

IDAHO DEPARTMENT OF WATER RESOURCES 09/08/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.38 CFS

PRIORITY DATE: 04/11/1910

POINT OF DIVERSION:

T06S R34E S16 SESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE:

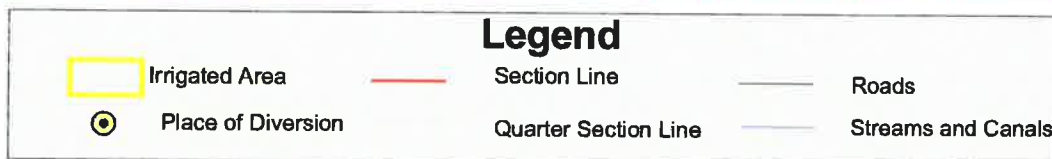
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RECOMMENDED AS RIGHT NO. 29-4088.

EXPLANATORY MATERIAL:

Water Right Claim Number A29-10927
Township , 6S34E

09/26/2000

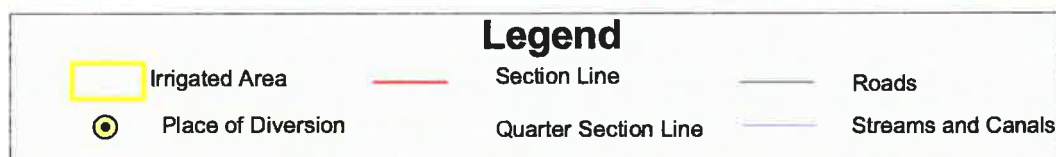


500 0 500 1000 Feet



Water Right Claim Number A29-10927
Township , 6S34E

09/26/2000

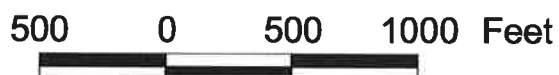
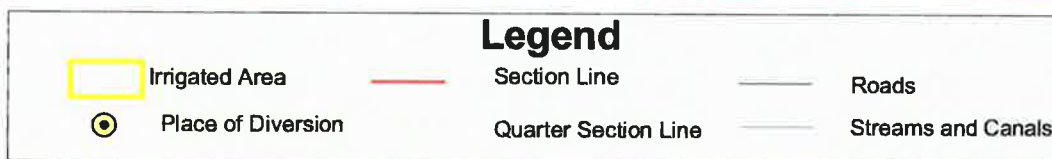


500 0 500 1000 Feet

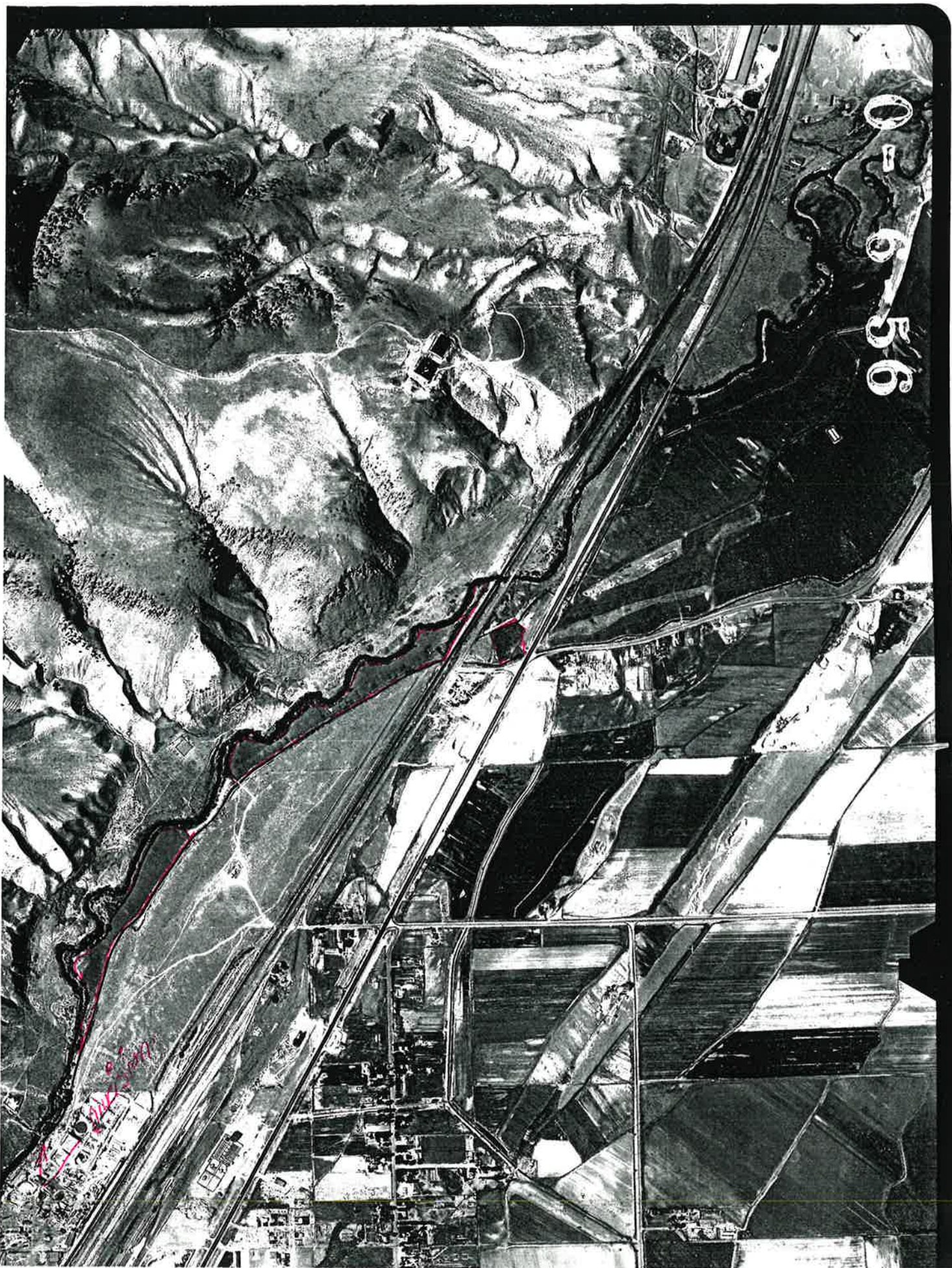


Water Right Claim Number A29-10927
Township , 6S34E

09/26/2000



29-10927



AFFIDAVIT OF ROBERT W. SWANSON

STATE OF IDAHO)
) S.S.
Bannock County)

The undersigned being duly sworn upon his oath, hereby states and avers as follows:

