

Meeting with V Conrad
2-03-09
02/03/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-2139

NAME AND ADDRESS: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.120 CFS

THIS RT. WHEN COMBINED WITH RTS. 02-2053, 02-2118 & 02-0076 SHALL
NOT EXCEED 4.94 CFS.

PRIORITY DATE: 03/05/1957

POINT OF
DIVERSION:

T04S R02E S36 NENENE Lot 1 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.120 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T04S R02E S25 NWSW 6.00

6 ACRES TOTAL

Use of this right with Right No. 2-2118 is limited to the irrigation of
combined total of 64 acres in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

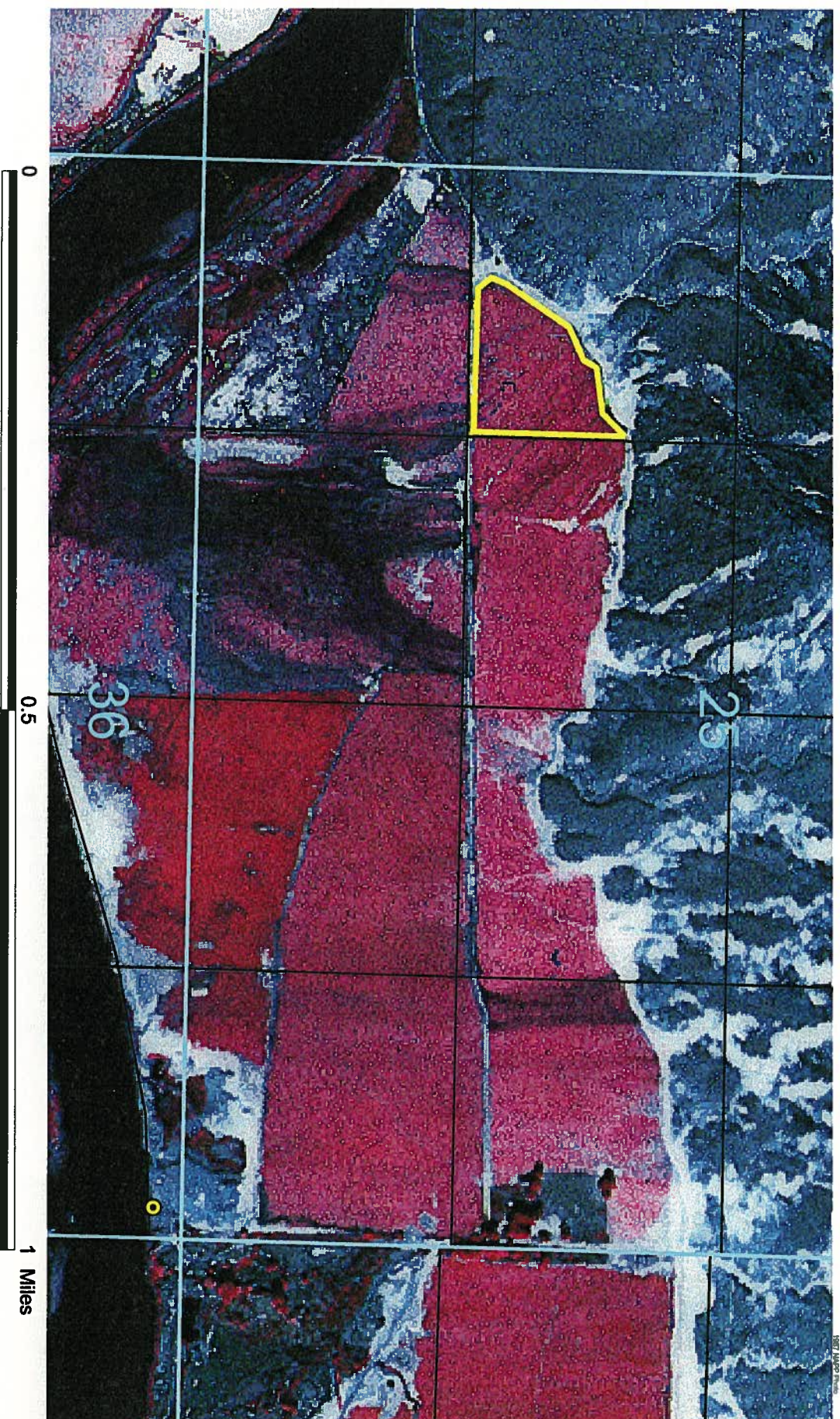
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are also diverted through point of diversion described
above: 2-76, 2-2053, and 2-2118.

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

Place of use is within the area served by Snake River Irrigation District.

Idaho Department of Water Resources



Claim Number: 02-2139

Legal: T04S, R02E, S25 & S36

Reviewed By: BTD 5/11/05

● Point of Diversion
■ Place of Use
■ Section Lines
■ Quarter Quarter Lines



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-02139Date: 5-21-02

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	45	2E	25										6							6
GIS													8.4							8.4
License												1		17		12	1			31
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1Total Claimed Acres: 6

Overlapping FOU Claim #'s:

Total GIS Acres: 8.402-2118

COMMENTS:

Per irrigated acres + overlapping claim.POD per claim.

