

Meeting with V. Conrad
2/23/09
02/03/2009

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

RIGHT NUMBER: 2-7040

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: 3.140 CFS

PRIORITY DATE: 07/27/1969

POINT OF
DIVERSION:

T05S R04E S22 SESWSW Lot 4 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/10	3.140 CFS
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 10 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in ELMORE County

T05S R04E S21	NENE	18.00	T05S R04E S21	NWNE	39.00
T05S R04E S21	SWNE	10.00	T05S R04E S21	NENW	33.00
T05S R04E S21	SENE	12.00	T05S R04E S21	NESW	16.00
T05S R04E S21	SESW	24.00	T05S R04E S21	SWSE	5.00

157 ACRES TOTAL

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

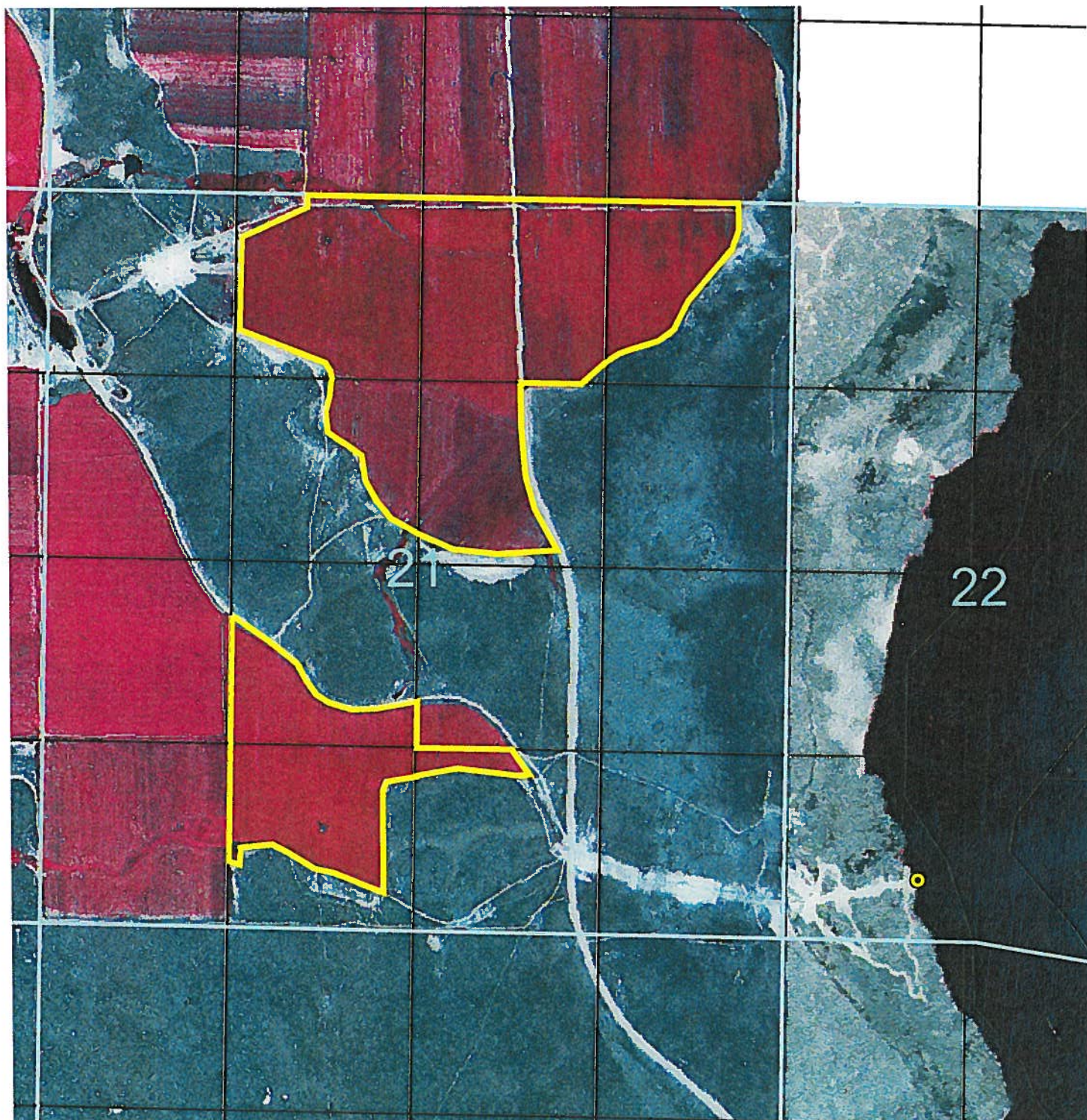
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right Nos. 2-2220, 2-2221, 2-2222, 2-2409, and 2-10026 are also diverted through point of diversion described above.

