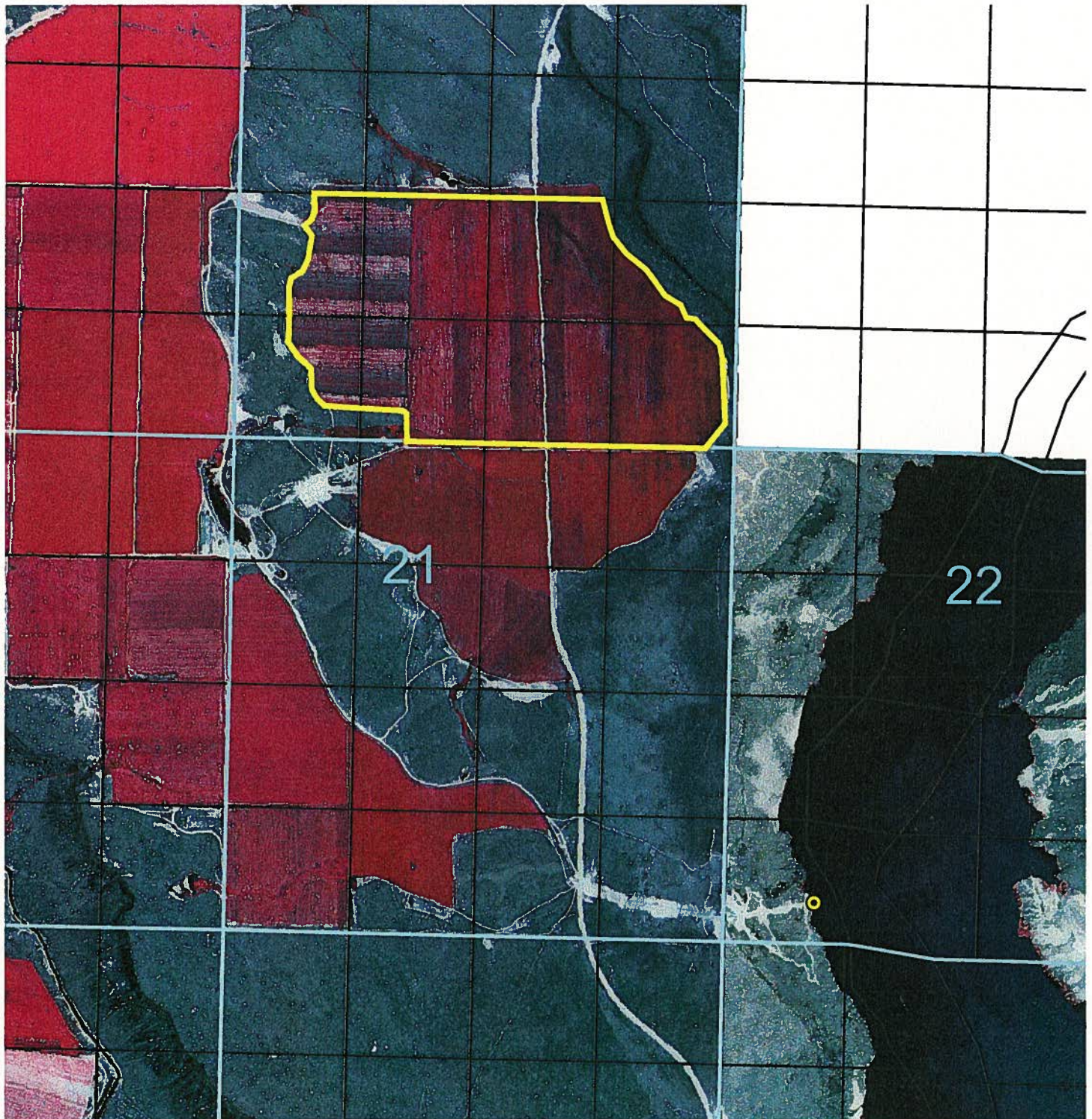


# Idaho Department of Water Resources

1987 NAPP Photo



0 0.7 1.4 Miles

Claim Number: 02-2409  
Legal: T05S R04E, S16 & 22  
Reviewed By: BTB 5/10/05

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



# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-02409

Date: 6-10-02

|       |     |     |     | 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 | 55  | 4E  | 16  |    |    |    |    |    |    |    |    | 40 | 16 | 13 | 35 | 3   | 38 | 38 | 25 | 208   |
| GIS   |     |     |     |    |    |    |    |    |    |    |    | 40 | 20 | 14 | 37 | 9.5 | 40 | 40 | 35 | 235.5 |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |       |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |       |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |       |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |       |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |       |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |       |

Number of POD's 1

Total Claimed Acres: 208

Overlapping FOU Claim #'s:

Total GIS Acres: 235.5

## COMMENTS:

POU - per field boundaries + image interp.