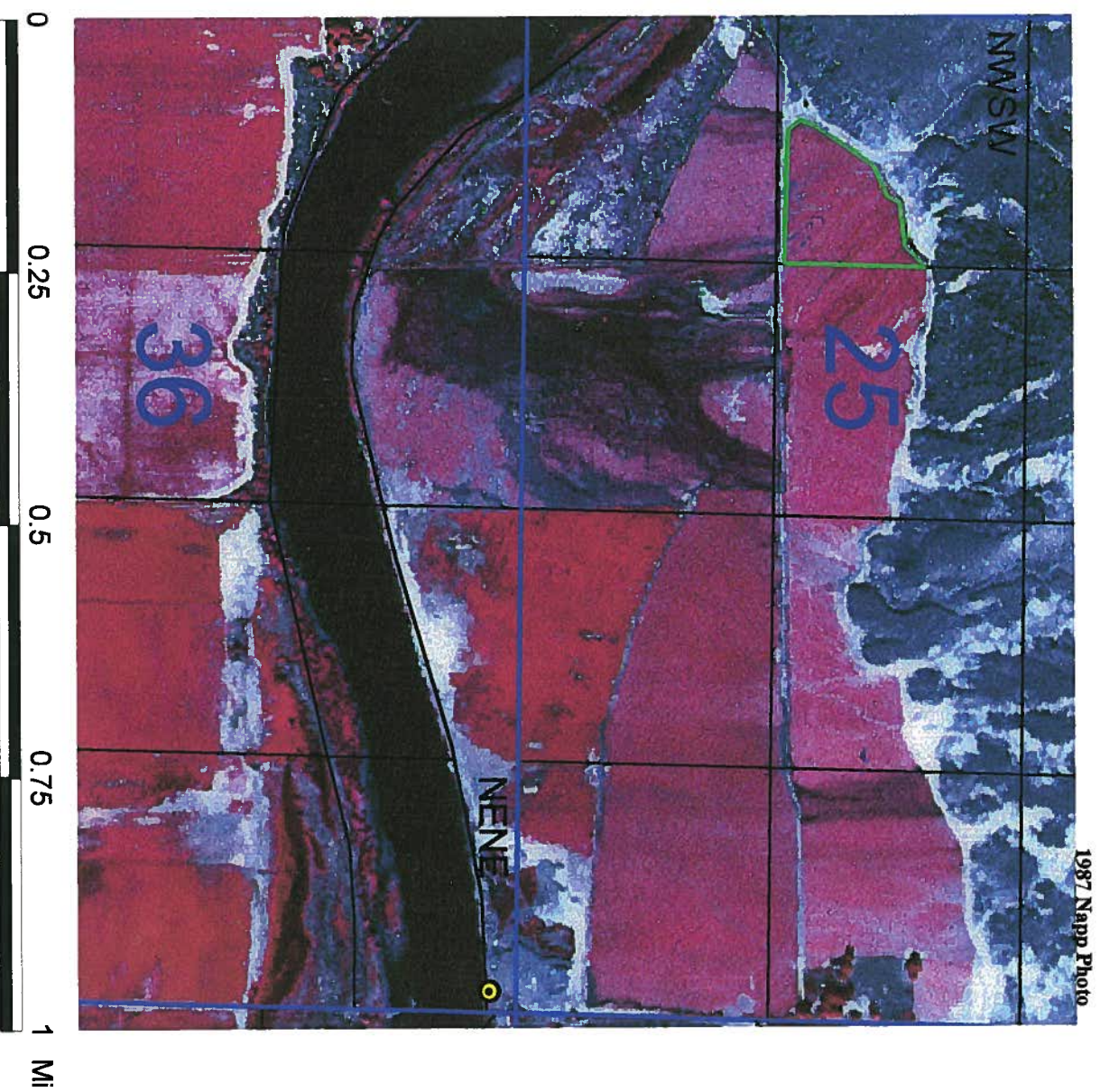
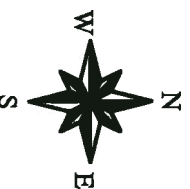
Idaho Department of Water Resources

Claim Number: 02-02139

Legal: T04S, R02E, S25

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



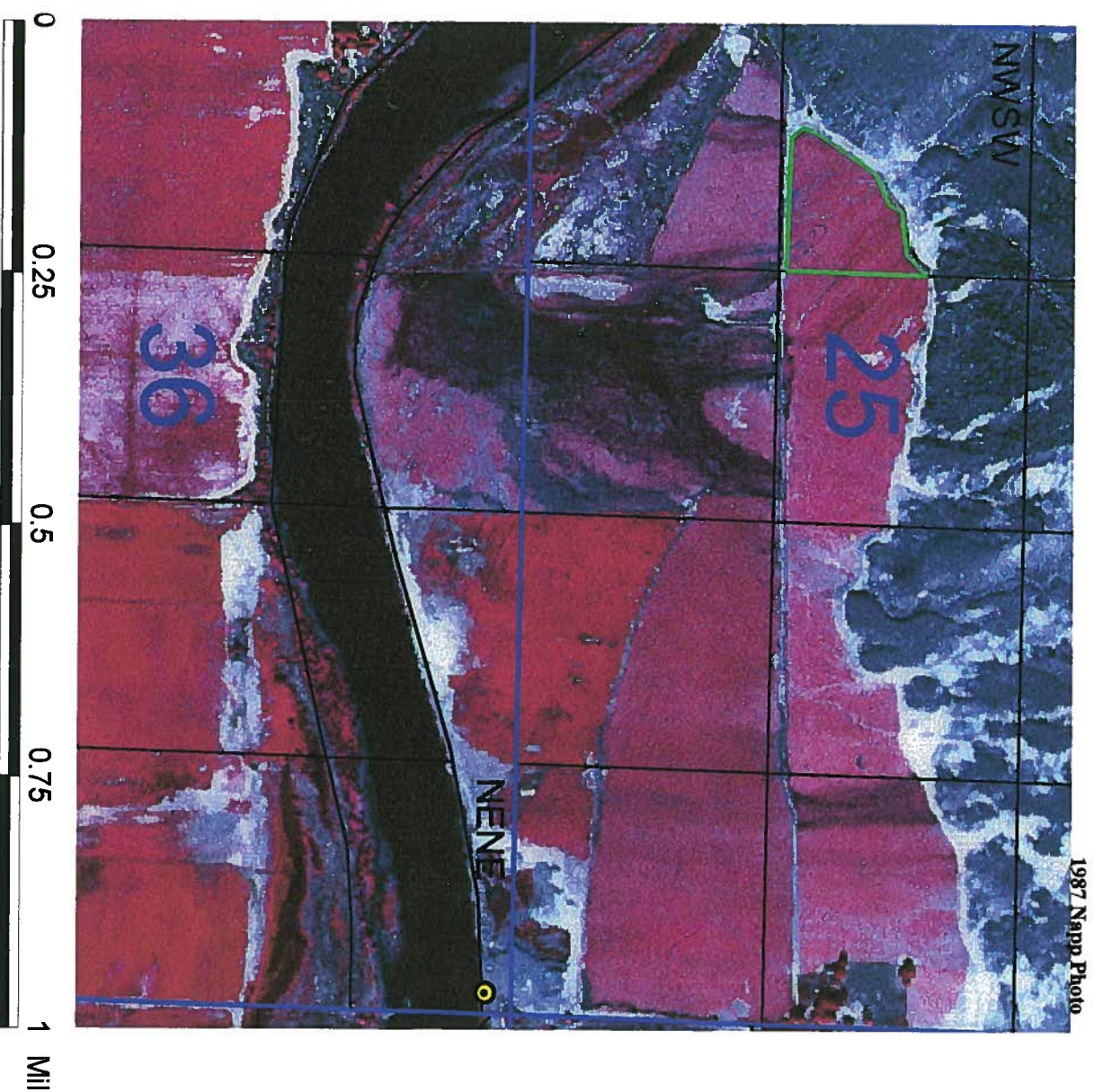
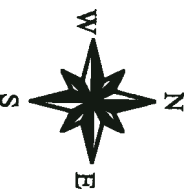
Idaho Department of Water Resources

