		INDUST	
			SE		SE		INDUST	
		16	NE		SW		INDUST	
			NW		SW		INDUST	
			SE		SW		INDUST	
			SW		SE		INDUST	
		21	NE		NE		INDUST	
			NW		NE		INDUST	
			SE		NE		INDUST	
		22	SW		NW		INDUST	
			NE		SW		INDUST	
			NW		SW		INDUST	
			SW		SW		INDUST	
			SW		SE		INDUST	
		26	NW		NW		INDUST	
			SW		NW		INDUST	
			NE		SW		INDUST	
			NW		SW		INDUST	
			SE		SW		INDUST	
		27	NW		NE		INDUST	
			SE		NE		INDUST	
		35	NW		NE		INDUST	
			SW		NE		INDUST	
			SE		NE		INDUST	
			NE		NW		INDUST	
			NE		SE		INDUST	
		36	SW		SW		INDUST	
			SE		SW		INDUST	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
29-02225

14. Remarks:

ITEM 5:

WATER IS DIVERTED WITH A 300 HP WESTINGHOUSE PUMP AND A 500 HP WORTHINGTON PUMP INTO 10" AND 12" PIPELINES TO 2 RESERVOIRS WITH A COMBINED CAPACITY OF FOUR 339,000 GALLONS LOCATED IN SW 1/4, NW 1/4, SEC. 17, T. 6 S., R. 34 E., B.M.

ITEM 14:

WATER IS USED FOR INDUSTRIAL PURPOSES WITHIN THE RAILROAD YARDS AND FACILITIES AT POCA TELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCA TELLO AND OTHER BUSINESSES BY AGREEMENTS. THIS CLAIM SUPERSEDES NOTICE OF CLAIM TO A WATER

AJ0749NP
No. A29-02020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/15/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT CO PO BOX 27 BOISE ID 83707 (208) 336-2110	08/08/1904	INDUSTRIAL MUNICIPAL	01-01 12-31 01-01 12-31	2.90 CFS 0.10 CFS	
TOTAL DIVERSION:					3.00 CFS	

Water Source: BATISE SPRING

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion:

T06S R34E S07

SWNE

POWER County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
06S	34E	1	:			I		I				I						I				:
06S	34E	16	:											I		I		I				:
06S	34E	21	:		I		I													I		:
06S	34E	22	:									I		I		I				I		:
06S	34E	26	:							I		I		I		I						:
06S	34E	27	:			I																:
06S	34E	35	:			I		I		I								I				:
06S	34E	36	:											I		I						:

POU County: BANNOCK

Non-Irrigation Uses: SEE REMARKS

Other Rights: 29-02225

Remarks: GEN ITEM 5:

WATER IS DIVERTED WITH A 300 HP WESTINGHOUSE PUMP AND A 500 HP WORTHINGTON PUMP INTO 10" AND 12" PIPELINES TO 2 RESERVOIRS WITH A COMBINED CAPACITY OF FOUR 339,000 GALLONS LOCATED IN SW 1/4, NW 1/4, SEC. 17, T. 6 S., R. 34 E., B.M.

ITEM 14:

WATER IS USED FOR INDUSTRIAL PURPOSES WITHIN THE RAILROAD YARDS AND FACILITIES AT POCA TELLO, IDAHO, WITH THE SURPLUS WATER BEING FURNISHED TO THE CITY OF POCA TELLO AND OTHER BUSINESSES BY AGREEMENTS. THIS CLAIM SUPERSEDES NOTICE OF CLAIM TO A WATER RIGHT 29-4334 SENT ON FEBRUARY 13, 1990.
CONFORMED ADDRESS TO D.E. STANDARDS 03/28/95 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag: C

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-2020

Date Received 1-19-95

Receipt Number C032004

RECEIVED

JAN 19 1995

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Union Pacific Railroad Company Phone (402) 271-2332Mailing Address 1416 Dodge Street, Omaha, Nebraska Zip 681792. Date of Priority (Only one (1) per claim) June 25, 19023. Source of water supply (a) Batise Spring
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 6 S. Range 34 E. Section 7,
SW 1/4 of NE 1/4 of 1/4, Govt. Lot, Power B.M., County of Power

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

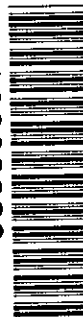
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Water is diverted with a 300 HP Westinghouse pump and a 500 HP Worthington
pump into 10" and 12" pipe lines to 2 reservoirs with a combined capacity
of four 339,000 gallons located in SW 1/4, NW 1/4, Sec. 17, T. 6 S.,
R. 34 E., B.M.

