

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77479AUG 18 2011 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) J. R. Simplot CompanyPhone 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, Ringier LawPhone 208-342-4591Mailing address PO Box 2773, Boise, ID 83702

Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

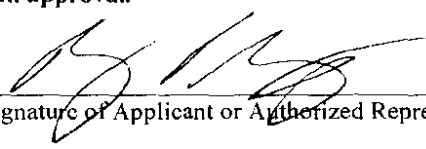
OR

☒ 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 17, 2011
 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**. All of water right nos. 2-10471 and 2-10472 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 ☒ ☐	2-10471	23.76/ 4,752	Irrigation	4/1 to 10/31	Snake River/ Columbia River
☒ ☐	2-10472	4.8/ 960	Irrigation	4/1 to 10/31	Snake River/ Columbia River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 28.56 cfs and/or 5,712 ac-ft

2. Total amount of water proposed to be transferred or changed 28.56 cubic feet per second and/or 5,712 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	30				40					40		40	40	40	40	40	40	320
		31															39	40	79
5S	4E	4										40							40
		5						38	40	35	39	40	39	40	40	37	40	39	427
		6	39	40	40	40									40	40	40	40	319
		7	40			40													80
		8			3		40	40	40	40									163

Total Acres (for irrigation use) 1428

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-of-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. 2-10471 and 2-10472 were originally appurtenant are not owned by the owners 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. Water right nos. 2-10471 and 2-10472 are leased to the Water Supply Bank.
- 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: None. See answer to 5.c.
- 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: Water Right nos. 2-10471 and 2-10472 are currently leased in their entirety to the Water Supply Bank. A portion of water right 2-10471 (2.9 cfs, 145 acres, 580 af per year) is rented from the Bank until October 31, 2015 pursuant to the Water Supply Rental Agreement dated March 15, 2011, a copy of which is attached hereto.

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 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 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) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(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.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

1. 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.:

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 5 attachments.
Received by Jmk Date 8-18-11 Prelim. Check by KW Date 9-20-2011
Fee Paid \$12,380- Date 8-18-2011 Received by JB Receipt # W039544
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

PART 2A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 20, 2011

COTTONWOOD MUTUAL CANAL COMPANY
C/O RINGERT CLARK CHARTERED
PO BOX 2773
BOISE, ID 83701

Re: Change In Water Right Ownership: *Original:* Water Right No. 2-10449
Split into: Water Right No. ~~2-10471~~ & 2-10472

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original water right number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right, after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new water right number when corresponding with our office.

A portion of water right 2-10449 was leased to the Water Supply Bank in 1991. Water right 2-10449 was split through an ownership change into water right nos. 2-10471 and 2-10472. In accordance with the Water Supply Bank Lease Acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. These portions will remain in the bank indefinitely unless the rights are released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Part 2A

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office at 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Westra".

John Westra
Western Regional Manager

Enclosure

Cc: Ringert Law Chartered



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 20, 2011

WILLIAM F & LYNNE RINGERT
PO BOX 105
HAMMETT, ID 83627

Re: Change in Water Right Ownership: *Original:* Water Right No. 2-10449
Split into: Water Right No. 2-10471 & ~~2-10472~~

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

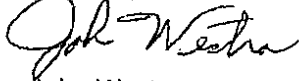
Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water right, then no further action is required at this time.

A portion of water right 2-10449 was leased to the Water Supply Bank in 1991. Water right 2-10449 was split through an ownership change into water right nos. 2-10471 and 2-10472. In accordance with the Water Supply Bank Lease Acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. These portions will remain in the bank indefinitely unless the rights are released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office at 334-2190 if you have any questions concerning the enclosed information or this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Westra".

John Westra
Western Regional Manager

Enclosure

Cc: Ringert Law Chartered

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10471

WATER RIGHT NUMBER: 2-10471

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	CHARLES L HONSINGER RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	COTTONWOOD MUTUAL CANAL CO C/O RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 02/25/1963

Basis: Decreed

Status: Water Supply Bank Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	23.760 CFS	4,752.00 AF
	<u>Total Diversion:</u>	23.760 CFS	4,752.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L6 (NW1/4SW1/4)	Sec. 9, Twp 06S, Rge 11E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	10E	1									35.0		40.0	14.5					89.5
06S	10E	2															40.0		40.0
06S	10E	12				18.5	40.0	40.0	40.0	40.0		20.0	40.0	40.0	40.0	40.0	40.0	40.0	438.5
06S	10E	13	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			40.0	40.0	40.0	40.0	560.0
06S	10E	24	40.0	40.0	40.0	40.0									40.0	40.0			240.0
06S	11E	6										10.0							10.0

1d

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10471

06S 11E 7	25.0	25.0	40.0	40.0	30.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0	40.0	40.0	40.0	40.0	592.0
						L 1	L 2			L 3	L 4						
06S 11E 17						40.0	40.0			40.0							120.0
06S 11E 18	40.0	40.0	40.0	40.0	40.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0					472.0
						L 1	L 2			L 3	L 4						
06S 11E 19							39.0			39.0							78.0
							L 2			L 3							

Total Acres: 2640

Conditions of Approval:

1. K06 This right is limited to the irrigation of 1188 acres within the place of use described above in a single irrigation season.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. F06 The following rights are diverted through point(s) of diversion described above: 2-10450, 2-10471 & 2-10472.

Remarks:Comments:

1. jhersley 7/20/2011 SPLIT RIGHT
Comment: This water right is the result of split from 2-10449 due to change in ownership.
2. jhersley 7/20/2011 2:54:05 PM POD
Comment: Updated Shape
3. jhersley 7/20/2011 2:59:02 PM POU
Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10471

Dates and Other Information:

Licensed Date:
Decreed Date: 4/8/2008
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10472

WATER RIGHT NUMBER: 2-10472

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	CHARLES L HONSINGER RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Original Owner	COTTONWOOD MUTUAL CANAL CO C/O RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591
Current Owner	WILLIAM F RINGERT PO BOX 105 HAMMETT, ID 83627 208-366-7993
Current Owner	LYNNE K RINGERT PO BOX 105 HAMMETT, ID 83627 208-366-7993

Priority Date: 02/25/1963

Basis: Decreed

Status: Water Supply Bank Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	4.800 CFS	960.00 AF
	<u>Total Diversion:</u>	4.800 CFS	960.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L6 (NW1/4SW1/4)	Sec. 9, Twp 06S, Rge 11E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	10E	1									35.0		40.0	14.5					89.5
06S	10E	2															40.0		40.0
06S	10E	12			18.5	40.0	40.0	40.0	40.0		20.0	40.0	40.0	40.0	40.0	40.0	40.0	438.5	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10472

06S 10E 13	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
06S 10E 24	40.0	40.0	40.0	40.0										40.0	40.0		240.0
06S 11E 6										10.0							10.0
										L 7							
06S 11E 7	25.0	25.0	40.0	40.0	30.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0	40.0	40.0	40.0	40.0	592.0
						L 1	L 2			L 3	L 4						
06S 11E 17						40.0	40.0			40.0							120.0
06S 11E 18	40.0	40.0	40.0	40.0	40.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0					472.0
						L 1	L 2			L 3	L 4						
06S 11E 19							39.0			39.0							78.0
							L 2			L 3							

Total Acres: 2640

Conditions of Approval:

1. K06 This right is limited to the Irrigation of 240 acres within the place of use described above in a single irrigation season.
2. F06 The following rights are diverted through point(s) of diversion described above: 2-10450, 2-10471 & 2-10472
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unfilled decree.

