

RECEIVED

NOV 07 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDWSB No. C094225
Receipt No. _____
Date/by 11-7-2011
(For Department Use Only)**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
Mailing address PO BOX 27, BOISE, ID 83707 Email _____**A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK**If the entire right is for sale or lease, check here ☒, list the water right number, and skip to Part B.

1. Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
45-02746			_____ to _____
			_____ to _____
			_____ to _____
Total Amount: _____			

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres _____

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Water Right was reserved from a sale, consequently Applicant does not know if former wells still exist (see attached Deed recorded on August 28, 2002 in the real property records of Cassia County as Instrument Number 2002-017458.

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

The place of use described by water right 45-02746, or portions thereof, may continue to be irrigated under water right numbers 45-02320, 45-13642, 45-13643, 45-13644, 45-23645 and 01-070-72.

3. Will the present place of use continue to receive water from any source?

Yes ☒ No ☐

If yes, describe. See #2 above.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes
- ☒
- No
- ☐

If yes, describe. This water right was included in a Stipulation Regarding Mitigation and Motion for Approval filed with Idaho Department of Water Resources on April 13, 2007.

D. REQUIRED ITEMS

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

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 1/1/2012 to 12/31/2016 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than 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/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a 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

Signature of Applicant

Terry T. Uhling, Senior Vice President
Printed Name and Title* Secretary and
General Counsel

11/3/2011
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

COPY

Twin Falls County, Idaho

Recorded for:
TITLEFACT

11:58am Aug.28,2002
2002-017458

No. of Pages: 6 Fee: \$18.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN

BARGAIN AND SALE DEED

GRANTOR, **GLEN DALE FARMS, INC.**, an Idaho corporation, and **J.R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger with **NORTH FORK RANCH CO.**, a Nevada corporation whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto **DARRELL FUNK and PATRICIA FUNK, husband and wife**, whose principal address is 3173 North 4900 East, Murtaugh, Idaho 83344, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real property located in Twin Falls County, State of Idaho:

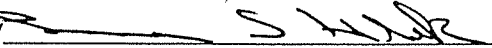
See Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all improvements, easements, hereditaments and non-water right related appurtenances thereto, 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 and pending water right application listed in Table 2 of Exhibit "B"; and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or as appear upon the premises.

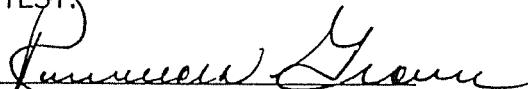
In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed in its corporate name this 23rd day of August, 2002.

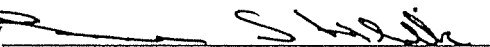
GLEN DALE FARMS, INC.

By 
Lawrence S. Hlobik, President

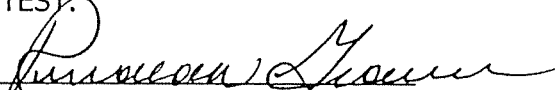
ATTEST:

By 
Ronald N. Graves, Secretary

J.R. SIMPLOT COMPANY

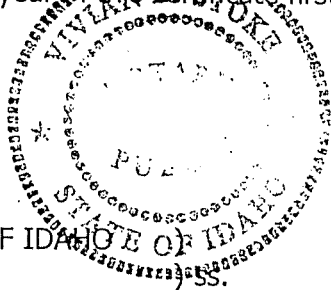
By 
Lawrence S. Hlobik, President & CEO

ATTEST:

By 
Ronald N. Graves, Secretary

STATE OF IDAHO)
) ss.
County of ADA)

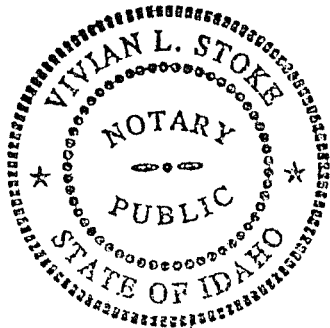
On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President and Secretary of Glen Dale Farms, Inc., the corporation that executed the within instrument, and acknowledged to me that said 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.



Vivian Stoke
Notary Public for Idaho
Residing at: Ada County, Idaho
My Commission Expires: 08/03/04

STATE OF IDAHO)
) ss.
County of ADA)

On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President & CEO and Secretary 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.



Vivian Stoke
Notary Public for Idaho
Residing at: Ada County, Idaho
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EXHIBIT "A"

PARCEL I: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$ South and above Milner Low Lift Canal.