A2902020



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NOV 14 1995

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Industrial purposes from 1-1 to 12-31 amount 2.90 or _____

For Municipal purposes from 1-1 to 12-31 amount 0.10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 S.	34 E	16									I	I		I			I		
6 S.	34 E	21	I	I		I													
6 S.	34 E	22							I		I	I	I				I		
6 S.	34 E	27		I		I													
6 S.	34 E	26						I	I		I	I		I					
6 S.	34 E	35		I	I	I	I								I				
6 S.	34 E	36											I	I					
6 S.	34 E	1		I	I		I								I			I	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

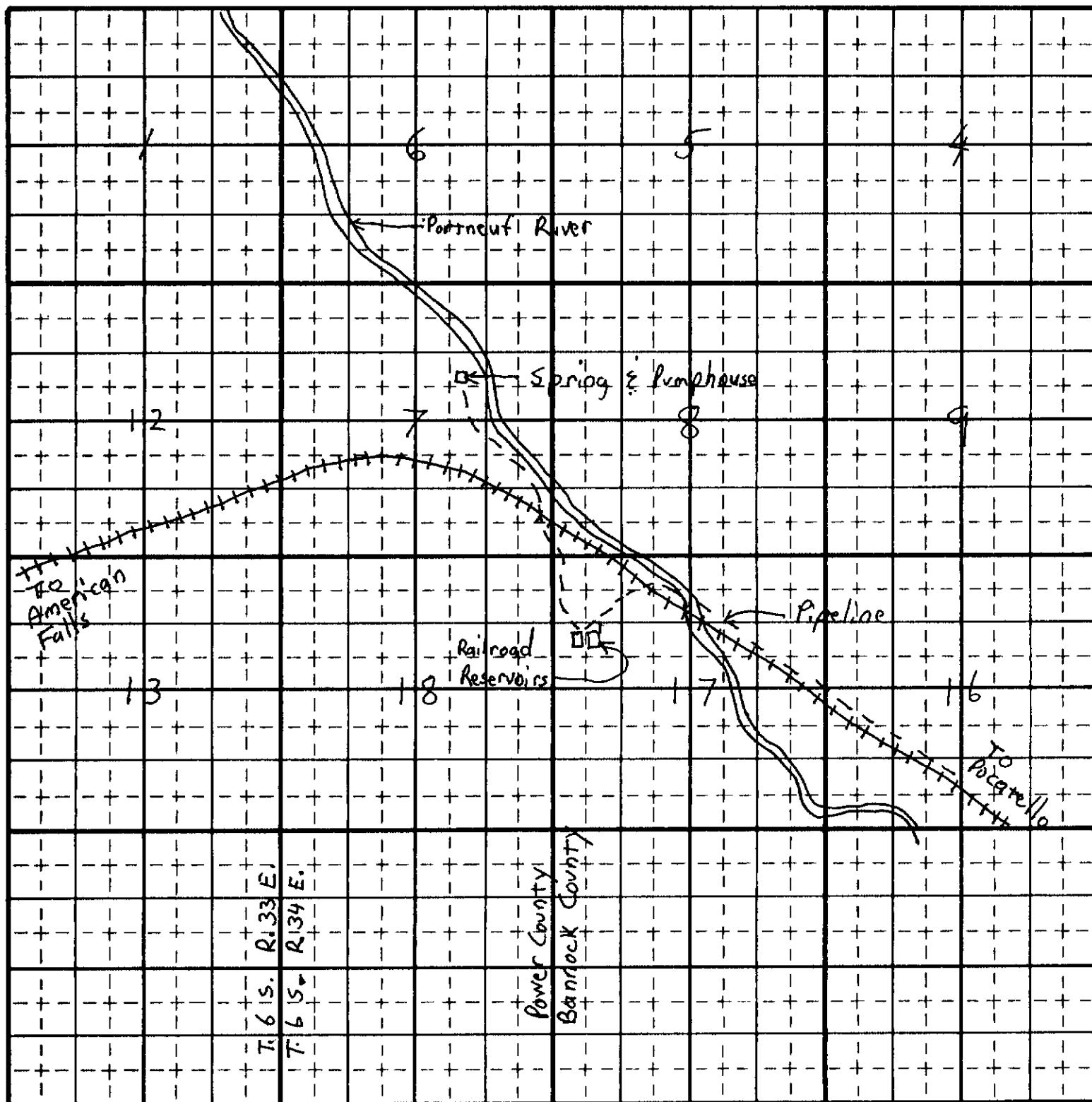
14. Remarks:
Water is used for industrial purposes within the Railroad yards and facilities at Pocatello, Idaho, with the surplus water being furnished to the City of Pocatello and other businesses by agreements. This claim supersedes Notice of Claim to a Water Right 29-4334 sent on February 13, 1990.