Remarks:Comments:

1. Jhersley 7/20/2011 split right
Comment: This water right is the result of split from 2-10449 due to change in ownership.
2. Jhersley 7/20/2011 2:47:25 PM POD
Comment: Updated Shape
3. Jhersley 7/20/2011 2:52:13 PM POU
Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10472

Dates and Other Information:

Licensed Date:
Decreed Date: 4/8/2008
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

RECEIVED

MAR 18 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

DEPARTMENT OF
WATER RESOURCES

This is to certify that: DALE HOOLEY
26796 INDIAN COVE LN
HAMMETT ID 83627
(208) 599-0119

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
2-10449	2.90 CFS	580.0 AF	145.0 AC
COMBINED RENTAL TOTALS:	2.90 CFS	580.0 AF	145.0 AC

TERM OF RENTAL:

April 1, 2011 to October 31, 2011
April 1, 2012 to October 31, 2012
April 1, 2013 to October 31, 2013
April 1, 2014 to October 31, 2014
April 1, 2015 to October 31, 2015

RENTAL FEE: \$8,120.00 annually

The fee for rental of the above-described water is \$8,120.00 per year. An annual payment shall be received by the Department prior to March 15, the beginning of the irrigation season, each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 15th day of March, 2011.

By: DALE HOOLEY
(Print Name)

[Signature]
(Signature)
Owner-Operator
(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 23rd day of March, 2011.

Exhibit E

[Signature]
for GARY SPACKMAN, Interim Director
Department of Water Resources

Attachment 2

WATER RIGHT NO. 2-10449
WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: DALE HOOLEY
 26796 INDIAN COVE LN
 HAMMETT ID 83627
 (208) 599-0119

Priority Date: 02/25/1963

Source: SNAKE RIVER Tributary to: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.90 CFS	580.0 AF
	Total:		2.90 CFS	580.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

SNAKE RIVER SW 1/4 NE 1/4 Sec. 21 Twp 06S Rge 06E OWYHEE County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	11					37	36	36	36									145

Total Acres: 145

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
- Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
- This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
- Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
- Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
- Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
- Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
- Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
- The period of use for the Irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

2a

257482

Attachment #2b

of
GUARANTY TITLE, INC.
Time 2:53 P.M.
Date February 12, 1990
Book
Page
By RAMONA YRAZABAL
Merla L. Becker Deputy
Fee \$9.00

WARRANTY DEED

GRANTOR, CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, of Meridian, County of Ada, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto J.R. SIMPLOT COMPANY, whose current address is 999 Main Street, Suite 1300, County of Ada, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in County of Elmore, State of Idaho:

TRACT I

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 31: S $\frac{1}{2}$ SE $\frac{1}{4}$

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

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

SECTION 5: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$ AND LOT 4

SECTION 6: LOTS 1 AND 2

TRACT II

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 6: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

SECTION 7: E $\frac{1}{2}$ NE $\frac{1}{4}$

SECTION 8: N $\frac{1}{2}$

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances, specifically including but not limited to all mineral rights, hydrocarbon rights, geothermal rights, grazing rights, water rights, and any and all additional rights SUBJECT TO reservations of mineral rights in the U.S. Government's patents on the property.

Grantors, for themselves, their heirs and assigns do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the grantee, its successors, heirs and assigns forever against the lawful claims of all persons.

Thomas T. Nicholson and Carl V. Nicholson are executing this document as well in order to confirm that all water rights appurtenant to the premises are transferred to the Grantee.

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, Grantors have hereunto subscribed their name to this instrument this 8 day of February, 1990.

Carl E. Nicholson
Carl E. Nicholson

Blanche Nicholson
Blanche Nicholson

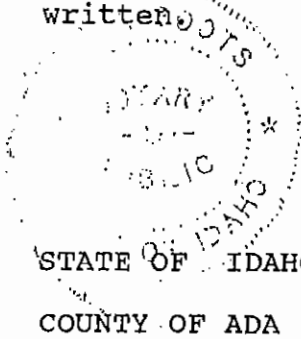
Thomas T. Nicholson
Thomas T. Nicholson

Carl V. Nicholson
Carl V. Nicholson

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing 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.

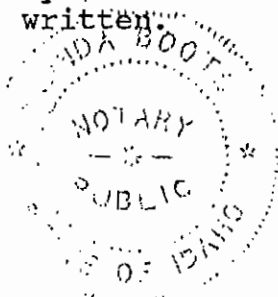


Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

STATE OF IDAHO)
COUNTY OF ADA) ss:

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS T. NICHOLSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

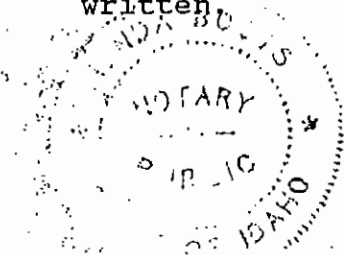


Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

STATE OF IDAHO)
COUNTY OF ADA) ss:

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL V. NICHOLSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

WARRANTY DEED

COPY

For Value Received

OLIVER M. COX AND DONNA COX, husband and wife

The grantors, do hereby grant, bargain, sell and convey unto

J.R. SIMPLOT COMPANY, a corporation

the grantee, whose current address is P.O. Box 27 Boise, ID 83707

the following described premises, in

ELMORE

County Idaho, to-wit:

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 30: Lot 4
SE $\frac{1}{4}$ NE $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$

TOGETHER WITH ALL IMPROVEMENTS INCLUDING FENCES AND THE RESERVOIR, AND ALL WATER RIGHTS COVERED OR EVIDENCED BY WATER LICENSE NO. 61-7096

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances EXCEPT THOSE OF RECORD.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 20, 1989

Oliver M. Cox
OLIVER M. COX

Donna Cox
DONNA COX

STATE OF IDAHO, COUNTY OF Elmore

On this 20th day of January, 1989, before me, a notary public in and for the said State, personally appeared

OLIVER M. COX
AND
DONNA COX
known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Walter A. Wetherell
Notary Public

Residing at Mountain Home
Comm. Expires 5-15-92

STATE OF IDAHO, COUNTY OF Elmore

I hereby certify that this instrument was filed for record at the request of GUARANTY TITLE, INC.

at 37 minutes past 3:00 o'clock P.M.,
this 20 day of January 1989, in my office, and duly recorded in Book of Deeds at Page

RAMONA YRAZABAL

Ex-Officio Recorder

By *Mark A. Becker* Deputy.

