

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 19 2012

WATER RESOURCES
WESTERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
PD 65-9429	Yes ☐		Yes ☐		Yes ☐
PD 65-6356	Yes ☐	NOT CHANGED	Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Linda Johaneck, Robert F Johaneck, Paul Johaneck
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): J. R. SIMPLOT COMPANY
Name of each new owner as listed on the conveyance document

New owner continued ☐ Name connector ☐ and ☐ or ☐ and/or
PO BOX 27
Mailing address
BOISE ID 83707
City State ZIP
208-336-2110
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
 - ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: January 19, 1984

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: [Signature] Title, if applicable Senior Vice President, Secretary & General Counsel Date 3/16/12
Signature: TERRY T. UHLING Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by RS Date 3-19-12 Receipt No. W039990/W039991 Receipt Amt. \$25-/\$25-
Approved by _____ Processed by _____ Date _____

0353384

0024050

BARGAIN AND SALE DEED

GRANTOR, **ML INVESTMENT COMPANY**, a Nevada corporation, of 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 and convey unto **J.R. SIMPLOT COMPANY**, a Nevada corporation, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702 as GRANTEE, and to GRANTEE's successors and assigns forever, all of the following described real estate located in Payette County, State of Idaho:

PLEASE SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

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 9th day of May, 2008.

ML INVESTMENT COMPANY

By Debbie S. McDonald
Debbie S. McDonald

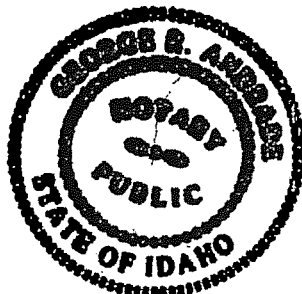
Instrument # 353384

PAYETTE COUNTY
5-16-2008 02:19:12 No. of Pages: 2
Recorded for: AMERITITLE
BETTY J. DRESSEN
Ex-Officio Recorder Deputy
Index to: BARGAIN & SALE DEED

Kathleen D. Hurren
Deeds

STATE OF IDAHO)
County of ADA) ss.

On this 9th day of May, 2008 before me, a Notary Public in and for said State, personally appeared Debbie McDonald, known to me to be the PRESIDENT, respectively of M. L. Investment 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.



George R. Ambrose
Notary Public for Idaho
Residing at: BOISE, ID
My Commission Expires: JUNE 13, 2012

0353384

Exhibit A

Legal Description

In Twp. 7 N., R.5 W., B.M., Payette County, Idaho:

In Sec. 9: NE1/4NE1/4 and W1/2SE1/4NE1/4.

AND

A parcel of land situated in the W1/2NE1/4 of said Sec 9, being more particularly described as follows:

Beginning at the Southwest corner of said W1/2NE1/4; thence North 0°09' 00" West along the West boundary line of said W1/2NE1/4 2667.25 feet to the Northwest corner of said W1/2NE1/4; thence North 89 ° 54'45" East along the North boundary line of said W1/2NE1/4 651.99 feet to the REAL POINT OF BEGINNING;

thence continuing North 89°54'45" East 673.3 feet to the Northeast corner of said W1/2NE1/4

thence South 0°07'17" East along the East boundary line of said W1/2NE1/4 2078.46 feet;

thence North 89°33'48" West 417.55 feet;

thence South 33° 18' 24" West 461.89 feet;

thence North 0° 09' 00" West 2448.37 feet more or less to a point on the North boundary line of said W1/2NE1/4 and the POINT OF BEGINNING.

Together with all water rights appurtenant thereto including, but not limited to, Idaho Department of Water Resources water right no. 65-9429.

COPY

FA-11224

280965

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, **J. R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger to Payette Farms Company, an Idaho corporation, as to Parcel I; **J. R. SIMPLOT COMPANY**, a Nevada corporation, as to Parcel II; and **J. R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger to Simplot Industries, Inc., a Utah corporation, by merger with P & F Storage Co., an Idaho corporation, as to Parcel III, as Grantor, does hereby grant, bargain, sell and convey unto **ML INVESTMENT COMPANY**, a Nevada corporation, as Grantee, whose current address is P.O. Box 27, Boise, Idaho 83707, all that certain real property located in Payette County, Idaho and as more particularly described on Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be affixed by its Secretary, this 30th day of April, 1999.

J. R. SIMPLOT COMPANY

STATE OF IDAHO }
County of Payette } ssBy: Stephen A. Beebe
Its PresidentI hereby certify that this instrument
was filed for record at the request of
FIRST AMERICAN TITLE CO.

