

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78075

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78075APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) J. R. Simplot Company Phone 208-336-2110Mailing address PO Box 27, Boise, ID 83707 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Daniel V. Steenson, Ringert law Phone 208-342-4591Mailing address PO Box 3773, Boise, ID 83702 Email dan@ringertlaw.com☐ Send all correspondence for this application to the representative and not to the applicant.

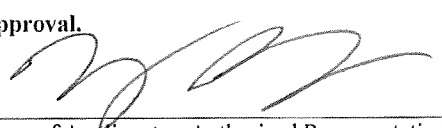
OR

☒ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant or Authorized Representative

Terry T. Uhling
 Print Name and Title if applicable

August 2, 2012
 Date

 Signature of Applicant or Authorized Representative

Sr. V.P. Secretary and General Counsel
 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Water right nos. 2-10300A and 2-10300B will be transferred to a new point of diversion and a new place of use.**
- _____
- _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	<u>2-10300A</u>	<u>8.00/1,338.95</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>	<u>Snake River / Columbia River</u>
☒ ☐	<u>2-10300B</u>	<u>8.00</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>	<u>Snake River / Columbia River</u>
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.00 cfs and/or 1,600 ac-ft

2. Total amount of water proposed to be transferred or changed 8.00 cubic feet per second and/or 1,600 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x	4	SE	SW	SW	22	5S	4E	Elmore	Snake River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	4E	32		40	39		40		2	40	40	40	40	40		39	40		400

Total Acres (for irrigation use) 400

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Water will be diverted from C.J. Strike reservoir using an existing pump station composed of a concrete pumping platform, pumps, motors, manifold, and penstock.

- b. Who owns the property at the point(s) of diversion? United States of America - Bureau of Land Management.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Please see the attached US BLM Rights-Way Nos. I-015485 and I-999 with related documents.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6. List the name of the entity and type of lien: N/A. The lands to which water right nos. 2-10300A and 2-10300B were originally appurtenant are not owned by the owner of these water rights and are not irrigated with these water rights.**

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
There will be no effect. See answer to 5.c. By stipulation incorporated into the SRBA Report and Recommendation for these water rights, water right nos. 2-10300A and 2-10300B may not be used on the existing place of use without the consent of the owner of those lands.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Existing POD: 2-2209B, 2-4021, 2-10189, 2-10450, 37-4112, 37-21595, 2-103, 2-4021 (all irrigation)
Existing POU: 2-103 (irrigation)
Proposed POD: 2-7040, 2-7396, 2-10471, 2-10472, 2-2220, 2-2221, 2-2222, 2-2409, (all irrigation), 2-10130 (wildlife)
Propose POU: 61-7088, 61-11747 (all irrigation)

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____	(cfs/ac-ft) for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

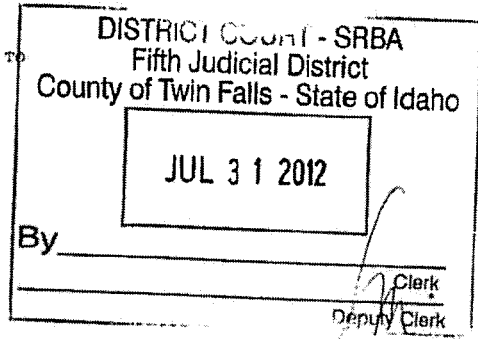
Transfer contains 5 pages and 5 attachments.
Received by JA Date 8-2-12 Prelim. Check by KW Date 9-6-12
Fee Paid 1060⁰⁰ Date 8-2-12 Received by JA Receipt # W040448
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

2A

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10300A



NAME AND ADDRESS: COTTONWOOD MUTUAL CANAL CO
C/O RINGERT LAW CHARTERED
PO BOX 2773
BOISE, ID 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.00 CFS
1338.95 AFY

Right Nos. 2-10300A and 02-10300B are limited to a total combined
diversion rate of 8.00 cfs and a total combined annual diversion
volume of 1600.0 AF.

PRIORITY DATE: 02/25/1963

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	8.00 CFS 1338.95 AFY

PLACE OF USE:	Irrigation	Within Elmore County
	T06S R10E S14	
	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NEGW 39.0	NESE 39.0
	NWSE 30.0	
	428.0 Acres Total	

Right Nos. 02-10300A and 02-10300B are limited to the irrigation
of 400 acres within the place of use described in a single
irrigation season.

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

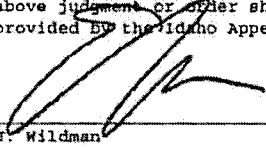
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

2A-1

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10300B

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 31 2012

By

Clerk
Deputy Clerk

NAME AND ADDRESS: COTTONWOOD MUTUAL CANAL CO
C/O RINGERT LAW CHARTERED
PO BOX 2773
BOISE, ID 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.00 CFS

Right Nos. 2-10300A and 02-10300B are limited to a total combined
diversion rate of 8.00 cfs and a total combined annual diversion
volume of 1600.0 AF.

PRIORITY DATE: 05/10/1965

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSW) Within Elmore County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	8.00 CFS

PLACE OF USE:

Irrigation	Within Elmore County
T06S R10E S14	
NENE 40.0	NWNE 40.0
SWNE 40.0	SENE 40.0
NENW 40.0	NWNW 40.0
SWNW 40.0	SENW 40.0
NESW 39.0	NESE 39.0
NWSE 30.0	

428.0 Acres Total

Right Nos. 02-10300A and 02-10300B are limited to the irrigation
of 400 acres within the place of use described in a single
irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

2A-3

2B

WARRANTY DEED

FOR VALUE RECEIVED

Derron Frederick aka Derron L. Frederick and Diana Frederick aka Diana L. Frederick, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
J.R. Simplot, as Trustee, J.R. Simplot Self-Declaration of Revocable Trust
established by written Instrument dated December 21, 1989

GRANTEE(S), whose current address is: P.O. Box 27 Boise, Idaho 83707
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

TRACT I:

Township 4 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 31: NE1/4SE1/4
Section 32: S1/2S1/2
Section 33: SW1/4SW1/4

Township 5 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 5: U.S. Government Lots 2 and 3

TRACT II:

Township 4 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 32: W1/2NE1/4, E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4 AND NW1/4SE1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: March 15, 2000

61-07088
61-11747

Derron Frederick
Derron Frederick

Diana Frederick
Diana Frederick

STATE OF Idaho, County of Elmore, ss.

On this 16th day of March
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Derron Frederick, Diana Frederick

known or identified to me to be the person^s whose name
are they subscribed to the within instrument, and
acknowledged to me that they executed the same.

Signature: Sheryl A. Raymond

Name: SHERYL A. RAYMOND
(Type or print)

Residing at: Mountain Home

My commission expires: 12-27-05

320982

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time: 2:25 P.M.