Fees \$ 3.00
Mail to:

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
Bureau Area Manager

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

Vic,

Copies as requested.

*Louis
BLM-Boise District
384-3478*

Attachment 4



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

RECEIVED

JUN 02 86

USDA BLM
BOISE DISTRICT OFFICE

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

4a

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

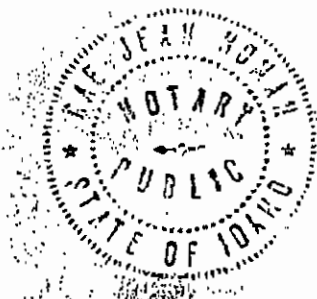
STATE OF IDAHO)
County of Ada) SS.

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 D. Haves

Time 4:00 PM

Date November 16th 1979

Book 21

Page 2

RAMONA YRAZABAL

By Mary M. Haves
Deputy

Fee 4.00

After Recording Mail to:
Simplex Industries Inc
PO Box 89
Boise Idaho, 83707

125133

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

DECISION

Right-of-Way Granted

DETAILS 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

Feb 1

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

Enclosure

4d

120733

STATE OF IDAHO, } ss.
County of Elmore

I hereby certify that this instrument
was filed for record at request of
W. J. Smith
at 2.22 minutes past 3
o'clock P.M., this 12th
day of December A.D., 1915
in my office, and duly recorded in Book
_____ of _____
at Page _____

W. J. Smith
Ex-Officio Recorder,
By W. J. Smith Deputy.
Fees \$ 2.00

120733

SE⁴ NW⁴

for Canal;
2 of Surveyed

DATA

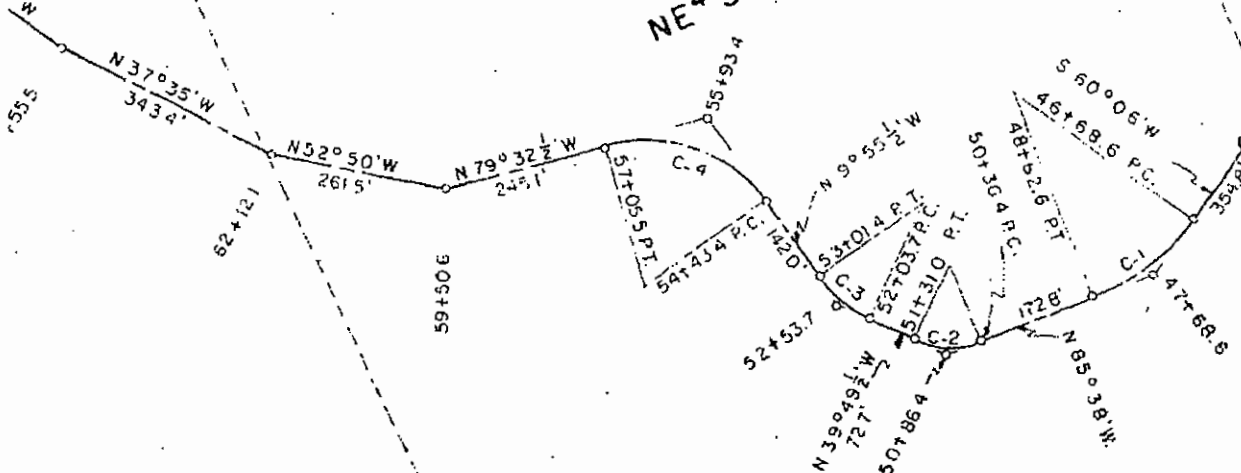
CURVE

C-1
Δ = 34° 18'
R = 324.4'
T = 100.0'
L = 194.0'
Ch = 165.2'

C-2
Δ = 45° 48'
R = 118.3'
T = 50.0'
L = 94.6'
Ch = 92.1'

C-3
Δ = 59° 57'
R = 118.8'
T = 190.0'
L = 308.1'
Ch = 263.3'

U.S.
NE⁴ SW⁴



LOCATION SURVEY IRRIGATION CANAL RIGHT-OF-WAY BLUE WING WATER CO.

ACROSS A PORTION OF SECTION 21, T55, R.4E, E.M.
ELMORE COUNTY, IDAHO

DES. OR. G.L.R. CK. <i>[Signature]</i>	JOHNSON & UNDERKOFER — Consulting Engineers — Nampa, Idaho	PLATE C DWG. NO. 640526-2
SCALE: 1" = 200'	DATE: MAY, 1964	Sh. 2 of 3

SE 4 NW 4

DAT

CURVE

C-2
Δ = 47° 48' 1"
R = 118.5'
T = 50.5'
L = 34.8'
Ch = 92.1'

C-1
Δ = 32° 16'
R = 52.5'
T = 100.0'
L = 194.0'
Ch = 185.2'

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

SW 4 NW 4
U.S.

NW 4 SW 4
U.S.

N 62° 05' W
230.5'

N 31° 02' W
520.4'

72+19.6

N 12° 33' W
393.5'

68+26.1

N 29° 18 1/2' W
279.0'

64+54.5

N 31° 35' W
143.4'

N 52° 50' W
261.5'

N 79° 32 1/2' W
225.1'

