

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

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

24-405,406,407 1031 Tax referred Exchange.  
10689.

6/13/06. Ownership change. Hartman Ranch.

Do the ownership change into

Title One Exchange Co. and list J.R. Simplot  
Co as the present owner. This will allow  
them to get notification of all correspondence  
ie: PDR & NOE, and DR.

When Simplot Co. complies with the exchange  
process or Aug 1, 2006 date whichever comes  
first then we will need J.R. Simplot Co  
to do an ownership change at that time.

Copy of Warranty deed, ect. .

Call Vic Conrad and let him know we  
need an ownership change from Hartman's  
to Title One Exchange. ~~We will hold onto the~~

1-208-389-7359.

# Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER S MAIN STREET SUITE 1300  
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

## FAX COVER LETTER

Transmittal Time:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                            |                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------------------|
| TO:<br><b>Cindy Bird/ Sonja Christiansen</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Fax No.<br><b>208-547-3939</b>             | DATE:<br><b>June 13, 2006</b>                    |
| COMPANY:<br><b>IDWR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                            | No. of pages including cover sheet:<br><b>11</b> |
| FROM:<br><b>Vic Conrad</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Direct Dial Number<br><b>(208)389-7359</b> | FAX NO.<br><b>(208) 389-7333</b>                 |
| <b>CONFIDENTIALITY NOTICE:</b> <u>This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.</u> |                                            |                                                  |
| RE: Change of Water Right Ownership; Water Right Nos. 24-4015, 24-4016, 24-4017, 24-10689.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                            |                                                  |
| Message:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                            |                                                  |
| If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                            |                                                  |

Form 42-246/42-1400(6) July, 2000

# 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split                    | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split                    |
|-----------------------|------------------------------|--------------------------|-----------------------|------------------------------|--------------------------|
| 24-4015               | A24-4015                     | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
| 24-4016               | A24-4016                     | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
| 24-4017               | A24-4017                     | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       | A24-10689                    | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |

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 the attached Warranty Deed and letter from Randy Rabehl, Vice President  
TitleOne Exchange Company

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

PO Box 15, Fairview, WY 83119

4. New Owner/Claimant(s) J. R. Simplot Company

Name Consonant (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

The property was acquired on February 1, 2006 by TitleOne Exchange Company who was engaged by the J. R. Simplot Company to facilitate a land transaction qualifying for tax deferred treatment under IRC section 1031 and Rev. Proc. 2000-37

Form 42-24842-148(4) July, 2000

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(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) Terry T. Ulling, 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 _____ |



**June 12, 2006**

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

**Re: Snake River Basin Adjudication ("SRBA") Claim Nos. 24-4015, 24-4016, 24-4017 and 24-10689.**

**Dear Ms. Christiansen:**

TitleOne Exchange Company ("TEC") is a qualified intermediary engaged by the J. R. Simplot Company ("Simplot") to facilitate a land purchase transaction qualifying for tax-deferred treatment under IRC section 1031 and Rev. Proc. 2000-37. Pursuant to an Exchange Agreement with Simplot and in connection with its role as intermediary, on February 1, 2006, TEC acquired a 3,644 acre ranch in Caribou County, Idaho, which in turn will be conveyed to Simplot upon completion of the exchange process or August 1, 2006, whichever first occurs. TEC is currently the owner of record for the land and the above referenced water rights which are claimed in the SRBA (see attached warranty deed recorded in the official real property records of Caribou County, Idaho on February 1, 2006 as instrument no. 175026).

Pursuant to its contractual obligations with Simplot, TEC will convey all of its right, title and interest in the real property together with the above water rights, which are described on the attached deed, to Simplot no later than August 1, 2006. Assuming the Director's Report for Basin 24 will be submitted to the SRBA Court soon, Simplot will be the owner of record for these water rights while the Director's Report is processing through the SRBA court. In the interests of administrative efficiency, we request you prepare your recommendations for these water rights in Simplot's name since Simplot will become the owner of these rights during the early stages of the judicial proceedings for this Basin.

Sincerely,

Randy Rabchl, Vice President

**Instrument # 175025**

2006-02-01

03:27:22 No. of Pages: 4

Recorded for: ALLIANCE TITLE

EDIE BUSH

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 12.00

*BA Stroetman***WARRANTY DEED**

Order No. 3000540284KF

FOR VALUE RECEIVED

Walter E. Hartman and Sally J. Hartman, Husband and Wife, Glenna Hartman and Colerite 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 301  
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 $\frac{1}{2}$ 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 $\frac{1}{2}$ NW $\frac{1}{4}$ , 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 Southeast of the Crow Creek County Road and Northeast 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°43'00" West, 395.00 feet from the Northeast Corner of said Section 15;

thence curving 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, 73.88 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°15'26" 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°15'34" West, 1903.60 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, 237.36 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 34°44'22" West, 296.84 feet, to a spike at the end of said curve;

Current as of January 27, 2006

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

thence North 01°27'56" East, 486.34 feet, along said East line to the Northeast Corner of said Section 22;  
thence North 00°27'55" East, 2630.83 feet, along the East line of the 1/4 of said Section 22 to the  
Northeast Corner, thence;  
thence North 00°43'00" East, 2764.62 feet along the East line of the NE 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.

