



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 30, 2006

Vic Conrad
JR Simplot
PO Box 27
Boise, ID 83707

REF: Snake River Basin Adjudication (SRBA)
Claim 24-4017

Subject: Evidence of Priority
NOE Reply

Dear Mr. Conrad,

After further review of your documents submitted as proof of priority for 24-4017 I have concluded that they have nothing to do with the diversion of Sage Creek claimed under this statutory claim. Evidence to support the priority date is still required.

The documents you submitted "in support of Bagley's Homestead Entry and the testimony of Heggie" DOES NOT support any diversion from Sage Creek. Unless you are stating that Cyrenus J and William Bagley's **intent** to develop and divert water from Crow Creek and Rock Creek never occurred?

Also your reference to the "Hall Ditch" is unsupported. G. Raymond Hall homesteaded all of the land is section 16 and the E1/2NW1/4 and E1/2SW1/4 of section 15 in December of 1937 (maybe 1932) but from your statement the water won't run uphill. Mr. Beyler's 1926 affidavit stated that "no water can be conducted upon any part of this tract" from Sage Creek or Crow Creek. Mr. Hall's testimony confirms that in 1915. In Mr. Beyler's 1956 affidavit that he acquired the Green's ranch that irrigated approximately 30 acres and in 1932 he diverted Sage Creek onto another 20 acres doesn't fall within the same place of use claimed under 24-4017. There are no documents to support your assertion that Bagley is a predecessor in the land interest later acquired by George Raymond Hall. Even if he did acquire some of the Bagley property we don't have any evidence that the Bagley's ever diverted water from Sage Creek on to their ground. Mr Beyler's property may have had some Sage Creek water but it's different property than what is claimed under the Hartman Ranch.

You referenced a ditch coming from Sage Creek in the October 1964 black and white photo during our discussion on the 23rd. After closer review of the photograph I can see a ditch coming from Sage Creek unto Mr. Green and Mr. Beyler's property. But the ditch appears to stop there and so does the cultivated land.

Therefore without further evidence to support the claim on 24-4017 the preliminary recommendation will stand for the director's report. You will have an opportunity to object to the recommendation and provide your documents to the SRBA court at that time. If you have any questions please don't hesitate to give me a call at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CC: Nicholas Spencer, Attorney for IDWR
Ray Williams, Paralegal for IDWR.

Enclosure(s):

09/13/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 16, 2006

Water Right Number: **24-4015**

J. R. Simplot Company

PO Box 27

Boise, ID 83707; Telephone Number: **208-336-2110**

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The water right holder disagrees with the IDWR's disallowal of the water right. This is a valid water right. The water right should be recommended with the elements described on the attached Revised Preliminary Recommendation.

2. Describe the changes you wish to make in the proposed recommendation:

The proposed changes are shown on the attached Revised Preliminary Recommendation.

3. Give a brief explanation as to why you disagree with these portions:

As evidence in support of the priority date claimed, attached is a copy of the Notice of Water Right dated January 26, 1903. Said Notice describes the dimension and location of the ditch that is used to transport water diverted from the point of diversion from Crow Creek pursuant to water right number 24-4015. This Notice states, "The said ditch has been completed for a period of seven years and has been used each and every season for that period."

In support of the changes to the water right elements shown on the attached Revised Preliminary Recommendation, enclosed is a copy of the IDWR's approval to water right transfer no. 5053. The water right elements as described on the attached Revised Preliminary Recommendation were described on the attached transfer and approved by the IDWR on October 10, 1997.

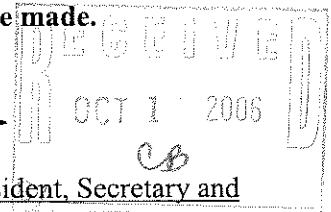
_____ I AGREE with this proposed recommendation; no changes need to be made.

J. R. Simplot Company

DATE: Oct. 11, 2006

SIGNATURE: By: _____

Please print your name: Terry T. Uhling, Senior Vice President, Secretary and General Counsel



COMPLETED
NOV 10 2006

Entry No. 3

Sheet No. 3

Cyrenus J. Bagley and William Bagley,

NOTICE OF WATER RIGHT.

Dated: January 26, 1903.

Claimants,

To:

Recorded: Book 1 of Water Locations, page 134. Transcribed from Book 2 of Water Locations, page 200, records of Bannock County.

