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MAY 20 2005

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor J.R. Simplot Company Phone 208-336-2110

Post office address PO Box 27, Boise, ID 83707

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Partial
Decree No. 36-04179 Decreed to J.R. Simplot Company
(Name)

in case of Snake River Basin Adjudication vs _____

dated _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water
Resources.

c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

a. Amount of water under right: 4.27 cubic feet per second &/or
1,723.11 acre feet per annum

b. Point of Diversion: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15 Township 10S Range
23E, B.M. in Minidoka County.

Additional points 2nd point of diversion also located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15; T.10S
R.23 E; a third point of diversion is located within Govt Lot 1 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 15 T.10S
R.23E

c. Place of use: IND = Industrial Use

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	15									IND	IND	IND						

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of the change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

The J.R. Simplot Company is the successor by merger to Simplot Industries, Inc. the original appropriator.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Water was not diverted under this water right during 2004. However, this water right was continuously used by the Lessor from August 9, 1959 until 2004 at which time the Lessor ceased operating its Heyburn food processing facility.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right..

Not Applicable

- d. Describe any other rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

Water right nos. 36-8154, 36-2648A, 36-4180 and 36-2729 were also used to provide additional water for the same purposes authorized under 36-04179. Lessor no longer owns water right nos. 36-8154, 36-2648A, 36-4180 and 36-2729. Consequently it would be inappropriate for the Lessor to speculate on the use of 36-8154, 36-2648A, 36-4180 and 36-2729 by the current owner.

- e. If the right is a permit, describe the work accomplished toward developing the right.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

On July 30, 2004 the Lessor conveyed the land described by the place of use and point of diversion under water right no. 36-04179 to the City of Burley. However, the Lessor excluded water right 36-04179 together with the right to divert 4.27 cfs and 1,723.11 afa thereunder from the conveyance to the City of Burley (See the attached copy of the Donation Bargain and Sale Deed recorded in the real property records of Minidoka County on July 30, 2004 as instrument no. 473656)

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

X For lease for a period from Indefinite to _____
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current Rental Rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not Rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any Elements of the water right.

J.R. SIMPLOT COMPANY

May 20, 2005
Date

By: 
Signature Vic Conrad, Director
Land, Water & Asset Recovery

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

473656

DONATION BARGAIN AND SALE DEED

GRANTOR, **J.R. SIMPLOT COMPANY, a Nevada corporation**, as the donor herein, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell, convey and donate unto **THE CITY OF BURLEY, IDAHO, a municipal corporation**, whose principal address is 1401 Overland, Avenue, Burley, ID 83318, as the GRANTEE and donee hereunder and to Grantee's successors and assigns forever, all of the following described real estate located in Minidoka County, State of Idaho:

See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments and non-water right related appurtenances thereto expressly without warranty and on an "AS-IS" basis, and together with all water and water rights appurtenant to the property described on Exhibit A, expressly without warranty and on an "AS-IS" basis, which water rights are described on Exhibit B attached hereto, and specifically excluding and reserving unto Grantor the water rights listed in Table 2 of Exhibit B; and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Furthermore, Grantee, its successors, assigns, lessees and all others claiming by or through Grantee, shall be absolutely restricted and prohibited from using all or any portion of the land described on Exhibit A, and any and all improvements located thereon, for potato processing or vegetable processing purposes for a period of 20 years after the date this deed is recorded in the official real property records of Minidoka County, State of Idaho, after which time this restrictive covenant shall automatically expire. It is expressly understood and agreed that the restrictive covenant contained in this deed shall attach to and run with the land and it shall be lawful for Grantor, its successors and assigns, to institute and prosecute any proceedings at law or in equity against the Grantee or such other person or persons violating or threatening to violate the restrictive covenant. Grantor reserves the right to enforce the restrictive covenant contained in this instrument by any action that Grantor may deem appropriate, at its sole option.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed in its corporate name this 20 day of July, 2004.