ATTEST:

By: Laural Stigle
SecretaryTime 4:00 PM
Date May 3, 1999
Instrument # 280965 Seeds

LAURAL STIGLE

By: Laural Stigle
DeputyFec \$15.00STATE OF IDAHO)
County of Ada) ss.

On this 30th day of April, 1999, before me, a Notary Public in and for said State, personally appeared STEPHEN A. BEEBE and RONALD N. GRAVES, the President and Secretary, respectively, of the corporation that executed the foregoing instrument on behalf of said corporation, 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.

R. Scott Farley
Notary Public for Idaho
Residing at Boise, Idaho

My Commission Expires: 5-13-2003

280965

EXHIBIT "A"

PARCEL I:

In Twp. 8 N., R. 3 W., B.M. Payette County, Idaho:

- In Sec. 6: Government Lot 7;
- In Sec. 7: W1/2;
- In Sec. 18: NW1/4 and NW1/4SW1/4;

In Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

- In Sec. 1: S1/2S1/2 and N1/2SW1/4;
- In Sec. 2: The North 466.7 feet of the East 466.7 feet of the NE1/4SE1/4;
- In Sec. 12: All of said Section;
- In Sec. 13: N1/2; N1/2SW1/4 and SW1/4SW1/4;

AND Beginning at the East Quarter corner of Section 13, Township 8 North, Range 4 West, B.M.;

Thence North 89°34' West along the midsection line of said Section 13 a distance of 1,764 feet more or less to a fence, the true POINT OF BEGINNING;

Thence South 50°7.5' West along said fence a distance of 1,107.5 feet to a point on the West boundary of the NW1/4SE1/4;

Thence North along the West boundary of the NW1/4SE1/4 a distance of 710 feet more or less to the North boundary of the NW1/4SE1/4;

Thence South 89°34' East along the North boundary of the NW1/4SE1/4 850 feet to the TRUE POINT OF BEGINNING.

- In Sec. 14: S1/2SE1/4;
- In Sec. 23: N1/2 SAVE AND EXCEPTING the N1/2N1/2NW1/4 and
- In Sec. 24: W1/2NW1/4.

In Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

- In Sec. 2: The SE1/4 SAVE AND EXCEPT the North 466.7 feet of the East 466.7 feet thereof;
- the E1/2SW1/4;
- the SW1/4SW1/4;
- and that portion of Government Lot 4 lying North and West of the County Road crossing said legal subdivision SAVE AND EXCEPT the following portion thereof:
- Beginning at a point 70 feet, more or less, West of the NE corner of said Lot 4, which point is

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FA-11224

EXHIBIT "A" CONTINUED

identical with that point where the North line of said Lot 4 intersects the West side line of the right-of-way of the county road as now located; run thence West following the said North side line of said Lot 4 a distance of 625 feet; thence South at right angles to said North line of said Lot 4 to the right-of-way of the aforesaid county road; thence following the said right-of-way of said county road in a Northeasterly direction to the point of beginning;

In Sec. 3: Government Lots 2, 3, and 4;
The S1/2NW1/4 and the SW1/4;

In Sec. 10: The SE1/4NE1/4; W1/2NE1/4; SE1/4; E1/2SW1/4;
N1/2NW1/4SW1/4; E1/2SE1/4NW1/4SW1/4; NW1/4 SAVE AND
EXCEPT THE S1/2NE1/4SE1/4NW1/4 and the
N1/2SE1/4SE1/4NW1/4;

In Sec. 11: All of said Section;

In Sec. 14: The N1/2; N1/2S1/2; and S1/2SW1/4;

In Sec. 15: All of said Section;

In Sec. 22: The N1/2;

In Sec. 23: The N1/2N1/2NW1/4;

In Sec. 27: A parcel of land in the SW1/4NE1/4 more particularly described as follows:
Beginning at the North quarter corner of said Section 27;
run thence S. 0°13' W. on the midsection line of said Sec. 27 a distance of 1589.8 feet to a point on the Southerly right-of-way of State Highway #52; said point being the REAL POINT OF BEGINNING;
thence continuing S. 0°13' W. along said midsection line a distance of 898.4 feet to a point on the Northerly bank of the main channel of the Payette River;
thence S. 40°58.5' E. along the Northerly bank of said Payette River a distance of 200.0 feet to a point;
thence N. 0°13' E. a distance of 200.0 feet to a point;
thence N. 40°58.5' W. a distance of 169.6 feet to a point;
thence N. 0°13' E. a distance of 700.0 feet to a point on the Southerly right-of-way of State Highway #52;

CONTINUED

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EXHIBIT "A" CONTINUED

thence Westerly on the arc of a circle 2825.0 feet in radius curving to the left an arc distance of 29.1 feet, along the Southerly right-of-way line of said Highway, the chord of said arc running N. 42° 51.3' W. a distance of 29.1 feet to the real point of beginning.