Deke
BFS
in

Idaho Department of Water Resources

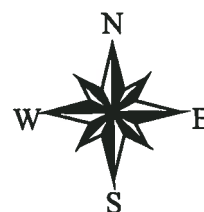
1987 NAPP Photo



0 0.5 1 Miles

Claim Number: 02-07040
Legal: T05S R04E, S21 & 22
Reviewed By: BTB 5/10/05

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



State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAEF Date 9/02/83
Right No. 02-0096 Claimant SIMPLET

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 8/26/83

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

Measurement 25.86 cfs. Amount recommended .34 cfs.

Type of measuring device: AA CURRENT METER Meter No. 090143

Condition Good, Dikes 8/26/83 Date 1974 OQ's Time Noon

Adjudication Photo(s) Used: Name or No. GRAND VIEW, Mouth of BOWEN

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☐ Yes ☒ No

Remarks 10/24/75 MEASUREMENT 33.4 cfs - SAME MOTORS, DIFFERENT PUMPS
SAME DIVERSION WORKS AS 02-2220, 02-2221, 02-2222, 02-2409 & 02-7040.

2-7040
filed w/2-2220
Danner
4-29-83

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 02-07040

Date: 6-11-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	55	4E	21	18	39	10		33			12	16			24			5		157
-GIS				17	40	22		34			12	15			23			2.9		165.9
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 157

Overlapping EOU Claim #'s:

Total GIS Acres: 165.9

COMMENTS:

POD per image interp.

POD per claim legal.

Idaho Department of Water Resources

Claim Number: 02-07040

Legal: T05S, R04E, S21

Reviewed By:



Point of Diversion



Place of Use

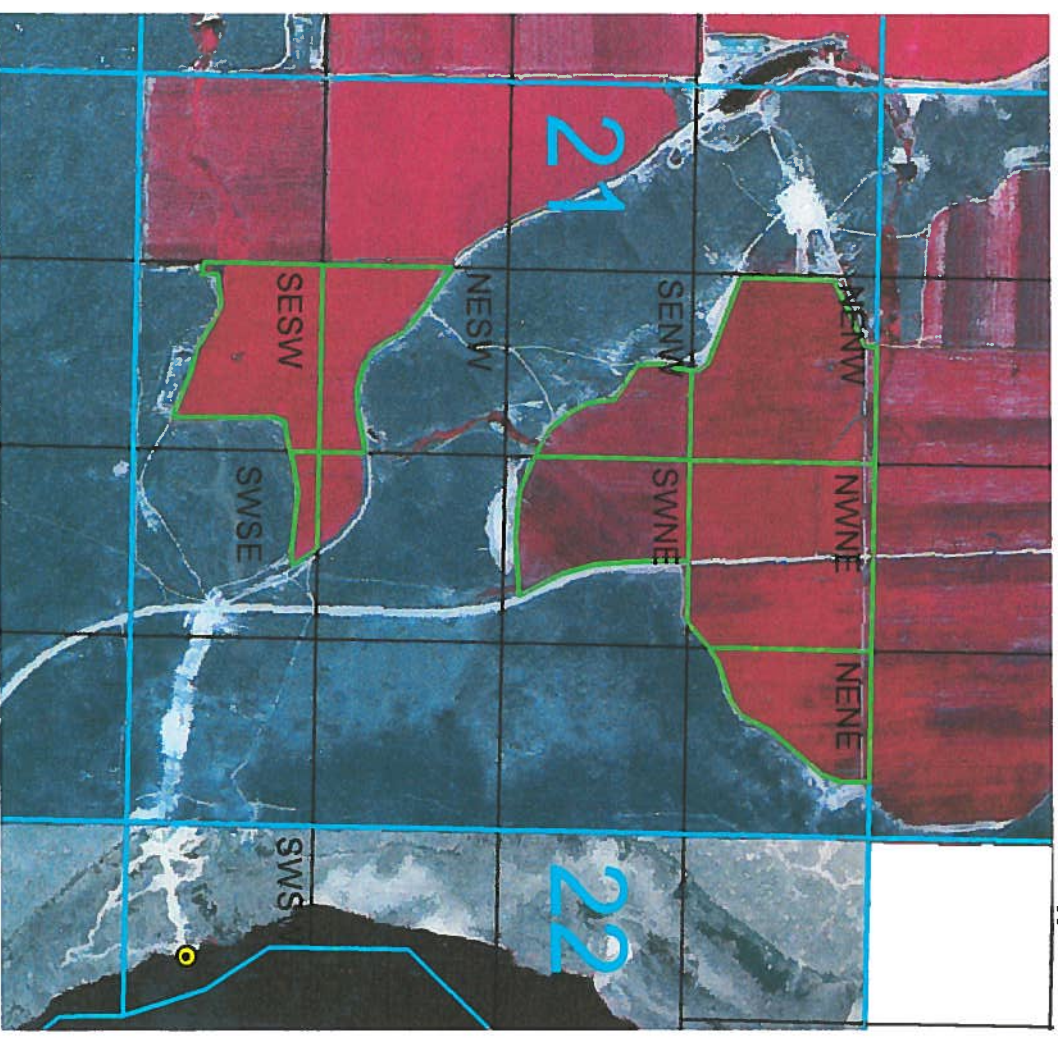


Section Lines

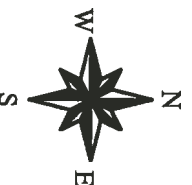


Quarter Quarter Lines

1987 Napp Photo



0 0.25 0.5 0.75 Miles

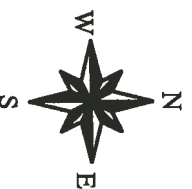
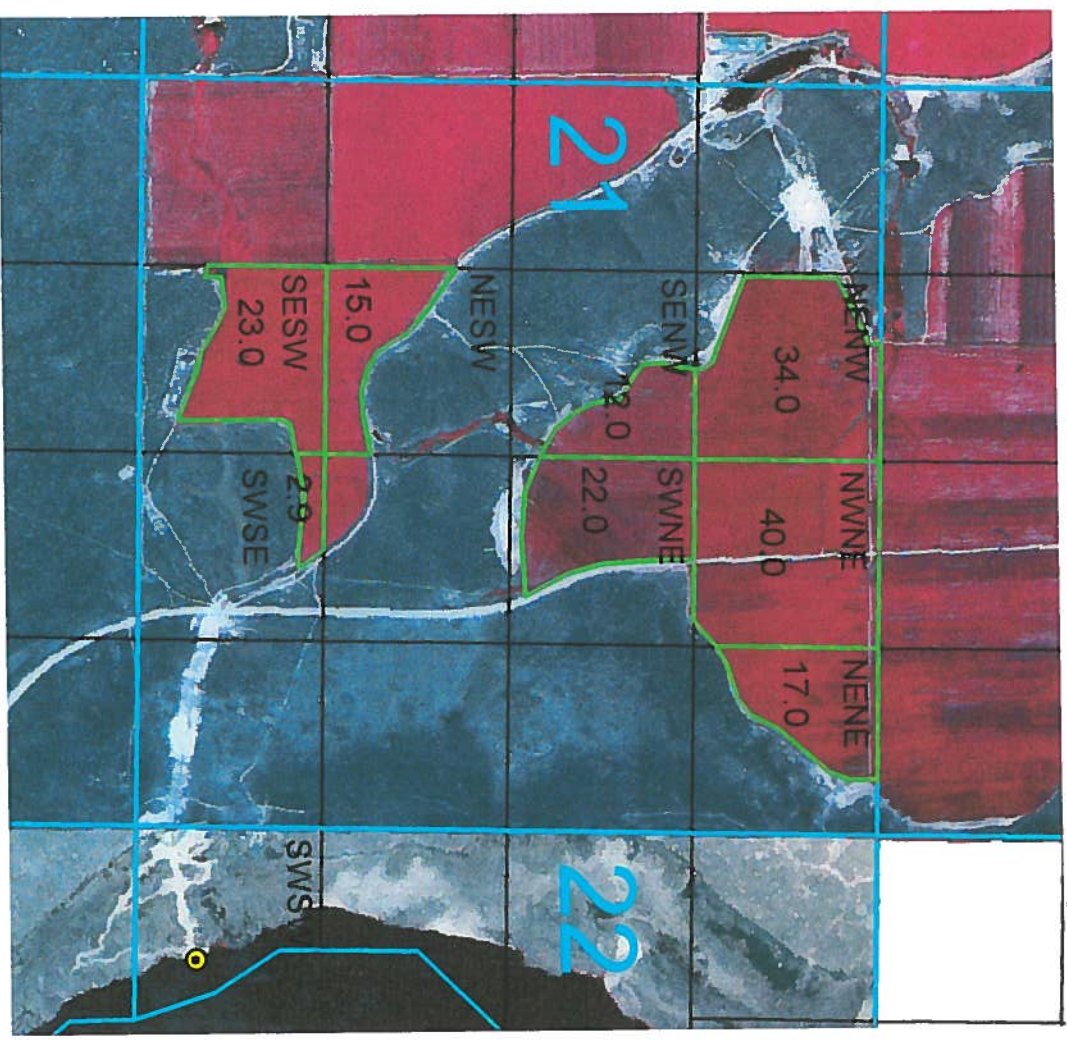