J.R. SIMPLOT COMPANY

BY [Signature]
Lawrence S. Hlobik, President & CEO

ATTEST:

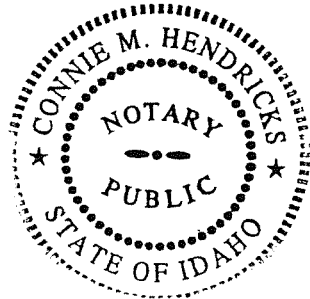
By [Signature]
Terry T. Uhling, Secretary

Instrument # 473656

MINIDOKA COUNTY, RUPERT, IDAHO
2004-07-30 03:08:21 No. of Pages: 13
Recorded for : BURLEY LAND TITLE
DUANE SMITH Fee: 0.00
Ex-Officio Recorder Deputy [Signature]

STATE OF IDAHO)
) ss.
County of ADA)

On this 20th day of July, 2004, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Terry T. Uhling, known to me to be the President & CEO and Secretary, respectively of J.R. Simplot Company, the corporation that executed the within instrument, and acknowledged to me that said 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.



A handwritten signature in dark ink, likely belonging to the notary public, Connie M. Hendricks.

Notary Public for Idaho
Residing at: Boise
My Commission Expires: 8/22/06

EXHIBIT A

PARCEL NO. 1:

Blocks 8, 9, 12, 13, 14 and 30 of the First State Addition to the City of Heyburn, Minidoka County, Idaho, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho.

AND:

Lots 1-4 and 7-12 in Block 10 and that portion of Block 29 lying South of the D-6 drain ditch more particularly described as follows:

The True Point of Beginning is the Southwest corner of Block 29;
Thence East 300 feet;
Thence North 235 feet to the South bank of the drain ditch;
Thence South 61°02' West for 342.9 feet along the South bank of the drain ditch;
Thence South 69 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 16:

That portion of the "Public Reserve" set forth on the Plat of State Addition to the Townsite of Heyburn, Idaho, dated September 1, 1906 and recorded April 18, 1913 as Instrument No. 336 in the office of the County Recorder, Minidoka County, Idaho, more particularly described as follows:

Commencing at the East ¼ corner of Section 16;
Thence South 0°12' East 1589.10 feet along the East line of said Section 16;
Thence North 45°13' West 399.79 feet along the westerly line of Lincoln Boulevard to the True point of Beginning;
Thence South 45°20' West 322.65 feet more or less to the normal high water line of the Snake River;
Thence Northwesterly along the high water line 1400 feet more or less to the intersection of the West line "S" Street extended;
Thence North along the West line of "S" Street extended to the westerly side of Lincoln Boulevard;
Thence South 45°13' East along the westerly boundary of Lincoln Boulevard 1700 feet more or less to the True Point of Beginning.

EXCEPTING THEREFROM a triangular portion of land lying North of the drain ditch between Lincoln Blvd., and Block 27 of the Second State Addition to the City of Heyburn, County of Minidoka, State of Idaho more particularly described as follows:

The True Point of Beginning is located South 361.4 feet from the Northeast corner of Block 27, Second State Addition to the City of Heyburn, Minidoka County;
Thence South 45° East 407 feet more or less to the North bank of a drain ditch;
Thence South 59°53' West for 333 feet more or less along the North bank of a drain ditch to a point on the North bank of the drain ditch to a point on the North bank of the Snake River;
Thence North 455 feet more or less to the Point of Beginning.

EXHIBIT A CONTINUED

PARCEL NO. 3:

Blocks 66, 67, 68, 89, 90, 93, W½ 94, Lots 3, 4 and 5 of Block 69, and Lots 1, 2, 3, 4, 5, 6, 7, of Block 108 to the Townsite of Heyburn, Minidoka County, Idaho, to-wit:

EXCEPTING from Block 108 the following described parcel:

Beginning at a point which is the Northeast corner of Block 108, Village of Heyburn, County of Minidoka, State of Idaho;
Thence West 61 feet;
Thence Southwesterly on a line parallel with the North boundary line of Shoshone Avenue, a street in said Village of Heyburn, 76.5 feet;
Thence Southeasterly at right angles 46 feet, to the North boundary line of said Shoshone Avenue on the North;
Thence Northeasterly along said boundary on North of Shoshone Avenue, 117 feet;
Thence North 6 feet to the Point of Beginning.