AND

A parcel of land in the SW1/4NE1/4 of Section 27, Township 8 North, Range 4 West, B.M. more particularly described as follows:

Beginning at the north quarter corner of said Section 27, Township 8 North, Range 4 West, B.M.;

Thence South 0°13' West along the midsection line of said Section 27 a distance of 2,488.2 feet to a point on the northerly bank of the main channel of the Payette River;

Thence South 40°58.5' East a distance of 200 feet to the true point of beginning;

Thence South 40°58.5' East along the northerly bank of the main channel of the Payette River a distance of 200 feet to a point;

Thence North 14°02' East a distance of 240 feet to a point;

Thence North 70°20' West a distance of 200 feet to the easterly line of the parcel of land on which the Payette Farms Company's pumping plant is situated;

Thence South 0°13' West a distance of 150 feet to the northerly bank of the main channel of the Payette River to the point of beginning.

In Twp. 9 N., R. 4 W., B.M., Payette County, Idaho:
In Sec. 34: The SW1/4NW1/4; and the S1/2.

PARCEL II:

In Twp. 7 N., R. 5 W., B.M., Payette County, Idaho:

In Sec. 9: NE1/4NE1/4 and W1/2SE1/4NE1/4.

AND

280965

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EXHIBIT "A" CONTINUED

A parcel of land situated in the W1/2NE1/4 of said Sec. 9, being more particularly described as follows:

Beginning at the Southwest corner of said W1/2NE1/4; thence North 0°09'00" West along the West boundary line of said W1/2NE1/4 2667.25 feet to the Northwest corner of said W1/2NE1/4; thence North 89°54'45" East along the North boundary line of said W1/2NE1/4 651.99 feet to the REAL POINT OF BEGINNING;

thence continuing North 89°54'45" East 673.3 feet to the Northeast corner of said W1/2NE1/4;

thence South 0°07'17" East along the East boundary line of said W1/2NE1/4 2078.46 feet;

thence North 89°33'48" West 417.55 feet;

thence South 33°18'24" West 451.89 feet;

thence North 0°09'00" West 2448.37 feet more or less to a point on the North boundary line of said W1/2NE1/4 and the POINT OF BEGINNING.

PARCEL III:

The South Half of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (S1/2NE1/4SE1/4NW1/4) and the North Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (N1/2SE1/4SE1/4NW1/4) of Section Ten (10), Township Eight (8) North, Range Four (4) West, Boise Meridian, Payette County, Idaho.

State of Idaho ss
County of Payette

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Dated APR 09 2001
LAURA L. STIGILE

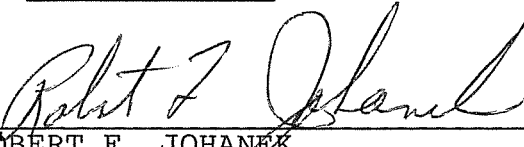
Clerk of the District Court and
Ex-Officio Auditor and Recorder

By [Signature] Deputy

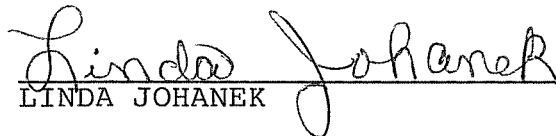
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

We, Robert F. Johanek, Linda Johanek and Paul Johanek, hereby assign to J. R. Simplot Company of P.O. Box 27, Boise, Idaho 83707, all our right, title and interest in and to said Claim Number 65-6356 to appropriate the public waters of the State of Idaho.

Made this 19 day of January, 1984.



ROBERT F. JOHANEK



LINDA JOHANEK

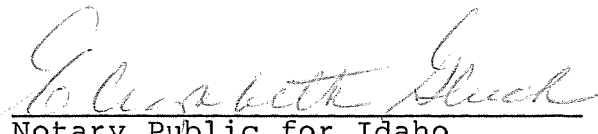


PAULA JOHANEK

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 23rd of January, 1984, before me, a Notary Public in and for said State, personally appeared Robert F. Johanek, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.