POD per claim legal.

# Idaho Department of Water Resources

Claim Number: 02-02409

Legal: T05S, R04E, S16

Reviewed By:

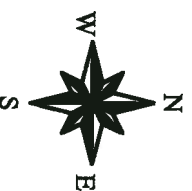
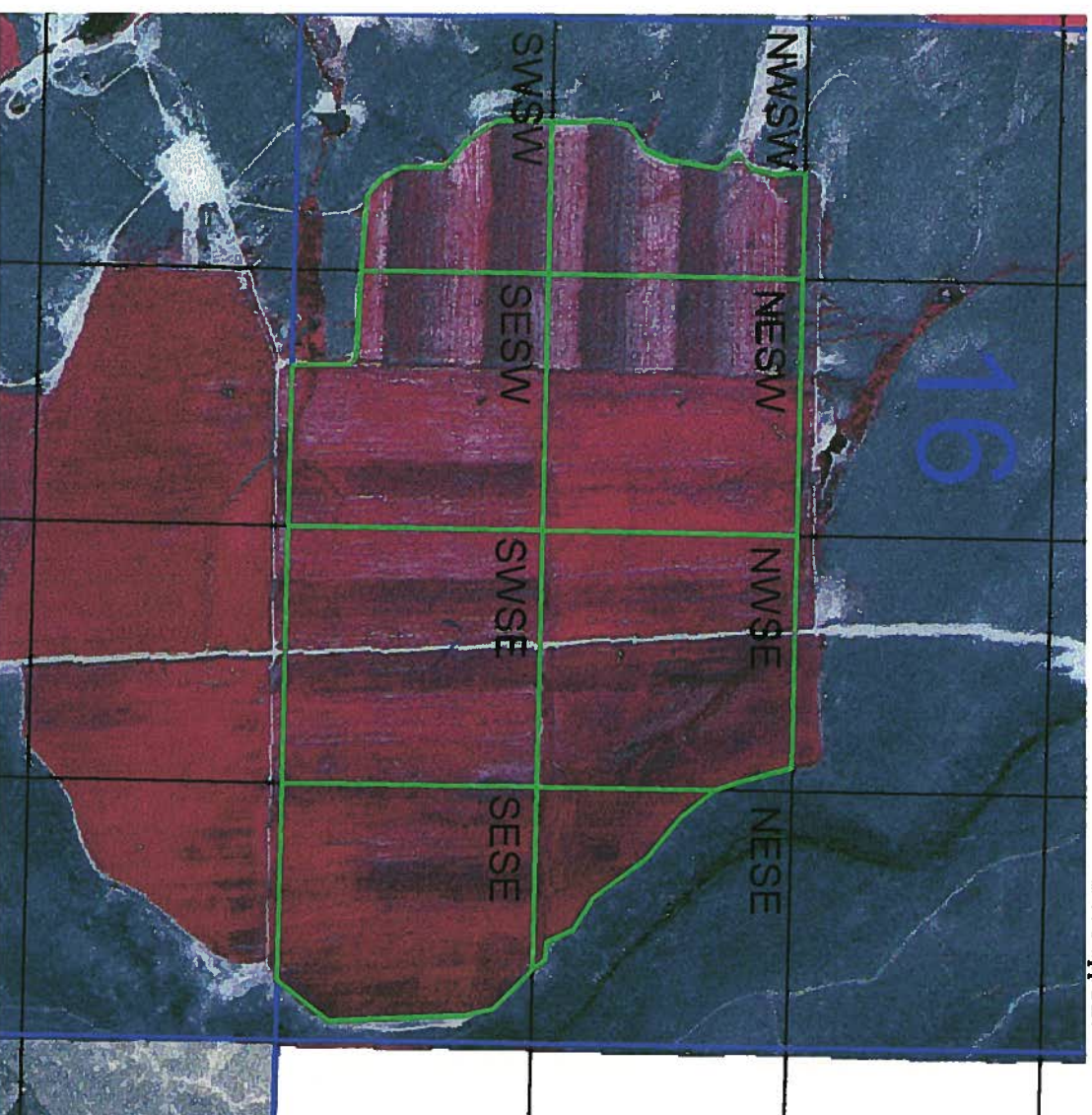
● Point of Diversion  
(located outside view)