Last Name Union Pacific Ident No. 29-2020

MICROFILMED
Copies: White - ~~State~~ Yellow - ~~State~~ 1998

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

Scale: 2 inches equals 1 mile



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NOV 14 1996

Last Name Union Pacific

Ident No. 29-2020

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 29-2020

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Chief Engineer - M/W Struct/Term

Title

of Union Pacific Railroad Company, that I have signed the foregoing

Organization

document in the space below as Chief Engineer - M/W Struct/Term Union Pacific Railroad Company

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent JR Bean

Title and Organization Chief Engineer - M/W Struct/Term
Union Pacific Railroad Company

Date 12-28-94

State of Idaho/or Nebraska)

) SS.

County of Douglas)

Subscribed and sworn (or affirmed) before me this 28TH day of December 19 94

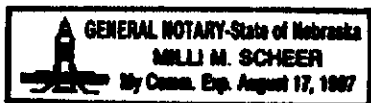
SEAL

Notary Public Milli M. Scheer

Residing at Omaha, Nebraska

My Commission Expires August 17, 1997

Please Print Name



17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
NOV 14 1996

Last Name Union Pacific Ident. Number 29-2020

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 15, 1998

TREASURER
J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A29-02020,
A29-02225, A29-04334

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

JUN 10 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 29-02020, 29-02225, 29-04334
 Adjudication Claim No(s).: A29-02020^{OK}, A29-02225^{OK}, A29-04334^{OK}
 2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND (See Attached Quitclaim Deed)
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant Union Pacific Railroad Company
1416 Dodge Street, Omaha, NE 68179
 4. New Owner/Claimant(s) J. R. Simplot Company
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address P. O. Box 27
 City, State and ZIP Code Boise, ID 83707
 New Telephone Number (208) 336-2110
 5. Date you acquired the property January 25, 1996
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
 J. R. Simplot Company
 7. Signature of New Owner or Claimant(s) By: [Signature]
 Treasurer
- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

8	3:26 PM
First American	
Title	
2 5 1996	
Murray Schulte	
P. 12	

618-07

Murray Schulte QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY (which through merger with the Oregon Short Line Railroad Company became successor in interest to the real property described herein), a Utah corporation, Grantor, in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto FMC CORPORATION, a Delaware corporation, Grantee, whose address is P.O. Box 4111, Pocatello, Idaho 83205 and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate (hereinafter the "Property") situated in the SW1/4NE1/4 of Section 7, Township 6 South, Range 34 East, Boise Meridian in Bannock and Power Counties, State of Idaho, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof, including all water pumping facilities and equipment located thereon and any and all right, title and interest of Grantor in and to the real property lying between the land described in Exhibit A and the East bank of the Portneuf River. Reserving and excepting therefrom, however, all of the water rights appurtenant to the described property, this reservation being understood to include by its terms all surface water, groundwater, and storage water conveyed to the J.R. Simplot Company pursuant to the deed attached hereto as Exhibit C.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantee and unto its successors and assigns.

Grantor, Federal ID No. 13-6400825, is not a foreign corporation and withholding of Federal Income Tax from the amount realized will not be made by Grantee. A Certification prepared in conformance with IRS regulations under Section 1445 of the Internal Revenue Code is attached as Exhibit B.