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  
Walter E. Hartman

Aally J. Hartman  
Aally J. Hartman

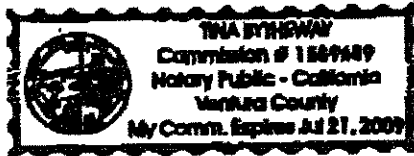
Gloria Hartman  
Gloria Hartman

Collette Hartman  
Collette 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 Aally 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 Byrnes  
Notary Public for the State of California  
Residing at: Ventura, California  
Commission Expires: 7/21/09

WARRANTY DEED

Order No. 308054028/KP

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 Ketchings Company an Idaho Corporation

whose current address is

1101 West River Street, Ste 201  
Boise, ID 83702

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

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

Section 3: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
Section 4: SW $\frac{1}{4}$ .  
Section 8: SE $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Section 9: All.  
Section 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .  
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 $\frac{1}{4}$ SW $\frac{1}{4}$ .

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 Southeastery of the Crow Creek County Road and Northeastery of the following described line:

Beginning at a point South 08°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°43'00" 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, 206.72 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, 303.71 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, 73.06 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°13'24" 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°40'19" 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 79°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 80°27'56" East, 454.84 feet, along said East line to the Northeast Corner of said  
 Section 22;  
 thence North 80°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, 2264.61 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 right of way, appurtenant 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

Gloria Hartman

Sally J. Hartman

Chloe Hartman

State of

or

County of

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: \_\_\_\_\_

**Exhibit "A"**  
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**Current as of January 27, 2006**

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| 24-4016                    | January 26, 1903   | Rock Creek     | 4.72 cfs | Statutory Beneficial Use Claim |
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| 24-10011                   | May 1, 1903        | Unnamed Spring | 0.03 cfs | Decreed                        |
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| 43-10689                   | January 26, 1903   | Sage Creek     | 2.5 cfs  | Statutory Beneficial Use Claim |

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of SANTA BARBARA

ss.

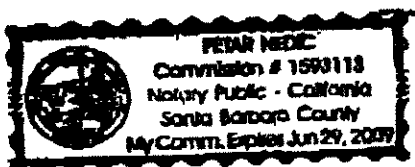
On 1.31.06 before me.

Date

personally appeared

GLENN HARTMAN, COLLEEN HARTMAN  
Name(s) of Signer(s)

Name and Title of Officer (e.g., "Jesse Day, Notary Public")

☐ 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 this 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: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Top of thumb here

Signer's Name: \_\_\_\_\_

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

Signer is Representing: \_\_\_\_\_

Top of thumb here



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

15 West Center Street, Soda Springs ID 83276

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

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

May 31, 2006

Vic Conrad  
JR Simplot Company  
Po Box 27  
Boise ID 83707

COPY

Re: Snake River Basin Adjudication (SRBA)  
Claim 24-4015, 24-4016, 24-4017, 24-10689

Subject: CHANGE IN OWNERSHIP

**RESPONSE DATE: 16 June 2006**

Dear Vic:

We have been advised you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property and water right referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

I have also enclosed a copy of this water right claim, as we will recommend it to the SRBA COURT. Since this water right claim is not yet partially decreed, there is no filing fee due. We expect the Court to issue partial decrees in the near future, so please submit the ownership change soon.

This office must receive your response by the response date shown above. If proper notice of a change in ownership is not received, then all legal notices that IDWR is required by law to be mailed to the claimant of the Notice(s) of Claim(s) will be sent to the name and address currently shown by IDWR records, and this notice will be deemed legally sufficient.

If you have any questions please feel free to contact me at 547-3993 in Soda Springs.

Respectfully,

Sonja Christiansen  
Adjudication Bureau

shc/

Enclosure:  
Change in Ownership Form 42-248/42-1409(6)



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

*file*

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 6, 2006

Vic Conrad  
JR Simplot Company  
PO BOX 27  
Boise, ID 83707

REF: 24-4015, 24-4016, 24-4017 & 24-10689

Subject: Evidence of Priority

RESPONSE DATE: APRIL 20, 2006

Dear Vic,

I haven't heard from you since January 27, 2006. Without the proper documentation to support the evidence of priority on the above referenced claims. I need to hear from you by the above response date.

If you have any questions please feel free to give me a call at 547-3993.