Place of Use

Section Lines

Quarter Quarter Lines

1987 Napp Photo



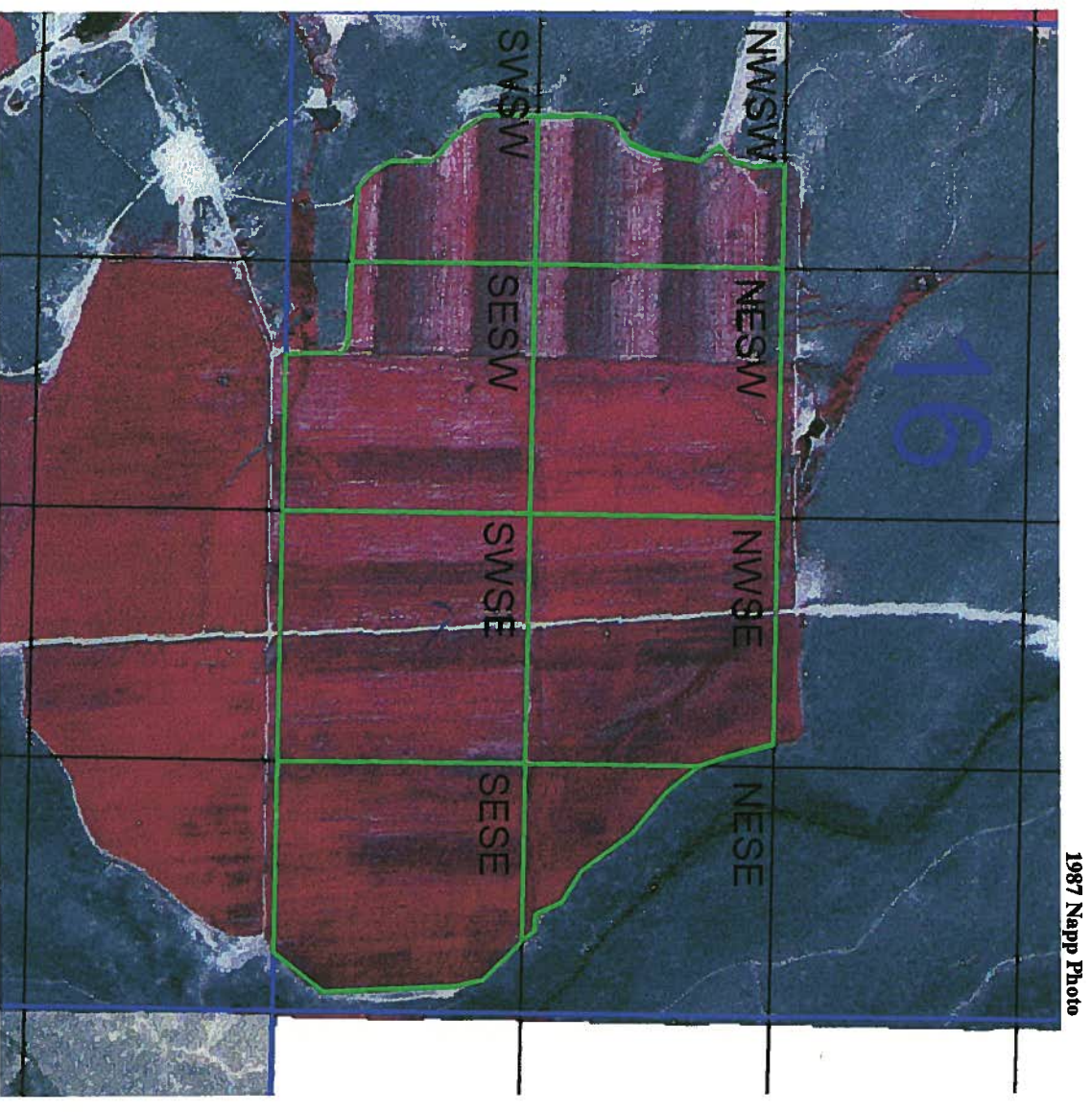
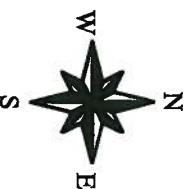
# Idaho Department of Water Resources