AND EXCEPTING from said Block 108, the following described tract:

Beginning at a point which was the Northeast corner of Block 108 of the Original Townsite of the City of Heyburn, County of Minidoka, State of Idaho, prior to the time that a portion of 13th Street within the said City of Heyburn and which said portion was adjacent and contiguous to said Block 108, was vacated;
Thence West along the South boundary line of said 13th Street prior to its vacation 118 feet;
Thence North 80 feet to a point on the North boundary line of 13th Street as platted prior to its vacation;
Thence East along said boundary line of said 13th Street as platted before its vacation 118 feet to the West boundary line of "L" Street of said City of Heyburn;
Thence South 80 feet to the Point of Beginning.

AND EXCEPTING from Block 66 the following described property:

That portion of Block 66, Heyburn Original Townsite, lying North of Drain Ditch, more particularly described as follows:
Beginning at the Northwest corner of said Block 66;
Thence South 300 feet to the Southwest corner, Block 66;
Thence East 72 feet to the center line of Drain Ditch;
Thence Northeasterly along said centerline to East boundary Block 66;
Thence North 98 feet to the Northeast corner Block 66;
Thence West to Point of Beginning.

EXHIBIT A CONTINUED

AND EXCEPTING that portion of Block 67 more particularly described as follows:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 15:

A part of Block 67 in the City of Heyburn Townsite, more particularly described as follows:

Commencing at the W $\frac{1}{4}$ corner of said Section 15, (monumented by a 5/8 inch rebar); Thence North 0°17'29" West along the West section line for 753.08 feet to a ½ inch rebar at the intersection of "O" and 16th Streets; Thence North 89°41'53" East along the 16th street centerline for 380.31 feet to a point at the intersection of the extended "N" Street centerline; Thence South 0°17'19" East along the extended "N" Street centerline for 40.00 feet to a ½ inch rebar at the Northwest corner of Block 67 and the True Point of Beginning.

Thence continuing South 0°17'19" East along the West boundary of Block 67 for 60.31 feet to a ½ inch rebar at the North bank of the D-6 drain;

Thence continuing South 0°17'19" East along the West boundary of Block 67 for 30.00 feet to a point at the centerline for the D-6 drain;

Thence North 76°30'18" East along the centerline of the D-6 drain for 40.92 feet to a point;

Thence North 88°25'47" East along the centerline of the D-6 drain for 340.33 feet to a point on the East block boundary;

Thence North 0°17'09" West along the East block boundary for 30.00 feet to a ½ inch rebar on the North bank of the D-6 drain;

Thence continuing North 0°17'09" West along the East block boundary for 43.44 feet to a ½ inch rebar on the North block boundary coincident with the South boundary of the 16th Street;

Thence South 89°41'53" West along the North block boundary for 380.09 feet to the True Point of Beginning.

PARCEL NO. 4:

All that portion of Block 206 of the Townsite of Heyburn, Minidoka County, Idaho, lying South and East of the U.S. Highway 30 North

EXCEPTING the following described tract, to-wit:

Beginning at the Northeast corner of said Block 206;

Thence South along the East boundary line of said Block 206 a distance of 120 feet;

Thence West to the East boundary line of the right of way of U.S. Highway 30 North;

Thence in a Northeasterly direction along the said East boundary line of said right of way of U.S. Highway North to the North line of said Block 206;

Thence East along the North line of said Block 206 of the Townsite of Heyburn a distance of 365 feet to the Point of Beginning.

EXHIBIT A CONTINUED

PARCEL NO. 5:

All that part of Block 205 of the Townsite of Heyburn, Idaho, lying West of U.S. 30 North, EXCEPTING that part more particularly described as follows:
Beginning at the Southwest corner of Block 205, Heyburn, Idaho;
Thence East 254 feet, more or less to the Northwest boundary line of U.S. 30 North;
Thence Northeast along said boundary line 219 feet to the center of irrigation lateral;
Thence West 202 feet to the Northwest boundary;
Thence Southwest 202 feet to the West line of Block 205;
Thence South 62.6 feet, to the Point of Beginning.