Respectfully,

Cindy E. Bird  
Adjudication Bureau



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 27, 2006

VIC CONRAD  
JR SIMPLOT COMPANY  
PO BOX 27  
BOISE, ID 83707

REF: HARTMAN RANCH  
Snake River Basin Adjudication (SRBA) claims  
24-4015, 24-4016, 24-4017 & 24-10689

SUBJECT: EVIDENCE OF PRIORITY

Dear Vic,

I had a chance to talk with our legal department in Boise about our discussion last week on the "Notice of Water Right" located in files 24-4015, 24-4016 and 24-4017. The priority date under 24-4015 and 24-4016 of 1/26/1903 is correct for a Posted Notice. If the claims were amended to claim a priority date earlier based on the statement in the notice then the claim would be a beneficial use claim and would require additional evidence to prove that the ditch was used to irrigate the property. The completion of the ditch doesn't automatically establish that the water was used for irrigation. It could have been used for domestic or stock. The "Notice of Water Right" can be used as the initial evidence for a Posted Notice that they had the "intent" to irrigate the property under the notice. The intent discussed in the notice will need to be converted into them beneficially using the water.

The "Notice of Water Right" for Isaac Nelson doesn't pertain to the place of use claimed by the Hartman's. We got a copy of the homestead plat and according to the plat Isaac Wilson and/or Elizabeth Wilson homesteaded land in sections 8 and 5 within the same township and range. We do not have any evidence to support an accomplished change in place of use. So claim 24-4017 doesn't have any evidence to support the priority date and could be disallowed if no evidence is supplied. Claim 24-10689 was filed as a beneficial use right and also requires evidence to support the priority date claimed.

The "Notice of Water Right" does not cover any of the land claimed in section 15 and the only land it covers in section 22 is the land in the SWNW. Additional information will need to be provided to us for the additional land claimed that is not covered under the Notice.

The bottom line is that without some additional evidence on the Hartman claims to support the priority dates the claims will be recommended to the SRBA court as disallowed. As I stated during our conversation we are running out of time and may be forced into disallowing the claims because of a lack of evidence. This needs to be taken care of as soon as possible if the Hartman's want to retain water rights on their ranch. If you have any additional questions please don't hesitate to call.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

Cc: Hartman Ranch

## Bird, Cindy

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**From:** Williams, Ray  
**Sent:** Monday, January 23, 2006 11:52 AM  
**To:** Bird, Cindy  
**Cc:** Spencer, Nick  
**Subject:** FW: basin 24-Hartman Ranch

Cindy,

It appears that 24-4017 would be entitled to a priority date of September 18, 1888 via a Posted Notice on Sage Canyon Creek, apparently tributary to Crow Creek. (I am attaching the Notice). 24-4015 & 24-4016 appear to have been correctly claimed with a 1/26/1903 priority date in accordance with the posted notices. 24-10689 appears to be a BU claim and there doesn't appear to be a claim file for it - I couldn't find much "on-line" for it - it said something like the "owners not located".

I am copying Nick on this, for his review, and to make sure my understanding is correct.

Thanks,

Ray



24-4017  
Notice.pdf

-----Original Message-----

**From:** Bird, Cindy  
**Sent:** Monday, January 23, 2006 9:33 AM  
**To:** Williams, Ray  
**Subject:** basin 24-Hartman Ranch

good morning Ray,

Friday I had a discussion with Vic Conrad with J.R. Simplot and they are in process of purchasing the Hartman Ranch (24-4015, 24-4016, 24-4017 and 24-10689) and one of the issues I have had with the previous owners is the evidence of priority. I guess in the water right files there are some posted notices. Would you pull the water right files and see if the documents are sufficient for a posted notice. Vic seems to think that on Crow Creek and Rock Creek the dates should be moved back 7 years because of the statement on the bottom of the notice. Can you please check this out for me and let me know?

Thanks,

Cindy

*Feb March April May June July*  
*1 1 1 1 1 1*  
*30 45 Director Report*

## MEMO TO THE FILE

DATE: 1-20-06.

TO FILE NUMBER(S): 24-4015, 4016, 4017.

Hartman Ranch.

FROM: Cindy Bird

CONVERSATION WITH: Vic Conrad

J.R. Simplot. (Potential buyers)

SUBJECT: posted Notice documents

Vic feels that Crow Creek should have an 1896 priority date. based on the statement. (24-4015)

Also Rock Creek (24-4016) should also have an 1896 priority.

Sage Creek (24-4017). vic thought should be 1896, but that document is for Water Canyon Creek. The Sage Creek document is 1888. but isn't sure if they meet the requirement for a posted notice.

### ACTION:

1-23-06 I emailed Ray Williams, paralegal for Rick Spencer to pull the WR files and review the documents.

1-23-06: I asked Barbara Payne to review the documents of Water Canyon Creek and see if we have a current name on the TOPO map.