Fd. Stone at 1/4 Cor

20 21

59+50.6



IRRIGA
BL

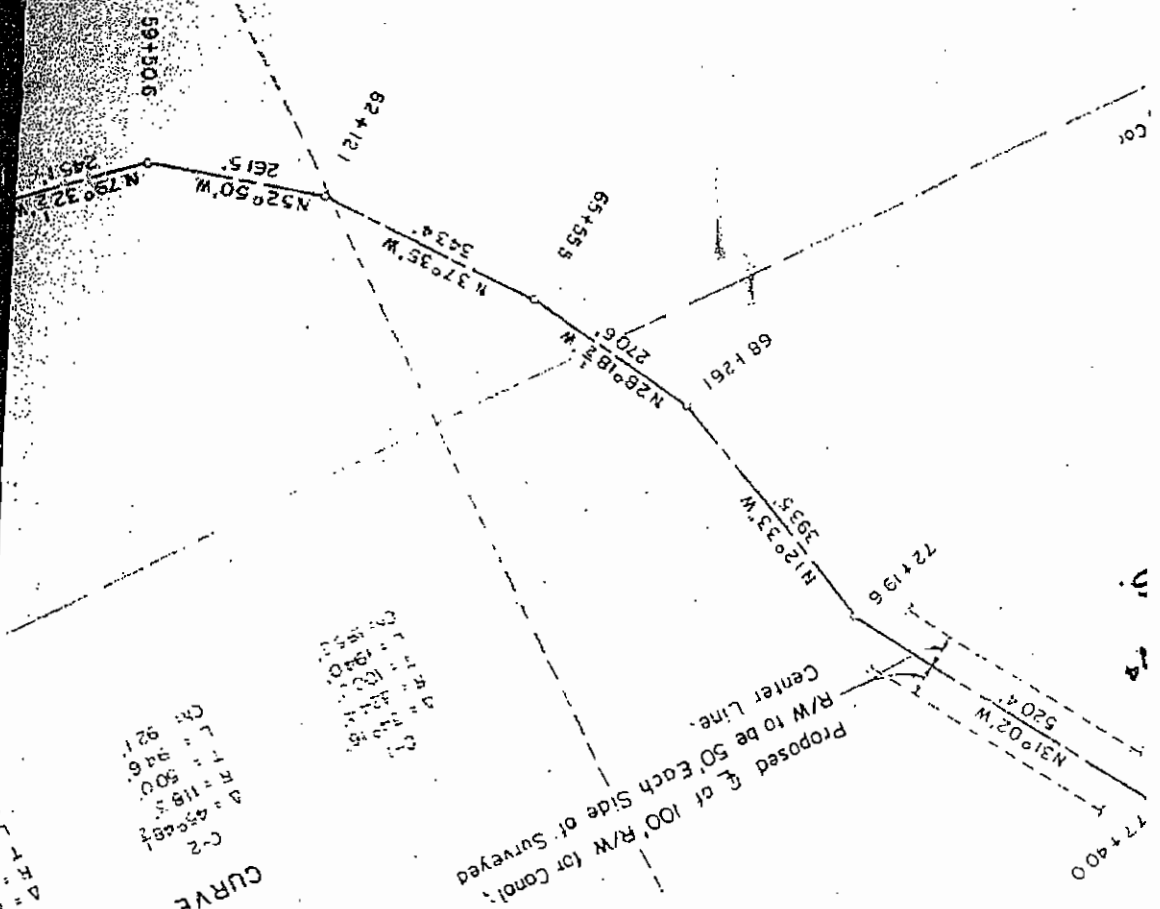
DES.
DR. G.L.R.
CK. *[Signature]*

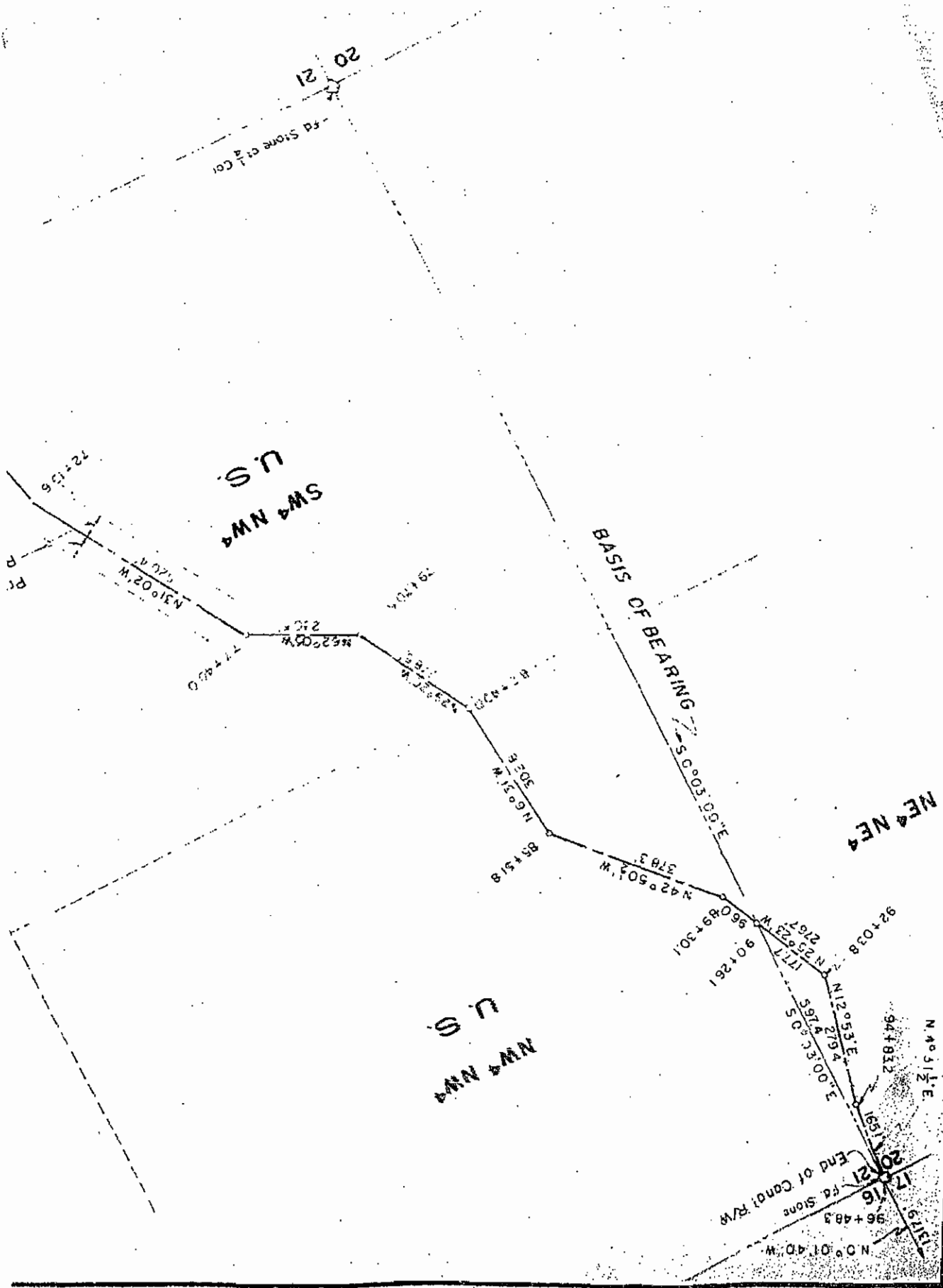
SCALE 1" = 20'