PARCEL NO. 6:

Blocks 87, 88, 111, 112 and Block 128, all in the Original Townsite of Heyburn, Idaho according to the official plat thereof on file in the office of the County Recorder, Minidoka County, Idaho.

PARCEL NO. 7:

That portion of Block 70 of the Original Townsite of Heyburn, Idaho, more particularly described as follows:

Beginning at the Southeast Corner of Block 70 of the Original Townsite of Heyburn, Idaho;
Thence West 340 feet, more or less, to the Southwest corner of said Block 70;
Thence North 180 feet, more or less, to the South Bank of the Government drain ditch;
Thence Southeasterly along said South bank of said Government drain ditch to the East line of said Block 70;
Thence South 65 feet, more or less, to the Point of Beginning.

PARCEL NO. 8:

Lots 1, 2, 3, 4 and 12 of Block 11, First State Addition to Heyburn, Idaho.

PARCEL NO. 9:

ALL of Block 91 of the Original Townsite of Heyburn, Minidoka County, Idaho, according to the official plat thereof on file in the office of the County Recorder, EXCEPTING THEREFROM that portion of the block platted as N Street.

ALL of Block 92 of the Original Townsite of Heyburn, Minidoka County, Idaho, according to the official plat thereof on file in the office of the County Recorder, EXCEPTING THEREFROM that portion of the block platted as Roosevelt Avenue and N Street.

PARCEL NO. 10:

Block 109, Block 110, of the Original Townsite of Heyburn, Minidoka County, Idaho, according to the official plat thereof on file in the County Recorder's Office.

-Continued-

EXHIBIT A CONTINUED

PARCEL NO. 11:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 15: Part of the SW¼, more particularly described as follows:

Beginning at the Northwest corner of the SW¼ of said Section 15; thence on a bearing of South 0°11' East along the West boundary of said Section 15 for a distance of 1 550.3 feet; thence on a bearing of South 44°40' East for a distance of 236.7 feet to The True Point Of Beginning;
Thence on a bearing of North 45°20' East along the South right-of-way boundary of the Twin Falls Branch of the Union Pacific Railroad for a distance of 1458.6 feet;
Thence on a bearing of South 44°40' East for a distance of 490 feet more or less to a point of intersection with the Westerly right-of-way boundary of U.S. Highway 30 North;
Thence meandering Southwesterly along the said Highway Westerly right-of-way boundary for a distance of 1302.5 feet approximately;
Thence on a bearing of North 45°19' West for a distance of 300 feet;
Thence on a bearing of South 38°56' West for a distance of 100 feet;
Thence on a bearing of North 45°13' West for an approximate distance of 333.7 feet;
Thence on a bearing of South 45°20' West for a distance of 108.6 feet;
Thence on a bearing of North 44°40' West for a distance of 300.3 feet to point on the said railroad right-of-way and the True Point of Beginning.

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 15: Part of the SW¼, more particularly described as follows:

Beginning at the point where the South boundary line of Lot 213 of the Original Heyburn Townsite, Minidoka County, Idaho, intersects with the West boundary line of U. S. Highway 30 North right-of-way, said point being 530 feet East of the Southwest corner of said Lot 213;
Thence Northwesterly along the said South boundary line of Lot 213 a distance of 300 feet;
Thence at right angles in an Easterly direction a distance of 100 feet;
Thence at a right angle in a Southeasterly direction and parallel to the South boundary line of Lot 213 a distance of 300 feet, more or less, to the West boundary line of U. S. Highway 30 North right-of-way;
Thence Southwesterly along said U. S. Highway 30 North right-of-way a distance of 100 feet, more or less, to the Point of Beginning.

That portion of that certain boulevard designated as Lincoln Boulevard on the plat of the Heyburn Townsite dated January 1954 on file in the office of the County Recorder for Minidoka County, Idaho. which portion is adjacent to the above two Parcels. Said Lincoln Boulevard was vacated by Ordinance No. 155, dated December 11, 1963 and recorded January 9, 1964 as Instrument No. 168567, records of Minidoka County, Idaho.