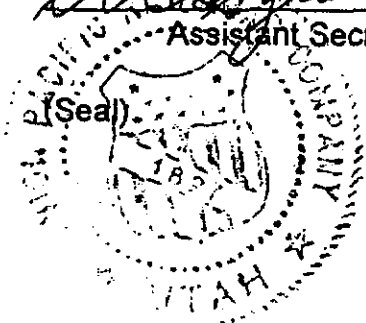
IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the 9th day of January, 1996.

Attest:

UNION PACIFIC RAILROAD COMPANY,

R. C. Ingram
Assistant Secretary

By [Signature]
Title: Assistant Vice President



ACKNOWLEDGEMENT

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On January 9, 1996, before me, ROBERT E. ANDERSON, a Notary Public in and for said County and State, personally appeared

R. D. Uhrich and R. C. INGRAM

who are the Asst. Vice President and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Utah corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Robert E. Anderson
Notary Public

(Seal)



**UNION PACIFIC RAILROAD COMPANY
Bannock County, Idaho**

EXHIBIT "A"

The SW¼NE¼ of Section 7, Township 6 South, Range 34 East, Boise Meridian lying west of the west bank of the Portneuf River excepting those certain portions as heretofore conveyed to the State of Idaho by Union Pacific Railroad Company by Warranty Deed dated September 8, 1966 and conveyed to Rowland's, Inc. by Union Pacific Railroad Company by Quitclaim Deed dated November 29, 1995, recorded December 15, 1995 in the Deed Records of Bannock County, Idaho as Instrument No. 164682.

Containing an area of 21.92 acres, more or less.

**Office of Contracts and Real Estate
Omaha, Nebraska
July 18, 1995
Revised December 19, 1995
January 4, 1996**

**Written by: DDB
don.ld
512-12**

CERTIFICATION OF NON-FOREIGN STATUS

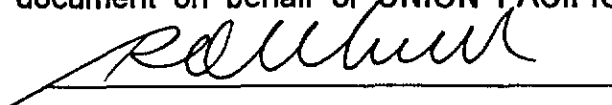
Under Section 1445(e) of the Internal Revenue Code, a corporation, partnership, trust, or estate must withhold tax with respect to certain transfers of property if a holder of an interest in the entity is a foreign person. To inform the transferee that no withholding is required with respect to UNION PACIFIC RAILROAD COMPANY's interest in it, the undersigned hereby certifies the following on behalf of UNION PACIFIC RAILROAD COMPANY:

1. UNION PACIFIC RAILROAD COMPANY is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. UNION PACIFIC RAILROAD COMPANY's U.S. employer identification number is 13-6400825; and
3. UNION PACIFIC RAILROAD COMPANY's office address is 1416 Dodge Street, Omaha, Nebraska 68179-1100, and state of incorporation is Utah.

UNION PACIFIC RAILROAD COMPANY agrees to inform the transferee if it becomes a foreign person at any time during the three year period immediately following the date of this notice.

UNION PACIFIC RAILROAD COMPANY understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of UNION PACIFIC RAILROAD COMPANY.



Title: Assistant Vice President

Date: 1/9/96

EXHIBIT C

618-07

WATER RIGHTS QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY, a Utah corporation, Grantor (successor in interest by merger with the Oregon Short Line Railroad Company), in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto J.R. SIMPLOT COMPANY, a Nevada corporation, Grantee, whose address is P.O. Box 27, Boise, Idaho 83707-0027, all of Grantor's right, title and interest in and to Water Right No. A29-2020 amounting to 3.0 cfs and Water Right No. A29-2225, amounting to 3.5 cfs, as such water rights are filed by Grantor with the State of Idaho Department of Water Resources, with such water rights appurtenant to the SE1/4 of the NE1/4 of Section 7, Township 6 South, Range 34 East, B.M., Bannock and Power Counties, Idaho.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD the aforesaid water rights unto the Grantee and its successors and assigns.

The Grantor, Federal ID No. 13-6400825, is not a foreign corporation and withholding of Federal Income Tax from the amount realized will not be made by the Grantee. A Certification prepared in conformance with IRS regulations under Section 1445 of the Internal Revenue Code is attached as Exhibit A.