IRRI



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

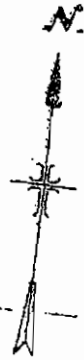




CURVE DATA FOR ACCESS ROAD

NO.	R.A.D.	Δ	TAN.	LENGTH	CHORD
C-1	120.0	80°21'58"	88.6	140.2	123.0
C-2	265.0	33°30'	80.1	139.0	133.3
C-3	75.0	112°30'	120.3	182.6	142.7
C-4	75.0	78°00'	60.7	102.1	94.2
C-5	292.0	39°00'	75.1	144.3	141.5
C-6	487.0	17°30'	75.0	148.8	148.2
C-7	189.0	43°20'	75.1	142.9	139.6
C-8	50.0	172°00'	75.0	150.1	99.8
C-9	172.0	30°00'	75.0	146.4	145.5
C-10	302.0	27°30'	75.1	147.3	145.9

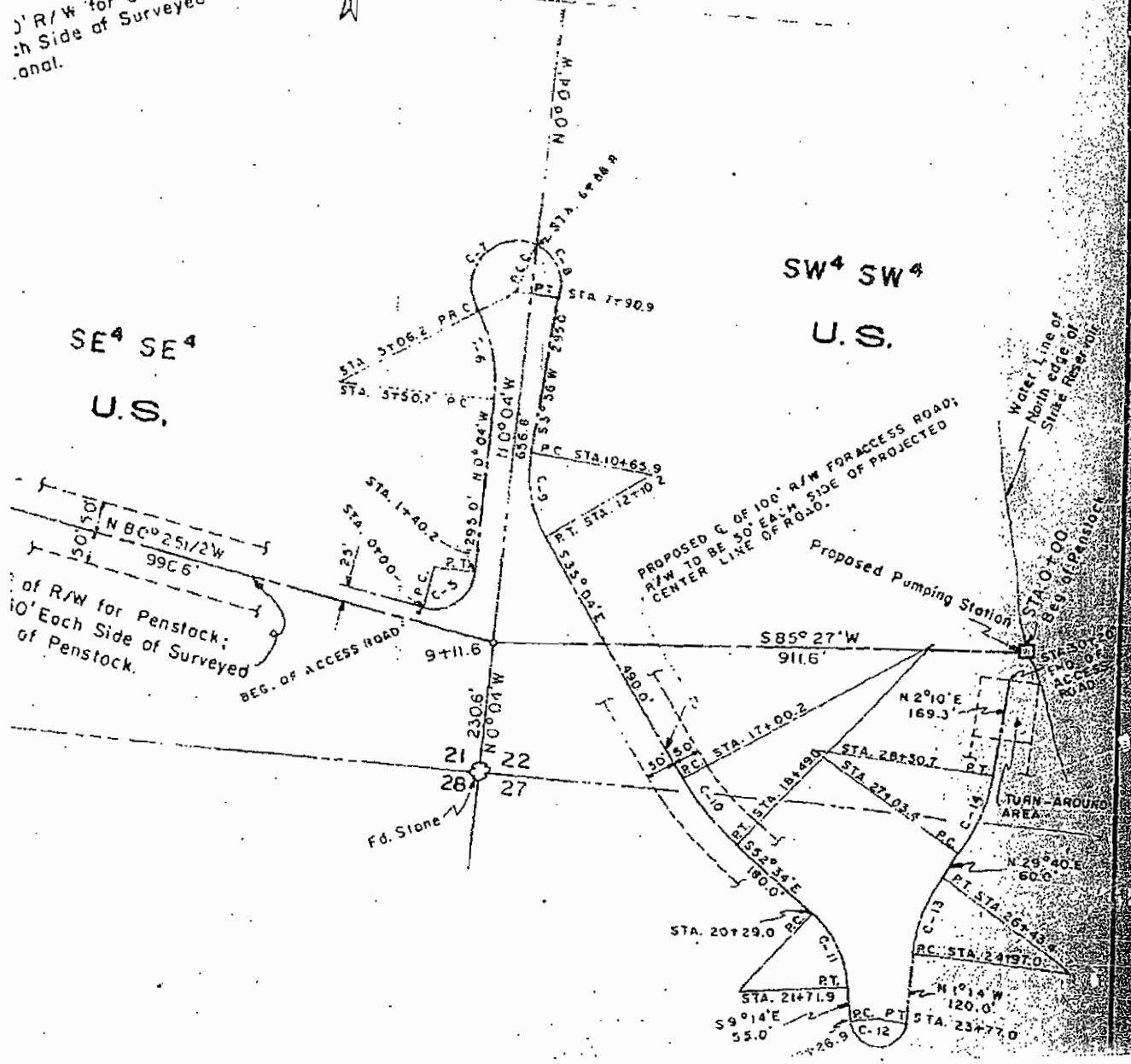
NE⁴ SE⁴
U.S.



D' R/W for Canal,
th Side of Surveyed
anal.

SE⁴ SE⁴
U.S.

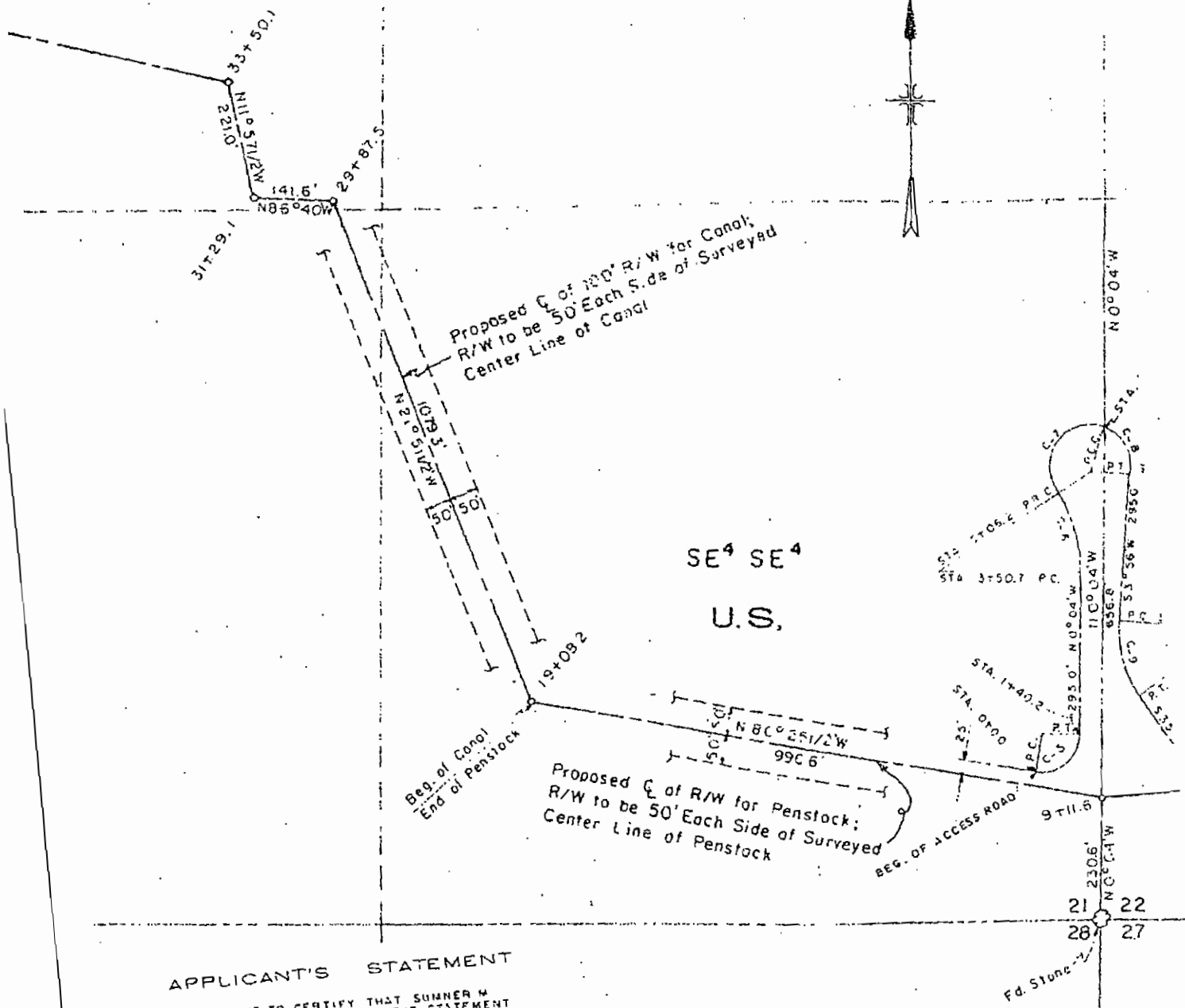
SW⁴ SW⁴
U.S.