1. My name is Robert W. Swanson, and I reside near Pocatello, Idaho. I was born on November 19, 1929. *16 RD.*
2. My current mailing address is 2470, Michaud Creek Road, Pocatello, ID 83204.
3. After moving to Idaho from Iowa in 1880, my grandfather, Theodore Swanson, acquired land along the Portneuf River, which we referred to as the Swanson Ranch. My family owned a livestock ranching and farming operation on the Swanson Ranch, which was located within Bannock County, Idaho and Power County Idaho.
4. In 1906 Theodore Swanson constructed a dam across the Portneuf River for the purpose of diverting water for irrigating portions of the Swanson Ranch. This diversion dam was located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 T.6S R.34E. Simultaneously with constructing this diversion dam, a ditch was also constructed at this time. The ditch was (and is) approximately 3 miles in length and is used to transport water diverted from the Portneuf River to irrigate land located on portions of the Swanson Ranch.
5. The land irrigated on the Swanson Ranch with water diverted by the diversion dam and transported through this ditch is described on the places of use claimed under the Snake River Basin Adjudication Claim nos. 29-4088 and 29-10927.
6. On October 1, 1960 the J. R. Simplot Company acquired the rights to use water diverted under claim no. 29-4088 and the land described under the place of use pursuant to the deeds attached hereto as Exhibit A. My family continued to own and irrigate the place of use described under claim no. 29-10927 until June 4, 1996 when the J. R. Simplot Company also acquired this land and related claim pursuant to the deed attached hereto as Exhibit B.
7. The original ditch is still used to transport water to irrigate the same land that was irrigated since my grandfather constructed the diversion dam and ditch in 1906. Water is now diverted into the ditch through a pump and pipeline rather than through the use of the old diversion dam. This diversion and pumping system is situated in the same location as the old diversion dam.
8. Although there are two separate Adjudication claims describing separate places of use (29-4088 and 29-10927), together these claims describe all of the land developed and irrigated on the Swanson Ranch from 1906 until the present time with water diverted

from the Portneuf River. These lands, which constitute the places of use claimed under 29-4088 and 29-10927, have been continuously irrigated since my grandfather, Theodore Swanson, constructed the original diversion dam and ditch in 1906. The original ditch is still used by the current owner of this land, J. R. Simplot Company, to transport water for the irrigation of land originally developed on the Swanson Ranch. In further support of this affidavit I have attached as Exhibit C a summary of the Swanson Ranch, which I prepared for the benefit of the J. R. Simplot Company when it acquired the balance of the Swanson Ranch in 1996. The facts set forth therein are true and correct to the best of my knowledge.

Further the affiant sayeth not.

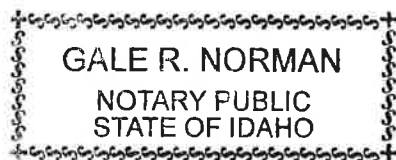
AFFIANT:

Robert W. Swanson
Robert W. Swanson

STATE OF IDAHO)
) S.S.
COUNTY OF BANNOCK)

On this 19 day of April, 2004, before me, a Notary Public in and for said State, personally appeared **Robert W. Swanson**, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Gale R. Norman
Notary Public for Idaho
Residing at: 941 Everett Ave Bozelle Id
My Commission Expires: 4/26/08

Exhibit C

SWANSON RANCH

(As of 6/97)

Theodore Swanson came to Pocatello from Iowa about 1880. He worked for the railroad. In 1887, in Iowa, he married Effie Stevenson and brought his new wife to Pocatello. They had 6 children, Abel, Ray, Effie, Alice, Grace and Clara.

Effie Fugate (100 years old in December) and Alice Wood (97 years old) still live in Pocatello. Grace Garrett (93 years old) lives in Idaho Falls.

Theodore and Effie started obtaining land along the Portneuf River that was to become Swanson Ranch. Some of the land was purchased from a French Indian named Batiste. The many springs that flow from this area along the Portneuf were known as "Batiste Springs".

One of the reasons for locating along the Portneuf was the available water for irrigation to raise hay and grain for the cattle. A diversion dam was built in the Portneuf in 1906 which is located below the old Zweigart meat plant.

More than three miles of canal was built and is still in use today. As a result they were able to irrigate over 200 acres.

The cattle were grazed in the mountains to the west and south. This was the time when the forest service was just coming into being and the Taylor Grazing Act (B.L.M.) had not been enacted. There were very few fences and the cattle would graze as far away as Arbon Valley.

The family lived in Pocatello for a few years. They lived in a tent on the ranch for a time while the log house was built (this log house along with a cabin that Batiste lived in are located on the Michaud creek near the home of Bob and Shannon Swanson).

In 1915, they built a large red brick house. In 1918, they built a big yellow brick barn, one was on each side of Batiste Road. They stood for many years as a land mark and symbol of the ranch.

Theodore Swanson was killed in an auto accident in 1931.

Ray Swanson then took over as the ranch operator. He was also a veterinarian having graduated from Kiklip Veterinary College in 1915. He practiced in Pocatello area for many years plus managed the ranch.

There were few trucks and trailers until World War II so cattle had to be driven to stockyards in Pocatello where they were shipped to Omaha or Chicago with the owner usually riding in the caboose.

Soon after World War II, J.R. Simplot started to manufacture fertilizer near the ranch and in the late 1950's, purchased the home place that was east and north of the railroad tracks.

The remainder of the ranch was deeded to Ray and Lottie Swanson. The ranch headquarters was then moved to Michaud Creek where Bob and Shannon Swanson now live. A family corporation was formed, Michaud Ranches, Inc.

Two sons of Bob and Shannon, Mark and Ron now run the ranch and live with their families on Michaud Creek. A third son, Ted also lives on Michaud Creek but works elsewhere. One daughter, Karen lives with her family in Gooding Idaho and another daughter, Bonnie Brulotte, lives in Woodbridge Virginia with her family.

Lottie Swanson (96 years old in August) lives in Pocatello in the summer and in Wells Nevada in the winter with a daughter.