Claim Number: 02-02139

Legal: T04S, R02E, S25

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A02-02139

Date Received: 12/6/89

Receipt No: C013324

Received By: 91

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. R. SIMPLOT COMPANY
Address: P.O. BOX 27
BOISE, ID

83707

2. Date of Priority: MAR 05, 1957

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	02E	36	NE	NE	NE	1	ELMORE

5. Description of diverting works:
PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 21.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	02E	25	NW	SW		IRR	6.0
Section Acres							6.0

A02-02139

Page 1

Date: 12/06/89

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AUG 07 1990

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
 SNAKE RIVER IRR. DIST.

14. Remarks:
 BOLTZ PLACE. THIS RT. WHEN COMBINED WITH RTS. 02-2053, 02-2118 &
 02-0076 SHALL NOT EXCEED 4.94 CFS.

15. Basis of Claim: LICENSE
 Water Right Number: 26789

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

I do solemnly swear or affirm that I am Secretary of J. R. Simplot Company, that I have signed the foregoing document in the space below as Secretary of J. R. Simplot Company and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Secretary, J. R. Simplot Company
Title and Organization

12-06-89

Date

State of Idaho)
County of Ada) SS.

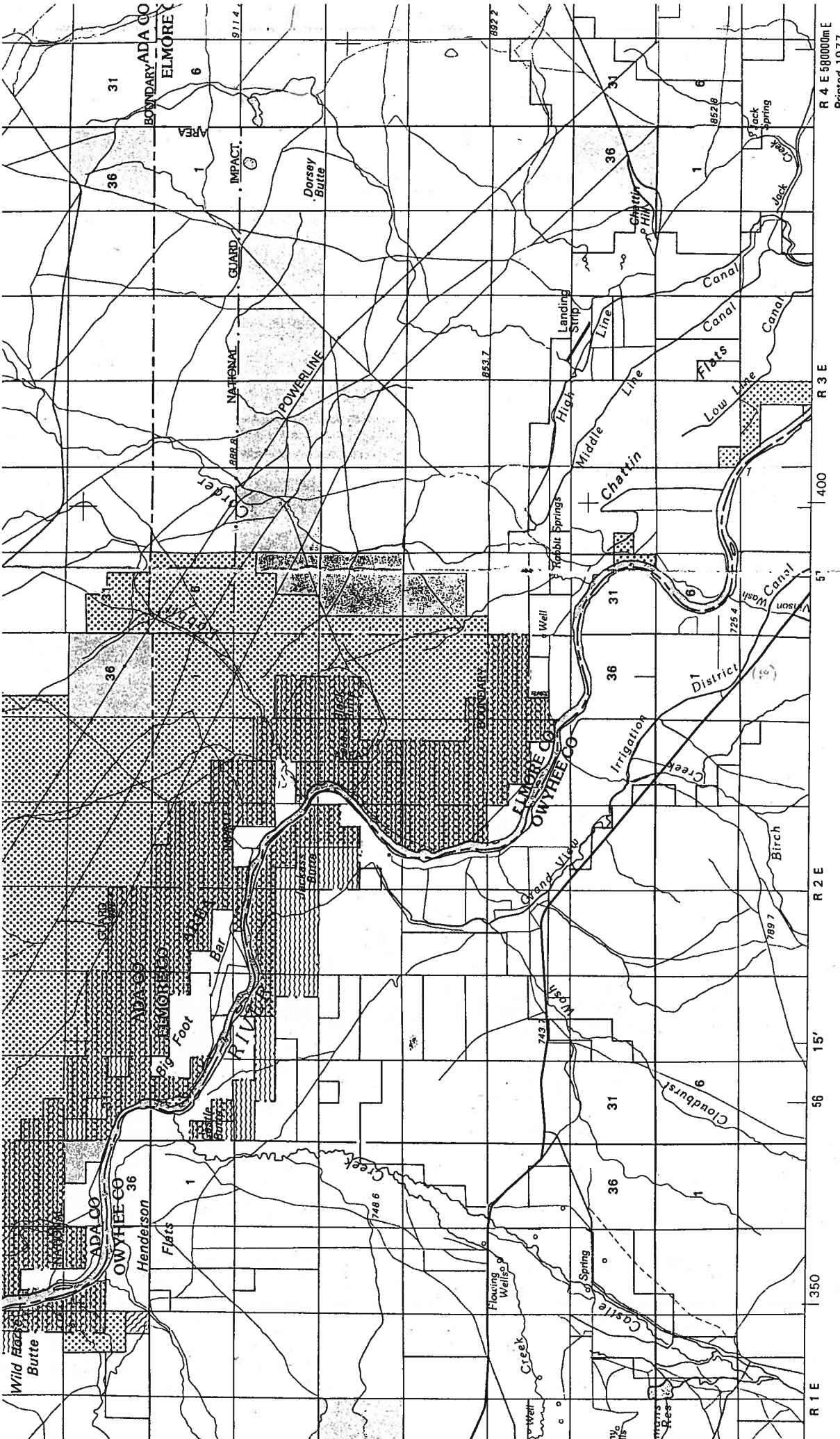
Subscribed and sworn (or affirmed) before me this 6th day
of December 19 89