Claim Number: 02-02409

Legal: T05S, R04E, S16

Reviewed By:

- Point of Diversion  
(located outside view)
- 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: A02-02409

Date Received: 12/6/89

Receipt No: C013324

Received By:                     

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 16, 1967

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05S      | 04E   | 22      | SE     | SW     | SW  | 4   | 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 | 4.160 |      |        |

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

A.F.A.

8. Total consumptive use is 728.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 05S      | 04E   | 16      | NE     | SW  |     | IRR | 40.0  |
|          |       |         | NW     | SW  |     | IRR | 16.0  |
|          |       |         | SW     | SW  |     | IRR | 13.0  |

A02-02409

Page 1

Date: 12/06/89

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AUG 07 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 05S      | 04E   | 16      | SE  |    | SW  |     | IRR           | 35.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 3.0   |
|          |       |         | NW  |    | SE  |     | IRR           | 38.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 38.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 25.0  |
|          |       |         |     |    |     |     | Section Acres | 208.0 |
|          |       |         |     |    |     |     | Total Acres   | 208.0 |

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:  
NONE

14. Remarks:  
RAWLINGS PLACE.

15. Basis of Claim: LICENSE  
Water Right Number: 33517

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  
Title  
J. R. Simplot Company, that I have signed the foregoing  
Organization  
document in the space below as Secretary of  
Title  
J. R. Simplot Company and that the statements contained in the  
Organization  
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