Whom It May Concern.

STATE OF IDAHO,)
)SS.
COUNTY OF BEAR LAKE,)

To All concerned. Notice is hereby given:

1st. That Cyrenus J. Bagley and William Bagley of Fairview, Wyoming hereby claim the use of the waters of Crow Creek to the extent of two hundred and fifty miners inches per second of time.

2nd. It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows, to-wit: At a point near the North East corner of the North West Quarter of the North West Quarter of Section 21 in Township nine South of Range 46 East of the Boise Meridian.

3rd. The purpose for which said water is intended to be used is irrigation and domestic.

4th. It is intended to divert said water by means of a ditch six feet wide and eighteen inches deep and other lateral ditches to convey the water to various places on the land to be irrigated. The general course of the ditch is North-Easterly in direction. The length of the ditch is two hundred and forty rods. The said ditch has been completed for a period of seven years and has been used each and every season for that period. It is intended to use said water for the irrigation of the following described lands to-wit: S.E.1/4 N.W.1/4, E.1/2 S.W.1/4, N.W.1/4 S.E.1/4 Sec. 21 in Township 9 S. R. 46 E.B.M. The S.1/2 N.W.1/4 N.E.1/4 S.E.1/4 Sec. 21 S.W.1/4 N.W.1/4 of Sec. 22 in Twp. S.R. 46 E.B.M. 3264

Witness our hands at Paris, Idaho this 26th day of January A.D. 1903.

Witness:

William J. Jensen.

Cyrenus J. Bagley
William Bagley

ACKNOWLEDGED: In the State of Wyoming, County of Uinta on the 29th day of January, 1903 by Cyrenus Bagley and William Bagley before William J. Jensen, a Notary Public. Commission expires December 6, 1904. SEAL.

-REVISED-

09/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-4015
NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

~~Disallowed~~

SOURCE: CROW CREEK
QUANTITY: 5.000 CFS
PRIORITY DATE: 01/26/1903

TRIBUTARY: SALT RIVER

POINT OF DIVERSION:
T09S R46E S22 SENENW Within CARIBOU County
T09S R46E S22 SWSWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/01 11/01	4.54 cfs
	Recreation	4/01 11/01	5.000 cfs
PLACE OF USE:	IRRIGATION Within CARIBOU County		0.46 cfs
	T09S R46E S15	SESW 15.00	T09S R46E S15 NWSE 17.00
	T09S R46E S15	SWSE 35.00	T09S R46E S22 NWNE 19.00
	T09S R46E S22	NENW 22.00	T09S R46E S22 NWNW 17.00
	T09S R46E S22	SWNW 20.00	

~~156~~ ACRES TOTAL
142

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

~~No beneficial use found.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~No beneficial use found. This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5053
WATER RIGHT NO. 24-04015

This is to certify that: **HARTMAN RANCH LLC**
PO BOX 25177
JACKSON WY 83001

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>
IRRIGATION	04/15 to 10/15	4.54 CFS	497.0 AF
RECREATION	04/15 to 10/15	0.46 CFS	31.5 AF
Totals		*5.00 CFS	528.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
CROW CREEK	SALT RIVER

Priority: 01/26/1903

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 22, Township 09S, Range 46E
SWNW , Sec. 22, Township 09S, Range 46E
CARIBOU 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>
09S	46E	15	SESW 15	NWSE 17	SWSE 35	67
		22	NWNE 19	NENW 19	NWNW 17	
			SWNW 20			75
Total number of acres irrigated:						142

PLACE OF USE: RECREATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
09S	46E	22
		NENW

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

SCANNED

MAY 16 2003

MICROFILMED

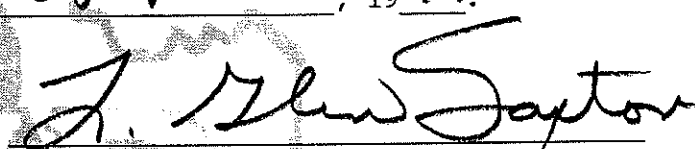
OCT 22 1997

TRANSFER NO. 5053
WATER RIGHT NO. 24-04015

CONDITIONS OF APPROVAL AND REMARKS

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. 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.
- *6. The total instantaneous diversion of water from all points of diversion under Transfer No. 5053 shall not exceed 5.00 cfs, nor total combined annual volume of 528.5 af at the field headgate.
7. Approval of Transfer No. 5053 does not confirm claimed Right No. 24-04015.