CB

## TELEPHONE & VISITOR LOG

Date: 1-19-06

Time: 4:10pm

Call X Visit           

**Name :**

Vic Conrad  
J.R. Simplot

**Address:**

\_\_\_\_\_

**Phone No. :**

1-208-389-7359.

Claim No(s):

24-4015, 4016 & 4017.

**RE:**

RE: Evidence of priority, POW.

Conversation: J.R. Simplot is in the process of buying  
the Hartman Ranch.

I explained that the Hartman Ranch hasn't been helpful in working with us on these files. We spoke with Kent Foster and he doesn't work for the Hartmans anymore. According to Kent, the Hartmans are leaving it up to the new buyers to provide the evidence. OVER - 7.

**Action Required:**

- forwarded Posted Notices to Vice from files 24-4015,  
4016 & 4017.

15 West Center Street  
Soda Springs, Idaho 83276  
(208) 547-3993  
(208) 547-3939 fax

## Idaho Department of Water Resources

# Fax

|                              |                              |
|------------------------------|------------------------------|
| <b>To:</b> Vic Conrad        | <b>From:</b> Cindy Bird      |
| <b>Fax:</b> 208-389-7333     | <b>Pages:</b> 5              |
| <b>Phone:</b> 1-208-389-7359 | <b>Date:</b> 19 January 2006 |
| <b>Re:</b> Hartman Ranch     | <b>CC:</b>                   |

Hi Vic,

I've enclosed 4 posted notices that I found in the files. The posted Notice for Bagley, Crow Creek, gives a legal description for the intended place of use from this source. Notice on Wilson Water Location Notice they don't give a legal description. In this case we would need to know what land did Isaac Wilson own in 1888 when he posted the notice.

Rock Creek appears to be the same legal description as under Crow Creek. What land did they actually develop with what water?

Instrument No. 11635 (12-9-1899)

This Posted Notice refers to the water of Water Canyon Creek? It also is described for land owned by Isaac Wilson. I'm not sure what the source may be called today or if they never developed the "intent".

Cindy Bird

Adjudication Bureau

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9 January 2006

To File

Claims: ~~24-4015~~, 24-4016, 4017, 24-10689

Re: Phone Conversation with:

Mark Nicoll  
Star Valley Planning & Design  
(435) 503-2866.

Cindy visited with Mark in connection with the Kennington claims. He mentioned that Hartman Ranch was being bought by a third party.

I called and visited with Mark advising that we had talked to Hartman's attorney in Idaho Falls and was informed that they no longer represented the Hartmans, at least in this matter, and that Mr. Hartman said he wasn't going to do anything about the water rights because he was in the process of selling it and was going to let the new owners worry about the evidence.

Mark advised that the people that were under contract to buy the Hartman ranch backed out but there were new potential buyers. He asked what was needed I advised that evidence of ownership and usage was needed back to the priority dates of 1888 and 1903. I also stated that without this evidence this claims could be recommended to be disallowed.

He said he would make a few calls and get back to me. I told him that unless we heard something, we were in the process of sending the Hartmans a letter stating that unless evidence was supplied, the claims would be recommended to be disallowed.

He is to get back to us.

Barbara

1-13-06 Mark called to see if Hartman  
had called. I told him no. We  
wanted a deadline before we  
sent the disallowance letter. I gave  
him til 1-20. BP

## Bird, Cindy

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**From:** Rounds, Lewis  
**Sent:** Monday, September 19, 2005 12:00 PM  
**To:** Bird, Cindy  
**Cc:** 'tate@livewaterproperties.com'  
**Subject:** Basin 24

Cindy,

I received an inquiry about some water rights in basin 24. Tate asked me about right numbers 24-4015, 4016, and 4017. The concern was that there was a recreational part to the rights for ponds along with the irrigation portion as a part of a transfer however the recommendation does not have that on it. Do you know anything about these? The property is currently owned by Hartman ranch but it is in the process of being sold.

Thanks,

Lew

Lewis Rounds P.E.  
Dam Safety Section / WD 120 Watermaster  
Idaho Department of Water Resources  
900 N. Skyline Dr. Suite A  
Idaho Falls, Idaho 83402  
(208) 525-7161

-----Original Message-----

**From:** Tate Jarry [mailto:tate@livewaterproperties.com]  
**Sent:** Monday, September 19, 2005 11:19 AM  
**To:** lewis.rounds@idwr.idaho.gov  
**Subject:**

Thanks for your help!

Tate M. Jarry  
Live Water Properties, LLC  
P.O. Box 9240  
Jackson, WY 83002  
[tate@livewaterproperties.com](mailto:tate@livewaterproperties.com)  
(c) 307-413-2180  
(o) 307-734-6100  
(f) 307-734-6102

9/20/2005