Date: March 17, 2000

GAIL L. BEST, Recorder

By: [Signature] Deputy
Fee: \$3.00

2B-1

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-07088

2001 APR 12 PM 12: 58

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JR SIMPLOT SELF-DECLARATION
REVOC TRUST JR SIMPLOT TRUSTEE
ATTN RONALD N GRAVES
PO BOX 27
BOISE, ID 83707

SOURCE: GROUNDWATER

QUANTITY: 10.14 CFS
2400.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 61-11747 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 10.14 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2444 AF.

PRIORITY DATE: 02/26/1971

POINT OF DIVERSION: T04S R04E S32 SENWNE Within Elmore County
SESWE
NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	10.14 CFS 2400.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R04E S31	NESE 40.0
	S32	NWNE 40.0 SWNE 39.0 NENW 40.0 SWNW 40.0 SENW 40.0 NESW 40.0 NWSW 40.0 SWSW 40.0 SESW 40.0 NWSE 39.0 SWSE 40.0 SESE 39.0
	S33	SWSW 39.0
	T05S R04E S05	NWNE 36.0 NENW 19.0
	611.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 61-11747 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 611 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 600 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE

2B-2

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

**Water Right
61-7088**

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Map produced on July 23, 2012

2B-4

2001 APR 12 PM 12: 58

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-11747

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

SOURCE: GROUNDWATER

QUANTITY: 0.18 CFS

PRIORITY DATE: 04/01/1976

POINT OF DIVERSION: T04S R04E S32 SENEWE Within Elmore County
SESWNE
NENWSE

PLACE OF USE:	Irrigation		Within Elmore County
	T04S R04E S31	NESE 40.0	
	S32	NWNE 40.0	SWNE 39.0
		NENW 40.0	SWNW 40.0
		SENE 40.0	NESW 40.0
		NWSW 40.0	SWSW 40.0
		SESW 40.0	NWSE 39.0
		SWSE 40.0	SESE 39.0
	S33	SWSW 39.0	
	T05S R04E S05	NWNE 36.0	NENW 19.0
	611.0 Acres Total		

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 61-07088 PURSUANT TO SECTION 42-1426, IDAHO CODE. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

2B-5

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

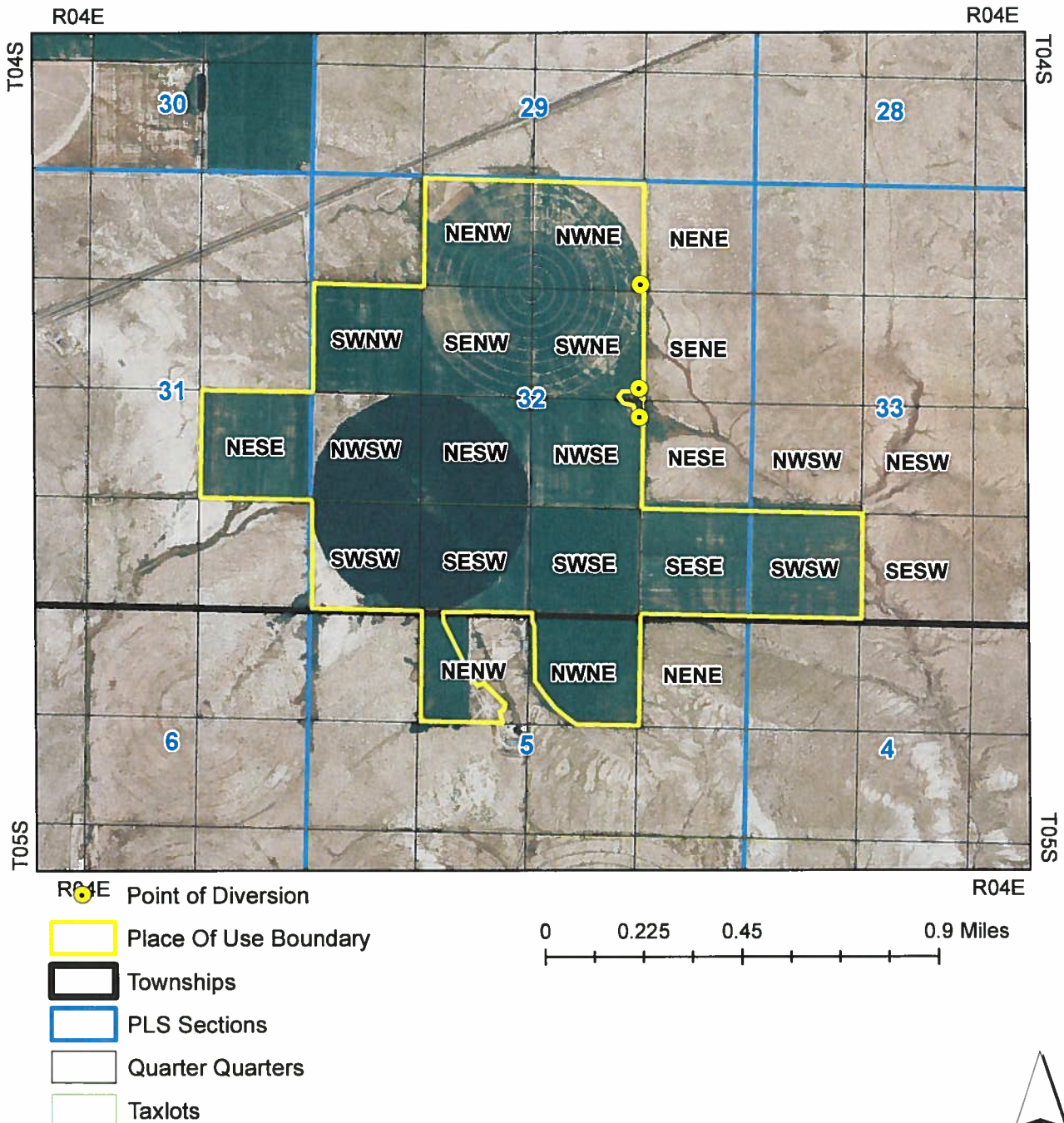
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

Water Right
61-11747

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



3

(Without Exhibits)

WATER RIGHT PURCHASE AND SALE AGREEMENT

This Water Right Purchase and Sale Agreement (hereinafter "Agreement") is made this 11th day of August, 2011, between J.R. Simplot Company, a Nevada corporation (hereinafter "Simplot"), and Cottonwood Mutual Canal Company, an Idaho corporation (aka Cottonwood Canal Company, hereinafter "Cottonwood).

WHEREAS, Cottonwood claims ownership of Water Right No. 2-10300 for the diversion of 8.0 cfs, 1600 af of water from the Snake River, for the irrigation of 400 acres of land, and Cottonwood filed in the Snake River Basin Adjudication (hereinafter "SRBA") the Notice of Claim and the Amended Notice of Claim to Water Right No. 2-10300, attached hereto as **Exhibit A** and by this reference made a part hereof; and

WHEREAS, the parties have reached agreement on the terms and conditions for the purchase and sale of Water Right No. 2-10300,

NOW, THEREFORE, in and for the consideration hereinafter recited, the parties agree as follows:

1. Purchase and Sale of Water Right No. 2-10300. Subject to the terms and conditions set forth in this Agreement, Cottonwood agrees to sell to Simplot, and Simplot agrees to purchase from Cottonwood, Water Right No. 2-10300. On the date of Closing of the purchase of Water Right No. 2-10300, Simplot shall pay to Cottonwood as consideration for Water Right No. 2-10300 _____ for each acre foot of water that is included in a Final Decree for Water Right No. 2-10300 issued to Cottonwood and is approved by IDWR for transfer to irrigation use as described in paragraph 4 below (hereinafter "Water Right No. 2-10300 Purchase Price").