Dated this 10th day of October, 1997.


Chief, Water Allocation Bureau

MICROFILMED
OCT 22 1997

Notes

9/12/06 Disallowed for lack of evidence of priority. Aaron Solent

10/4/06 I spoke with Vic Conrad and he's going to try and get Jed (operator Ranch) and Vic to meet in my office to discuss what is suggested by what source.

Otherwise, we will try to meet the 23rd with Nick Spencer & Ray Williams in Boise on the 23rd

10/5/06 The legal description under the posted notice for the POD. Can't work. Crow Creek isn't in the NWNW of sec. 21, and can't run in a NE'ly direction. It probably should have been NWNW of sec. 28.

Notes

May 31, 2006

Sent letter for ownership change. Se

6-12-06 8:30 AM Vic Conrad called about our letter requesting an ownership change. They closed 2/1 on this but it's under a 1031 tax deferred Exchange. Title One Exchange Co hold it for 6 mos. and then 8/1 will transfer to J.R. Simplot.

- They can either do an ownership change to the Exchange Co.

- or have the Exchange Co write a letter to put it in J.R. Simplot.

- My concern is if we put it in the Exchange Co. we will be sending the NOF & PDR to the Exchange and J.R. Simplot for review.

- Send Nick Spencer an email asking him how we handle a 1031 tax deferred Exchange.

- Vic also said they have the information for evidence and will be sending it this week.

6/13/06. received Warranty deed. ownership change to Simplot. Vic Conrad will have Title One Exchange sign an ownership change form.

6/19/06 Tate Larry called to see if the water rights (A.T. claims) have been proven up or yet. Because they (Simplot) have held back part of the funds in closing until the claims have been completed.

CB

Notes

- 11-23-05 Prepared receipt & deposited funds CB
- 11-28-05 Amended claim on internet. BT
- 11-28-05 Copy of DOJ analysis in file PB
- 1-5-06 Left message for Kent Foster to get missing info. BT
- 1-9-06 Phone conversation w/ Mark Michael. See memo. BT
- 1-25-06 Vic Conrad called and talked with Barbara wanting to know if we had made a discussion yet on the priority date. CB
- 1-26-06 We have a retmeeting scheduled for 1-27-06 with Nick, & Ray Williams from the Attorney General's office.
- 4-6-06 - Sent Vic Conrad a reminder - that we need evidence.
- 4-10-06 1:40pm I spoke with Vic Conrad and he said friday he ordered the patent information and it will take them about 3 wks to get it to him: at that time he will review with me what he has to see if it is adequate. CB
- He got a 1964 photo that clearly shows the ditch. Vic was talking about 24-4015 but referred to Sage crk. So, I don't know if he meant Sage crk (24-4017) or 24-4015 (Crow crk)?

Notes

7/29/05 4:10pm Mr. Hartman called. It sounds like he is going to hire an attorney. (See conversation memo in 24-4016)

If we have an attorney call on Mr. Hartman's behalf & Please refer him to Rick Spencer at 208-287-4813. Rick is the attorney for this basin.

4:29pm I sent an email to Rick Spencer Barbara Payne & Pauline for a heads up on an attorney calling. CB

10-5-05 Kent Foster, attorney for Hartman Ranch called and said he is working on locating evidence but he may not have it by the 13th PB

10-6-05 Posted Notices in the W/R files.

10-7-05 Copies of the posted notices added to files.

11- -05 Terriane

11-3-05 Letter to ~~Department~~ re claim email. RSP

11-21-05 Received \$32,00 money order from claimant. RSP

11-23-05 Added timeline, in 1903 claim was for irrigation & domestic, in 1997 they transferred water & changed use to irrigation & recreation. PB