Idaho Department of Water Resources

Claim Number: 02-07040
Legal: T05S, R04E, S21
Reviewed By:

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

1987 Napp Photo



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: A02-07040
Date Received: 12/6/89
Receipt No: 6013324
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: JUL 27, 1969

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	3.140		

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

8. Total consumptive use is 549.5 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	21	NE	NE		IRR	18.0
			NW	NE		IRR	39.0
			SW	NE		IRR	10.0

A02-07040

Page 1

Date: 12/06/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	04E	21	NE	NW		IRR	33.0
			SE	NW		IRR	12.0
			NE	SW		IRR	16.0
			SE	SW		IRR	24.0
			SW	SE		IRR	5.0

Section Acres 157.0

Total Acres 157.0

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

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

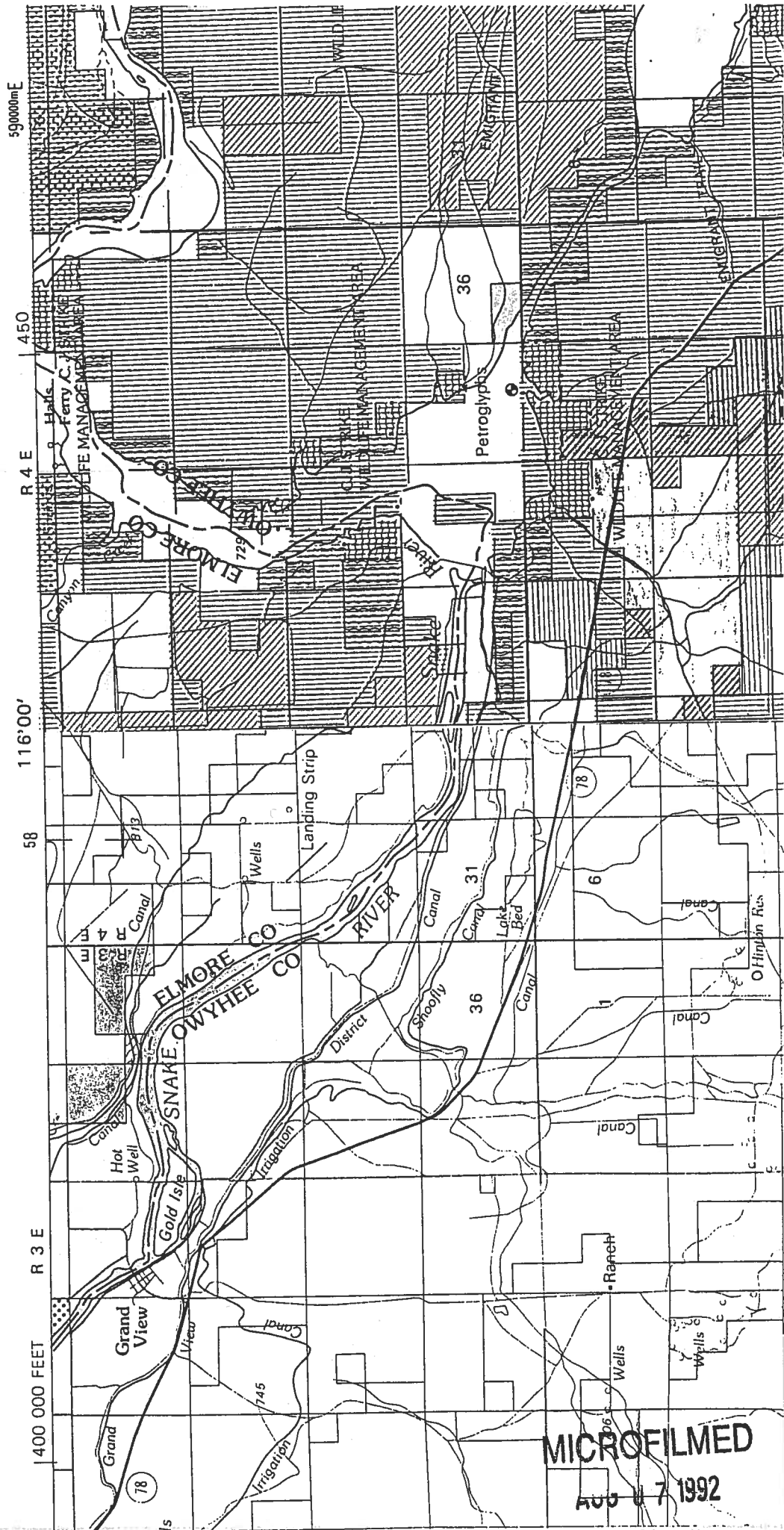
Seal

Residing at Meridian, Idaho
My Commission Expires 11-06-91

= point of Diversion
 = place of Use

✓IR# A02-07040

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



W.O.



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

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'.

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.
-Sal*

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

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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. - 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

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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
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 - SRRA
TWIN FALLS CO., IDAHO
FILED

8
9
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 4th 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

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
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Nyssa, Oregon 97913

Cliff S. Bentz
YTURRI, ROSE, BURNHAM,
BENTZ & HELFRICH
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Pocatello, Idaho 83204-1391

Randall C. Fredricks
COSHO, 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

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Jeffrey C. Fereday
Michael C. Creamer
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3 CUMMINGS
4 960 Broadway, Suite 400
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Rigby, Idaho 83442-0036

5 John D. Hansen
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7 PETERSON & SULLIVAN,
8 CHARTERED
9 683 North Capital Avenue
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Idaho Falls, Idaho 83402-1718

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615 H Street
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Rupert, Idaho 83350

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

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

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

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Albert P. Barker
Richard B. Burleigh
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P.O. Box 1617