2. Earnest Money for Purchase of Water Right No. 2-10300. Simplot shall simultaneously with the execution of this Agreement deliver to TitleOne Corp., attn: Scott Darling, 1101 West River Street, Suite 201, Boise, Idaho 8702; phone: (208) 424-8511; fax: (208) 424-0049, email: sdarling@titleonecorp.com (hereinafter "Escrow Agent") an earnest money payment of _____ (hereinafter "Earnest Money").

a. The Escrow Agent shall retain the Earnest Money, together with any interest accrued thereon, until either: (1) the Closing of the purchase of Water Right No. 2-10300 as provided in paragraph 2.b. of this Agreement, (2) receipt of notice from Cottonwood and Simplot that this Agreement has terminated and that the Earnest Money is to be refunded to Simplot as provided in paragraph 2.c. of this Agreement, or (3) receipt of notice from Cottonwood and Simplot that this Agreement has been extended and the Earnest Money has become nonrefundable as provided in paragraph 2.d. of this Agreement.

b. At Closing of the purchase of Water Right No. 2-10300, the Earnest Money, together with any interest accrued thereon, shall be released to Cottonwood, and shall be applied to the purchase price for Water Right No. 2-10300.

c. The Earnest Money, and any interest accrued thereon, shall be refunded to Simplot if (1) a transfer for Water Right No. 2-10300 does not receive Final Approval within one (1) year after the date the transfer is filed, as provided in paragraph 4 of this Agreement, and (2) this Agreement is not extended by written agreement between the parties. The Escrow Agent shall refund the Earnest Money, and any interest accrued thereon, to Simplot upon receipt of written instruction from Cottonwood and Simplot to make such refund.

d. If Final Approval has not been issued for the transfer within one (1) year after the date the transfer is filed, Simplot and Cottonwood may, by written agreement, extend this Agreement and the time for closing, in which case the Earnest Money shall become nonrefundable and shall be delivered, together with any interest accrued thereon, by the Escrow Agent to Cottonwood upon the Escrow Agent's receipt of a written agreement of extension containing instruction to the Escrow Agent to deliver the Earnest Money to Cottonwood.

e. Simplot shall pay all costs and fees charged by the Escrow Agent.

3. Closing for Water Right No. 2-10300. Closing for Water Right No. 2-10300 shall occur within ten (10) days after (1) issuance of a final, non-appealable decree for Water Right No. 2-10300 to Cottonwood as provided in paragraph 4 of this Agreement and (2) IDWR Final Approval of a transfer of Water Right No. 2-10300 as provided in paragraph 4 of this Agreement. At closing of the purchase of Water Right No. 2-10300:

a. Simplot shall deliver Water Right No. 2-10300 Purchase Price to the Escrow Agent for delivery to Cottonwood at the closing of the purchase of Water Right No. 2-10300, and

b. Cottonwood shall deliver to the Escrow Agent a good and sufficient water right deed granting, selling and conveying Water Right No. 2-10300 to Simplot. The water right deed, which shall be substantially in the form of **Exhibit B** attached hereto and by this reference made a part hereof, shall be delivered by the Escrow Agent to Simplot at the closing of the purchase of Water Right No. 2-10300.

4. Conditions Precedent to Closing of Purchase of Water Right No. 2-10300. Issuance of a Final Decree for Water Right No. 2-10300 to Cottonwood, Final Approval of an IDWR transfer of Water Right No. 2-10471 and Water Right No. 2-10472 as provided in the Water Right Purchase and Sale Agreement attached hereto as **Exhibit C** and by this reference made a part hereof, and Final Approval of Transfer of Water Right No. 2-10300 to irrigation use with no change in nature of use **are all conditions precedent to** Closing of the purchase of Water Right No. 2-10300.

a. For purposes of this Agreement, "Final Decree" shall mean issuance by the SRBA District Court of a decree to Cottonwood for Water Right No. 2-10300 containing terms and conditions that are acceptable to Cottonwood and Simplot after all administrative and judicial remedies are exhausted.

b. Cottonwood shall pay all costs and attorney fees incurred by Cottonwood in filing, prosecuting and obtaining a Final Decree and in any contest of ownership in connection with Water Right No. 2-10300, as well as all costs and attorney fees associated with any administrative and judicial appeals associated therewith.

c. For purposes of this Agreement, "Final Approval of Transfer of Water Right No. 2-10300" shall mean IDWR approval of the Application for Transfer of Water Right No. 2-10300 on terms and conditions that are acceptable to Cottonwood and Simplot after all administrative and judicial remedies are exhausted.

d. Cottonwood and Simplot agree that Simplot shall prepare and file an Application for Transfer in its name to change the elements of Water Right No. 2-10300 as necessary for Simplot's proposed irrigation use. The parties shall cooperate in preparing the application for transfer of the Water Right No. 2-10300 which shall be in a form acceptable to Cottonwood and Simplot, and the parties shall participate as applicant and advocate for the transfer in all administrative and judicial proceedings necessary to obtain Final Approval of the Application for Transfer of Water Right No. 2-10300. Unless the parties agree otherwise in writing, the transfer application shall be filed promptly after the final non-appealable decree is issued by the SRBA. Simplot shall use good faith, best efforts to obtain Final Approval of the Application for Transfer as described herein on or before the expiration of one (1) year after the date the Application is filed with IDWR.

e. Simplot agrees to pay all costs and reasonable attorney fees incurred by Cottonwood and Simplot in preparing, filing, and obtaining Final Approval of the Application for Transfer, except for costs and attorney's fees incurred by Cottonwood in responding to any protest filed by Black Mesa Project, LLC, or any of its members, partners, subsidiaries, or affiliates.

5. Termination. This Agreement shall terminate one (1) year after the date an Application for Transfer of Water Right No. 2-10300 is filed pursuant to paragraph 4 of this Agreement unless it is extended by written agreement between Cottonwood and Simplot.

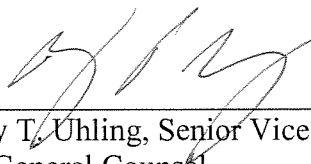
6. Entire Agreement. This Agreement contains the entire understanding of the parties. Any changes or modifications to this Agreement must be in writing signed by both parties.

7. Heirs, Successors, and Assigns. The covenants, conditions, and agreements herein contained shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective heirs and successors and assigns.

