

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>3-10196</u>	<u>A03-10196</u>	<u>Yes</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

(Please see Exhibit A attached hereto for a summary of deeds)

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):

PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Paul E. McCabe and Peter J. McCabe
Paul: 5945 Whitley Drive, Fruitland, ID 83619
Peter: 5951 Whitley Drive, Fruitland, ID 83619
4. New Owner/Claimant(s) J. R. Simplot Company
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 27
- City, State and ZIP Code Boise, ID 83707
- New Telephone Number 208) 336-2110
5. Date you acquired the property June 29, 1990

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>3-10196</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.80 cfs</u>	<u>40 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.80 cfs/ 40 acres within the NWNW Sec. 9 T7N, R5W, B.M.</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A03-10196</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.80 cfs</u>	<u>40 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.80 cfs/ 40 acres within the NWNW of Sec. 9 T7N, R5W, B.M.</u>	

7. Signature of New Owner(s) or Claimant(s) By: J. R. Simplet Company
(include title if applicable) Terry T. Uhling, Senior Vice President, Secretary and General Counsel

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

Exhibit A

(Summary of Deeds Attached to Notice of Change of Water Right Ownership for
Simplot's Portion of SRBA Claim No. 03-10396)

- a. Warranty Deed recorded in the official real property records of Payette County on June 29, 1990 as instrument no. 231012. In this deed Peter J. McCabe and Beverly J. McCabe convey the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 Township 7 North, Range 5 West to Danny M. Cafferty together with all water rights.
- b. Warranty Deed recorded in the official real property records of Payette County on June 29, 1990 as instrument no. 231015. In this deed, Danny M. Cafferty convey the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 Township 7 North, Range 5 West to J. R. Simplot Company.

231015

WARRANTY DEED

GRANTOR, DANNY M. CAFFERTY, a married individual conveying his sole and separate property, of the County of Ada, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto J. R. SIMPLOT COMPANY, a Nevada corporation, whose address is P.O. Box 27, Boise, Ada County, Idaho 83707, as GRANTEE, and to Grantee's successors and assigns forever, all of that certain real property located in Payette County, Idaho, described as follows:

In Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho:

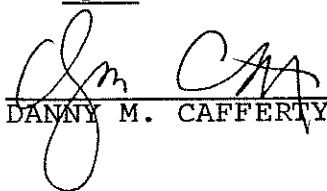
In Section 9: NW1/4NW1/4.

Together with all improvements, water rights, ditch rights, easements, hereditaments and appurtenances and any and all additional rights, free and clear of all encumbrances, EXCEPT the lien for real property taxes for the year 1990; and SUBJECT TO an Oil and Gas Lease recorded as Instrument No. 195323, Ratification thereof recorded as Instrument No. 195324, and Assignment thereof recorded as Instrument No. 217510, and restrictions of record, all as contained in the Official Records of Payette County, Idaho.

Grantor, for himself, his heirs and assigns, does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee and its successors and assigns forever against the lawful claims of all persons.

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

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 28th day of June, 1990.

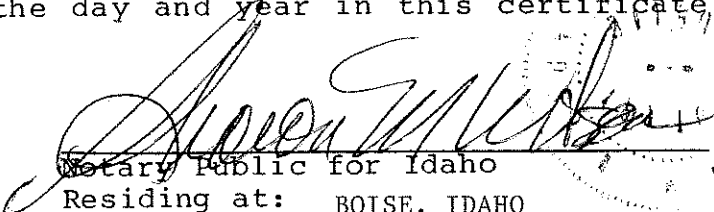

DANNY M. CAFFERTY

STATE OF IDAHO)
) ss.
County of Ada)

231015

On this 28th day of June, 1990, before me, a Notary Public in and for said State, personally appeared DANNY M. CAFFERTY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same.

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


Notary Public for Idaho

Residing at: BOISE, IDAHO

My Commission Expires: 5/13/1994

3917v/06-25-90/11:34

231015

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

FIRST AMERICAN TITLE CO.

June 29, 1990 @ 11:44 A.M. in Book 48 of Deeds @ Pg. 231015.

Laura L. Stigle, Ex-Officio Recorder by Colleen Pepple, Deputy

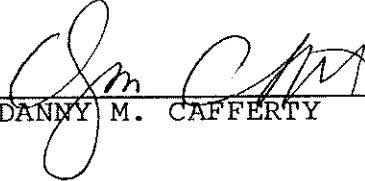
Fee: \$ 6.00

231016

ASSIGNMENT OF OIL AND GAS LEASE

For good and valuable consideration, the receipt and sufficiency which is hereby acknowledged, DANNY M. CAFFERTY, a married person conveying his sole and separate property ("Assignor"), hereby assigns and conveys all of his right, title and interest in and to that certain Oil and Gas Lease with Skyline Oil Company recorded August 16, 1982, as Instrument No. 195323, the Ratification thereof recorded August 16, 1982, as Instrument No. 195324, and the Assignment thereof recorded February 23, 1987, as Instrument No. 217510, official records of Payette County, Idaho, to J. R. SIMPLOT COMPANY, a Nevada corporation ("Assignee").

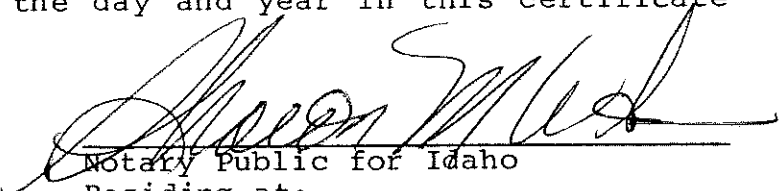
Dated this 28th day of June, 1990.