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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
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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
P.O. Box 66
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

Jerry R. Rigby
Ray W. Rigby
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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
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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
14 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

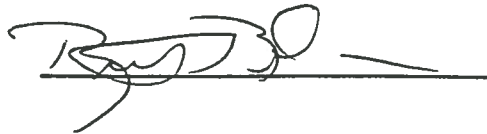
17 Craig R. Zaiss
18 CRAIG R. ZAISS, P.A.
19 Attorney at Law
20 305 Grover Street
21 P.O. Box 628
22 Parma, Idaho 83660

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

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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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7 5500v
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AUG 16 1994

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 ~~DRAINAGE BASIN~~
Border.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

02-7040 I.D. No.	Map No. <u>19463</u>
\$ <u>10</u> Fee Paid	Receipt No.

Notice is hereby given that SIMPLOT INDUSTRIES, Inc.

(Name of Claimant)

P. O. Box 27 Boise, ID 82707

(Mailing Address)

(Zip Code)

Telephone No. Tom Blessinger
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) 7/27/1969
- (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 3.14 cfs Use Irrigation A 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) 3.14 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 4 SE SW SW 1/4 Elmore County
Sec. 22, Twp. 5S, Rge. 4E, B.M., _____
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%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5S	4E	21	14	36	10		40			14	14			24			5		157
			18	39			33			12	16								

Total no. of acres 157

- 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 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.

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. 02-7040

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)

State of Idaho

Organization

County of Ada

ss.

Seal

(Signature of Claimant)

(Signature of Spouse)

Organization SIMPLOT INDUSTRIES, INC.

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

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

CERTIFICATE OF OWNERSHIP AND MERGER
INCLUDING ARTICLES OF MERGER

RECEIVED

AUG 1 1985

Department of Water Resources

FEB 27 1985

Merging

BRUCEHAMMER - SECRETARY OF STATE

SIMPLOT INDUSTRIES, INC.

A02-7040

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

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.

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.

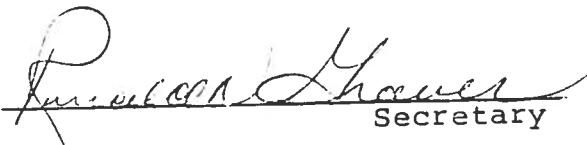
SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

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

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

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
Snake River from base of Milner
dam to Oregon DRAINAGE BASIN.
Border.