COTTONWOOD MUTUAL CANAL
COMPANY, an Idaho corporation

By 
Daniel V. Steenson, President

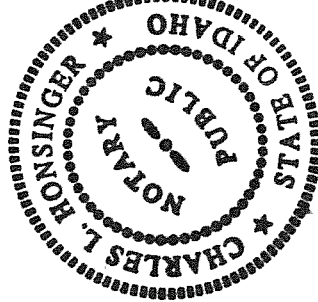
J. R. Simplot Company,
a Nevada corporation

By 
Terry T. Uhling, Senior Vice President, Secretary
and General Counsel

STATE OF IDAHO)
) ss.
County of Ada)

On this 11th day of August, 2011, before me, the undersigned, a notary public in and for said state, personally appeared Daniel V. Steenson, known or identified to me to be the President of Cottonwood Mutual Canal Company, the Idaho 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.

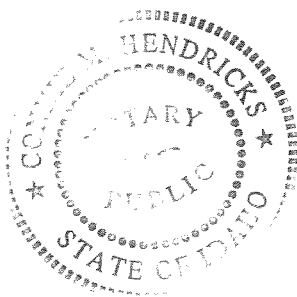


Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 7/30/2016

STATE OF IDAHO)
) ss.
County of Ada)

On this 10th day of August, 2011, before me, the undersigned, a notary public in and for said state, personally appeared Terry T. Uhling, known or identified to me to be the Senior Vice President, Secretary and General Counsel of J. R. Simplot Company, the Nevada 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.



Cory M. Hendricks
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 8/22/2014

**AMENDMENT TO
WATER RIGHT PURCHASE AND SALE AGREEMENT**

This Amendment to Water Right Purchase and Sale Agreement (hereinafter "Amendment") is made this 2ND day of August, 2012, between J.R. Simplot Company, a Nevada corporation (hereinafter "Simplot"), and Cottonwood Mutual Canal Company, an Idaho corporation (aka Cottonwood Canal Company, hereinafter "Cottonwood").

WHEREAS, Simplot and Cottonwood entered a Water Right Purchase and Sale Agreement dated August 11, 2011 (hereinafter "Purchase and Sale Agreement") setting forth terms for Simplot's purchase of Cottonwood's Water Right No. 2-10300; and,

WHEREAS, one of the conditions precedent to closing is the issuance of a Final Decree for Water Right No. 2-10300 to Cottonwood; and,

WHEREAS, the District Court for the Snake River Basin Adjudication (hereinafter "SRBA Court") has issued Final Decrees, attached hereto as **Exhibit A** and by this reference made part hereof, which split Water Right No. 2-10300 into Water Right No. 2-10300A and Water Right No. 2-10300B, and disallow Water Right No. 2-10300; and,

WHEREAS, as part of the settlement of an objection and competing claim to Water Right No. 2-10300 filed by Black Mesa Farms, LLC (hereinafter "Black Mesa"), Cottonwood agreed: that it shall not use water diverted pursuant water right nos. 02-10300A or 02-10300B on Black Mesa's lands identified as the place of use in Water Right No. 2-10300A and Water Right No. 2-10300B without Black Mesa's consent; that this agreement will bind Cottonwood's successors/assigns, and that Cottonwood will incorporate this agreement in any agreement to transfer title, to lease, or to otherwise grant the right to use these water rights to third parties,

NOW, THEREFORE, in and for the consideration hereinafter recited, the parties agree as follows:

1. Need to Amend Purchase and Sale Agreement. Simplot and Cottonwood agree that the SRBA Court's issuance of Final Decrees which split Water Right No. 2-10300 into Water Right No. 2-10300A and Water Right No. 2-10300B requires modifications of the Purchase and Sale Agreement, and the inclusion of an additional term and condition of the purchase and sale.

2. Amendment of All Purchase and Sale Agreement Provisions. All provisions of the Purchase and Sale Agreement are hereby modified to provide for Simplot's purchase of Water Right No. 02-10300A and Water Right No. 02-10300B from Cottonwood, instead of disallowed Water Right No. 02-10300.

AMENDMENT TO WATER RIGHT PURCHASE AND SALE AGREEMENT -

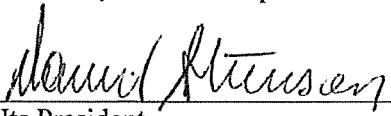
3. Amendment of Purchase and Sale Agreement Article 4.e. Article 4.e. of the Purchase and Sale Agreement is hereby modified to provide that Cottonwood shall pay all costs and reasonable attorney fees incurred in preparing, filing, and obtaining Final Approval of the Application for Transfer.

4. Restriction on Using Water Right Nos. 02-10300A and 02-10300B on Black Mesa's Section 14 Lands. Simplot shall not use Water Right No. 02-10300A or 02-10300B on Black Mesa's lands identified as the place of use in Water Right No. 2-10300A and Water Right No. 2-10300B without Black Mesa's consent unless Simplot acquires fee simple title to the Section 14 Lands. In the event Simplot acquires fee simple title to the Section 14 Lands, Simplot may use Water Right No.s 02-10300A or 02-10300B on said lands without the consent of Black Mesa.

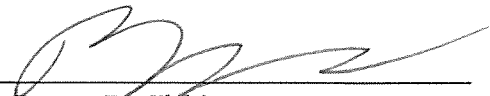
5. No Other Change to Purchase and Sale Agreement. No change other than those identified herein is made or intended by this Amendment.

6. Heirs, Successors, and Assigns. The covenants, conditions, and agreements herein contained shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective heirs and successors and assigns.

COTTONWOOD MUTUAL CANAL
COMPANY, an Idaho corporation

By 
Its President

J. R. Simplot Company,
a Nevada corporation

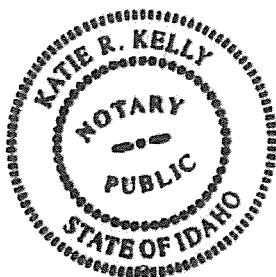
By 
Terry T. Uhling
Senior Vice President, Secretary
and General Counsel

AMENDMENT TO WATER RIGHT PURCHASE AND SALE AGREEMENT -

STATE OF IDAHO)
) ss.
County of Ada)

On this 31 day of July, 2012, before me, Katie R. Kelly, the undersigned, a notary public in and for said state, personally appeared Daniel V. Steenson, known or identified to me to be the President of Cottonwood Mutual Canal Company, the Idaho 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.



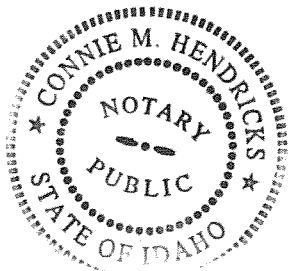
Katie R. Kelly
Notary Public for Idaho
Residing at Oasis, ID, Idaho
My Commission Expires 2/20/2014

AMENDMENT TO WATER RIGHT PURCHASE AND SALE AGREEMENT -

STATE OF IDAHO)
) ss.
County of Ada)

On this 2nd day of August, 2012, before me, Connie M. Hendricks, the undersigned, a notary public in and for said state, personally appeared Terry T. Uhling, known or identified to me to be the Sr. VP, Secretary & General Counsel of J. R. Simplot Company, the Nevada 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.