Notes

- 10-20-04 Assessors Office. } Good per
PO Box 15 } Mr. Clemo
Fairview, WY 83117 }
- 5-26-05 Put a copy of the plat, topo + ortho maps
in the file. PB
- 19 July 05 307 739 2224 8:30 PM This is a FAX number
- 20 July 05 307 739 2224 9:00 AM Fax # is daytime also Bae
- 22 July 05 Met w/ operator @ ranch -
Hartmann's → 805-642-0121 Walter Hartman.
- 23 July 05 Field inspection w/ ranch manager Monte
Clemo. Mr. Clemo's phone number is 208 225
9353. Bae
- 9-12-05 Amended claim & Change in address. B-P
- 9/20/05 Tate Jarry called (307) 734-6100, from a
property to that is selling this property. CB
TS053, recreational Pond, as I explained to
Tate if I don't have the proper documents to
support these rights; no recommendation,
no transfer, NO Ponds. CB.
- 9-22-05 Sent evidence of priority letter to claimant
with CC: to Tate Jarry PB
- 9/27/05 PM. Tate called and wanted to know how
firm the Oct. 13th date is. I explained to
him that when we submit our report this
year and I don't have any evidence the claim
will be disallowed CB.
- 9/29/05 1:33pm Monty, Ranch foreman, called.
to find out what type of information is needed
for evidence of priority. CB

OK
JC
8/18/06

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
24-4015	A24-4015	☐			☐
24-4016	A24-4016	☐			☐
24-4017	A24-4017	☐			☐
	A24-10689	☐			☐
		☐			☐

Ownership
Change
Needed
check
A24-4015

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**.

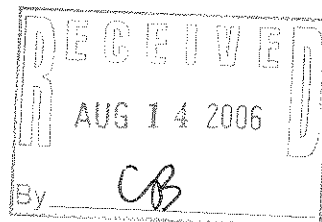
Please See the Attached Warranty Deed

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) TitleOne Exchange Company
1101 West River Street, Ste. 201, Boise, ID 83707
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 July 26, 2006



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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) By: J. R. Simplot Company ✓
(include title if applicable) Gray Young, Associate General Counsel and Assistant Secretary

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 _____

THIS INSTRUMENT FILED FOR RECORD
BY ALLIANCE TITLE & ESCROW CO. AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS TO
ITS EFFECT UPON THE TITLE.

WARRANTY DEED

FOR VALUE RECEIVED,

TitleOne Exchange Company, an Idaho corporation

The Grantor, does hereby grant, bargain sell and convey unto

J. R. Simplot Company, a Nevada Corporation

the Grantee, whose address is 999 Main Street, Suite 1300, Boise, Idaho 83702, the following described premises, in Caribou County, Idaho, TO WIT:

See Exhibit "A" for legal Description

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (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: July 25, 2006

TitleOne Exchange Company

By: [Signature]
Vice-President

Instrument # 176181

CARIBOU COUNTY

2006-07-26

12:57:22 No. of Pages: 2

Recorded for : ALLIANCE TITLE

EDIE BUSH

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

BA Straatman

STATE OF IDAHO)

County of Ada)

On this 25th day of July, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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

[Signature]
NOTARY PUBLIC for Idaho

Residing at: _____

My Commission Expires: _____

Residing at Meridian, Idaho
Commission Expires: 9/29/11

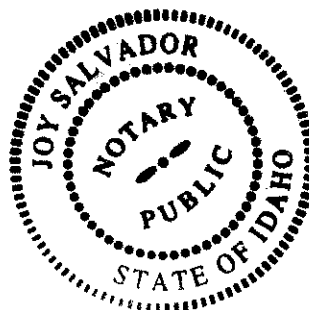


EXHIBIT "A"

Caribou County, Idaho: Township 9 South, Range 46 East of the Boise Meridian:

Section 3: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 4: S $\frac{1}{2}$.

Section 8: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 9: All.

Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.

Section 15: All.

Section 17: E $\frac{1}{2}$.

Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$.

Section 21: N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 22: All, EXCEPT THEREFROM, the SE $\frac{1}{4}$ SE $\frac{1}{4}$.

EXCEPT THEREFROM, A Tract of land in the E $\frac{1}{2}$ of Section 15, and that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township and Range, aforesaid, lying and being situate Southeasterly of the Crow Creek County Road and Northeasterly of the following described line:

Beginning at a point South 00°27'56" West, 486.84 feet from the Southeast Corner of said Section 15; thence North 41°02'13" West, 3147.44 feet to an intersection with the centerline of said County Road; and may be secondarily described as follows:

Beginning at the intersection of the East line of the NE $\frac{1}{4}$ of said Section 15 with the centerline of the Crow Creek County Road, South 00°03'00" West, 395.00 feet from the Northeast Corner of said Section 15; thence coursing said centerline as follows:

thence South 36°56'39" West, 23.35 feet to a spike at the beginning of a circular curve to the left; thence Southwesterly, 206.73 feet, along the arc of said curve through a central angle of 19°44'29" with a radius of 600.00 feet and a chord bearing South 26°04'24" West, 205.71 feet, to a spike at the end of said curve;

thence South 16°12'10" West, 231.45 feet to a spike at the beginning of a circular curve to the left; thence Southwesterly, 73.08 feet, along the arc of said curve through a central angle of 13°57'28" with a radius of 300.00 feet and a chord bearing South 09°13'26" West, 72.90 feet, to a spike at the end of said curve;

thence South 02°14'42" West, 183.53 feet to a spike at the beginning of a circular curve to the right; thence Southwesterly, 178.96 feet, along the arc of said curve through a central angle of 41°00'56" with a radius of 250.00 feet and a chord bearing South 22°45'10" West, 175.17 feet, to a spike at the end of said curve;

thence South 43°15'38" West, 1903.69 feet, to a spike at the beginning of a circular curve to the left; thence Southwesterly, 247.86 feet, along the arc of said curve through a central angle of 23°40'09" with a radius of 600.00 feet and a chord bearing South 31°25'34" West, 246.10 feet, to a spike at the end of said curve;

thence South 19°35'29" West, 237.26 feet to a spike at the beginning of a circular curve to the right; thence Southwesterly, 299.29 feet, along the arc of said curve through a central angle of 34°17'46" with a radius of 500.00 feet and a chord bearing South 36°44'22" West, 294.84 feet, to a spike at the end of said curve;

thence South 53°53'15" West, 185.16 feet to a spike, and leave said centerline;

thence South 41°02'13" East, 3147.44 feet to a point on the East line of the NE $\frac{1}{4}$ of said Section 22;

thence North 00°27'56" East, 486.84 feet, along said East line to the Northeast Corner of said Section 22;

thence North 00°27'59" East, 2630.83 feet, along the East line of the SE $\frac{1}{4}$ of said Section 15, to the Northeast Corner, thereof;

thence North 00°03'00" East, 2264.62 feet along the East line of the NE $\frac{1}{4}$ of said Section 15, to the spike of beginning.

ALSO, EXCEPT THEREFROM, any portion thereof lying within the right of way of County Roads.



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

August 10, 2006

Cindy Bird
Adjudication Bureau
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

Re: IDWR Water Right Nos. 24-4015, 24-4016, 24-4017 and 24-10689.

Dear Ms. Bird:

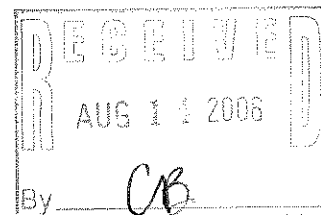
Enclosed for filing is a Notice of Change of Water Right Ownership for the above referenced water rights.

Sincerely,

Vic Conrad

Land, Water & Asset Recovery

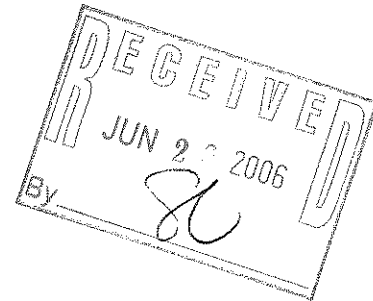
Enclosure





J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS



June 21, 2006

Sonja Christiansen
Adjudication Bureau
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

Re: IDWR Water Rights 24-4015, 24-4016, 24-4017, 24-10689.

Dear Ms. Christiansen:

As requested in your letter dated May 31, 2006 and as discussed recently with Cindy Bird, enclosed is a Notice of Change of Water Right Ownership for the above referenced water rights. These water rights were acquired by TitleOne Exchange Company as a qualified Accommodator for tax deferred treatment under IRS code section 1031. The J. R. Simplot Company will become the owner of record for these water rights and the related land to which they are appurtenant no later than August 1, 2006.

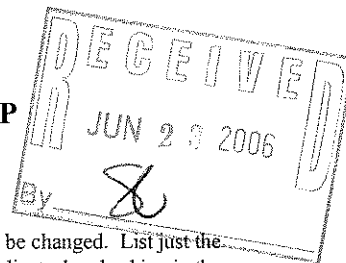
Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures

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>24-4015</u>	<u>A24-4015</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>24-4016</u>	<u>A24-4016</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>24-4017</u>	<u>A24-4017</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u>A24-10689</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </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**.