Swanson, Ray V, et al
Purchase Agreement
Ex Doc: Ruby Company 66

5-1

442272

WARRANTY DEED

THIS INDENTURE, made this 1st day of October, 1960, between THEODORE A. SWANSON and MINNIE SWANSON, husband and wife, of Pocatello, Bannock County, Idaho; RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife, of Pocatello, Bannock County, Idaho; RONALD E. WOOD and ALICE S. WOOD, husband and wife, of Pocatello, Bannock County, Idaho; EFFIE FUGATE, a widow, of Aberdeen, Bingham County, Idaho; GRACE GARRETT, a widow, of Idaho Falls, Bonneville County, Idaho; and DELBERT ANDERSON and CLARA ANDERSON, husband and wife, of Idaho Falls, Bonneville County, Idaho, the parties of the first part, and RUBY COMPANY, a Corporation, with principal offices in the State of Idaho, at Boise, Ada County, Idaho, the party of the second part:

W I T N E S S E T H:

That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 AND OTHER VALUABLE CONSIDERATION - - DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto said party of the second part, and to its heirs and assigns forever: All those certain lots, pieces, or parcels of land situate, lying and being in the Counties of Bannock and Power, State of Idaho, bounded and more particularly described as follows, to wit:

BANNOCK COUNTY:

Section 7, Lot 6, except that portion conveyed to the City of Pocatello and described as:

Beginning at the intersection of the east line of Section 7 and the Northwestly right of way line of Batiste Road, which is 655 feet, more or less, northerly from the east 1/4 corner of said Section, and running; thence Southwesterly along said right of way 810 feet, more or less; thence Northwestly at right angles 450 feet; thence Northwestly at an angle of 10°45' right from the last preceding course 575 feet, more or less, to the north 1/16 line of said Section; thence Easterly along said 1/16 line 1090 feet, more or less, to the easterly line of said Section; thence Southerly along the easterly Section line 615 feet, more or less, to the point of beginning.

442272

5-2

That portion of Lot 7, that portion north and east of the Portneuf River, SW $\frac{1}{4}$ of Section 8 lying south and west of Batiste Road; that portion of the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 8, lying south and west of Batiste Road; that portion of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8 lying south and west of Batiste Road; that portion of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, lying north and east of the Oregon Short Line Railroad right of way, excepting those portions granted to Bannock County or the State of Idaho for highway purposes, and to the Oregon Short Line Railroad; that portion of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17 lying west of Batiste Road and north and east of the Oregon Short Line Railroad right of way, excepting those portions granted to Bannock County and the State of Idaho for highway purposes and to the Oregon Short Line Railroad; all of the above described property lying and being in Township 6 South, Range 34, East of the Boise Meridian.

POWER COUNTY:

That portion of Lot 7, EXCEPT Tax No. 7 and Tax No. 4, in Section 7, Township 6 South, Range 34 East, Boise Meridian, all being in Power County, Idaho; and

The N $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 18, Township 6 South, Range 34 East, Boise Meridian, all being in Power County, Idaho.

Particular descriptions of Tax No. 7 and Tax No. 4, above mentioned, are as follows:

TAX NO. 7:

Beginning at the SE corner, Sec. 7, T. 6 S., R. 34 E., B.M., running thence N. 1°15' W. 692.51 feet to the North boundary of U.S. Highway 30 N. right of way; thence N. 63°32' W. 1261.97 feet to a true point of beginning on the North boundary of the U.S. Highway 30 N. right of way; thence N. 16°41' E. 408.93 feet; thence N. 47°55'30" W. 390.65 feet; thence S. 0°10'30" W. 586.37 feet to a point on the North boundary of U.S. Highway 30 N. right of way; thence along the said right of way 186.94 feet, more or less, to the true point of beginning, containing 2.90 acres, more or less.

TAX NO. 4:

Beginning at the Southwest corner of Lot 7, Section 7, Township 6 South, Range 34 East, Boise Meridian; thence North along the West line of the said Lot 7 a distance of 2.0 feet, more or less, to the Northerly right of way line of the Old Oregon Trail Highway; thence following the said right of way line in a Southeasterly direction on a curve to the right 190.3 feet to the point of beginning of the following described tract of land; thence North 16°27' E. 407.0 feet; thence S. 38°23' E. 325.4 feet; thence S. 16°27' W. 249.0 feet, more or less to the said right of way line; thence along the said right of way line in a Northwesterly direction on a curve to the left 267.8 feet, more or less, to the point of beginning. Being a part of Lots 7 and 10 of Section 7, T. 6 S., R. 34 E.B.M. and containing 2.0 acres, more or less.

Beginning at the Northeast corner of Lot 10, Section 7,

442272

5-3

T. 6 S., R. 34 E.B.M., thence south along the east line of the said Section 7, 640.0 feet, more or less, to the northerly right of way line of the Old Oregon Trail Highway; thence along the said right of way line in a northwesterly direction on a curve to the left, to the northwest corner of the said Lot 10; thence East along the north line of the said Lot 10, 1320.0 feet, more or less, to the point of beginning.

The above described tract of land is all of that part of Lot 10, Section 7, T. 6 S., R. 34 E., B.M., lying northerly from the northerly right of way line of the Old Oregon Trail Highway and contains 9.0 acres, more or less, SAVE AND EXCEPT the following described tracts, to wit:

TAX NO. 4 and TAX NO. 7 as described above.

TAX NO. 6:

Beginning at the SE corner, Sec. 7, T. 34 E.B.M., running thence N. 1°15' W. 692.51 feet to the North boundary of U.S. Highway 30 N. right of Way; thence N. 60°25' W. 532.36 feet to a true point of beginning on the north boundary of U.S. Highway 30 N right of way thence N. 28°33' E., 270 ft., thence N. 67°09'30" W., 514.55 ft. thence S. 16°19'30" W. 251.09 ft., to a point of the north boundary of U.S. Highway 30 N right of way, thence along said right of way, 459.91 ft., more or less, to the true point of beginning, containing 2.86 acres, more or less.

TAX NO. 13:

Commencing at the SE corner, Section 7, Twp. 6 S., R. 34 E.B.M., thence N. 1°15' W. 692.51 feet to the north boundary of the Old Oregon Trail right of way, thence N. 59°47' W. 332.41 feet to the real point of beginning on the N. boundary of said highway right of way, thence N. 28°32' E. a distance of 210 feet, more or less to a point, thence Northwesterly along a curve left of 5830.30 feet radius 78 feet distance northeasterly from and parallel to the center line of the Old Oregon Trail PT 1024 (1) highway survey, a distance of 200 feet, more or less, to a point, thence S. 28°33' W. a distance of 190 feet, more or less, to a point on said present northerly right of way line of the Old Oregon Trail Highway, thence Southeasterly along the said present northerly right of way line a distance of 200 feet, more or less, to the point of beginning and containing .92 acres, more or less.

TAX NO. 14:

Beginning at the SE Corner, Sec. 7, Twp. 6 S., R. 34 E.B.M. running thence N. 1°15' W. 692.51 feet, to the north boundary of U.S. Highway 30 N. right of way, thence N. 59°47' W. 332.41 feet to a true point of beginning on the north boundary of U.S. Highway 30 N. right of way, thence N. 28°32' E. 270 feet, thence N. 61°28' W. 200 feet, thence S. 28°32' W. 270 feet, to a point on the north boundary of U.S. Highway Right of Way, thence along the said right of way, 200 feet, more or less, to the point of beginning, containing 1.24 acres, more or less, SAVE AND EXCEPT Tax # 13.