PARCEL II: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ South and above Milner Low Lift Canal.

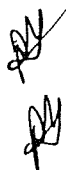
PARCEL III: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: A tract of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows: Beginning at the Southwest corner of Section 14; thence North 100 feet on the West line of said section; thence East 228 feet to toe of irrigation lateral; thence Southwesterly 120 feet, more or less, along toe of lateral to the South line of Section 14; thence West 164 feet along the section line to the section corner to the point of beginning.

PARCEL IV: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: Beginning at a point 1678.5 feet South of the Northwest corner of the SW $\frac{1}{4}$ of said Section, which point is the true point of beginning; thence South 562.5 feet; thence East 700 feet; thence in a Northeasterly direction along the West boundary of the lateral for irrigation of the Milner Low Lift Canal Company to a point, which is 708 $\frac{1}{3}$ feet East from the true point of beginning; thence West 708 $\frac{1}{3}$ feet to the point of beginning.

PARCEL V: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE



MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: A tract of land located in the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section 14, described as follows: Beginning at the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section; thence South on the West line of said subdivision a distance of 150 feet; thence East parallel to the North line of said 80-acre tract a distance of 250 feet; thence North 150 feet to a point on the North line of said 80-acre tract which is 250 feet East of the Northwest corner thereof; thence West 250 feet to the point of beginning.

PARCEL VI: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: Beginning at a point 1116 feet South of the Northwest corner of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section 14; thence $562\frac{1}{2}$ feet South; thence $708\frac{1}{3}$ feet East; thence in a Northerly direction to the point of beginning.

PARCEL VII: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: $SW\frac{1}{4}$, EXCEPT a tract of land in the $SW\frac{1}{4}SW\frac{1}{4}$ described as follows: Beginning at the Southwest corner of Section 14; thence North 100 feet on the West line of said section; thence East 228 feet to toe of Irrigation lateral; thence Southwesterly 120 feet, more or less, along toe of lateral to the South line of Section 14; thence West 164 feet along the section line to the section corner to the point of beginning. AND EXCEPT beginning at a point 1678.5 feet South of the Northwest corner of the $SW\frac{1}{4}$ of said Section, which point is the true point of beginning; thence South 562.5 feet; thence East 700 feet; thence in a Northeasterly direction along the West boundary of the

Handwritten initials/signature

lateral for irrigation of the Milner Low Lift Canal Company to a point, which is 708 $\frac{1}{3}$ feet East from the true point of beginning; thence West 708 $\frac{1}{3}$ feet to the point of beginning. AND EXCEPT a tract of land located in the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section 14, described as follows: Beginning at the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section; thence South on the West line of said subdivision a distance of 150 feet; thence East parallel to the North line of said 80-acre tract a distance of 250 feet; thence North 150 feet to a point on the North line of said 80-acre tract which is 250 feet East of the Northwest corner thereof; thence West 250 feet to the point of beginning. AND EXCEPT beginning at a point 1116 feet South of the Northwest corner of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section 14; thence 562 $\frac{1}{2}$ feet South; thence 708 $\frac{1}{3}$ feet East; thence in a Northerly direction to the point of beginning.

PARCEL VIII: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 23: $NW\frac{1}{4}NW\frac{1}{4}$

PARCEL IX: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 23: $SW\frac{1}{4}NW\frac{1}{4}$

PARCEL X: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 23: $E\frac{1}{2}NW\frac{1}{4}$; $E\frac{1}{2}$; $SW\frac{1}{4}$.

PARCEL XI: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 10: $S\frac{1}{2}NW\frac{1}{4}$ lying South and West of the Main Canal of the Milner Low Lift Irrigation District



EXHIBIT "B"

The following water rights and permit shall be included in this transaction and will be conveyed to Buyer upon closing:

Table 1

Water Right Number	Status	Source	Use(s)
01-7072	Permit	Snake River	Irrigation
45-2320	License	Ground Water	Irrigation
45-2565	License	Ground Water	Irrigation
45-4129	Statutory Claim	Waste Water	Irrigation
45-10200	Decreed	Ground Water	Domestic
45-10225	Decreed	Ground Water	Domestic and Stockwater
45-10228	Decreed	Ground Water	Stockwater