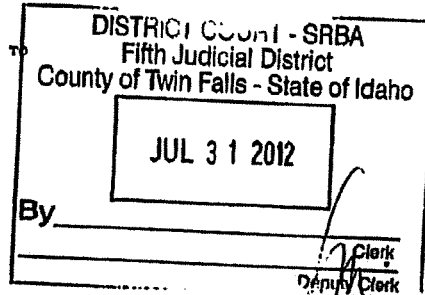
[Signature]
Notary Public for Idaho
Residing at Bore, Idaho
My Commission Expires 8/22/2014

AMENDMENT TO WATER RIGHT PURCHASE AND SALE AGREEMENT -

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

In Re SRBA
Case No. 39575

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10300A



NAME AND ADDRESS: COTTONWOOD MUTUAL CANAL CO
C/O RINGERT LAW CHARTERED
PO BOX 2773
BOISE, ID 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.00 CFS
1338.95 APY

Right Nos. 2-10300A and 02-10300B are limited to a total combined
diversion rate of 8.00 cfs and a total combined annual diversion
volume of 1600.0 AF.

PRIORITY DATE: 02/25/1963

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSH) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	8.00 CFS 1338.95 APY

PLACE OF USE:	Irrigation		Within Elmore County
T06S R10E S14	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NENW 40.0		NWNW 40.0
	SWNW 40.0		SENW 40.0
	NESW 39.0		NESW 39.0
	NWSW 30.0		
	428.0 Acres Total		

Right Nos. 02-10300A and 02-10300B are limited to the irrigation
of 400 acres within the place of use described in a single
irrigation season.

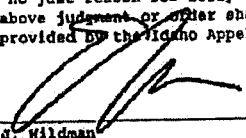
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric S. Wildman
Presiding Judge of the
Snake River Basin Adjudication

3-11

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-10300B

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 31 2012

By _____
Clerk
County Clerk

NAME AND ADDRESS: COTTONWOOD MUTUAL CANAL CO
C/O RINGERT LAW CHARTERED
PO BOX 2773
BOISE, ID 83701

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 8.00 CFS

Right Nos. 2-10300A and 02-10300B are limited to a total combined
diversion rate of 8.00 cfs and a total combined annual diversion
volume of 1600.0 AF.

PRIORITY DATE: 05/10/1965

POINT OF DIVERSION: T06S R11E S09 LOT 6 (NWSW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	8.00 CFS

PLACE OF USE:	Irrigation	Within Elmore County
T06S R10E S14	NENE 40.0 SWNE 40.0 NENW 40.0 SNNW 40.0 NENE 39.0 NWNW 30.0	NWNE 40.0 SENE 40.0 NWNW 40.0 SENN 40.0 NENE 39.0
428.0 Acres Total		

Right Nos. 02-10300A and 02-10300B are limited to the irrigation
of 400 acres within the place of use described in a single
irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

4

(Part 1, s.b.)

I-015485
I-999
2800

JUN 6 1986

DECISION

J. R. Simplot Company :
P. O. Box 27 : Right-of-Way I-015485
Boise, ID 83707 : Right-of-Way I-999
Successor in Interest Recognized

On June 2, 1986, the J. R. Simplot Company submitted evidence showing that rights-of-way I-015485 and I-999 were transferred from Frank N. Rawlings and Virginia D. Rawlings to Simplot Industries, Inc.

On February 28, 1985, Simplot Industries, Inc., was merged into J. R. Simplot Company.

J. R. Simplot Company is hereby recognized as the successor in interest to right-of-way I-015485 and right-of-way I-999.

/s/ Dennis R. Hoyem

Dennis R. Hoyem
Bruneau Area Manager

cc: CF, RF
SCARPENTER:lac:6/4/1986

Vic,

Copies as requested.

*Louis
BLM-Boise District
384-3478*

J. R. SIMPLOT COMPANY / ONE CAPITAL CENTER / 999 MAIN STREET / SUITE 1300
P.O. BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432

CORPORATE HEADQUARTERS

May 30, 1986

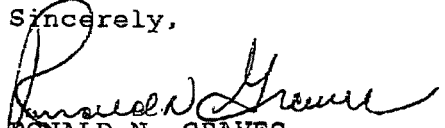
Bureau of Land Management
Boise District
3948 Development Avenue
Boise, Idaho 83705

RE: Right-of-Way I-015485
2800

Gentlemen:

J. R. Simplot Company, successor by merger with Simplot Industries, Inc. is the owner of the property served by water transported across right-of-way Idaho 015485. I am enclosing a copy of the original Assignment executed by Frank and Virginia Rawlings in 1972. Simplot Industries, Inc. was merged into J. R. Simplot Company on February 28, 1985. We would appreciate your issuing the new right-of-way to J. R. Simplot Company.

Sincerely,


RONALD N. GRAVES
Vice President, Secretary
and General Counsel

RNG/ljw

cc: Frank Bachmann
8762L

RECEIVED

JUN 02 86

USDA, BLM
BOISE DISTRICT OFFICE

4-2

RIGHT-OF-WAY ASSIGNMENT

WHEREAS, certain rights-of-way to construct an irrigation pumping plant and pipeline on lands situated in the Southeast Quarter (SE1/4) of Section 21, and the Southwest Quarter (SW1/4) Southwest Quarter (SW1/4) of Section 22, Township 5 South, Range 4 East, Boise Meridian, were granted by the United States Department of Interior, Bureau of Land Management, to FRANK N. RAWLINGS, identified by Bureau of Land Management Numbers I-999 dated December 5, 1967 and Idaho 015485 dated January 8, 1965; and

WHEREAS, SIMPLOT INDUSTRIES, INC., a Utah corporation, is the successor in interest to the aforesaid rights-of-way identified by Bureau of Land Management Numbers I-999 and Idaho 015485.

NOW, THEREFORE, in consideration of that certain Option to Purchase dated the 8TH day of August 1972, entered into by and between FRANK N. RAWLINGS and VIRGINIA D. RAWLINGS and SIMPLOT INDUSTRIES, INC., the aforementioned persons do hereby assign all of their right, title and interest in and to those certain rights-of-way, Numbers I-999 and Idaho 015485, to SIMPLOT INDUSTRIES, INC.

The Assignors warrant that they are the holders of said rights-of-way, that said rights-of-way are in good standing and that no other party has any interest therein.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the 8th day of August 1972.

Frank N. Rawlings
FRANK N. RAWLINGS

Virginia D. Rawlings
VIRGINIA D. RAWLINGS

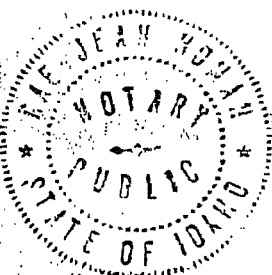
STATE OF IDAHO)
County of Ada) SS.

On this 8th day of August 1972, before me,

The undersigned, a Notary Public in and for said State, personally appeared FRANK N. RAWLINGS and VIRGINIA D. RAWLINGS, 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.