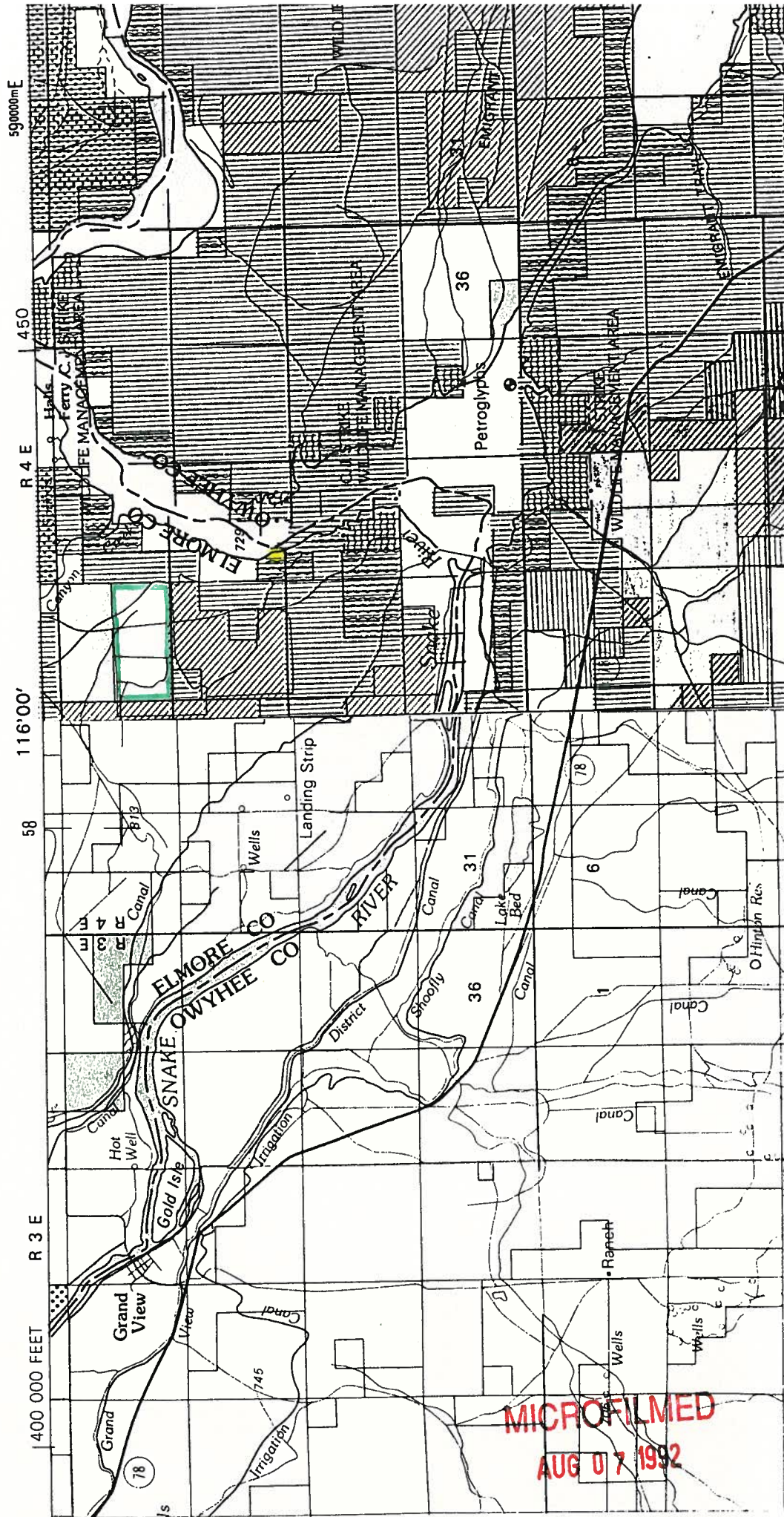
Residing at Meridian, Idaho

My Commission Expires 11-06-91

= point of Diversion  
 = place of Use

VLR# A02-02409

TRIANGLE QUADRANGLE  
 IDAHO  
 UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 1:100 000-SCALE SERIES (PLANIMETRIC)



MICROFILMED  
 AUG 07 1992



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

6.0.

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,

Sally Sherman  
Secretary, Adjudication Bureau  
Department of Water Resources

SS:regions

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AUG 16 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 16 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. - JEL

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 16 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  
7 Boise, Idaho 83707  
8 Telephone: (208) 389-7318  
9 Fax: (208) 389-7515

10 Attorneys for J. R. Simplot Company

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

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

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

Civil Case No. 39576

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

22 Petitioner. )

23 v. )

NOTICE OF WITHDRAWAL  
OF COUNSEL

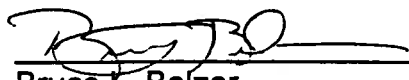
24 The United States; the State of )  
25 Idaho; and all claimants to the )  
26 use of water from the Snake )  
27 River Basin Water System, )

28 Defendants. )

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  
13  
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**MICROFILMED**  
**AUG 16 1994**

**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

Josephine P. Beeman  
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  
P.O. Box 1565  
Nyssa, Oregon 97913

Cliff S. Bentz  
YTURRI, ROSE, BURNHAM,  
BENTZ & HELFRICH  
P.O. Box 450  
Fruitland, Idaho 83619

Kent W. Foster  
HOLDEN, KIDWELL, HAHN & CRAPO  
330 Shoup Avenue  
P.O. Box 50130  
Idaho Falls, Idaho 83405

Randall C. Budge  
RACINE, OLSON, NYE,  
COOPER & BUDGE, CHARTERED  
201 East Center, Suite 2A  
P.O. Box 1391  
Pocatello, Idaho 83204-1391

Randall C. Fredricks  
COSHON, HUMPHREY, GREENER &  
WELSH, P.A.  
Carnegie Building  
815 West Washington Street  
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

Raymond D. Givens  
Jeffrey C. Fereday  
Michael C. Creamer  
Christopher H. Meyer  
Roy L. Eiguren  
GIVENS, PURSLEY, & HUNTLEY  
277 North Sixth Street, Suite 200  
P.O. Box 2720  
Boise, Idaho 83701

**MICROFILMED**

**AUG 16 1994**

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

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

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

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

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

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

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

Roger D. Ling  
LING, NIELSEN & ROBINSON  
615 H Street  
P.O. Box 396  
Rupert, Idaho 83350