See Attached Warranty Deed

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) Walter E. Hartman and Sally J. Hartman, husband & wife and Glenn Hartman and Colette Hartman, husband & wife

PO Box 15 Fairview, WY 83119

4. New Owner/Claimant(s) TitleOne Exchange Company

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 1101 West River Street, Ste. 201

City, State and ZIP Code Boise, ID 83702

New Telephone Number (208) 424-8511

5. Date you acquired the property February 1, 2006

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) By: *Randy Rabehl*
(include title if applicable) TitleOne Exchange Company
Randy Rabehl, Vice President

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 _____

Instrument # 175025

2008-02-01 03:27:22 No. of Pages: 4

Recorded for : ALLIANCE TITLE

EDIE BUSH

Ex-Officio Recorder Deputy *BA Streetman* Fee: 12.00

Index to: WARRANTY DEED

WARRANTY DEED

Order No.: 3080540284KF

FOR VALUE RECEIVED

Walter E. Hartman and Sally J. Hartman, Husband and Wife, Glenn Hartman and Colette Hartman, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

TitleOne Exchange Company, an Idaho Corporation

whose current address is

1101 West River Street, Ste 201
Boise, ID 83702

the grantee(s), the following described premises, in Caribou County, Idaho, TO WIT:

Caribou County, Idaho: Township 9 South, Range 46 East of the Boise Meridian:

Section 3: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 4: S $\frac{1}{4}$.

Section 8: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 9: All.

Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ N $\frac{1}{4}$, S $\frac{1}{4}$.

Section 15: All.

Section 17: E $\frac{1}{4}$.

Section 20: E $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 21: N $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 22: All, EXCEPT THEREFROM, the SE $\frac{1}{4}$ SE $\frac{1}{4}$.

EXCEPT THEREFROM, A Tract of land in the E $\frac{1}{4}$ of Section 15, and that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township and Range, aforesaid, lying and being situate Southeasterly of the Crow Creek County Road and Northeasterly of the following described line:

Beginning at a point South 00°27'56" West, 486.84 feet from the Southeast Corner of said Section 15;

thence North 41°02'13" West, 3147.44 feet to an intersection with the centerline of said County Road; and may be secondarily described as follows:

Beginning at the intersection of the East line of the NE $\frac{1}{4}$ of said Section 15 with the centerline of the Crow Creek County Road, South 00°03'00" West, 395.00 feet from the Northeast Corner of said Section 15;

thence coursing said centerline as follows:

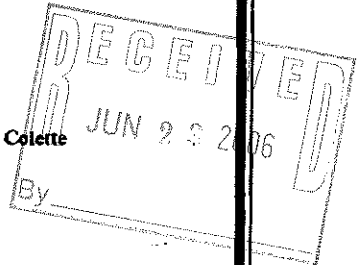
thence South 35°56'39" West, 23.35 feet to a spike at the beginning of a circular curve to the left; thence Southwesterly, 206.73 feet, along the arc of said curve through a central angle of 19°44'29" with a radius of 600.00 feet and a chord bearing South 26°04'24" West, 205.71 feet, to a spike at the end of said curve;

thence South 16°12'10" West, 231.45 feet to a spike at the beginning of a circular curve to the left; thence Southwesterly, 73.08 feet, along the arc of said curve through a central angle of 13°57'28" with a radius of 300.00 feet and a chord bearing South 09°13'26" West, 72.90 feet, to a spike at the end of said curve;

thence South 02°14'42" West, 183.53 feet to a spike at the beginning of a circular curve to the right; thence Southwesterly, 178.96 feet, along the arc of said curve through a central angle of 41°00'56" with a radius of 250.00 feet and a chord bearing South 22°45'10" West, 175.17 feet, to a spike at the end of said curve;

thence South 43°15'38" West, 1903.69 feet, to a spike at the beginning of a circular curve to the left; thence Southwesterly, 247.86 feet, along the arc of said curve through a central angle of 23°40'09" with a radius of 600.00 feet and a chord bearing South 31°25'34" West, 246.10 feet, to a spike at the end of said curve;