Rae Jean Homan
Notary Public for Idaho
Residing at: Boise, Idaho



191781

ELMORE COUNTY, IDAHO, SS

Request of Ronald A. Thomas
Time 4:01 PM
Date November 16th 1979
Book _____
Page _____

RAMONA YRAZABAL

By Mary Thomas
Deputy
Fee 1.00

After Recording Mail to:
Simplex Industries Inc
PO Box 87
Boise Idaho, 83707

125733

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office
P. O. Box 2237
Boise, Idaho 83701

DECISION

Right-of-Way GrantedDETAILS OF GRANT

Serial number of grant: Idaho 015485

Name of grantee: Frank N. Rawlings, et al.

Map showing the location and dimensions of grant:

Map designations: Holland and Rawlings Dwg. No. 640526-1 and
640526-2

Date filed: July 8, 1964

Permitted use by grantee: Irrigation penstock, pumping plant, pipeline,
and canal and access road.

Authority for grant: Act of March 3, 1891 (26 Stat. 1101), as amended.

Regulations applicable to grant:

Code reference: 43 CFR Sections 2234.1 and 2234.3-1

Circular number(s): 2161

Date of Grant: JAN 8 1965

Expiration date of Grant:

Rental: None

Amount:

When payable to grantee:

TERMS AND CONDITIONS OF GRANT

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), as amended, a right-of-way, the details of which are shown above, is hereby granted subject to the following terms and conditions.

1. All valid rights existing on the date of the grant.
2. All regulations in the circular(s) specified above.
3. Filing of proof of construction within five years of the date of the grant.
4. Further terms and conditions as follows:

(a) Pursuant to 43 CFR 2234.1-3(c), the District Manager, Boise District Office, P.O. Box 1682, Boise, Idaho, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.

(b) Attached Federal Power Commission stipulation.

ILO-2234-113
12-64

Eugene E. Babin
Eugene E. Babin
Acting Manager, Land Office

Enclosure

Feb 1

120733

STATE OF IDAHO, } ss.
County of Elmore

I hereby certify that this instrument
was filed for record at request of
Debra Ann [unclear]
at 2:22 minutes past 3
o'clock P.M., this 5 th
day of June A.D. 1965
in my office, and duly recorded in Book
_____ of _____
at Page _____

H. J. [unclear]
Ex-Officio Recorder,
By [unclear] [unclear]
Deputy.

Fees \$ 4.00

4-7

SE 1/4 NW 1/4

DAT

CURVE

C-2
Δ = 4° 42' 16"
R = 119.2'
T = 50.0'
L = 34.6'
Ch = 92.1'

C-1
Δ = 32° 16'
R = 324.5'
T = 103.0'
L = 194.0'
Ch = 169.2'

Proposed C of 100' R/W for Canal.
R/W to be 50' Each Side of Surveyed
Center Line.

SW 1/4 NW 1/4
U.S.

NW 1/4 SW 1/4
U.S.

N 62° 05' W
230.5'

N 31° 02' W
520.4'

72+19.8

N 12° 33' W
393.5'

68+26.1

N 28° 18' W
270.0'

N 37° 35' W
343.4'

85+55.5

N 52° 50' W
261.5'

59+30.6

N 79° 32' W
242.1'

Fd Stone at 1/4 Cor

20+21



IRRIGA
BL

DES.
DR. G.L.R.
CK. *[Signature]*
SCALE 1" = 2'

SE⁴ NW⁴

DATA

CURVE

C-2
Δ = 45°48'
R = 118.5'
T = 50.0'
L = 94.6'
Ch = 92.1'

C-1
Δ = 32°05'
R = 32.2'
T = 100.0'
L = 194.0'
Ch = 155.0'

Proposed C of 100' R/W for Canal;
R/W to be 50' Each Side of Surveyed
Center Line.

77+40.0

N31°02'W
520.4'

72+19.6

N12°33'W
393.5'

68+26.1

N28°18'W
270.6'

65+55.5

N37°35'W
343.4'

62+12.1

N52°50'W
261.5'

N79°32'W
245.1'

59+50.6

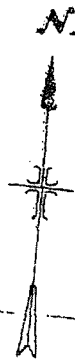
NW⁴ SW⁴
U.S.



IRRI

REG.	RAD.	B	TAN.	LENGTH	CHORD
C-5	120.0	80° 31'	84.0	129.2	129.0
C-5	255.0	33° 30'	80.4	133.0	133.3
C-5	75.0	119° 50'	201.4	192.6	147.7
C-5	75.0	78° 30'	60.7	102.1	94.4
C-5	242.0	39° 00'	75.1	144.3	141.5
C-10	487.0	17° 30'	75.0	148.8	148.2
C-12	199.0	43° 20'	75.1	142.9	139.6
C-12	50.0	172° 00'	715.0	150.1	99.8
C-14	372.0	30° 30'	75.0	145.4	144.6
C-14	307.0	27° 30'	75.1	147.3	145.9

U. S.



0' R/W for Canal;
th Side of Surveyed
anal.

U.S.

U.S.

Water Line of
North edge of
Strike Reservoir

Proposed Pumping Station

(TURN-AROUND
AREA

N 29° 40' E
500'

74267

24197.0

77.0

4-11

NW⁴ SE⁴

U.S.