IN WITNESS WHEREOF, the Grantor has duly executed this Quitclaim Deed this 29 day of Nov, 1995

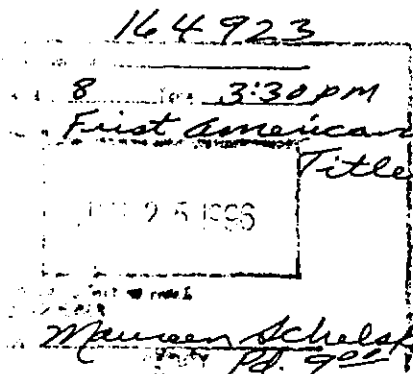
Attest:

R. C. Longman
Assistant Secretary

UNION PACIFIC RAILROAD COMPANY

By *[Signature]*
Title: Assistant Vice President

(Seal)



STATE OF IDAHO }
COUNTY OF POWER } SS.

I hereby certify that the foregoing instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court, of the Sixth Judicial District of Idaho, for Power County.

CAROL SCHREIBER

By *Margaret Scholatz*
DEPUTY CLERK

ACKNOWLEDGEMENT

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On 11/29, 1995, before me, ROBERT E. ANDERSON,
a Notary Public in and for said County and State, personally appeared

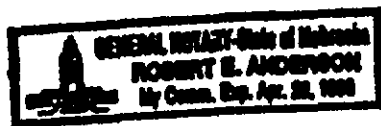
R. D. Ulrich and R. C. INGRAM

who are the Asst. Vice President and
the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Utah
corporation, and who are personally known to me (or proved to me on the basis of
satisfactory evidence) to be the persons whose names are subscribed to in the within
instrument, and acknowledged to me that they executed the same in their authorized
capacities, and that by their signatures on the instrument the persons, or the entity
upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Robert E. Anderson
Notary Public

(Seal)





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

June 26, 1995

KARL J. DREHER
DIRECTOR

M B STEVENSON
UNION PACIFIC RAILROAD CO
CONTRACTS AND REAL ESTATE DEPT
1416 DODGE ST RM 1100
OMAHA NE 68179

RE: Snake River Basin Adjudication (SRBA)
Power and Bannock Counties
Notices of Claim #A29-02020, A29-02225 and
A29-04334

Dear Mr. Stevenson:

Thank you for your letter of May 26, 1995. We have corrected the data entry on claim A29-02020 to show Power County as the county for the point of diversion. We have also modified the data base so the priority dates of claims A29-02020 and A29-02225 match the licensed priority dates for these rights as you acknowledged in your letter of February 16, 1995. Corrected copies of each claim are enclosed.

We will not take any action on claim A29-04334 until we hear from you concerning the possibility of amending the claim. If you have any questions, I may be contacted at 800-451-4129 or 208/327-7939.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:ss:region
Enclosures:

Copies of Claims A29-02020 & A29-02225

MICROFILMED
NOV 14 1996

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT



R.D. UHRICH
ASSISTANT VICE PRESIDENT

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-3753
FAX (402) 271-5493

J. A. ANTHONY
DIRECTOR-CONTRACTS &
JOINT FACILITIES
D. D. BROWN
DIRECTOR-REAL ESTATE
J. L. HAWKINS
DIRECTOR-OPERATIONS SUPPORT
D. H. LIGHTWINE
DIRECTOR-REAL ESTATE
W. R. ULRICH
DIRECTOR-BUILDING SERVICES

May 26, 1995

Drainage & Waterways: Idaho
Water Source

RECEIVED

JUN 05 1995

Department of Water Resources

Mr. Carter Fridschle
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RE: Snake River Basin Adjudication Bannock County (Batise Springs)
Claims A29-02020, A29-02225 and A29-04334

Dear Fridschle:

Please refer to your letter of January 25, 1995 and my letter of February 16, 1995, regarding the above water right claims.

I noticed that your records indicate that the point of diversion of Water Right No. A29-02020 was listed in Power County, however, this should be amended to show Power County in lieu of Caribou County. Please adjust your records accordingly.

If I can be of further assistance to you, please contact me at (402) 271-2332.