[Signature]
Notary Public

Seal

Residing at Meridian, Idaho

My Commission Expires 11-06-91



R 4 E 58000m E
Printed 1977

ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road, or street
- Trail
- Interstate Route
- U.S. Route
- State R

LEGEND

- Village or locality
- Landmark building
- Perennial stream, lake
- Intermittent stream, lake

= point of diversion
= place of use

VR # A02-02137

IDAHO
MICROFILMED
AUG 07 1992
QUADRANGLE LOCATION



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

W.O.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1994

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

HOLLY PEPE
LEGAL DEPARTMENT
J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707-0027

RE: Snake River Basin Adjudication (SRBA)
Co-counsel for J. R. Simplot Company

Dear Ms. Pepe:

Our records were modified May 19, 1994, to reflect Terry Uhling and Gray Young as co-counsel for J. R. Simplot Company. Bruce Belzer was removed from the water right claim records on which he appeared as counsel.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally Sherman', is written over a horizontal line.

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:regions

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AUG 10 1994

CORPORATE HEADQUARTERS

RECEIVED

MAY 20 1994

WATER RESOURCES
WESTERN REGION

April 12, 1994

RECEIVED

APR 14 1994

Department of Water Resources

Donald V. Shaff
Manager, Adjudication Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

*Records modified 05-19-94
by Don Shaff. Sel. file
copy attached. -Jal*

RE: Snake River Basin Adjudication
Case No. 39576 and Subcase Nos. 36-13320 & 57-02203A

Dear Mr. Shaff:

In response to your letter of March 24, 1994, please modify your records to reflect that Terry T. Uhling and Gray Young are co-counsel of record in the above referenced matter. Mr. Uhling and Mr. Young are in-house counsel for J. R. Simplot Company, and, therefore, would be apprised of all matters relating to the claims of Simplot and its related company subsidiaries and affiliates as a matter of course. The attached Exhibit A does represent all water rights we are aware of at this time to which the Notice applies.

For your information, I have also enclosed a copy of a letter and attached Notice of Withdrawal from Diana Delaney, Chief Deputy Clerk of the Snake River Basin Adjudication Clerk's Office, which indicates that Bruce Belzer never was recorded as being counsel for J. R. Simplot Company.

If you have any questions, feel free to call me at 389-7201.

Sincerely,



Holly Pepe
Legal Department

/hp
Enclosures
5517v

MICROFILMED

AUG 10 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED
APR 14 1994
Department of Water Resources

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

April 6, 1994

Gray Young
Terry Uhling
J. R. Simplot Company
P.O. Box 27
Boise, ID 83707

*Records modified 05-19-94
by Don Shaff. Sel. file
copy attached. - Sel*

RE: Appearance of J. R. Simplot in Subcase Nos. 36-13320 and 57-02203A

Dear Mr. Young and Mr. Uhling:

Enclosed I am returning your *Notice of Withdrawal of Counsel* which was received by the court on April 5, 1994, and which stated that Bruce L. Belzer was withdrawing as counsel for J. R. Simplot Company in the above-referenced subcases.

After a search of the files for the above subcase, I am unable to locate any appearance by Bruce L. Belzer. However, on January 28, 1994, a *Notice and Entry of Appearance* was filed on behalf of J. R. Simplot in these subcases. That notice listed Gray Young and Terry Uhling as counsel for J. R. Simplot.

Sincerely,

Diana R. Delaney
Chief Deputy Clerk

DRD

Enclosure

cc: Chief, Natural Resources Division
U.S. Department of Justice

MICROFILMED
AUG 10 1994

1 GRAY YOUNG, Assistant General Counsel
2 TERRY T. UHLING, Assistant General Counsel
3 Environmental & Regulatory Affairs
4 J. R. SIMPLOT COMPANY
5 P.O. Box 27
6 999 Main Street, Suite 1300
Boise, Idaho 83707
Telephone: (208) 389-7318
Fax: (208) 389-7515

7 Attorneys for J. R. Simplot Company

1994 APR - 5 PM 2:52
DISTRICT COURT - SRCA
TWIN FALLS CO., IDAHO
FILED

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

12 In Re the General Adjudication)
13 of Rights to the Use of Water)
14 from the Snake River Basin)
Water System.)

Civil Case No. 39576

15 _____)
16 The State of Idaho, ex rel.)
17 R. Keith Higginson in his)
18 official capacity as director)
of the Idaho Department of)
Water Resources,)

19 Petitioner,)

20 v.)