EXHIBIT A CONTINUED

PARCEL NO. 12:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 15: A tract of land lying in Block 226 of the Heyburn Townsite, more particularly described as follows:

Beginning at a point 125.0 feet Southeast and 40.0 feet Northeast of the Northwest corner of Block 226, which point shall be known as the True Point of Beginning;
Thence Northeasterly along a line parallel to and 125.0 feet from the Northwest boundary of Block 226 for a distance of 300.00 feet;
Thence Northwesterly at right angles for a distance of 25.0 feet;
Thence Northeasterly along a line parallel to and 100.0 feet from the Northwest boundary of Block 226 for a distance of 31.0 feet;
Thence Southeasterly at right angles for a distance of 200.30 feet to a point on the Southeast boundary of Block 226;
Thence Southwesterly along said Southeast boundary of Block 226 for a distance of 331.0 feet.
Thence Northwesterly a distance of 175.30 feet to the Point of Beginning.

PARCEL NO. 13:

A certain portion of Tract designated as "Public Reserve" on the Plat of the Heyburn Townsite approved by the Secretary of the Interior, July 7, 1906, Patent No. 1048499 recorded July 31, 1962 as Instrument No. 159255, records of Minidoka County, Idaho. Said tract lying between Snake River and Lincoln Boulevard in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, both in Township 10 South Range 23 East of the Boise Meridian and lying West of the Westerly Boundary of Highway 30 North, located in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho.

EXCEPT that portion deeded to the State of Idaho for Highway 30 North.

ALSO EXCEPT that portion dedicated as a public street by Ordinance No. 226 recorded July 16, 1976 as Instrument No. 262023, records of Minidoka County, Idaho and known as 7th Street.

-Continued-

EXHIBIT A CONTINUED

PARCEL NO. 14:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 15: A parcel of land lying in Block 226 of the Heyburn Townsite, more particularly described as follows:

Beginning at the Northwest corner of Block 226, which point shall be known as the True Point of Beginning;
Thence Northeasterly along the Northwest boundary of Block 226 for a distance of 237.0 feet;
Thence Southeasterly at right angles for a distance of 125.0 feet;
Thence Southwesterly along a line parallel with the Northwest boundary of said Block 226 for a distance of 197.0 feet;
Thence Southeasterly along a line parallel to the Southwest boundary of Block 226 for a distance of 175.30 feet;
Thence Southwesterly for a distance of 40.0 feet to the Southwest corner of said Block 226;
Thence Northwesterly along the Southwest boundary of Block 226 for a distance of 300.30 feet to the True Point of Beginning.

PARCEL NO. 15:

All that portion of the Lot or Block Numbered 230 in the Townsite of Heyburn, Minidoka County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Lot 230;
Thence Northeasterly along the Southeasterly line of said lot a distance of 310 feet;
Thence Northwesterly and parallel to the Northeasterly line of said Lot 230, a distance of 300.3 feet to the Northwesterly line of said Lot 230;
Thence Southwesterly along the Northwesterly line of said Lot 230 to the West line of said Lot 230;
Thence South 156.9 feet;
Thence Southeasterly a distance of 188.3 feet to the Point of Beginning.

EXCEPTING THEREFROM the right-of-way for 7th Street.

-Continued-

EXHIBIT A CONTINUED

PARCEL NO. 16:

Pipeline Easement in favor of J. R. Simplot Company, A Nevada Corporation as set forth in Right of Way Agreement dated August 31, 1993 and recorded September 29, 1993 as Instrument No. 408828, records of Minidoka County, Idaho, more particularly described as follows:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 16: Part of Lot 7, more particularly described as follows:

Beginning at the East ¼ section corner of said Section 16, said corner marked by a 5/8 inch rebar; Thence South 0°09'39" East along section line for 1620.30 feet to a point on the northerly right of way of the Union Pacific Railroad; Thence South 45°23'34" West along the Northerly right of way of said railroad for 297.81 feet to the Point of Beginning; Thence South 45°23'34" West along the Northerly right of way of the Union Pacific Railroad for a distance of 20.10 feet to a point; Thence North 38°48'55" West for a distance of 110.56 feet to a point; Thence North 45°23'34" East parallel to the Northerly right of way of the Union Pacific Railroad for a distance of 20.10 feet to a point; Thence South 38°48'55" East for a distance of 110.56 feet to the Point of Beginning.