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

Don A. Olowinski  
Albert P. Barker  
Richard B. Burleigh  
HAWLEY, TROXELL, ENNIS & HAWLEY  
877 West Main Street  
P.O. Box 1617  
Boise, Idaho 83701

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

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

**MICROFILMED**

**AUG 16 1994**

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

Jerry R. Rigby  
Ray W. Rigby  
RIGBY, THATCHER, ANDRUS,  
RIGBY & KAM, CHARTERED  
25 North Second East  
P.O. Box 250  
Rexburg, Idaho 83440

6 William F. Ringert  
7 Daniel V. Steenson  
8 RINGERT, CLARK, CHARTERED  
9 455 South Third Street  
10 P.O. Box 2773  
11 Boise, Idaho 83701-2773

John A. Rosholt  
James C. Tucker  
ROSHOLT, ROBERTSON & TUCKER  
142 Third Avenue North  
P.O. Box 1906  
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  
Burley, Idaho 83318

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

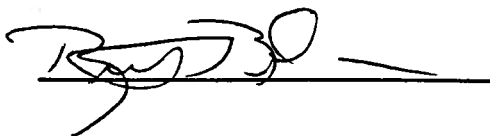
17 Craig R. Zaiss  
18 CRAIG R. ZAISS, P.A.  
19 Attorney at Law  
20 305 Grover Street  
21 P.O. Box 628  
Parma, Idaho 83660

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  
Boise, Idaho 83711-4449

27 MICROFILMED  
28 AUG 16 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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6

7 5500v  
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**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 Resources

FEB 27 1985

Merging

402-2409

BRACEGAMER - 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<br/>Subsidiary</u> | <u>Number of<br/>Shares<br/>Outstanding</u> | <u>Designation<br/>of Class</u> | <u>Number of<br/>Shares Owned by<br/>J. R. Simplot Company</u> |
|--------------------------------|---------------------------------------------|---------------------------------|----------------------------------------------------------------|
| Simplot<br>Industries,<br>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

per 21234  
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.

APR 12 1964  
MICROFILMED

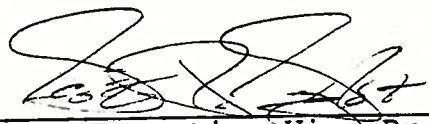
FOURTH: That this corporation survive the merger and may be served with process in the States of Nevada and Utah in any proceeding for enforcement of any obligation of SIMPLOT INDUSTRIES, INC. as well as for enforcement of any obligation of the surviving corporation arising from the merger.

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.

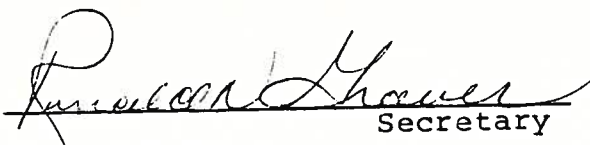
SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

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

JUN 18 1985  
MICROFILMED

STATE OF IDAHO            )  
                              ) ss  
County of Ada            )

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 1 8 1985  
MICROFILMED

State of Idaho  
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 10/14/82

Right No. 02-2409

Claimant SIMPLOT

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

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 file ☒ Beneficial Use Report in License (S.O.) File

Measurement 423 cfs. Amount recommended 416 cfs.

Type of measuring device: \_\_\_\_\_ Meter No. \_\_\_\_\_

Condition \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Adjudication Photo(s) Used: Name or No. CJ STRIKE, 3450-80152

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☐ Yes ☒ No

Remarks P/U VARIES SLIGHTLY.

NOV 1 8 1982

INADVERTENT

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  
SNAKE RIVER FROM BASE OF MILNER DAM TO OREGON BORDER  
DRAINAGE BASIN:

NOTICE OF CLAIM  
TO A  
WATER RIGHT

|         |          |             |
|---------|----------|-------------|
| 02-2409 | I.D. No. | Map No.     |
| \$ 10   | Fee Paid | 19463       |
|         |          | Receipt No. |

Notice is hereby given that SIMPLOT INDUSTRIES, Inc.  
(Name of Claimant) Tom Blessinger  
P. O. Box 27 Boise, ID 83707 Telephone No. 342-8194  
(Mailing Address) (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) 3/16/1967

(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 4.16 cfs Use IRRIGATION Period of Use From 3/15 To 11/15  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

(4) 4.16 cfs TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
Sec. 22, Twp. 5S, Rge. 4E, B.M., Elmore County  
Additional Points:

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 $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTAL |
|----|----|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------|
|    |    |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |       |
| 5S | 4E | 16   |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 19               | 13               | 37               | 3                | 33               | 38               | 25               | 208   |
|    |    |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|    |    |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|    |    |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|    |    |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|    |    |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |

Total no. of acres 208

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 for Rawlings Place.