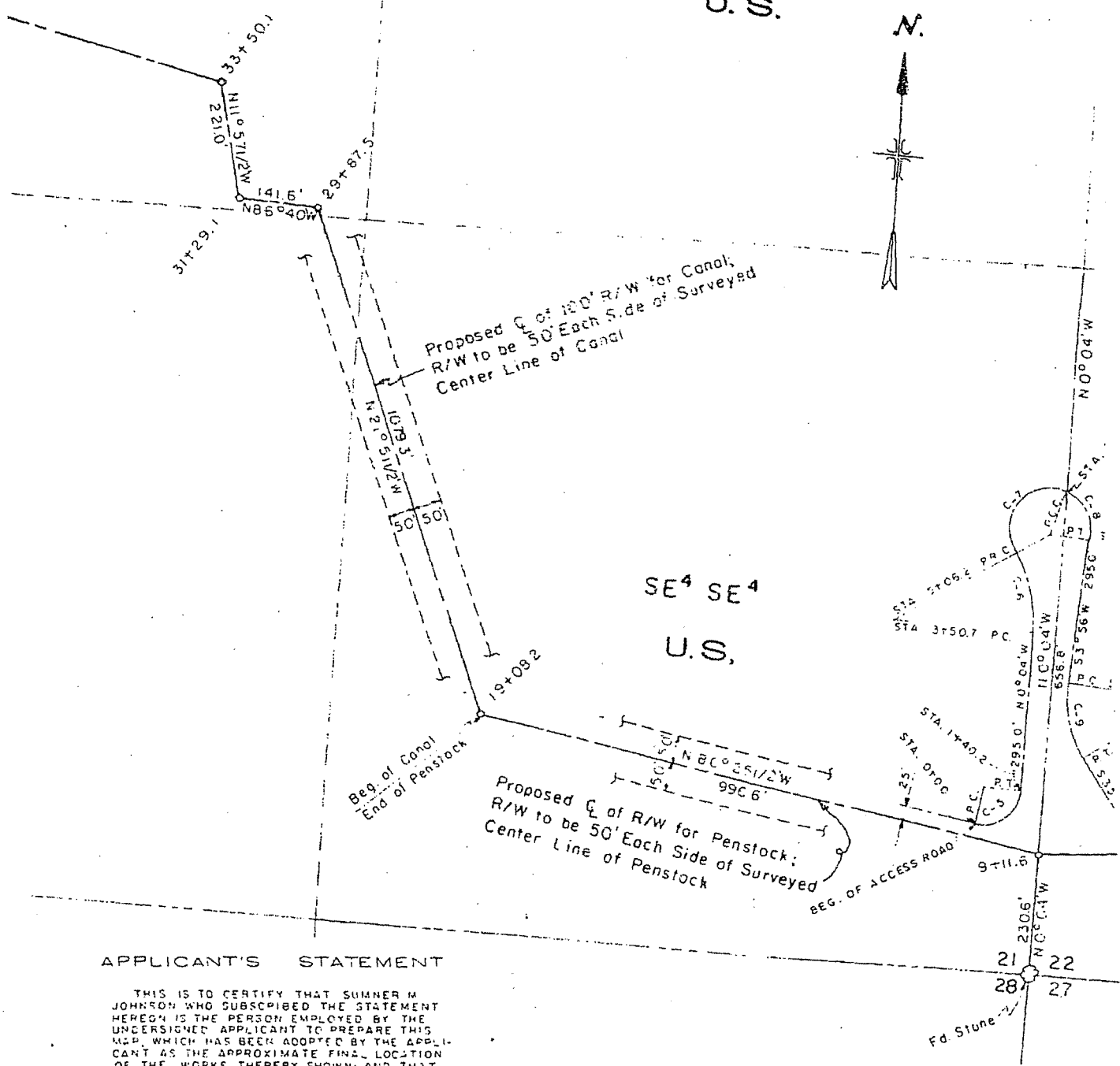
NE⁴ SE⁴

U.S.

SE⁴ SE⁴

U.S.

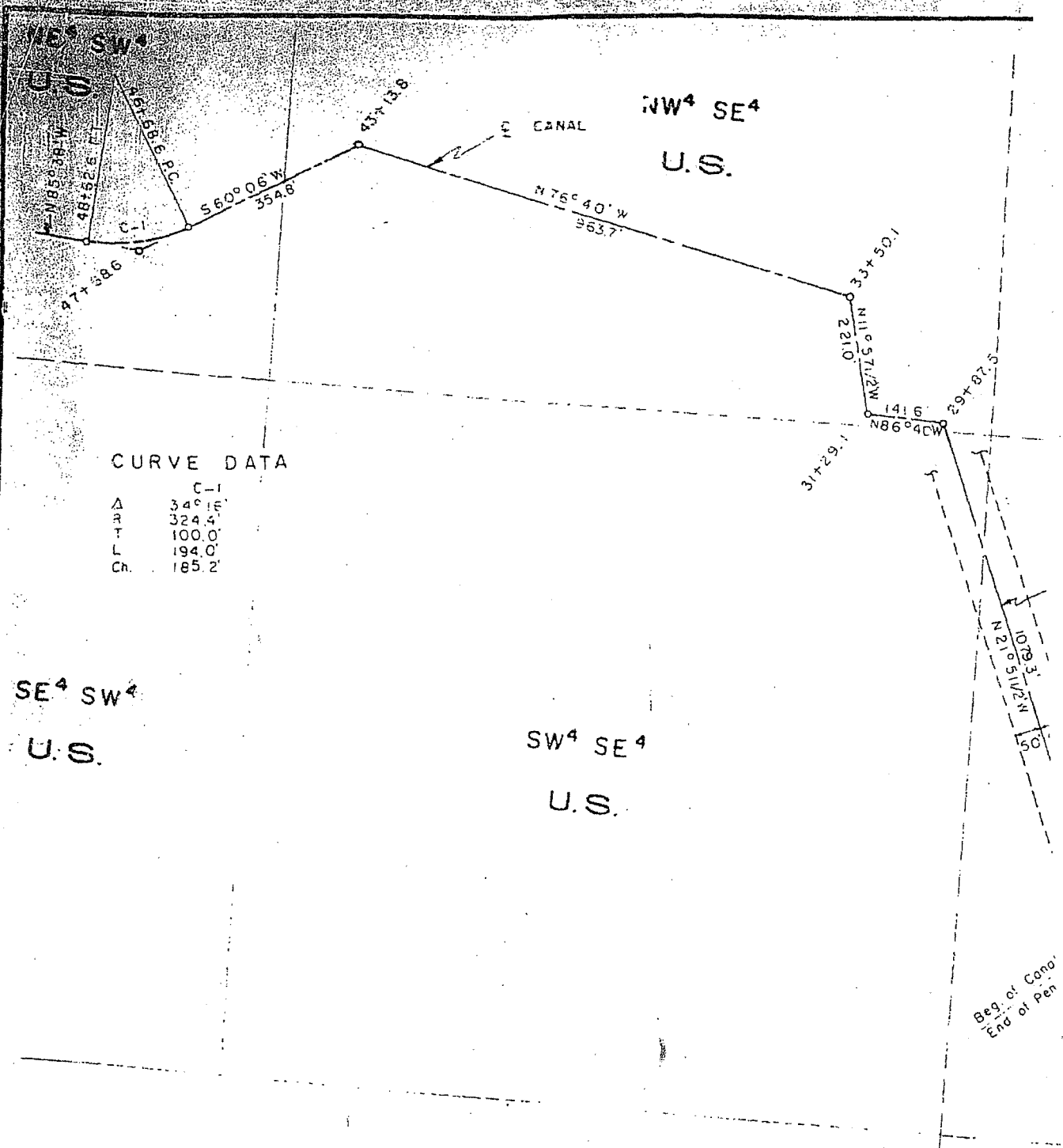
N.



APPLICANT'S STATEMENT

THIS IS TO CERTIFY THAT SUMNER M. JOHNSON WHO SUBSCRIBED THE STATEMENT HEREON IS THE PERSON EMPLOYED BY THE UNDERSIGNED APPLICANT TO PREPARE THIS MAP, WHICH HAS BEEN ADOPTED BY THE APPLICANT AS THE APPROXIMATE FINAL LOCATION OF THE WORKS THEREBY SHOWN; AND THAT THIS MAP IS FILED AS PART OF THE COMPLETE APPLICATION, AND IN ORDER THAT THE APPLICANT MAY OBTAIN THE BENEFITS OF 43 CFR 244, AND WE FURTHER CERTIFY THAT THE RIGHT-OF-WAY HEREIN DESCRIBED IS DESIRED FOR AN IRRIGATION CANAL, PENSTOCK, RESERVOIR OR ACCESS ROAD AS INDICATED HEREON.