U.S.

U.S.

N.



APPLICANT'S STATEMENT

THIS IS TO CERTIFY THAT SUMNER W. 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 APPLICATION, AND IN ORDER THAT THE APPLICANT MAY OBTAIN THE BENEFITS OF 43C-224, AND WE FURTHER CERTIFY THAT THE RIGHT-OF-WAY HEREIN DESCRIBED IS DESIRED FOR AN IRRIGATION CANAL, PASTOCK, RESERVOIR OR ACCESS ROAD AS INDICATED HEREON.

6/19/64
William S. Hodand 6/26/64
Wm J. Hodand 6/26/64

Attachment 5



Attachment # 7a to Application for Transfer of Water Right No. 2-10449 Elmore County, State of Idaho

1 in = 0.38 miles

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77479

AUG 18 2011

MINIMUM REQUIREMENTS CHECKLIST

WATER RESOURCES TO BE SUBMITTED WITH APPLICATION FOR TRANSFER
WESTERN REGION

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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.
- ☒ ☐ #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).
- ☐ ☐ #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/wrt_default.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.)
- ☐ ☒ #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: _____

Lester, Steve

From: Lester, Steve
Sent: Wednesday, September 28, 2011 2:30 PM
To: 'sswenson@mountainhomenews.com'
Subject: LEGAL ADS
Attachments: Elmore County letter.docx; Elmore County ad.docx

Hello Stacy:

Denise Buffington transferred to the IDWR Twin Falls regional office and I am picking up the legal notice slack at my office for a while. I did this for a few months several years ago and hope I remember all the details.

Attached is a cover letter and legal notice. Please confirm this is acceptable to publish as shown. Thank you for your help and patience as I try my hand at this again.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

*Legal notice - Elmore Co.
+ 4 statewide papers*

September 27, 2011

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Transfer No. 77479
Water Right No(s): 2-10471, 2-10472

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 October 24, 2011. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

PROPOSED CHANGE OF WATER RIGHTS

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed Application No. 77479 to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of 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 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 10/5/2011 and 10/12/2011

Lester, Steve

From: Lester, Steve
Sent: Wednesday, September 28, 2011 2:42 PM
To: 'legals@idahostatesman.com'
Subject: LEGAL ADS
Attachments: Ada County letter.docx; Ada County combined ads.docx

Hello Janice:

Denise Buffington transferred to the IDWR Twin Falls regional office and I am picking up the legal notice slack at my office for a while. I did this for a few months several years ago and hope I remember all the details.

Attached is a cover letter and legal notice. Please confirm this is acceptable to publish as shown. Thank you for your help and patience as I try my hand at this again.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

*Legal notice - Ada Co.
(Statesman)*

September 27, 2011

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer Nos. 76740, 77125, 77404, 77479

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 October 24, 2011. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

PROPOSED CHANGE OF WATER RIGHTS

SV Ranch LLC c/o Gregory Vik of PO Box 1607, Bellevue WA 98009, filed **Application No. 76740** to transfer 5 irrigation water rights with 1907 to 1970 priority dates from Castle Creek tributary to the Snake River totaling 36.25 cfs. The purpose of the transfer is to change the point of diversion from Castle Creek to a pumping station on the Snake River and change the place of use to a permissible place of use on 2178 acres. The application also proposes to change a portion of the 1907 right to mitigate for development of wetlands (see Application 57-11794). Water for mitigation will be diverted at the existing Castle Creek point of diversion. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78 in Owyhee County.

Blue Valley LLC of 24681 La Plaza #380, Dana Point, CA 92629 filed **Application No. 77125** to transfer one water right with a 1977 priority date from ground water totaling 0.70 cfs and 240 afa. The purpose of the transfer is to change ownership, place of use and points of diversion, and change nature of use of 0.30 cfs and 12 afa for diversion to storage and aesthetic storage. The nature of use change is to offset evaporation from the on-site pond. Water will be used at the current place of use in Boise for Blue Valley mobile home park southwest of Eisenman Road and Blue Ridge Lane, Ada County.

The City of Garden City, City Hall, 6015 Glenwood St, Garden City ID 83714, filed **Application No. 77404** to transfer 11 water rights with 1951 to 1990 priority dates from ground water totaling 24.91 and 438 afa. The purpose of the transfer is to incorporate all of the points of diversion into the City's municipal diversion system and municipal service area. The transfer also changes ownership and nature of use from domestic and fire protection to municipal use for one right the City recently acquired. Water will be used at the current place of use in the City's municipal service area in Ada County.

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed **Application No. 77479** to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base, Elmore County.

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 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 10/6/2011 and 10/13/2011

Lester, Steve

From: Lester, Steve
Sent: Wednesday, September 28, 2011 3:06 PM
To: 'cvonborstel@postregister.com'
Subject: LEGAL ADS
Attachments: Bonneville County letter.docx; Bonneville County combined ads.docx

Hello Cathy:

I am covering legal notices for the Western Region office for a while. I did this for a few months several years ago and hope to remember all the details.