NOTICE OF WITHDRAWAL
OF COUNSEL

21 _____)
22 The United States; the State of)
23 Idaho; and all claimants to the)
use of water from the Snake)
River Basin Water System,)

24 Defendants.)
25 _____)

1 **PLEASE TAKE NOTICE** that Bruce L. Belzer hereby withdraws as
2 counsel of record for J. R. Simplot Company in the above entitled matter
3 and the following listed subcases:
4

5 36-13320
6 57-02203A

7 DATED this 4~~th~~ day of April, 1994.
8

9 
10 Bruce L. Belzer
11 Assistant General Counsel for
12 J. R. Simplot Company
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 1994, I caused to be served a true and correct copy of the foregoing by United States mail, postage prepaid, addressed to the following:

James Annest
Law Office of James Annest
1742 Overland Avenue
Burley, Idaho 83318

Richard F. Smith
P.O. Box 70
Rexburg, Idaho 83440

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MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS
First Security Bank Building
911 West Idaho
P.O. Box 829
Boise, Idaho 83701

Brad A. Flinders
STUNZ, FONDA, NICHOLS, KIYUNA,
OKAI, HORTON & FLINDERS
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Nyssa, Oregon 97913

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YTURRI, ROSE, BURNHAM,
BENTZ & HELFRICH
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Pocatello, Idaho 83204-1391

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WELSH, P.A.
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Boise, Idaho 83702

Rebecca Craven
Deputy Counsel
Robert T. Anderson
Staff Attorney
Nez Perce Tribal Executive
Committee
Office of Legal Counsel
P.O. Box 305
Lapwai, Idaho 83540-0305

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Jeffrey C. Fereday
Michael C. Creamer
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GIVENS, PURSLEY, & HUNTLEY
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Boise, Idaho 83701

1 Richard A. Cummings
2 MEULEMAN, MILLER, STROTHER &
3 CUMMINGS
4 960 Broadway, Suite 400
5 P.O. Box 955
6 Boise, Idaho 83701

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Grover Law office, Chartered
102 North Clark
P.O. Box 36
Rigby, Idaho 83442-0036

5 John D. Hansen
6 HANSEN, BEARD, ST. CLAIR,
7 PETERSON & SULLIVAN,
8 CHARTERED
9 683 North Capital Avenue
10 P.O. Box 51718
11 Idaho Falls, Idaho 83402-1718

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615 H Street
P.O. Box 396
Rupert, Idaho 83350

10 HEPWORTH, NUNGESTER &
11 LEZAMIZ, CHARTERED
12 133 Shoshone Street North
13 P.O. Box 389
14 Twin Falls, Idaho 83303-0389

J. Dee May
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516 Second Street East
P.O. Box 1846
Twin Falls, Idaho 83303

13 Cecil D. Hobdey
14 HOBDEY & HOBDEY
15 Attorneys at Law
16 125 Fifth Avenue West
17 P.O. Box 176
18 Gooding, Idaho 83330

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Albert P. Barker
Richard B. Burleigh
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18 Dana L. Hofstetter
19 Murray D. Feldman
20 HOLLAND & HART
21 West One Plaza, Suite 1400
22 101 South Capitol Boulevard
23 P.O. Box 2527
24 Boise, Idaho 83701

Bert L. Osborn
26 South Ninth Street
P.O. Box 158
Payette, Idaho 83661

23 William R. Hollifield
24 HOLLIFIELD AND TOLMAN
25 249 Third Avenue East
26 P.O. Box 66
27 Twin Falls, Idaho 83303-0066

David B. Lincoln
Scott L. Campbell
ELAM & BURKE
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701

1 William A. Parsons
2 Kent Fletcher
3 PARSONS, SMITH, STONE &
4 FLETCHER
5 137 West 13th Street
6 P.O. Box 910
7 Burley, Idaho 83318

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Ray W. Rigby
RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, CHARTERED
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Rexburg, Idaho 83440

6 William F. Ringert
7 Daniel V. Steenson
8 RINGERT, CLARK, CHARTERED
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10 P.O. Box 2773
11 Boise, Idaho 83701-2773

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Twin Falls, Idaho 83303-1906

10 James P. Speck
11 HOGUE, SPECK & AANESTAD, P.A.
12 120 East Avenue
13 P.O. Box 987
Ketchum, Idaho 83340

Larry Sullivan
SCHROEDER, HUTCHENS & SULLIVAN
P.O. Box 220
Vale, Oregon 97918

14 Douglas R. Whipple
15 WHIPPLE'S LAW OFFICE, CHTD.
16 111 West 15th Street
17 P.O. Box 249
18 Burley, Idaho 83318

Jeanette Wolfley
Candy L. Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

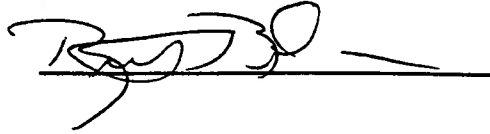
17 Craig R. Zaiss
18 CRAIG R. ZAISS, P.A.
19 Attorney at Law
20 305 Grover Street
21 P.O. Box 628
22 Parma, Idaho 83660

22 **Addresses Under A.O.1., Section 7.d(2)**

23 Chief, Natural Resources Division
24 Office of the Attorney General
25 State of Idaho
26 P.O. Box 44449
27 Boise, Idaho 83711-4449

28
MICROFILMED
AUG 10 1994

1 United States Department of Justice
2 Environment & Natural Resources Division
3 550 West Forth Street, Box 33
4 Boise, Idaho 83724

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7 5500v
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IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner
Dam to Oregon ~~XXXXXXXXXX~~
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-2139	
I.D. No.	Map No.
S	
Fee Paid	Receipt No.

Notice is hereby given that SIMPLOT INDUSTRIES, INC.

(Name of Claimant)

P.O. Box 27, Boise, ID 83707

(Mailing Address)

Telephone No. 336-2110

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) March 5, 1957
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|---|--|---|
| Quantity <u>.62 .12</u>
(CFS, GPD, AF) | Use <u>Irrigation A</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) .62 .12 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE Lot 1 NE
Sec. 36, Twp. 4S, Rge. 2E, B.M., 4 Elmore County
Additional Points: SCI: 2720(1) 478.8 @ LOT 6 (NE 1/4), S. 34, T. 5S, R. 4E. SCI: 2720(1) 498.8
B) Describe means of diversion of water: (Pump and pipeline, well, diversion ditch, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
pump and pipeline

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	2E	25									1		17		12	1			31
												6							6

Total no. of acres 31 6

Other rts: Snake River Irr. Dist.