DANNY M. CAFFERTY

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of June, 1990, before me, a Notary Public in and for said State, personally appeared DANNY M. CAFFERTY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same.

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


Notary Public for Idaho

Residing at: BOISE, IDAHO

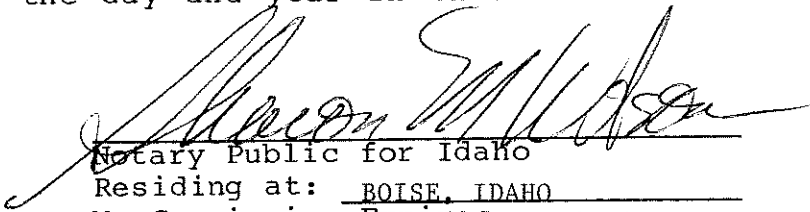
My Commission Expires: 4/13/1994

231016

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of June, 1990, before me, a Notary Public in and for said State, personally appeared DANNY M. CAFFERTY, known to me to be the pterson that executed the foregoing instrument, and acknowledged to me that said person executed the same.

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


Notary Public for Idaho

Residing at: BOISE, IDAHO

My Commission Expires: 5/13/1994

3918v/06-25-90/10:53

231016

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

FIRST AMERICAN TITLE CO.

June 29, 1990 @ 11:46 AM, in Book 21 of Misc. Records @ Pg. 231016.

Laura L. Stigile, Ex-Officio Recorder by L. Della Poppe Deputy

Fee: \$ 6.00

~~WARRANTY DEED~~
WARRANTY DEED

GRANTORS, PETER J. McCABE and BEVERLY J. McCABE, husband and wife, and PAUL E. McCABE, a single person, of the County of Payette, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto DANNY M. CAFFERTY, individually, as his sole and separate property, whose address is 410 S. Orchard, Suite 176, Boise, Ada County, Idaho 83705, as GRANTEE, and to Grantee's heirs, successors and assigns forever, all of that certain real property located in Payette County, Idaho, described as follows:

In Township 7 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 9: NW1/4NW1/4.

Together with all improvements, water rights, ditch rights, easements, hereditaments and appurtenances, and any and all additional rights, free and clear of all encumbrances, EXCEPT the lien for real property taxes for the year 1990; and SUBJECT TO an Oil and Gas Lease recorded as Instrument No. 195323, Ratification thereof recorded as Instrument No. 195324, and Assignment thereof recorded as Instrument No. 217510, Official Records of Payette County.

For a period of ten years from the date of this Deed, no residential structure shall be erected or placed on the real property conveyed by this instrument, it being Grantors' intention that this restriction shall be enforceable by Peter J. McCabe, Beverly J. McCabe or Paul E. McCabe.

Grantors, for themselves, their heirs and assigns, do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee and his heirs, successors and assigns forever against the lawful claims of all persons.

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

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 28th day of June, 1990.

Peter J. McCabe
PETER J. McCABE

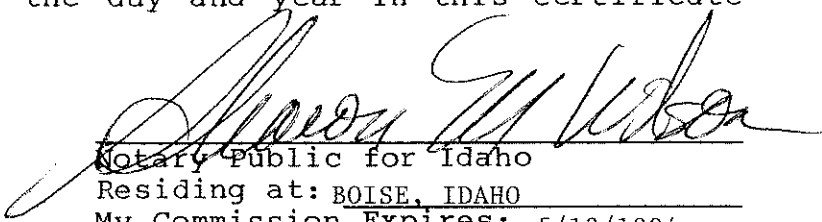
Beverly J. McCabe
BEVERLY J. McCABE

Paul E. McCabe
PAUL E. McCABE, a single person

STATE OF IDAHO)
) ss.
 County of Ada)

On this 28th day of June, 1990, before me, a Notary Public in and for said State, personally appeared PETER J. McCABE and BEVERLY J. McCABE, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

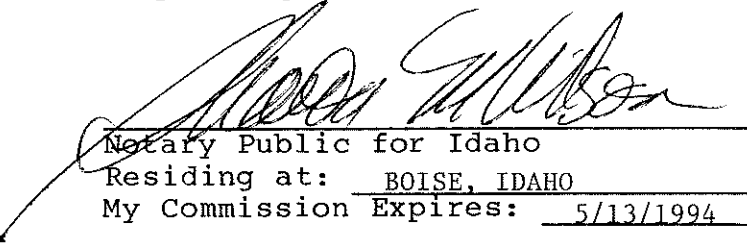
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


 Notary Public for Idaho
 Residing at: BOISE, IDAHO
 My Commission Expires: 5/13/1994

STATE OF IDAHO)
) ss.
 County of Ada)

On this 28th day of June, 1990, before me, a Notary Public in and for said State, personally appeared PAUL E. McCABE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same.

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


 Notary Public for Idaho
 Residing at: BOISE, IDAHO
 My Commission Expires: 5/13/1994

3914v/06-25-90/11:30

231012

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of **FIRST AMERICAN TITLE CO.**

June 29 1990 @ 11:38 A.M. in Book 48 of Deeds @ Pg. 231012.

Laura L. Stigile, Ex-Officio Recorder by Chella Pepple Deputy

Fee: \$ 6.00