442272

5-4

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to its heirs and assigns forever and the said parties of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against the said parties of the first part, and their heirs and assigns and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Theodore A. Swanson
Theodore A. Swanson

Minnie Swanson
Minnie Swanson

Ray V. Swanson
Ray V. Swanson

Lottie E. Swanson
Lottie E. Swanson

Ronald E. Wood
Ronald E. Wood

Alice S. Wood
Alice S. Wood

Ernest Eugene
Ernest Eugene

Grace Garrett
Grace Garrett

Delbert Anderson
Delbert Anderson

Clara Anderson
Clara Anderson

442272

5-5

STATE OF IDAHO)

County of Bannock) ss

On the 1st day of October, in the year 1960,

before me, Louis F. Racine, Jr., a Notary Public in and for said County and State, personally appeared THEODORE A. SWANSON and MINNIE SWANSON, husband and wife, RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife, RONALD E. WOOD and ALICE S. WOOD, husband and wife, EFFIE FUGATE, a widow, GRACE GARRETT, a widow, DELBERT ANDERSON and CLARA ANDERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(Seal)

NOTARY SEAL

Louis F. Racine, Jr.
Louis F. Racine, Jr.
Notary Public for Idaho
Residing at: Pocatello, Idaho

INDEXED

INDEXED

FILED

91033

Instrument No.

State of Idaho, ss. I hereby
County of Bannock certify that the within instrument was filed
for record at the first of

J. R. Simplot Co.
Filed at 2:55 minutes past

2 o'clock P. M., this 28th

day of July, 1967, and record-

ed in book Drewen #1

at 91033

Helena Hall
Recorder

Mary Jarwell
Deputy

No. 442272

RECORDED AT REQUEST OF

J.R. SIMPLOT COMPANY

P.O. BOX 2777-- BOISE, IDAHO 83701

AUG 28 9 39 AM '67

OFFICIAL RECORDS NO. 215
BANNOCK COUNTY, IDAHO
ENNETTE SPIAKER, RECORDER
FEE \$6.00 DEPUTY \$2.00

Exhibit A

Swanson, Ray V, et al
Purchase Agreement
Ex Doc: Ruby Company 66

2-1

441536

QUIT CLAIM DEED

THIS INDENTURE, Made the 1st day of ~~October~~ 1960, between THEODORE A SWANSON and MINNIE SWANSON, husband and wife; RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife; and RONALD E. WOOD and ALICE S. WOOD, of Pocatello, Bannock County, Idaho; and EFFIE FUGATE, a widow, of Aberdeen, Bingham County, Idaho; and GRACE GARRETT, a widow; DELBERT ANDERSON and CLARA ANDERSON, husband and wife; of Idaho Falls, Bonneville County, Idaho, the parties of the first part, and RUBY COMPANY, a Corporation, with principal offices in the State of Idaho, in Boise, Ada County, the party of the second part;

W I T N E S S E T H:

That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION, lawful money of the United States of America to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, do by these presents demise, release and forever Quitclaim unto the said party of the second part, and to its heirs and assigns, all that certain lot, piece, or parcel of land situated in Bannock County, of the State of Idaho, particularly described as follows, to wit:

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said party of the second part and to its heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first

Exhibit A

441536

above written.

Theodore A. Swanson
Theodore A. SwansonMinnie Swanson
Minnie SwansonRay V. Swanson
Ray V. SwansonLottie E. Swanson
Lottie E. SwansonRonald E. Wood
Ronald E. WoodAlice S. Wood
Alice S. WoodEffie Fugate
Effie FugateGrace Garrett
Grace GarrettDelbert Anderson
Delbert AndersonClara Anderson
Clara Anderson

STATE OF IDAHO)

County of Bannock) ss

On this 1st day of October in the year 1960, before me, Louis F. Racine, Jr., a Notary Public in and for said County and State, personally appeared THEODORE A. SWANSON and MINNIE SWANSON, husband and wife, RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife, RONALD E. WOOD and ALICE S. WOOD, husband and wife, EFFIE FUGATE, a widow, GRACE GARRETT, a widow, AND DELBERT ANDERSON and CLARA ANDERSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Louis F. Racine, Jr.
Louis F. Racine, Jr.
Notary Public for Idaho
Residing at: Pocatello, Idaho

(Seal)

NOTARY SEAL

Exhibit A

No. 441536

RECORDED AT REQUEST OF

J.R. Simplot
P.O. Box 2777

AUG 3 9 25 AM '67

OFFICIAL RECORDS, NO. 215
BANNOCK COUNTY, IDAHO
FEE \$1.00 DUTY 10

Swanson, Ray V, et al
Purchase Agreement
Ex Doc: Ruby Company 68

QUIT CLAIM DEED

THIS INDENTURE, Made the 1st day of October, in the year of our Lord, One Thousand Nine Hundred and sixty, between

RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife,
of Pocatello County of Bannock and
State of Idaho the part 103 of the first part, and
RUBY COMPANY, a Corporation
of Boise, of the County of Ada and
State of Idaho the part Y of the second part:

WITNESSETH, That the said part 103 of the first part, for and in consideration of the sum of
TEN AND NO/100 AND OTHER VALUABLE CONSIDERATION DOLLARS
lawful money of the United States of America to them in hand paid by the said part Y of
the second part, the receipt of which is hereby acknowledged, do by these presents demise, re-
lease and forever Quitclaim unto the said part Y of the second part, and to its heirs
and assigns, all th' at certain lot, piece, or parcel of land
situated in Power County, of the State of Idaho, particularly described as
follows, to-wit:

An irregular parcel of land lying in a portion of Lot 10 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of
Section 7, Township 6 South, Range 34 East, Boise Meridian, described
as follows, to wit:

Commencing at the Southeast corner of Section 7, Township 6 South,
Range 34 East Boise Meridian: thence North 1°15' West - 692.51 feet to
a point on the present Northerly boundary of the Old Oregon Trail
Highway; thence North 59°47' West - 332.41 feet to a point on the
present Northerly right of way boundary of said highway; thence North
28°32' East a distance of 210 feet more or less to a point on the
Northerly right of way boundary of the Old Oregon Trail FI 1024(1)
Highway Survey which point is THE REAL POINT OF BEGINNING: thence North-
westerly along a curve left of 5830.30 foot radius 78.0 feet distant
Northeasterly from and parallel to the center line of the Old Oregon
Trail FI 1024(1) Highway Survey a distance of 200 feet more or less to
a point; thence North 28°33' East 80 feet more or less to a point;
thence South 61°28' East 200.00 feet to a point; thence South 28°32'
West 60 feet more or less to the point of beginning and containing
0.32 acres more or less.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in
anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits
thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto
said part Y of the second part, and to its heirs and assigns
forever.