PARCEL NO. 17:

Vacated streets and alley that reverted to the owner of Parcels 1 thru 16 described herein, which are set forth in the following Ordinances of the City of Heyburn, Idaho:

- A. Ordinance No. 176, dated June 19, 1968 and recorded June 25, 1968 as Instrument No. 198298, records of Minidoka County, Idaho. (Affects that portion of 11th Street extending from the East edge of "O" Street to the West edge of Shoshone Street, which said portion is adjacent and contiguous to Blocks 11 and 128 of the Original Heyburn Townsite; That portion of 12th Street extending from the East edge of "O" Street to the West edge of Shoshone Street, which said portion is adjacent and contiguous to Block 109, 110, 111 and 112 of the Original Heyburn Townsite; That portion of 13th Street extending from the East edge of "O" Street to the West edge of "L" Street, which portion is adjacent and contiguous to Blocks 92, 93, 94, 108, 109 and 110 of the Original Heyburn Townsite; That portion of 14th Street which extends from the East edge of "O" Street to the West edge of "L" Street, which said portion is adjacent and contiguous to Blocks 89, 90, 91, 92, 93 and 94 of the Original Heyburn Townsite; That portion of M Street that extends from the South boundary of 15th Street to the West edge of Shoshone Street, which said portion is adjacent and contiguous to Blocks 89, 90, 93, 94, 108 and 109 of the Original Heyburn Townsite; That portion of N Street which extends from the South edge of 15th Street to the West edge of Shoshone Street, which said portion is adjacent and contiguous to Blocks 90, 91, 92, 93, 109, 110, 111 and 112 of the Original Heyburn Townsite; That portion of Shoshone Street which extends from the East edge of "O" Street and runs in a Northeasterly direction to a point where the East edge of the alley platted in Block 108 of the Original Heyburn Townsite intersects the said Shoshone Street, which said portion is adjacent and contiguous to Block 108, 112 and 128 of the Original Heyburn Townsite; That certain street which is platted but has never been opened which extends in a Northeasterly direction from the East edge of "O" Street and bisects Block 92 of the Original Heyburn and intersects with the South edge of 14th Street and the West edge of "N" Street; All alleyways platted in Blocks 89, 93, 94, 108, 109 110, 111 112 and 128 of the Original Heyburn Townsite.)