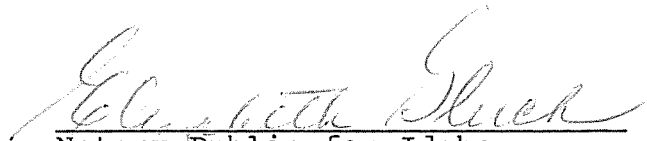


Notary Public for Idaho
Residing at Payson Idaho
My Commission Expires: 7-25-85

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 23rd of January, 1984, before me, a Notary Public in and for said State, personally appeared Linda Johanek, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.


Notary Public for Idaho
Residing at ~~Boise~~ Idaho
My Commission Expires: 7-25-88

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 19 of January, 1984, before me, a Notary Public in and for said State, personally appeared Paul Johanek, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same.

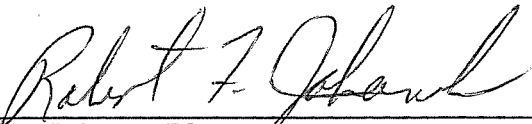
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Fruitland Idaho
My Commission Expires: 8/31/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

We, Robert F. Johanek, Linda Johanek and Paul Johanek, hereby assign to J. R. Simplot Company of P.O. Box 27, Boise, Idaho 83707, all our right, title and interest in and to said Claim Number 65-9429 to appropriate the public waters of the State of Idaho.

Made this 19 day of January, 1984.



ROBERT F. JOHANEK



LINDA JOHANEK

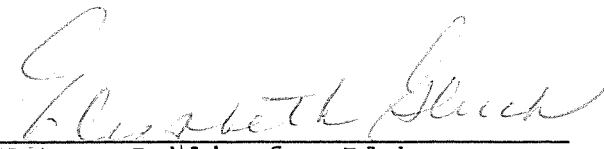


PAULA JOHANEK

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 23rd of January, 1984, before me, a Notary Public in and for said State, personally appeared Robert F. Johanek, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.

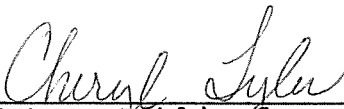


Notary Public for Idaho
Residing at Kingfield, Idaho
My Commission Expires: 7-25-85

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 27th of January, 1984, before me, a Notary Public in and for said State, personally appeared Linda Johanek, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.



Notary Public for Idaho
Residing at Glenn Ferry Idaho
My Commission Expires: July 23, 1984

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 19 of January, 1984, before me, a Notary Public in and for said State, personally appeared Paul Johanek, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.



Notary Public for Idaho
Residing at Fruitland Idaho
My Commission Expires: 8/31/85

WARRANTY DEED

THIS INDENTURE, Made this 19 day of January, 1984, between MICHAEL J. DAY, a single man of County of Payette, State of Idaho, the party of the first part, and J. R. SIMPLOT COMPANY, a Nevada corporation whose current mailing address is P.O. Box 27, Boise, Idaho 83707, the party of the second part,

W I T N E S S E T H:

THAT the said party of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second art, and to its successors and assigns forever, all the following described real estate, situated in Payette County, State of Idaho, to-wit:

In Twp. 7 N., R. 5 W., B.M., Payette County, Idaho:

In Sec. 9: NE 1/4 NE 1/4 and W 1/2 SE 1/4 NE 1/4.

TOGETHER with personal property consisting of a pump and irrigation lines.

TOGETHER with any and all water, water rights, ditches, ditch rights, minerals, mineral leases, and any and all irrigation rights appurtenant to said lands or in anywise connected therewith.

SUBJECT to the rights of the owner of an undivided on-half of the minerals as reserved by A. S. Capps and Florence L. Capps, husband and wife, in Deed recorded March 7, 1957, Fee #96822, Deed Records of Payette County, Idaho.

SUBJECT to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations, and mineral conveyances of record.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

218821

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

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

Michael J. Day
MICHAEL J. DAY

STATE OF IDAHO)
)
COUNTY OF ADA)

On this 19 of January, 1984, before me, a Notary Public in and for said State, personally appeared Michael J. Day, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person 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.

Calvin S. Harmon
Notary Public for Idaho
Residing at Fruitland Idaho

218821

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of Land Title Insurance Company

June 3, 1987 at 4:26 P. M. in Book 48 of Deeds, page 218821.

Laura L. Stigile, Ex-Officio Recorder by Ella Japple Deputy

Fee: \$4.00