IN WITNESS WHEREOF, The said part 103 of the first part have hereunto set their
hand's and seal's the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Ray V. Swanson (Seal)

Lottie E. Swanson (Seal)

(Seal)

Exhibit A

STATE OF IDAHO
County of Bannock

} s.

On this 1st day of October in the year 19 60, before
me, Louis F. Racine, Jr., a Notary Public in and for
said County and State, personally appeared
RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife, known
are
to me to be the persons whose names subscribed to the within instrument, and acknowledged to me
that they executed the same.

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

Louis F. Racine, Jr.
Louis F. Racine, Jr.
Notary Public for Idaho
Residing at: Pocatello, Idaho

(Seal)

INDEXED
91032
INDEXED NO. 12-12-60

to

QUIT CLAIM DEED

Dated Oct. 1, 1960

Filed for record at the request of

J. R. Simplot Co.

July 28, 1967

at 20 minutes past 7 o'clock

P. Dwyer #1, Sect. 19, 1032

in Record of Deeds, page

Helene Hall

County Recorder

By *Mary Farwell*

Deputy

Recorder's Fees \$ 2.10

Exhibit A

MAY 31 '96 15:23 SIMPLOT ID. BOISE ID

Michaud Creek Ranches, Inc.
Purchase & Sale Agreement
Ex Doc: M&C 2004

96009187

CORPORATION WARRANTY DEED

MICHAUD CREEK RANCHES, INC., an Idaho corporation, with its principal office at 2470 Michaud Creek Road, Pocatello, Idaho 83204 ("Grantor"), hereby CONVEYS, GRANTS, BARGAINS, SELLS and WARRANTS to the J. R. SIMPLOT COMPANY, a Nevada corporation, whose address is at P.O. Box 27, Boise, Idaho 83707 ("Grantee"), for the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the real property described in the attached Exhibit A located in Bannock County, Idaho, TOGETHER WITH all water rights, mineral rights, easements, hereditaments and appurtenances thereto,

The conveyance hereby made is subject to the lien for general taxes for the year 1996 and subsequent years, and all easements, encumbrances, covenants, restrictions and other matters of record.

Grantor will warrant and defend the quiet and peaceable possession of the above-described real property by Grantee and Grantee's heirs, successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor, pursuant to authority given by its Board of Directors, has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this ____ day of May, 1996.

MICHAUD CREEK RANCHES, INC.

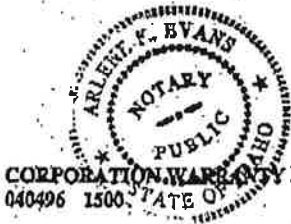
By Russ Davidson
Its President

STATE OF IDAHO)

County of Bannock) ss.

On this 4th day of June, 1996, before me, a Notary Public in and for said State, personally appeared Russ Davidson, the President of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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

CORPORATION WARRANTY DEED - 1
040496 1500 STATE OF IDAHO

Arlene F. Evans
Notary Public for Idaho
Residing at: Chubbuck
My Commission Expires: 04/04/98
0405c

NO 96009187
RECORDED AT REQUEST OF
PIONEER TITLE
'96 JUN 4 AM 10 58
OFFICIAL RECORD BOOK NO 6108
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE \$100 DEPUTY 03

Exhibit B

MAY 31 '86 15:03 SIMPLO ID, BOISE, IDLT

P. 2/31

36009187

A parcel of land located in the SW 1/4 of the SW 1/4 of section 16, and in section 17, all in T 6 S, R 34 E, N 3 N., Bannock County, Idaho, being more particularly described as follows:

beginning at the West 1/16 corner on the south line of said section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 0°03'50" E along the West 1/16 line of section 17, 1628.43 feet to the West 1/16 corner on the latitudinal centerline of section 17, said corner being marked by a 1978 BLM brass cap monument; thence continuing N 0°23'03" E along said West 1/16 line of section 17, 2349.47 feet to a point on the southwesterly right-of-way of the Union Pacific Railroad, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence S 76°36'03" E along the southwesterly right-of-way of the Union Pacific Railroad, 1337.33 feet to a point on the Easterly bank of the Portneuf River, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence continuing S 11°21'03" E along the southwesterly right-of-way of the Union Pacific Railroad, 28.16 feet to a point on the Easterly bank of the Portneuf River, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence continuing S 86°36'03" E along the southwesterly right-of-way of the Union Pacific Railroad, 630.17 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence continuing N 33°23'57" E along the southwesterly right-of-way of the Union Pacific Railroad, 29.00 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence continuing S 36°16'03" E along the southwesterly right-of-way of the Union Pacific Railroad, 141.46 feet to a point on the northeasterly bank of an irrigation canal, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence southeasterly along the northeasterly bank of an irrigation canal, the following ten courses and distances (all angle points in the canal being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"):

S 21°32'38" E, 267.27 feet;	S 30°43'41" E, 1457.94 feet;
S 40°27'08" E, 201.74 feet;	S 54°06'17" E, 328.24 feet;
S 43°50'43" E, 311.03 feet;	S 88°07'13" E, 664.88 feet;
S 43°17'08" E, 177.04 feet;	S 39°48'23" E, 380.11 feet;
S 71°20'17" E, 699.27 feet;	S 72°36'35" E, 426.23 feet;

to a point on the West 1/16 line of section 16, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence S 0°03'56" W along the West 1/16 line of section 16, 180.14 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence N 55°39'13" W, 149.75 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence N 83°03'17" W, 411.34 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence S 30°28'33" W, 332.42 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence S 69°36'19" E, 495.86 feet to a point on the West 1/16 line of section 16, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PX/L3 4440"; thence S 0°03'56" W along the West 1/16 line of section 16, 166.00 feet to the West 1/16 corner on the south line of section 16, said corner being marked by a 1/2-inch dia. rebar with an aluminum cap stamped "LS 665"; thence S 88°29'39" W along the south line of section 16, 1337.37 feet to the southeast corner of section 17, said corner being marked by a Bannock County brass cap alongside the original stone monument; thence N 89°03'33" W along the south line of section 17, 1716.46 feet to the East 1/16 corner on the south line of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 0°19'56" E along the East 1/16 line of section 17, 1013.38 feet to the southeast 1/16 corner of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 89°10'17" W along the south 1/16 line of section 17, 1311.96 feet to the South 1/16 corner on the meridional centerline of section 17, said corner being marked by a 1978 BLM brass cap monument; thence S 0°12'03" W along the meridional centerline of section 17, 1311.08 feet to the South 1/4 corner of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 89°35'12" W along the south line of section 17, 1245.41 feet to the true point of beginning.

Said parcel containing 166.6 acres, more or less.

said parcel to include all water rights and any rights of ingress and egress which the grantor may have.