EXHIBIT A CONTINUED

- B. Ordinance No. 202, dated April 26, 1972 and recorded April 28, 1972 as Instrument No. 224293, records of Minidoka County, Idaho. (Affects that portion of 15th Street which commences with the East Boundary Line of "O" Street and extends East to the West Boundary Line of "L" Street and which said portion of said 15th Street is bounded by Blocks 66, 67 and 68 on the North and bounded by Blocks 89, 90, and 91 on the South is hereby vacated and declared to be no longer a street within the City of Heyburn, County of Minidoka, State of Idaho.)
- C. Ordinance No. 203, dated May 10, 1972 and recorded May 15, 1972 as Instrument No. 224671, records of Minidoka County, Idaho. (Affects That certain alley in Block 89 of the Heyburn Townsite which runs North and South and is bounded on the North by 15th Street and on the South by 14th Street; That certain alley in Block 91 of the Heyburn Townsite which runs East and West and is bounded on the West by "O" Street and on the East by "N" Street; the said alleys are hereby vacated and are declared to be no longer alleys within the City of Heyburn, County of Minidoka, State of Idaho.)
- D. Ordinance No. 252, dated July 10, 1979 and recorded May 29, 1980 as Instrument No. 303877, records of Minidoka County, Idaho. (Affects Lincoln Boulevard from the South boundary of the drain ditch crossing Lincoln Boulevard near "R" Street to the West boundary of "Q" Street, crossing Lincoln Boulevard; 12th Street between "P" Street and Lincoln Blvd.; 13th Street between "O" Street and Lincoln Blvd.; "Q" Street between 14th Street and Lincoln Blvd.; "P" Street between 14th Street and 12th Street; The alleys located in Block 8, 9, 13, 14, 29, 30 and 31; The existing easement along 13th Street from the eastern border of "O" Street to the western border of the alley running North and South bisecting Blocks 108 and 94 at the Original Heyburn Townsite.)
- E. Ordinance No. 317, dated February 24, 1988 and recorded February 25, 1988 as Instrument No. 377552, records of Minidoka County, Idaho. (Affects That certain portion of 15th Street between "L" Street and "J" Street lying generally South of Blocks 69 and 70 of the Heyburn Townsite; that portion of "L" Street between 14th and 15th Streets as well as the entire intersections of 15th and "L" Streets and 15th and "K" Streets; that portion of "K" Street lying between 14th and 15th Streets; and, the alleys in Blocks 87 and 88 of the Heyburn Townsite should be and the same hereby are vacated and abandoned as streets and alleys of the City of Heyburn.)
- F. Ordinance No. 319 dated June 8, 1988 and recorded June 13, 1988 as Instrument No. 379434, records of Minidoka County, Idaho. (Affects That certain portion of 12th Street between Block 9 and Block 10 of First State Addition to the City of Heyburn; that portion of "P" Street between Block 10 and Block 12 of First State Addition to the City of Heyburn, as well as the entire intersection of 12th and "P" Streets; and, the alley in Block 10 of First State Addition to the City of Heyburn, should be and the same hereby are vacated and abandoned as streets and as an alley of the City of Heyburn.)
- G. Ordinance No. 330 dated October 24, 1990 and recorded October 30, 1990 as Instrument No. 394055 and re-recorded November 9, 1990 as Instrument No. 394256, records of Minidoka County, Idaho. (Affects That certain portion of 14th Street generally to the West of the middle of Block 32 to "Q" Street and that portion of "R" Street North of the drainage ditch almost to the center of Block 32, should be, and hereby are vacated and abandoned as streets of the City of Heyburn. Certain alleyways in Block 28 and Block 31, as set forth in said ordinance.)

EXHIBIT A CONTINUED

- H. Ordinance No. 122 dated June 5, 1957 and recorded May 21, 1991 as Instrument No. 397133, records of Minidoka County, Idaho. (Affects That certain portions of streets platted in the plat of the Village of Heyburn, County of Minidoka, State of Idaho, but not actually used or constructed, to-wit: That certain street extending in a Northeasterly direction from the East boundary line of Lincoln Boulevard in the said Village of Heyburn and intersecting with U.S. Highway North and being contiguous and adjacent to the South boundary line of Blocks 229, 228, 227, 226 and 225 as the same are platted in the official plat of the Heyburn Townsite and now of record in the office of the County Recorder of Minidoka County, and that certain street extending in a Northerly direction from the North boundary of U.S. Highway 30 North and intersecting the above described street on the Northeast corner of Block 213 and being adjacent to the East boundary line of Block 213 of the Heyburn Townsite as the same is platted in the official plat thereof now of record in the office of the County Recorder of Minidoka County, Idaho.)
- I. Ordinance No. 408 dated February 24, 1999 and recorded March 31, 1999 as Instrument No. 440865, records of Minidoka County, Idaho. (Affects Lincoln Boulevard from approximately "S" Street to the D-6 Drain Ditch of the Minidoka Irrigation District, is hereby vacated as a public street and right-of-way. 14th Street from approximately "S" Street to the boundary of the west boundary of the City of Heyburn property where the sewer plant is located (formerly 14th Street) is hereby vacated as a public street and right-of-way as set forth in said ordinance.)

PARCEL NO. 18

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 16:

That portion of the SE¼ of said Section 16, lying Southeast of the Railroad right-of-way and Northeast of the mean high water line of the Snake River.

Exhibit B

The following water rights identified in Table 1 below are hereby conveyed to Grantee:

Table 1

State of Idaho Department of Water Resources Water Right Numbers
36-2648A
36-2648B
36-2729
36-4180
36-4181
36-4182
36-8154

The following water rights identified in Table 2 below are hereby reserved unto Grantor:

Table 2

The rights to divert 4.27 cfs of groundwater up to a maximum of 1,723.11 acre feet per year under State of Idaho Department of Water Resources Water Right No. 36-4179