Sincerely yours,


M. B. STEVENSON
Manager - Real Estate

MICROFILMED
NOV 14 1996

UNION PACIFIC RAILROAD COMPANY
CONTRACTS & REAL ESTATE DEPARTMENT

R.D. UHRICH
ASSISTANT VICE PRESIDENT

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-3753
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J. A. ANTHONY
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J. L. HAWKINS
DIRECTOR-OPERATIONS SUPPORT
D. H. LIGHTWINE
DIRECTOR-REAL ESTATE
W. R. ULRICH
DIRECTOR-BUILDING SERVICES

February 16, 1995

Drainage & Waterways: Idaho
Water Source

Mr. Carter Fridschle
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED

FEB 27 1995

Department of Water Resources

RE: Snake River Basin Adjudication Bannock County (Batise Springs)
Claims A29-02020, A29-02225 and A29-04334

Dear Mr. Fridschle:

Thank you for your letter of January 25, 1995, regarding the above water right claims.

As information with regard to Water Claims A29-02020 and A29-02225, there were several dates in our files and I had used the original filing date as the basis for the priority date. Upon further review of the situation I am agreeable to the "Licensed" priority dates indicated in your letter as the basis for the priority dates, as follows: A29-02020 - August 8, 1904, A29-02225 - March 10, 1920. I trust that you will amend our "Notice of Water Claim" for A29-02020 and A29-02225 accordingly. Please advise if anything further is needed from Union Pacific to effect these amendments.

We are still reviewing the possibility of amending A29-04334, as set forth in your letter.

If I can be of further assistance to you, please contact me at (402) 271-2332.

Sincerely yours,

M. B. STEVENSON
Manager - Real Estate

MICROFILMED
NOV 14 1996



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

R. KEITH HIGGINSON
DIRECTOR

January 25, 1995

M B STEVENSON
UNION PACIFIC RAILROAD CO
CONTRACTS AND REAL ESTATE DEPT
1416 DODGE ST ROOM 1100
OMAHA NE 68179

RE: Snake River Basin Adjudication (SRBA)
Bannock County - Claims A29-02020, A29-02225 and A29-04334

Dear Mr. Stevenson:

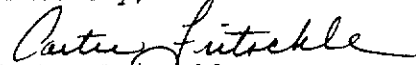
Please find enclosed Receipt No. C032004 in the amount of \$862.50 for the filing fees and late fees for claims A29-02020 and A29-02225. Also enclosed are computer-generated copies of these claims for your review.

Please note that we entered Bannock County as the place of use county and "License" as the basis of claim. The priority dates listed on your claims, June 25, 1902 for A29-02020 and March 10, 1913 for A29-02225, were entered on our data base; however, the licensed priority dates are August 8, 1904 for 29-02020 and March 10, 1920 for 29-02225. If your company wishes to pursue the earlier priority dates for these water rights, we will need additional evidence of priority.

Along these lines, I have researched our records to see if we have any evidence of the earlier use; however, I was not able to find any. I did find that on July 30, 1930 the system was producing 3060 gpm, which is approximately 6.82 cfs. It may be possible to amend Claim A29-04334 to 0.32 cfs with a priority date of July 30, 1930, assuming that the system can still produce this amount of water.

Please let me know if any changes to these claims are necessary, or if you wish to amend Claim A29-04334. If you wish to submit evidence of the earlier priority dates, you may send it to me at this office within the next 30 days. After that, the claims will be sent to our Idaho Falls office for review and investigation. If you have any questions, you may contact me 1/208/327-7939 or leave a message for me at 1-800-451-4129.

Sincerely,


Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:ss:tf:region
Enclosures

Receipt No. C032004
Copies of Claims A29-02020 & A29-02225
Evidence of Priority Pamphlet

MICROFILMED

NOV 14 1996

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT

R.D. UHRICH
ASSISTANT VICE PRESIDENT

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-3753
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J. A. ANTHONY
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DIRECTOR-REAL ESTATE
J. L. HAWKINS
DIRECTOR-OPERATIONS SUPPORT
D. H. LIGHTWINE
DIRECTOR-REAL ESTATE
W. R. ULRICH
DIRECTOR-BUILDING SERVICES

January 12, 1994

Drainage & Waterways: Idaho
Water Source

RECEIVED

JAN 19 1995

Department of Water Resources

Mr. Carter Fridschle
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear Fridschle:

Upon review of our files regarding the Snake River Basin water rights adjudication, I found what seems to be an error in the filing for water rights owned by Union Pacific Railroad Company relating to its Batise Spring Water Rights in Pocatello, Bannock County, Idaho.