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: BOLTZ PLACE
- (8) Remarks Right claimed as 02-0061. Signature unnecessary DVS 10/06/82 THE MAXIMUM
- DIVERSION RATE UNDER THIS RIGHT WHEN COMBINED WITH 02-2053, 02-2118, 02-0076
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. SHALL NOT EXCEED 4.94 CFS.
- ☐ B) Right decreed by court, cite title of case.
- ☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 26789/02-2139

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

(Signature of Claimant)

(Date)

(Signature of Spouse)

Organization

State of _____

Organization

County of _____

ss.

Seal

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____

before me

a notary public, personally appeared _____

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires _____

Notary Public residing at _____

DL 10/6/87

FILED
IN THE OFFICE OF THE
SECRETARY OF STATE OF
STATE OF NEVADA

CERTIFICATE OF OWNERSHIP AND MERGER
INCLUDING ARTICLES OF MERGER

RECEIVED
AUG 1 1985

Department of Water Resource

FEB 27 1985

Merging

402-2139

SHACMANER - SECRETARY OF STATE

SIMPLOT INDUSTRIES, INC.

into

J. R. SIMPLOT COMPANY

(Pursuant to Section 78.486 of the Nevada Revised Statutes
and 16-10-70 of the Utah Business Corporation Act.)

J. R. SIMPLOT COMPANY, a corporation organized and
existing under the laws of Nevada, the parent corporation, does
hereby certify:

FIRST: That this corporation was incorporated on the
28th day of June, 1955, pursuant to the laws of the State of
Nevada.

SECOND: The number of outstanding shares of each
class of SIMPLOT INDUSTRIES, INC., a Utah corporation, and the
number of shares of each class owned by J. R. SIMPLOT COMPANY
are as follows:

<u>Names of Subsidiary</u>	<u>Number of Shares Outstanding</u>	<u>Designation of Class</u>	<u>Number of Shares Owned by J. R. Simplot Company</u>
Simplot Industries, Inc.	10	Common	10

THIRD: That this corporation, by resolution of its
board of directors, duly adopted the following Plan of Merger,
at a meeting held on the 15th day of February, 1985, and deter-
mined to merge into itself said SIMPLOT INDUSTRIES, INC. at the
Effective Time which resolution is in the following words
to-wit:

NOW, THEREFORE, be it resolved that J. R. SIMPLOT COMPANY
merge, and it hereby does merge into itself said SIMPLOT
INDUSTRIES, INC. and assumes all of its obligations, at the
Effective Time; under the following terms and conditions:

A. BE IT RESOLVED that effective as of the close of busi-
ness on the 28th day of February, 1985, (the Effective
Time), SIMPLOT INDUSTRIES, INC. shall be and it is hereby
merged into J. R. SIMPLOT COMPANY, with the effect and
result that the existence of SIMPLOT INDUSTRIES, INC. shall

NOTED
MICROFILMED

cease and J. R. SIMPLOT COMPANY shall continue in existence as the surviving corporation.

B. BE IT RESOLVED that all of the provisions contained in the Articles of Incorporation, as amended, and the By-Laws of J. R. SIMPLOT COMPANY shall remain in force and effect and shall not be deemed altered or amended hereby, and that the laws of the State of Nevada shall continue to govern the surviving corporation.

C. BE IT RESOLVED that the present members of the Board of Directors of J. R. SIMPLOT COMPANY shall continue to hold office during the remainder of the term to which they are elected and until their successors are elected and duly qualified.

D. BE IT RESOLVED that at the Effective Time, all of the property, real, personal or mixed, and all of the assets of SIMPLOT INDUSTRIES, INC. wherever located, shall be deemed automatically transferred to and become vested in J. R. SIMPLOT COMPANY as the surviving corporation, without any further act or deed or instrument of transfer of conveyance for the accomplishment thereof; and whereupon, further, J. R. SIMPLOT COMPANY shall assume and become liable for payment of all of the existing indebtedness and obligations of SIMPLOT INDUSTRIES, INC., including the obligations to perform existing agreements without any special act or assumption of liability for those obligations.

E. BE IT RESOLVED that in as much as SIMPLOT INDUSTRIES, INC. is a wholly-owned subsidiary of J. R. SIMPLOT COMPANY and is being merged into its parent corporation, no additional capital stock of J. R. SIMPLOT COMPANY will be issued upon or as a part of said merger; and after the Effective Time each certificate or certificates theretofore representing issued and outstanding shares of the Capital Stock of SIMPLOT INDUSTRIES, INC. shall be deemed cancelled.

F. BE IT RESOLVED that notwithstanding any action taken with respect to the merger by the Directors of J. R. SIMPLOT COMPANY or SIMPLOT INDUSTRIES, INC. or both, and notwithstanding anything herein or elsewhere to the contrary, the merger may be abandoned at any time prior to the filing thereof by the adoption of a resolution providing for such abandonment by the Board of Directors of J. R. SIMPLOT COMPANY.

G. BE IT RESOLVED that the Executive Vice President and Secretary of this corporation be and they hereby are directed to make and execute, under the corporate seal of this corporation, a certificate of ownership and merger setting forth a copy of the resolution to merge said SIMPLOT INDUSTRIES, INC. and assume its liabilities and obligations, and to file the same in the office of the Secretary of State of Nevada and the Secretary of State of Utah; and

H. BE IT FURTHER RESOLVED that the officers of this corporation be and they hereby are authorized and directed to do all acts and things whatsoever, whether within or without the States of Nevada and Utah which may be necessary or proper to effect said merger.

JUN 10 1964
MICROFILMED

FOURTH: That this corporation survive the merger and may be served with process in the States of Nevada and Utah in any proceeding for enforcement of any obligation of SIMPLOT INDUSTRIES, INC. as well as for enforcement of any obligation of the surviving corporation arising from the merger.