NOTICE OF CLAIM
TO A
WATER RIGHT

02-70409	
I.D. No.	Map No.
\$ 10	19463
Fee Paid	Receipt No.

Notice is hereby given that SIMPLOT INDUSTRIES, Inc.
(Name of Claimant)

P. O. Box 27 Boise, ID 82707 Telephone No. Tom Blessinger
(Mailing Address) (Zip Code) 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) 7/27/1969

(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 3.14 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) 3.14 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW Lot 4 SW 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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	4E	21	14	36	10		40			14	14			24			5		157

Total no. of acres 157

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 Rawlings Place JUN 22 1981

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. Department of Water Resources
DVS ☐ B) Right decreed by court, cite title of case. Western Regional Office
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. 02-7040

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)

State of Idaho Organization _____
County of Ada ss. Seal _____

(Signature of Spouse)

Organization SIMPLOT INDUSTRIES, INC.

(Signature of Authorized Agent) Secretary

On this 27th day of April, in the year 1981 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,
ship or _____) executed the same.

Expires _____ Notary Public residing at _____

WRR100
A02-7040

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
7-FEB-1986 20:04:23

[illegible]

Verified
2/11/86

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. SHAFF

Date 10/14/82

Right No. 02-7040

Claimant SIMPLOT

Recommendation differs from claim:
(Document any differences)

☐ Yes

☒ No

☐ Disallow

ESSENTIALLY

Claim Details Verified Against:

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

C ☒ 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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7040 (late proof) Priority July 27, 1969 Amount 3.14 cfs

THIS IS TO CERTIFY, that SIMPLIOT INDUSTRIES, INC.
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 02-7040 issued pursuant to Application for Permit dated July 8, 1969,
and has submitted proof to the Department of Water Resources on September 20, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 33.4 cfs of water from Snoke River
tributary to Columbia River, and that the permit holder has applied to a beneficial use an
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 10</u>	<u>3.14</u> cfs and	<u>785</u> acre feet
	from _____	at _____	_____
	from _____	at _____	_____

Subject, however, to the condition that no more than 3.14 cfs of water be used at any one time, and
that the amount of water so diverted and to which such right is entitled and entitled for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
785 acre feet per year, said waters to be diverted within the SW¹SW⁴, Sec. 22, Twp. 5S,
Rge. 4E, B.M. in the County of Elmore

Description and location of place of use:

Twp.	Range	Section								Total
		1	2	3	4	5	6	7	8	
5S	4E	21	14	35	10	40	14	14		157

Total number of acres irrigated 157

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 21 day of

DATE OF EXAM 9/11/75

ACREAGE

Found 157
Recommended 157

Irrigation Requirement 5.0 Ac Ft/Ac

USE

Irrigation: Q = 3.14 c.f.s. V = 78.5 AF/Ann. from 3/15 to 11/10
Domestic: Q = c.f.s. V = AF/Ann. from to
Livestock: Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no L

Name source:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. $\frac{1}{4}$ $\frac{1}{4}$ County

Exchange? yes no L

Name source exchanged with:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. $\frac{1}{4}$ $\frac{1}{4}$ County

Point of injection:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. $\frac{1}{4}$ $\frac{1}{4}$ County

Point of exchange:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. $\frac{1}{4}$ $\frac{1}{4}$ County

Total Q measured 15,000 cfs = 34,203 Method of measurement in line meter

Total Q recommended 3.14 Meter No. 744771 Type Rate-Flow Condition operational

Total V recommended 78.5

Recommended Amendments:

P.D.
Place of Use
Other
None Home Sijplot Industries Now owns Property

MEASUREMENT CALCULATION:

in line flow meter Rate-Flow # 744771 at 15,000 gpm
= 34,203

15,000 gpm = 33.4 cfs

SYSTEM DESCRIPTION:

- ① US Motor 100 HP 1P 520 AIR, 115V pump size 18 Serial # 23-8478-1
- ② 6" Motor 100 HP Model 5K426X61614 Serial # CAT 310007, Vertiline pump Model # 16K44A Serial # 09073
- ③ 6" Motor 100 HP Model 5K426X61614 Serial # CAT 310006, Vertiline pump Model # 16K44A Serial # 09073
- ④ 6" Motor 100 HP Model 5K426X61614 Serial # CAT 310006, Vertiline pump Model # 16K44A Serial # 09073
- ⑤ 6" Motor 100 HP Model 5K426X61614 Serial # CAT 310006, Vertiline pump Model # 16K44A Serial # 09073
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