In an effort to remedy this situation, I thought I would share the following information, together with a method we can get matters back on track, and hopefully, clear up the records of both Union Pacific and the State of Idaho.

Our records show that Union Pacific Railroad Company (formerly Oregon Short Line Railroad) acquired two (2) rights to water from Batise Spring as follows:

1. Water Right 29-2020, 3.0 CFS, filed for on June 25, 1902; and,
2. Water Right 29-2225, 3.5 CFS, filed for on March 10, 1920.

On February 13, 1990, in line with the Snake River Basin adjudication, Union Pacific filed a Notice to Claim to a Water Right, Claim No. 29-4334, for 1.48 CFS. It is our belief that this Notice should have been for Claim No. 29-2020. It appears that possibly the new number of 29-4334 was assigned due to the inadvertent misstatement by Union Pacific of the quantity of water claimed of 1.48 CFS, in lieu of the 3.0 CFS originally granted by the State of Idaho, therefore, in actuality, we believe Claim 23-4334 has no substance and does not exist.

To set the records straight, enclosed herewith, is an amended Notice of Claim to a Water Right, for Water Right 29-2020, which is to supersede the Notice sent on February 13, 1990 for Water Right 29-4334.

In addition, I am also enclosing a new Notice of Claim to a Water Right for Water Right No. 29-2225 which had inadvertently been overlooked by Union Pacific when filing for water rights in connection with the Snake River Basin adjudication.

To cover the filing costs of the two (2) Notices of Claims, including late fees, enclosed is Union Pacific's Voucher No. 1273, in the amount of \$862.50 made payable to the Idaho Department of Water Resources.

MICROFILMED

NOV 14 1996

RECEIVED

JAN 19 1995

Department of Motor Vehicles

If I can be of further assistance to you, please contact me at (402)
271-2332.

Sincerely yours,


M. B. STEVENSON
Manager - Real Estate

MICROFILMED

NOV 14 1996

10/26/1994

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Union Pacific R.R. CLAIM IDENT. NO. A29-02020DATE RECEIVED 1-19-95 RECEIPT # 2032004 AMOUNT \$ 862.50

- | | YES | NO | COMMENT |
|--|----------|----------|---|
| 1. Is the name and address complete with zip code? | <u>X</u> | | |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | | <u>2 Claims + Late fees of 15% each</u> |
| 3. (a) Is a source entered? | <u>X</u> | | |
| (b) Is a tributary to entered? (if required) | <u>X</u> | | <u>N/A</u> |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | | |
| 5. Is there a description of the diverting works? | <u>X</u> | | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | | <u>Change to municipal for part</u> |
| Is the period of use included? | <u>X</u> | | |
| Is a quantity claimed for each use? | <u>X</u> | | |
| 7. Is a total quantity claimed entered? | <u>X</u> | | |
| 8. If required is a consumptive use entered? | | <u>X</u> | |
| Is the consumptive use correct? | | <u>X</u> | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | | <u>X</u> | <u>in comments</u> |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | | |
| 11. Is (are) the county(ies) entered? | <u>X</u> | | <u>Should be changed</u> |
| 12. Is the ownership of p.u. checked? | <u>X</u> | | |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | | <u>None, but 29-02225 is used at same place</u> |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | <u>X</u> | | |
| 15. Is the basis of the claim indicated? | <u>X</u> | | <u>listed as EU but increased</u> |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | | <u>X</u> | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | | |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | | |
| 19. Was this claim filed on time, or was an extension granted? | | <u>X</u> | <u>but fee paid</u> |
| 20. Is the fee enclosed correct? | <u>X</u> | | |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>X</u> | | |
| 22. Should this claim be data entered? | <u>X</u> | | |

Claim checked by: RA Date: 1-20-95Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: X (Yes) (No)Receipt Prepared by: Ruby Date: 1-19-95
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____Checked by: MICHOFF MED 95Comments: Licensed as 8-8-1904 Flag "C"

NOV 14 1995