(9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.  
DVS ☐ 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. 33517/02-2409

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.

April 27, 1981 (Date) \_\_\_\_\_ (Signature of Claimant)

State of Idaho Organization SIMPLOT INDUSTRIES, INC.  
County of Ada ss. Seal

On this 27th day of April, in the year 1981 before me

a notary public, personally appeared Donald M. Rawlings  
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 4/29/83 Notary Public residing at Boise, Idaho

RECEIVED

JUN 22 1981

Department of Water Resources  
Western Regional Office

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  
Border

**NOTICE OF CLAIM  
TO A  
WATER RIGHT**

|                     |                      |
|---------------------|----------------------|
| 02-2409<br>I.D. No. | Map No.              |
| \$ 10<br>Fee Paid   | 19463<br>Receipt No. |

Notice is hereby given that SIMPLOT INDUSTRIES, Inc.

(Name of Claimant)

Tom Blessinger

P. O. Box 27 Boise, ID 83707

(Mailing Address)

(Zip Code)

Telephone No. 342-8194

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) 3/16/1967

(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 4.16 cfs Use Irrigation Period of Use From 3/15 To 11/15  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

Quantity \_\_\_\_\_ Use \_\_\_\_\_ Period of Use From \_\_\_\_\_ To \_\_\_\_\_  
(CFS, GPD, AF) (Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)  
(Both dates inclusive)

(4) 4.16 cfs TOTAL QUANTITY CLAIMED.  
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SW %  
Sec. 22, Twp. 5S, Rge. 4E, B.M., Elmore County

Additional Points: SCI: 2720(1) 494.5

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 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 |       |
| 5S | 4E | 16   |        |        |        |        |        |        |        |        | 40     | 16     | 13     | 37     | 3      | 33     | 38     | 25     | 208   |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|    |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

Total no. of acres 208

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 for Rawlings Place.

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JUN 22 1981

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.  
☐ B) Right decreed by court, cite title of case.

Department of Water Resources  
Western Regional Office

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 33517/02-2409

Old No.

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

April 27, 1981

(Date)

(Signature of Claimant)

(Signature of Spouse)

State of Idaho

Organization

Organization  
SIMPLOT INDUSTRIES, INC.

County of Ada

ss.

Seal

By: Ronald N. Graves  
(Signature of Authorized Agent) Secretary

On this 27th day of April, in the year 1981 before me

a notary public, personally appeared Ronald N. Graves

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 4/27/83

Notary Public residing at Boise, Idaho

POOR ORIGINAL

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33517/02-2409 Priority March 16, 1967 Amount 4.16 cfs

THIS IS TO CERTIFY, that FRANK N. RAWLINGS  
of Boise, Idaho, has complied with the terms and conditions of Permit  
No. 33517/02-2409 issued pursuant to Application for Permit dated March 16, 1967  
and has submitted proof to the Department of Water Administration on February 6, 1969  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 4.93 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from the Snake River  
tributary of the Columbia River, is hereby confirmed in the following amounts:  
Amount 4.16 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Subject, however, to the condition that no more than 4.16 cfs of water be diverted at  
any one time, said waters to be diverted within the \_\_\_\_\_

SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 22, Twp. 5 S, Rge. 4 E, B. M.

in the county of Elmore; and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 936 acre feet per year or \_\_\_\_\_  
4.5 acre feet per acre.

Description and location of place of use:

| TWP | RANGE | SEC | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|-----|-------|-----|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|     |       |     | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 5 S | 4 E   | 16  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 19               | 13               | 37               | 3                | 33               | 38               | 25               | 208    |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 208

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3rd day of

January, 19 74.

Director

62-2409

APR 2 1969  
WICKS