FIFTH: The undersigned corporation hereby (a) agrees that it may be served with process in the State of Utah in any proceeding for the enforcement of the rights of a dissenting shareholder of the above-mentioned subsidiary corporation against the surviving corporation; (b) irrevocably appoints the Secretary of State of Utah as its agent to accept service of process in any such proceeding; and (c) agrees that it will promptly pay to the dissenting shareholders of such domestic corporation the amount, if any, to which they shall be entitled under the provisions of the Utah Business Corporation Act with respect to the rights of dissenting shareholders.

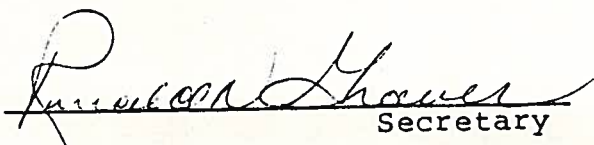
SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

IN WITNESS WHEREOF, said J. R. SIMPLOT COMPANY has caused its corporate seal to be affixed and this certificate to be signed by Scott R. Simplot, its Executive Vice President and Ronald N. Graves, its Secretary this 15th day of February, 1985.

J. R. SIMPLOT COMPANY

By 
Its Executive Vice President

ATTEST:


Secretary

APR 10 1985
MICROFILMED

STATE OF IDAHO)
)
County of Ada) ss

I, Laurel J. Walker, a notary public, do hereby certify that on this 15th day of February, 1985, personally appeared before me Scott R. Simplot, who, being by me first duly sworn, declared that he is the Executive Vice President of J. R. SIMPLOT COMPANY, that he signed the foregoing document as Executive Vice President of the Corporation, and that the statements therein contained are true.

Laurel J. Walker
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/30/87

APR 10 1985
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State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 10/08/82

Right No. 02-2139

Claimant SIMPLEX

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

- ☒ License
- ☐ Previous Statutory Claim.
- ☐ Permits, valid or lapsed. Number(s) if different than above _____
- ☐ Decree. Name & date _____
- ☐ Conveyance Loss Calculations. See printout included.
- ☐ Title abstract. ☐ In file. Or, Name & location _____
- ☐ County records. ☐ In file. Or, Name & location _____
- ☐ Affidavits. ☐ In file.
- ☐ Posted Notices, Water Locations Notices. ☐ In file.
- ☐ Deed Records. ☐ In file. Or, Name & location _____
- ☐ Patent Records. ☐ In file. Or, Name & location _____
- _____
- ☐ Metzker Maps. Identify _____
- ☐ A.S.C.S. Records. Year & Photograph No. _____
- ☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____
- ☐ Historical Books. Name(s) & location _____
- _____
- ☐ Interview(s). Attach conversation memorandum.
- ☐ Other _____
- ☐ _____

Field Exam Made: ☒ Yes ☐ No Date _____

☒ Adj. Report in ⁰²⁻²⁰⁵³file ☒ Beneficial Use Report in License (S.O.) File
^{1981 MEASUREMENT} COPY OF PARTS IN THIS FILE

Measurement 494 cfs. Amount recommended .12 w/ RESTRICTION cfs.

Type of measuring device: ANNUBAR Meter No. _____

Condition _____ Date 8/17/81 Time _____

Adjudication Photo(s) Used: Name or No. 1974 OQ 1977 U-2 1980 U-2
ACKASH BUTTE, 2534-77-134, 3450-80-152

Field Photographs Taken ☐ Yes ☒ No

Memorandum in ⁰²⁻²³⁵⁰file ☒ Yes ☐ No

Remarks _____

NOV 10 1982
MICROFILMED

MEMORANDUM

TO: Files 02-0060, 02-0076, 02-2053, 02-2118, and 02-2139, 02-0087...

FROM: Donald W. Shaff *DS*

DATE: April 26, 1983

RE: Points of Diversion

The records of the Snake River Irrigation District were checked to determine whether all these rights were assessed as being inside the irrigation district. The land under 02-0060 has apparently been a part of the district from the beginning. The same may apply to 02-0076 that appeared in the 1919 list of apportionment and benefits as well as the 1953 list. The licenses on the western end of what is apparently the district and sections 25 and 36 are recent additions to the district.

On May 15, 1973, the Simplot Company presented a petition to the district board of directors for inclusion into the district. The notice of hearing for the annexation was published in the Mountain Home News for four consecutive weeks from May 17 to June 7, 1973. No action, either negatively or positively, appears in the records of the district, but in 1974 the Simplot Company was assessed and it paid the operation and maintenance assessment. The company also appears in the 1973 list of assessments without any payment, thus indicating they probably received water through the district system.

As a result, the water rights for these lands will be recommended with the point of diversion of the pumps on the river and of the district canal at C. J. Strike Dam. The lands will be included in the Snake River Irrigation District but no additional water will be recommended for these lands, either in the name of the district or the Simplot Company.

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AUG 10 1994

BOLTZ PLACE
LAND LIST ATTACHMENT

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
45	3E	25																		
		36		L. 1 19			L. 2 31					20	8	L. 1 28	40	22	13	40	38	209
																			50	
																			259	
							02-2053													
45	3E	25												28	40	15		40	38	161
		36		L. 1 19			L. 2 31													50
																			211	
							02-2118													
45	3E	25										20	2			7	13		42	
45	3E	25										6							6	

AUG 10 1994

POOR ORIGINAL

State of Idaho
License and Certificate of Water Right

Water License No. 26789

Amount 1.62 cfs

Water District No.