Exhibit B



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

June 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT COMPANY
C/O VIC CONRAD, LAND DEVELOPMENT
PO BOX 27
BOISE ID 83707

RE: Basin 29 Notices of Error; Water Right Nos. 29-4088 & 29-10927.

Dear Mr. Conrad:

Thank you for sending in your notice of error for the above referenced water rights. In your reply, you mentioned that you disagree with the department's preliminary recommendation for both rights 29-4088 & 29-10927. You indicate that the preliminary recommendation for right no. 29-10927 states that it is "recommended as right no. 29-4088" but that the place of use claimed for right 29-10927 were omitted from the place of use list on the preliminary recommendation for water right 29-4088.

I have reviewed the file concerning this matter and comment the following:

- In a letter from former IDWR Senior Water Right Agent, Bryce Contour addressed to Vic Conrad dated July 24, 2001, Mr. Contour comments that the areas claimed to be irrigated under claim 29-10927 "*...is not and has not been irrigated.*" This comment was the result of a personal visit and conversation with Mr. Norm Self and Mr. Bob Willey, employees of the JR Simplot Company, and Elise Teton, Tribal Engineer, Shoshone-Bannock Tribe. For your convenience, I have included a copy of the letter (minus enclosures).
- This last comment precludes an earlier comment in the same letter in regards to evidence of priority. Apparently, there were questions concerning a letter provided by Mr. Robert W. Swanson indicating whether or not Mr. Swanson had personal knowledge or the date upon which he personally observed beneficial use.
- A follow up letter supplied by Mr. Conrad in regards to 29-4088 shows revised areas of place of use requested to be included in the recommendation none of which contain the areas requested in the referenced notice of error reply. For your convenience, I have included a copy of the revised map that was returned to us.

Based upon this information, I am not inclined to make any changes to the recommendation.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,


W. Roger Warner
Adjudication Specialist

Enclosure(s) Letter from IDWR to JR Simplot Co. Dated July 24, 2001.
Revised Place of Use map returned to IDWR from JR Simplot Co.

February 21, 2003

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water Right Number: **29-10927**

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

The IDWR's Recommendation states, "Recommended as right no. 29-4088."

However, the following irrigated place of use contained on claim no. 29-10927 is not identified under the place of use recommended under 29-4088.

T.6S R. 34E Section 17:	SW$\frac{1}{4}$NE$\frac{1}{4}$ (5.0 acres)	NE$\frac{1}{4}$SE$\frac{1}{4}$ (5.0 acres)
	NW$\frac{1}{4}$SE$\frac{1}{4}$ (4.0 acres)	SE$\frac{1}{4}$SE$\frac{1}{4}$ (2.0 acres)

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

a. The Place of Use should be:

T.6S R. 34E Section 17:	SW$\frac{1}{4}$NE$\frac{1}{4}$ (5.0 acres)	NE$\frac{1}{4}$SE$\frac{1}{4}$ (5.0 acres)
	NW$\frac{1}{4}$SE$\frac{1}{4}$ (4.0 acres)	SE$\frac{1}{4}$SE$\frac{1}{4}$ (2.0 acres)

b. The Quantity should be 0.32 cfs.

c. The Priority should be June 18, 1902.

As an alternative the above place of use and quantity may be added to the place of use and quantity recommended under 29-4088 because they were originally part of the same system of appropriation.

The remaining water right elements should be recommended as claimed.

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

The above place of use is situated on land owned by the J. R. Simplot Company. Water diverted from the Portneuf River has been beneficially used to irrigate the place of use since the development of the irrigation system.

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

J. R. Simplot Company

DATE: April 16, 2003

SIGNATURE: By: _____

Please print your name: Ronald N. Graves, Senior Vice President,
Secretary and Chief Legal Officer

IDWR Regional Office, 900 North Skyline Drive, Suite A, Idaho Falls, ID 83402 (208) 525-7161

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10927 V1

WATER RIGHT NUMBER: 29-10927 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MICHAUD CREEK RANCHES INC
Current Owner	J R SIMPLOT CO
Also Known As	SIMPLOT

Priority Date: 04/11/1910

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
-----------------------	-------------	-----------	-----------------------	----------------------

<u>Total Diversion:</u>			0.380 CFS	
-------------------------	--	--	-----------	--

Location of Point(s) of Diversion

PORTNEUF RIVER	SE1/4SW1/4	Sec. 16, Twp 06S, Rge 34E, B.M.
BANNOCK County		

Place of UseConditions of Approval:Remarks:

1. General RECOMMENDED AS RIGHT NO. 29-4088.

Comments:

1. bcontor 9/8/2001 Disallowal

Comment: POU claimed is not currently irrigated per Mr. Norm Self of JR Simplot. It appears any use under this right has had an accomplished transfer to the same POU as 29-4088. As that claim appears to fully authorize use at that POU, this claim is recommended for disallowal with the code "recommended as 29-4088." See paper file 29-2020 "general" flap for full documentation.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10927 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/8/2001 2:37:45 PM	bcontor			Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	9/8/2001 2:36:05 PM	bcontor	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? Description for Question 12/13 - See comments

SCANNED

MAY 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2
~~April 4, 2001~~

J. R. Simplot Company
P.O. Box 27
Boise, Idaho 83707

Re: Adjudication Claim 29-10927

Dear Water User:

Attached is a copy of an Adjudication Claim for a water right near American Falls or Pocatello, Idaho. This claim is based upon "beneficial use." This means that the underlying water right was perfected by the original user simply developing a diversion and using the right. This was completely legal and appropriate up until March 25, 1963, for ground water uses, or up until May 20, 1971 for surface water uses. However, this method of perfecting a water right did not result in a paper record of the water right with the department.

In order to recommend your adjudication claim to the court, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

A handwritten signature in cursive script that reads 'Bryce A. Contor'.

Bryce A. Contor
Senior Water Resource Agent

Log for claim A29-10927

Spatial Dynamics LTD

9/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	16	SESW	3	2.5	
06s34e	17	SWNE	5	11	Indiscernible
06s34e	17	NESE	5	10	Indiscernible
06s34e	17	NWSE	4	4.4	
06s34e	17	SESE	2	5.6	
Totals:			19	33.5	

AJ5809NP
No. A29-10927

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 163

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT CO PO BOX 27 BOISE ID 83707 (208) 336-2110	04/11/1910	IRRIGATION	04-01 11-01	0.380 CFS	
TOTAL DIVERSION:					0.380 CFS	
CONSUMPTIVE USE:						47.50 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R34E S16 SESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06S	34E	16	:													03					3.0
06S	34E	17	:				05										05	04		02	16.0
TOTAL ACRES																				19.0	

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 20 CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-04088 A29-07504 A29-11313

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04088

Remarks: GEN THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.
CHANGE IN OWNERSHIP 8-2-96/JT/SB