Attached is a cover letter and legal notice. Please confirm this is acceptable to publish as shown. Thank you for your help and patience as I try my hand at this again.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

*Legal notice - Bonneville Co.
(Post Register)*

September 27, 2011

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer Nos . 76740, 77479

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 October 24, 2011. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

PROPOSED CHANGE OF WATER RIGHTS

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J. R. Simplot Company of PO Box 27, Boise ID 83707, filed **Application No. 77479** to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base, Elmore County.

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 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 10/6/2011 and 10/13/2011

Lester, Steve

From: Lester, Steve
Sent: Wednesday, September 28, 2011 3:08 PM
To: 'klewis@lmtribune.com'
Subject: LEGAL ADS
Attachments: Nez Perce County letter.docx; Nez Perce County combined ads.docx

Hello Karen:

I am covering legal notices for the Western Region office for a while. I did this for a few months several years ago and hope to remember all the details.

Attached is a cover letter and legal notice. Please confirm this is acceptable to publish as shown. Thank you for your help and patience as I try my hand at this again.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

*Legal notice - Nez Perce Co.
(Lewiston Tribune)*

September 27, 2011

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Transfer Nos. 76740, 77479

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 October 24, 2011. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

PROPOSED CHANGE OF WATER RIGHTS

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GARY SPACKMAN, Interim Director

Published on 10/6/2011 and 10/13/2011

Lester, Steve

From: Lester, Steve
Sent: Wednesday, September 28, 2011 3:10 PM
To: 'legals@magicvalley.com'
Subject: LEGAL ADS
Attachments: Twin Falls County letter.docx; Twin Falls County combined ads.docx

Hello Ruby:

I am covering legal notices for the Western Region office for a while. I did this for a few months several years ago and hope to remember all the details.

Attached is a cover letter and legal notice. Please confirm this is acceptable to publish as shown. Thank you for your help and patience as I try my hand at this again.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

*Legal notice - Twin Falls Co.
(Times News)*

September 27, 2011

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer Nos. 76740, 77479

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 October 24, 2011. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

PROPOSED CHANGE OF WATER RIGHTS

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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 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 10/6/2011 and 10/13/2011



CORPORATE HEADQUARTERS

RECEIVED

SEP 14 2011

WATER RESOURCES
WESTERN REGION

September 14, 2011

Hand Delivery

Kay Walker
Senior Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: IDWR Transfer Application No. 77479; Water Right Nos. ⁰²61-10471 and ⁰²61-10472.

Dear Kay:

As you requested in connection with the above referenced transfer, enclosed is a copy of the Water Right Purchase and Sale Agreement. Although certain areas of the enclosed copy have been redacted, the enclosed Agreement should provide sufficient evidence of Simplot's authority to file the transfer application with the IDWR.

Should you need any additional information or assistance to continue processing this transfer please contact me.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

c: D. Steenson w/o enclosure

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"), and William F. Ringert and Lynne K. Ringert, husband and wife (hereinafter "Ringerts").

WHEREAS, Cottonwood owns Water Right No. 2-10471 for the diversion of 4752 af to irrigate 1188 acres of land (a copy of the Water Right Report for Water Right No. 2-10471 prepared by the Idaho Department of Water Resources (hereinafter "IDWR") is attached hereto as **Exhibit A** and by this reference made a part hereof); and

WHEREAS, Ringerts own Water Right No. 2-10472 for the diversion of 960 af to irrigate 240 acres of land (a copy of the Water Right Report for Water Right No. 2-10472 prepared by IDWR is attached hereto as **Exhibit B** 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. 2-10471 and for the purchase and sale of Water Right No. 2-10472,

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

1. Purchase and Sale of Water Right No. 2-10471. 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. 2-10471. On the date of Closing of the purchase of Water Right No. 2-10471, Simplot shall pay to Cottonwood as consideration for Water Right No. 2-10471 _____ for each acre foot of water that is approved by the Idaho Department of Water Resources ("IDWR") for transfer to irrigation use as described in paragraph 5 below (hereinafter "Water Right No. 2-10471 Purchase Price").

2. Purchase and Sale of Water Right No. 2-10472. Subject to the terms and conditions set forth in this Agreement, Ringerts agree to sell to Simplot, and Simplot agrees to purchase from Ringerts Water Right No. 2-10472. On the date of Closing of the purchase of Water Right No. 2-10472, Simplot shall pay to Ringerts as consideration for Water Right No. 2-10472 _____ for each acre foot of water that is approved by the Idaho Department of Water Resources ("IDWR") for transfer to irrigation use as described in paragraph 5 below (hereinafter "Water Right No. 2-10472 Purchase Price").

3. Earnest Money for Purchase of Water Right No. 2-10471 and Water Right No. 2-10472. 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. 2-10471 and Water Right No. 2-10472 as provided in paragraph 3.b. of this Agreement, (2) receipt of notice from Cottonwood, the Ringerts and Simplot that this Agreement has terminated and that the Earnest Money is to be refunded to Simplot as provided in paragraph 3.c. of this Agreement, or (3) receipt of notice from Cottonwood, the Ringerts and Simplot that this Agreement has been extended and the Earnest Money has become nonrefundable as provided in paragraph 3.d. of this Agreement.

b. At Closing of the purchase of Water Right No. 2-10471 and Water Right No. 2-10472, the Earnest Money, together with any interest accrued thereon, shall be released to Cottonwood and the Ringerts, and shall be applied pro rata (4752/5712 to Cottonwood and 960/5712 to Ringerts) to the purchase price for Water Right No. 2-10471 and the purchase price for Water Right No. 2-10472.

c. The Earnest Money, and any interest accrued thereon, shall be refunded to Simplot if (1) a transfer for Water Right No. 2-10471 and Water Right No. 2-10472 does not receive Final Approval within one (1) year after the date the transfer is filed, as provided in paragraph 5 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, the Ringerts 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, Cottonwood and the Ringerts 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 and the Ringerts 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 and the Ringerts.

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

4. Closing. Closing of the Purchase of Water Right No. 2-10471 and Water Right No. 2-10472 shall occur within ten (10) days after Final Approval of the transfer as provided in paragraph 5 of this Agreement. At closing:

a. Simplot shall deliver the Water Right No. 2-10471 Purchase Price and the Water Right No. 2-10472 Purchase Price, less the Earnest Money and any accrued interest thereon,

to the Escrow Agent. The Escrow Agent shall then deliver the Water Right No. 2-10471 Purchase Price to Cottonwood and the Water Right No. 2-10472 Purchase Price to Ringerts.

b. If the Earnest Money and accrued interest have not been delivered to Cottonwood and Ringerts prior to closing, the escrow agent shall deliver the Earnest Money and accrued interest to Cottonwood and Ringerts;

c. Cottonwood and Ringerts shall each deliver to the Escrow Agent good and sufficient water right deeds granting, selling and conveying their respective property interests in Water Right No. 2-10471 and Water Right No. 2-10472 to Simplot. The water right deeds, which shall be substantially in the form of **Exhibit C**, 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. 2-10471 and Water Right No. 2-10472.