Priority March 5, 1957

THIS IS TO CERTIFY that ARTHUR W. BOLTE
of Grangeview, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 5, 1957; that Permit No. 26789
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.62 second feet, was issued thereunder on June 1, 1959, showing that said works
were completed on the 29 day of May, 1959; and that on the 9th
day of July, 1959,

ARTHUR W. BOLTE

of Grangeview, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Snake River
, a tributary of Columbia River, for the purpose of irrigation
, under Use Permit No. 26789 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6817, on the 12 day of November, 1959;

The right hereby confirmed dates from March 5, 1957;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 36, Tp. 4 S., R. 2 E., B. M. Elmore County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed .62 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	2 E.	25	NE 1/4 SE 1/4	40	12
			NW 1/4 SE 1/4	30	1
			NE 1/4 SW 1/4	35	1
			SW 1/4 SW 1/4	40	17
			Total number of acres to be irrigated:		31

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

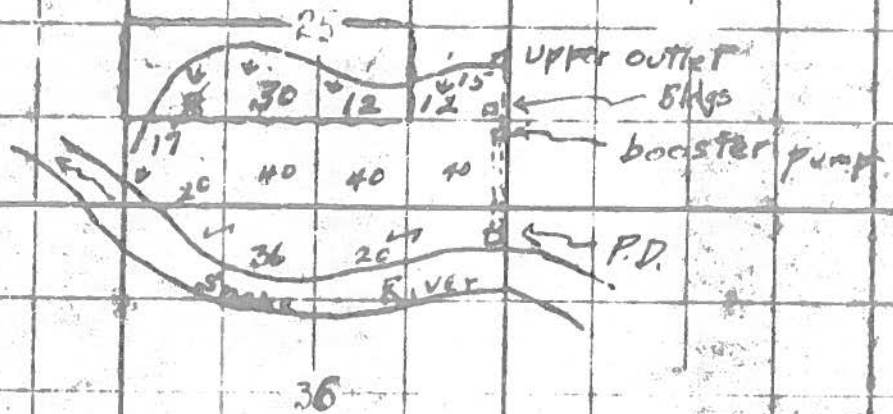
12 day of November, 1959.

/s/ ORO. N. CARTER
State Reclamation Engineer.

(SEAL)

POOR ORIGINAL

R-CE



General Note:
The
main
main
cut
cut
cut

Subdivisions = 3⁴ charge 3²
Area = 39 acres
 $Q = 39''$
.75 cfs

211 acres in 1977
HEV area = 25.65
39 acres in 21/59
290... 26.8

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

POOR ORIGINAL

Permit No. 26789

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Arthur W. Volts Grand View, Idaho, Farmer, Grand View, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for acting in its behalf.

Ans. Self only

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 26789-March 13, 1957 March 5, 1957

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Snake River, SE corner of Section 35, 3 pumps average 80HP each with pipe line to convey water to land.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If for irrigation, give number and size of nozzles and operating pressure.

Ans. 3 pumps powered by electricity on the Snake River and approx. 4.4 second feet, conveyed by privately owned pipe line 15" in diameter pump capacity 221 minor inches on a 33 foot lift, measured and guaranteed by Fairbank Morse engineers.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name subdivision to which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Irrigation only, on the NE 1/4 SW 1/4 and NW 1/4 SE 1/4, Sec 25, T4S, R2E, B.M. 35 acres on the NW 1/4 SW 1/4 and 35 acres on NW 1/4 SE 1/4, cultivated and raising Alfalfa and Barley.

26789
02-2139

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 80 minor inches

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Individual and holder

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. April 15, 1959, pumped approx 86 minor inches water to 70 acres irrigated and farmed.

Ques. 11. State when, how, in what amount and to what extent water diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein mentioned. Give full particulars regarding such other appropriation and future desired diversion.

Ans. None - permit holder is the first person to apply water for beneficial use upon the lands under this permit.

(Sgn) Arthur W. Boltz

I hereby certify that the foregoing testimony was read to the above mentioned person in signing that I believe him to be the person he represents himself to be, and that said testimony was substantiated and sworn to before me, at my office in Grand Haven, County of Leelanau, State of Michigan.

State of Micho, on this 9th day of July, A. D. 1959

✓ W. J. Bolan

My commission expires 11-29-59

02-2139

26789

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

NOTICE OF CLAIM
TO A
WATER RIGHT

02-2139	I.D. No.	Map No.
\$	Fee Paid	Receipt No.

Snake River from base of Milner Dam to Oregon-Idaho Border.

DRAINAGE BASIN.

Notice is hereby given that SIMPLIOT INDUSTRIES, INC.

(Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No. 336-2110

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) March 5, 1957

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 62 CFS, GPD, AF Use Irrigation (Domestic, irrigation, stock, etc.) Period of Use From 3/15 To 11/15 (Mo., Day) (Mo., Day) (Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____ (Mo., Day) (Mo., Day) (Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____ (Mo., Day) (Mo., Day) (Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____ (Mo., Day) (Mo., Day) (Both dates inclusive)

(4) 62 TOTAL QUANTITY CLAIMED. (CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source Sec. 36, Twp. 4S, Rge. 2E, B.M., Elmore, NE 1/4 NE 1/4 County

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. pump and pipeline

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
1	2E	2																	

Total no. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Right claimed as 02-0061. Signature unnecessary DWS 10/16/67

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 28780/02-2139

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

(Date)

(Signature of Claimant)

State of _____

(Signature of Spouse)

County of _____ ss.

Organization

Organization

Seal

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____ before me

a notary public, personally appeared _____ known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires _____

Notary Public residing at _____

To: 02-0061

10/06/82

From: D. SHAFF

THE APPLICATION OF WATER TO IRRIGATION APPEARS TO BE CONSISTENT WITH THE LICENSES 02-2053, 02-2118 & 02-2139 WHEN DOCTRINE OF RELATION IS APPLIED. IN SUM, THIS REASONING IS DESCRIBED IN PARAGRAPH #2 OF THE 12/17/81 LETTER TO RON GRAVES IN THIS FILE. THE ACTUAL DOCUMENTS (COPIES) CAN BE INSPECTED IN THE RESPECTIVE FILES. NO CONTRADICTORY EVIDENCE HAS BEEN SUBMITTED TO DISSUADE THE DISALLOWANCE OF THIS CLAIM. THE WATER RIGHTS WILL BE RECOMMENDED AS 02-2053, 02-2118 & 02-2139.