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/02/90 DUNN 08/04/94 THOMPSON 03/29/95 POST-STD 08/02/96 JTHOMPSO
04/12/00 CVANDERM 04/13/00 CVANDERM



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 2, 1996

J R SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

RE: CHANGE IN OWNERSHIP FOR A29-10927

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,


Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 14 1996

Form 42-1400(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUN 06 1996

DATE OF CLOSING: May 31, 1996 (see instructions on back of page)

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____ 1/4 of _____ 1/4 of _____
 Lot _____ Block _____ Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources

JUN 10 1996

Department of Water Resources
Eastern District Office

- See Attached Copy of Warranty Deed
- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
 Assigned by IDWR: A29-10927
- [] Name and Address of Former Owner/Claimant(s) (Seller):
Michaud Creek Ranches, Inc.
2470 Michaud Creek Road
Pocatello, ID 83204
- [] New Owner/Claimant (Purchaser):
J. R. Simplot Company
- [] New Mailing Address:
P.O. Box 27
Boise, ID 83707
- [] New Telephone Number: (208) 336 - 2110
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: Copy of Warranty Deed
 (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s): J.R. Simplot Company Date 6/3/96
By: James W. Simplot
- [] Signature of Former Owner/Claimant(s): Michaud Creek Ranches, Inc. Date 6/4/96
By: [Signature]

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY

Initial Review and Data Entry

Date By

Further Action Needed

Further Action Taken

Date By

Final Review and Data Entry

Date By

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

2-1
48015-AKE
96009187

CORPORATION WARRANTY DEED

RECEIVED

JUN 06 1996

Department of Water Resources

MICHAUD CREEK RANCHES, INC., an Idaho corporation, with its principal office at 2470 Michaud Creek Road, Pocatello, Idaho 83204 ("Grantor"), hereby CONVEYS, GRANTS, BARGAINS, SELLS and WARRANTS to the J. R. SIMPLOT COMPANY, a Nevada corporation, whose address is at P.O. Box 27, Boise, Idaho 83707 ("Grantee"), for the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the real property described in the attached Exhibit A located in Bannock County, Idaho, TOGETHER WITH all water rights, mineral rights, easements, hereditaments and appurtenances thereto.

The conveyance hereby made is subject to the lien for general taxes for the year 1996 and subsequent years, and all easements, encumbrances, covenants, restrictions and other matters of record.

Grantor will warrant and defend the quiet and peaceable possession of the above-described real property by Grantee and Grantee's heirs, successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor, pursuant to authority given by its Board of Directors, has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this ____ day of May, 1996.

MICHAUD CREEK RANCHES, INC.

By Russ D. Harrison
Its President

STATE OF IDAHO)

County of Bannock) ss.

On this 4th day of June, 1996, before me, a Notary Public in and for said State, personally appeared Russ D. Harrison, the President of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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



Arlene F. Evans
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 8/29/98
0405c

CORPORATION WARRANTY DEED - 1
040496 1500

NO 96009187
RECORDED AT REQUEST OF
PIONEER TITLE
'96 JUN 4 AM 10 58
OFFICE: BANNOCK COUNTY IDAHO
LARRY W. CHAN, RECORDS
FEE: 3.00 DEPUTY 8

DEED RECORD

Instrument No. 333

THIS INDENTURE, Made the 17th day of December, in the year of our Lord one thousand nine hundred and six (1906) between Effie A. Swanson, a married woman, the wife of Theodore Swanson, of Pocatello, County of Blaine, State of Idaho, the part I of the first part, and Theodore Swanson, of Pocatello, County of Blaine, State of Idaho, the part II of the second part,

WITNESSETH: That the said part I of the first part, for and in consideration of the sum of TWO THOUSAND FIVE HUNDRED (\$2500.00) Dollars, in lawful money of the United States of America, to her in hand paid by the said part II of the second part, the receipt whereof is hereby acknowledged, do hereby sell, convey and confirm unto the said part II of the second part and to his heirs and assigns forever: All that certain lot or parcel of land, situate, lying and being in the County of Blaine, and State of Idaho, bounded and more particularly described as follows, to wit:

Lot numbered seven of section seven; and the west half of the southwest quarter and the southeast quarter of the southeast quarter of section eight; and the northeast quarter of the northwest quarter of section seventeen; all in Township six South of Range thirty-four, East of Boise Meridian, in Idaho, containing 198.74 acres according to official plat and survey returned to the General Land Office by the Surveyor General of Idaho;

Also, the northeast quarter of the southwest quarter of section eight; and lot numbered six of section nine (the said being the south-west quarter of the northeast quarter of said section seven); all in Township six South of Range thirty-four East of Boise Meridian, in Idaho, according to the official plat and survey returned to the General Land Office by the Surveyor General of Idaho, containing 77.91 acres;

Together with all water, water rights, water privileges and franchises used with or in any wise appurtenant to said lands or any part thereof, and all ditches, dams, canals and other works for the diversion and conduct of said water to and upon said lands;

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges therewith incident, unto the said part II of the second part and to his heirs and assigns forever. And the said part I of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part II of the second part his heirs and assigns, against the said part I of the first part, and his heirs, and against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by their process forever defend.

IN WITNESS WHEREOF, the said part I of the first part has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered to the presence of

Thos. P. Terrell,

Effie A. Swanson,



STATE OF IDAHO.

County of Blaine.

ss.

On the 17th

day of December,

in the year 1906,

before me

Thos. P. Terrell,

Notary Public,

in and for said County.

personally appeared

Effie A. Swanson, personally

known to me to be the person

whose name

subscribed to the within instrument, and acknowledged to me that he

executed the same, and on this

day of

in the year

before me the officer above described,

personally appeared

whose name is subscribed to the within instrument, describing her as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

(L. S.)
(Seal)

Thos. P. Terrell,

Notary Public.

Recorded at the request of Thos. Swanson, this 17 day of Dec. A. D. 1906 at 20 minutes past 4 o'clock P. M.

E. G. Gallist,

Recorder.