thence South 19°35'29" West, 237.26 feet to a spike at the beginning of a circular curve to the right; thence Southwesterly, 299.29 feet, along the arc of said curve through a central angle of 34°17'46" with a radius of 500.00 feet and a chord bearing South 36°44'22" West, 294.84 feet, to a spike at the end of said curve;



thence South 53°53'15" West, 185.16 feet to a spike, and leave said centerline;
thence South 41°02'13" East, 3147.44 feet to a point on the East line of the NE¼ of said Section 22;
thence North 00°27'56" East, 486.84 feet, along said East line to the Northeast Corner of said
Section 22;
thence North 00°27'59" East, 2630.83 feet, along the East line of the SE¼ of said Section 15, to the
Northeast Corner, thereof;
thence North 00°03'00" East, 2264.62 feet along the East line of the NE¼ of said Section 15, to the
spike of beginning.

ALSO, EXCEPT THEREFROM, any portion thereof lying within the right of way of County
Roads.

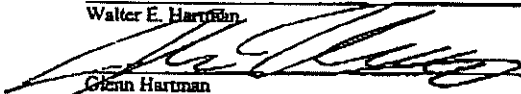
TOGETHER WITH, but without warranty, all water and water rights, ditches and ditch rights,
claims to water rights, and easements and rights-of-way for access thereto, with water-related
rights and claims include, but are not limited to, those matters set forth on Exhibit A, attached
hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in
fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions,
covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

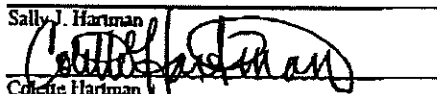
Dated: 1/31/2006

Walter E. Hartman



Glenn Hartman

Sally J. Hartman



Collette Hartman

State of _____ }
County of _____ } ss.

On this _____ day of _____, in the year 20____ before me, a Notary Public in and for said state,
personally appeared _____ known or identified to
me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____
executed the same.

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

Notary Public for the State of _____
Residing at: _____
Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SANTA BARBARA

} ss.

On 1.31.06

Date

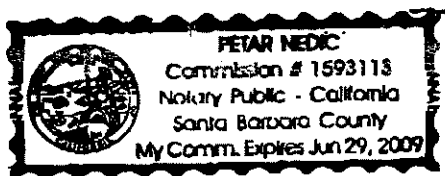
before me,

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

GUENN HARTMAN, COLLETT HARTMAN

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

 RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

 RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

Exhibit "A"
Water Rights List for the Hartman Ranch
Current as of January 27, 2006

Water Right No. /Claim No.	Priority	Source	Quantity	Stage
24-4015	January 26, 1903	Crow Creek	7.41 cfs	Statutory Beneficial Use Claim
24-4016	January 26, 1903	Rock Creek	4.72 cfs	Statutory Beneficial Use Claim
24-4017	September 18, 1888	Sage Creek	1.4 cfs	Statutory Beneficial Use Claim
24-10011	May 1, 1903	Unnamed Spring	0.03 cfs	Decreed
24-10012	May 1, 1903	Unnamed Spring	0.03 cfs	Decreed
24-10013	May 1, 1903	Unnamed Spring	0.06 cfs	Decreed
43-10689	January 26, 1903	Sage Creek	2.5 cfs	Statutory Beneficial Use Claim

Instrument # 175026

2008-02-01

03:30:45 No. of Pages: 3

Recorded for : ALLIANCE TITLE

EDIE BUSH

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

BA Shattman

WARRANTY DEED

Order No. 3080540284KF

FOR VALUE RECEIVED

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And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1/31/2006

Walter E. Hartman
Walter E. Hartman

Sally J. Hartman
Sally J. Hartman

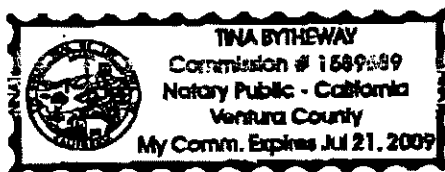
Glenn Hartman

Colette Hartman

State of California
County of Ventura

On this 31st day of January, in the year 2006, before me, a Notary Public in and for said state,
personally appeared Walter E. Hartman and Sally J. Hartman known or identified to
me to be the person whose name is subscribed to the within 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 first above written.



Tina Bytheway
Notary Public for the State of California
Residing at: Ventura
Commission Expires: 7/21/09