Together with an assignment of Seller's interest in 1,922 shares of stock of Artesian Irrigation, Inc. an Idaho corporation, issued under certificate no. 13 and the rights to irrigate the following described land with water apportioned by the Milner Irrigation District:

**3 acres within the NW¹/₄SW¹/₄ Section 14 T.11S R.20E
15 acres within the SW¹/₄SW¹/₄ Section 14 T.11S R.20E
in Twin Falls County, Idaho**

The following water rights and application shall not be included in this transaction and will be reserved in Glen Dale Farms, Inc. and J. R. Simplot Company, the owners of the following water rights:

Table 2

Water Right Number	Status	Source	Use(s)	Owner
45-2746	License	Ground Water	Irrigation	J. R. Simplot Company
45-4068	Statutory Claim	Waste Water	Irrigation	Glen Dale Farms, Inc.
45-4167	Statutory Claim	Ground Water	Irrigation	J. R. Simplot Company
45-7711	Application	Ground Water	Irrigation	J.R. Simplot Company

283518

COPY

BARGAIN AND SALE DEED

GRANTOR, **GLEN DALE FARMS, INC.**, an Idaho corporation, and **J.R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger with **NORTH FORK RANCH CO.**, a Nevada corporation whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto **DARRELL FUNK and PATRICIA FUNK, husband and wife**, whose principal address is 3173 North 4900 East, Murtaugh, Idaho 83344, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real property located in Cassia County, State of Idaho:

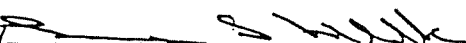
See Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all improvements, easements, hereditaments and non-water right related appurtenances thereto, and together with certain 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 and pending water right application listed in Table 2 of Exhibit "B"; and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or as appear upon the premises.

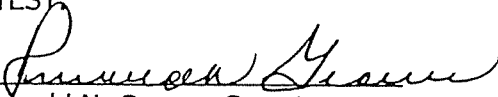
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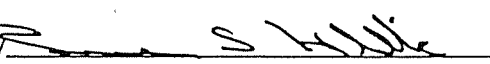
GLEN DALE FARMS, INC.

By 
Lawrence S. Hlobik, President

ATTEST:

By 
Ronald N. Graves, Secretary

J.R. SIMPLOT COMPANY

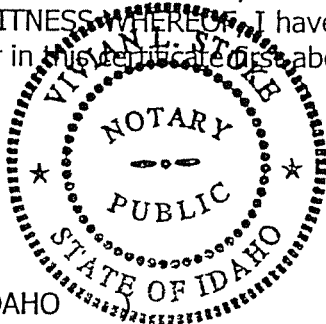
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Lawrence S. Hlobik, President & CEO

ATTEST:

By 
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STATE OF IDAHO)
) ss.
County of ADA)

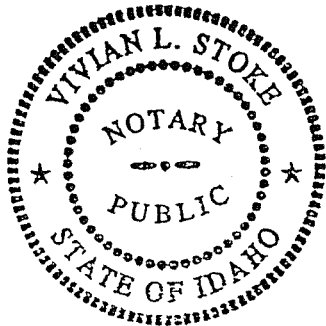
On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President and Secretary of Glen Dale Farms, Inc., the corporation that executed the within instrument, and acknowledged to me that said 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.



Vivian Stoke
Notary Public for Idaho
Residing at: Ada County, Idaho
My Commission Expires: 08/03/04

STATE OF IDAHO)
) ss.
County of ADA)

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45-7711	Application	Ground Water	Irrigation	J.R. Simplot Company

EXHIBIT "A"

TOWNSHIP 11 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO,

SECTION 13: $S\frac{1}{2}$
 $S\frac{1}{2}NW\frac{1}{4}$ lying South and above Milner Low Lift No.
3 Canal, EXCEPT a portion described as beginning
at the Northeast corner of said $S\frac{1}{2}NW\frac{1}{4}$; thence
South along the East line of said $S\frac{1}{2}NW\frac{1}{4}$, 198
feet; thence West along a line parallel to
the North line of said $S\frac{1}{2}NW\frac{1}{4}$ 676 feet more
or less to said Milner Low Lift No. 3 Canal;
thence Northerly along said canal to its
point of intersection with the North line of
said $S\frac{1}{2}NW\frac{1}{4}$; thence East along said North line
693 feet, more or less, to the Point of Beginning.

SECTION 24: All.

SECTION 25: $NE\frac{1}{4}$

[Handwritten signature]