MICROFILMED
NOV 14 1930



RECEIVED

JUN 06 1996

OF BANNOCK COUNTY

Department of Water Resources
Eastern District Office

ESCROW NO. 48015
RE: Michaud Ranch/Simplot
DATE: 6/4/96

() Statement of Receipts and Disbursements
 () Our check # _____ in the sum of \$ _____
 () Deed recorded _____ Instrument No. _____
 () Deed of Trust recorded _____ Instrument No. _____
 () Note dated _____ in the sum of \$ _____
 () Title Insurance Policy No. _____
 () Fire Insurance Policy in the amount \$ _____
 (X) NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP & COPY OF WARRANTY DEED
 ()

Pioneer Title Company
of Bannock County

By:

MACROFILMS

NOV 14 1990

EXHIBIT "A"

96009187

A parcel of land located in the SW 1/4 of the SW 1/4 of Section 16, and in Section 17, all in T 6 S, R 34 E, S.M., Bannock County, Idaho, being more particularly described as follows:

Beginning at the West 1/16 corner on the South line of said section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 0°08'50" E along the West 1/16 line of section 17, 2629.42 feet to the West 1/16 corner on the latitudinal centerline of section 17, said corner being marked by a 1978 BLM brass cap monument; thence continuing N 0°25'08" E along said West 1/16 line of section 17, 2249.67 feet to a point on the Southwesterly right-of-way of the Union Pacific Railroad, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 56°36'03" E along the Southwesterly right-of-way of the Union Pacific Railroad, 1337.21 feet to a point on the Easterly bank of the Portneuf River, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing S 11°21'08" E along the Southwesterly right-of-way of the Union Pacific Railroad, 28.16 feet to a point on the Easterly bank of the Portneuf River, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing S 56°36'03" E along the Southwesterly right-of-way of the Union Pacific Railroad, 620.17 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing N 33°23'57" E along the Southwesterly right-of-way of the Union Pacific Railroad, 20.00 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence continuing S 56°36'03" E along the Southwesterly right-of-way of the Union Pacific Railroad, 141.66 feet to a point on the Northeastly bank of an irrigation canal, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence Southeastly along the Northeastly bank of an irrigation canal, the following ten courses and distances (all angle points in the canal being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"):

S 21°52'28" E, 267.87 feet; S 30°43'41" E, 1457.94 feet;
S 40°27'08" E, 201.74 feet; S 54°06'17" E, 136.24 feet;
S 43°50'53" E, 313.03 feet; S 55°07'18" E, 664.68 feet;
S 42°27'08" E, 177.06 feet; S 59°48'13" E, 280.11 feet;
S 71°50'27" E, 699.97 feet; S 72°36'36" E, 428.65 feet to a point on the West 1/16 line of section 16, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 0°03'36" W along the West 1/16 line of section 16, 183.14 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence N 59°39'12" W, 189.75 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence N 81°03'17" W, 411.34 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 20°38'28" W, 232.42 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 69°36'19" E, 695.85 feet to a point on the West 1/16 line of section 16, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440"; thence S 0°03'36" W along the West 1/16 line of section 16, 165.00 feet to the West 1/16 corner on the South line of section 16, said corner being marked by a 5/8-inch dia. rebar with an aluminum cap stamped "LS 968"; thence S 85°29'39" W along the South line of section 16, 1327.37 feet to the Southeast corner of section 17, said corner being marked by a Bannock County brass cap alongside the original stone monument; thence N 89°03'39" W along the South line of section 17, 1316.86 feet to the East 1/16 corner on the South line of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 0°19'06" E along the East 1/16 line of section 17, 1313.58 feet to the Southeast 1/16 corner of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 89°10'17" W along the South 1/16 line of section 17, 1311.90 feet to the South 1/16 corner on the meridional centerline of section 17, said corner being marked by a 1978 BLM brass cap monument; thence S 0°32'09" W along the meridional centerline of section 17, 1311.08 feet to the South 1/4 corner of section 17, said corner being marked by a 1978 BLM brass cap monument; thence N 89°35'22" W along the South line of section 17, 1285.41 feet to the true point of beginning.

Said parcel containing 266.6 acres, more or less.

Said parcel to include all water rights and any rights of ingress and egress which the grantor may have.



AJ5809NP
No. A29-10927

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TC	DIVERSION RATE	DIVERSION VOLUME
C	MICHAUD CREEK RANCHES INC 2470 MICHAUD CREEK RD POCATELLO ID 83204 (208) 232-0803	04/11/1910	IRRIGATION	04-01 11-01	0.38 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.38 CFS	47.50 AFA

Water Source: PORTNEUF RIVER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06S R34E S16

SESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
06S	34E	16	:													03				:	3.0	
06S	34E	17	:				05									T-159	05	04		02	:	16.0
																				TOTAL ACRES		19.0

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 20 CATTLE

Other Rights: NONE

Remarks: THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

T-159 434260
634259
617329

155-361455

105-602-269990

76-376-196580

76-152 193853

75-447-193303

T-6

T-40 SW NE
212 438900
177- 393122
172- 385542-92
155- 361232
119-89 297904
48- 112 162781
16 558 8036

NOV 14 1996
MICROFILMED

MAY 16 2001

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: **A29-10927**
Date Received: 4/ 2/1990
Receipt No: E012669
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: J R SIMPLOT COMPANY 208-336-2110
Address: PO BOX 27
BOISE ID 83707

2. Date of Priority: APR 11, 1910

3. Source: PORTNEUF RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	16	SE	SW			BANNOCK

5. Description of diverting works:
DITCH AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.380		

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

8. Total consumptive use is 47.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 20 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	16	SE	SW		IRR	3.0

MICROFILMED

NOV 14 1999

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
		17	SW	NE	IRR	5.0
			NE	SE	IRR	5.0
			NW	SE	IRR	4.0
			SE	SE	IRR	2.0
					Section Acres	16.0
					Total Acres	19.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.
CHANGE IN OWNERSHIP 8-2-96/JT/SB

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 14 1996

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: A29-10927
Date Received: 4/02/1990
Receipt No: E012669
Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAUD CREEK RANCHES INC. 208-232-0803
Address: 2470 MICHAUD CREEK ROAD
POCATELLO, ID 83204

2. Date of Priority: APR 11, 1910

3. Source: PORTNEUF RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	16	SE	SW			BANNOCK

5. Description of diverting works:
DITCH AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.380		

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

8. Total consumptive use is 47.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 20 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	16	SE	SW		IRR	3.0

Section Acres 3.0

A2910927



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	34E	17	SW		NE		IRR	5.0
			NE		SE		IRR	5.0
			NW		SE		IRR	4.0
			SE		SE		IRR	2.0
							Section Acres	16.0
							Total Acres	19.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE PROPERTY WAS PURCHASED BY BY THE CLAIMANT GRANDFATHER IN 1910
AND HAS BEEN IRRIGATED FROM THAT TIME.

15. Basis of Claim: BENEFICIAL USE

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 / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am President of

Michael Creek Ranches Inc., that I have signed the foregoing
Organization

document in the space below as President of

Michael Creek Ranches Inc., and that the statements contained in the
Organization

foregoing document are true and correct.

Ruth W. Swanson
Signature of Authorized Agent

(for) Michael Creek Ranches Inc.
Title and Organization

4/2/90
Date

State of Idaho)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2nd day

of April 19 90

Anthony S. O'Connell
Notary Public

Seal

Residing at Stoke Falls

My Commission Expires 9/12/1994