James B. S. 6/19/64
William S. Holland 6/20/64
W. J. Holland 6/20/64



ENGINEER'S STATEMENT

SUMNER M. JOHNSON STATES HE IS BY OCCUPATION A PROFESSIONAL ENGINEER EMPLOYED BY FRANK N. RAWLINGS AND YALE B. HOLLAND TO MAKE THE SURVEY OF THE IRRIGATION CANAL, PENSTOCK, ACCESS ROAD AND RESERVOIR AS DESCRIBED AND SHOWN ON THIS MAP. THAT THE SURVEY OF SAID WORKS WAS MADE UNDER HIS DIRECT SUPERVISION AND UNDER AUTHORITY, COMMENCING ON THE 11TH DAY OF MAY, 1964 AND ENDING ON THE 8TH DAY OF JUNE, 1964, AND THAT SUCH SURVEY IS ACCURATELY REPRESENTED UPON THESE MAPS.

Sumner M. Johnson
SUMNER M. JOHNSON

APPLICANT'S STATEMENT

THIS IS TO CERTIFY THAT SUMNER M. JOHNSON WHO SUBSCRIBED THE STATEMENT ABOVE IS THE PERSON EMPLOYED BY THE DESIGNED APPLICANT TO PREPARE THIS MAP, WHICH HAS BEEN ADAPTED BY THE APPLICANT AS THE APPROXIMATE FINAL LOCATION OF THE WORKS THEREBY SHOWN, AND THAT THIS MAP IS FILED AS PART OF THE COMPLETE APPLICATION, AND IN ORDER THAT THE APPLICANT MAY OBTAIN THE BENEFITS OF 43 USC 242 AND WE FURTHER CERTIFY THAT THE RIGHT OF WAY HEREIN DESCRIBED IS DESIRED FOR AN IRRIGATION CANAL, PENSTOCK, RESERVOIR OR ACCESS ROAD AS INDICATED HEREON.

Frank N. Rawlings 4/19/64

7a

(Map)



POU 2-10471 & 2-10472

(#) = # of Acres per 1/4

Proposed POU

Attachment 7a to Application for Transfer of
Water Right Nos. 2-10300A & 2-10300B

1 in = 0.38 miles

Proposed Point of
Diversion:
Govt Lot 4 Section 22
T 5S R 4E
Elmore County, Idaho

5-1

Pearson, Mandi

From: Pearson, Mandi
Sent: Wednesday, September 12, 2012 4:22 PM
To: 'Swenson, Stacy'
Subject: Legal Ad
Attachments: Elmore Cover Letter.docx; Elmore Legal Notice.docx

Stacy,

Please see the attached legal ads for publication 9/19/12 and 9/26/12.

Please confirm that these are ok to publish as shown.

Thanks!

Mandi Pearson

Office Specialist 2
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

*Legal
Notice*

September 12, 2012

LEGAL NOTICE DEPARTMENT

MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Transfer No. 78075,
Water Right No(s): 2-10300A, 2-10300B

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/9/2012. Your cooperation is appreciated.

Sincerely,

Mandi Pearson
Office Specialist II

Enclosure(s)

PROPOSED CHANGE OF WATER RIGHTS

J.R. Simplot Company of PO Box 27, Boise, ID 83707 filed Application No. 78075 to transfer two rights with 1963 and 1965 priority dates from the Snake River totaling 8.0 cfs. The rights will be purchased from Cottonwood Mutual Canal Co. after the transfer is finalized. The purpose of the transfer is to change the point of diversion and place of use. Water will be moved to a place of use approximately 7 miles southwest of the Mountain Home Air Force Base.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before October 9, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/19/12, 9/26/12

MEMORANDUM

TO: Transfer No. 78075
FROM: Kay Walker *KW*
DATE: September 6, 2012
RE: Evaluation of Application

The transfer proposes to change the point of diversion and place of use of two water rights, decreed to Cottonwood Mutual Canal Company, to a property owned by the transfer applicant.

The proposed site is located approximately 7 miles southwest of Mountain Home Air Force Base. The rights were decreed for use in the Black Mesa area, south of Pasadena Valley.

Contact person for the applicant is Daniel Steenson, Ringert Law Office, PO Box 2773, Boise, ID, 83702, phone 208-342-4591.

Summary of Information Submitted

The transfer application appears to be in good form.

Authority to File:

The transfer applicant has filed the application with the stipulation that they will purchase the water rights upon approval of the transfer. The rights will remain in the current owners name until the transfer is approved and then the applicant will submit an ownership change with a copy of the deeds to the rights. The Cottonwood Mutual Canal Company rights have been considered not appurtenant to the lands they are tied to for many years and many other transfers, therefore, we do not need current landowners consent per IDWR records.

Water Right Validity:

Rights presumed to be valid because the partial decrees were issued within the past five year period, on July 31, 2012.

Injury to Other Water Rights:

There should be no injury to other water rights in the proposed area of use. There are two ground water rights currently appurtenant to the proposed place of use. The applicant will use an existing pumping plant to divert the Snake River water. The applicant has a right of way agreement with the BLM to utilize the

land where the point of diversion is located. A copy of that agreement is attached to the transfer application.

Enlargement of Use:

No enlargement of use is proposed under this transfer. The rights are currently appurtenant to a 428 acre permissible place of use with a limitation of 400 acres each irrigation season. The applicant intends to use the water on a 400 acre place of use.

Local Public Interest:

It is within the public interest to allow the change in these rights to the proposed area. The rights were just recently decreed in the SRBA and are valid.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry affected the correct records. The partial decrees were issued on July 31, 2012 and the rights were migrated into water rights data base 8/27/2012.

Overlapping rights at proposed POD are rights from the Snake River with 1963 thru 1969 priority dates. Each of these rights is in the name of the transfer applicant except for the instream stockwater right No. 2-10130 for the BLM. Overlapping rights at proposed POU are two ground water rights for 611 acres in the transfer applicants name. These rights were decreed for just over a half of inch of water per acre so additional water will be beneficial for the irrigation of these lands. The proposed place of use is within the Mountain Home Ground Water Management area. The addition of Snake River water to this area could be beneficial to the declining aquifer if that is possible.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



August 2, 2012

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
S. Bryce Farris
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson
James Bennetts, of Counsel

Hand Delivery

John Westra, Manager
Western Region
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Application for Transfer of Water Right Nos. 2-10300a and 2-10300b

Dear John:

Enclosed for filing on behalf of J.R. Simplot Company is an application to transfer the point of diversion and the place of use of the above-referenced water rights, and a filing fee in the amount of \$1,060.00 per the Department's Application for Transfer or Exchange Fee Schedule.

Please contact me in the event I miscalculated the fee and an additional amount is necessary, or if you have any questions or need any additional information to assist the Department in processing the application. My email address is dan@ringertlaw.com.

Sincerely,

A handwritten signature in black ink that reads "Daniel V. Steenson". The signature is fluid and cursive, with the first name "Daniel" and last name "Steenson" clearly legible.

Daniel V. Steenson

Enclosures

cc: Vic Conrad