5. Conditions Precedent to Closing of the Purchase of Water Right No. 2-10471 and Water Right No. 2-10472. Final Approval of an Application for Transfer of Water Right No. 2-10471 and Water Right No. 2-10472 (hereinafter "Application for Transfer") to irrigation use with no change in nature of use is a **condition precedent** to the Closing of the purchase of Water Right No. 2-10471 and Water Right No. 2-10472. Said Application for Transfer shall be in a form substantially similar to **Exhibit D**, attached hereto and by this reference made a part hereof.

a. For purposes of this Agreement, "Final Approval" shall mean IDWR approval of the Application for Transfer on terms and conditions that are acceptable to Cottonwood, the Ringerts and Simplot after all administrative and judicial challenges and remedies are exhausted.

b. 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. 2-10471 and Water Right No. 2-10472 as necessary for Simplot's proposed irrigation use in a form that is substantially similar to the transfer application set forth on Exhibit D attached hereto. The Application for Transfer of Water Right No. 2-10471 and Water Right No. 2-10472 shall be acceptable to Cottonwood, the Ringerts 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. 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.

c. Cottonwood and Simplot agree to use their best efforts to file the Application for Transfer with IDWR as soon as possible after execution of this Agreement.

d. 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.

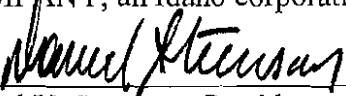
6. Water Supply Bank - Water Rental. Pursuant to the Water Supply Bank Rental Agreement attached hereto as **Exhibit E** and by this reference made a part hereof, the Idaho Water Resource Board rented 580 af of Water Right No. 2-10449 (the predecessor water right number of Water Right No. 2-10471 and Water Right No. 2-10472) for a period of five (5) years through October 31, 2015 to Dale Hooley of Hammett, ID. Cottonwood shall be entitled to receive payment from the Idaho water Resource Board for rental fees accrued and owing for rental until Closing occurs as provided in paragraph 4 of this Agreement. After Closing, Simplot, as the new owner of Water Right No. 2-10471 and Water Right No. 2-10472, shall be entitled to receive payment for rental fees accrued and owing during Simplot's ownership of Water Right No. 2-10471 and Water Right No. 2-10472. If Closing occurs during the irrigation season, the rental payment for that season shall be prorated between Cottonwood and Simplot according to percentage of ownership during the rental period.

7. Termination. This Agreement shall terminate one (1) year after the date an Application for Transfer of Water Right No. 2-10471 and Water Right No. 2-10472 is filed pursuant to paragraph 5 of this Agreement unless it is extended by written agreement between Cottonwood, Ringerts and Simplot.

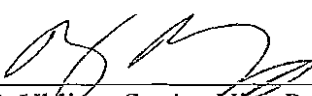
8. Entire Agreement. This Agreement contains the entire understanding of the parties. Any changes or modifications to this Agreement must be in writing signed by both parties.

9. 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

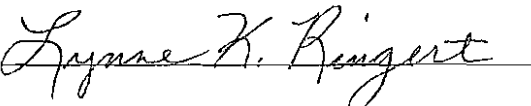
J. R. Simplot Company, a Nevada corporation

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

William F. Ringert



Lynne K. Ringert



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.

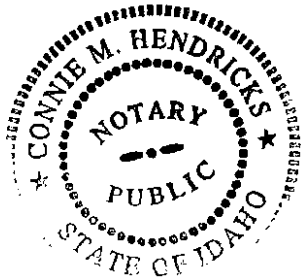


Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 7/30/2016

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.

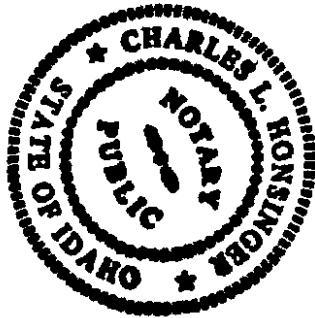


Connie M. Hendricks
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 8/22/2014

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 William F. Ringert and Lynne K Ringert, known to me to be the husband and wife that executed the foregoing instrument, and acknowledged to me 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.



Charles L. Honsinger
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 7/20/2016

Exhibit A

Current Water Right No.: 2-10471

Current Owner: COTTONWOOD MUTUAL CANAL CO

Priority Date: 2/25/1963

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	23.76 CFS	4752 AF
	<u>Total Diversion</u>	23.76 CFS	4752 AF

Location of Point(s) of Diversion

SNAKE RIVER L6(NW1/4SW1/4) Sec. 9, Twp 06S, Rge 11E B.M.
ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T06S R10E S1	NESW	35.00	T06S R10E S1	SWSW	40.00
T06S R10E S1	SESW	14.50	T06S R10E S2	SESE	40.00
T06S R10E S12	SENE	18.50	T06S R10E S12	NENW	40.00
T06S R10E S12	NWNW	40.00	T06S R10E S12	SWNW	40.00
T06S R10E S12	SENW	40.00	T06S R10E S12	NWSW	20.00
T06S R10E S12	SWSW	40.00	T06S R10E S12	SESW	40.00
T06S R10E S12	NESE	40.00	T06S R10E S12	NWSE	40.00
T06S R10E S12	SWSE	40.00	T06S R10E S12	SESE	40.00
T06S R10E S13	NENE	40.00	T06S R10E S13	NWNE	40.00
T06S R10E S13	SWNE	40.00	T06S R10E S13	SENE	40.00
T06S R10E S13	NENW	40.00	T06S R10E S13	NWNW	40.00
T06S R10E S13	SWNW	40.00	T06S R10E S13	SENW	40.00
T06S R10E S13	NESW	40.00	T06S R10E S13	NWSW	40.00
T06S R10E S13	NESE	40.00	T06S R10E S13	NWSE	40.00
T06S R10E S13	SWSE	40.00	T06S R10E S13	SESE	40.00
T06S R10E S24	NENE	40.00	T06S R10E S24	NWNE	40.00
T06S R10E S24	SWNE	40.00	T06S R10E S24	SENE	40.00

T06S R10E S24		NESE	40.00	T06S R10E S24		NWSE	40.00
T06S R11E S6	Lot 7	SWSW	10.00	T06S R11E S7		NENE	25.00
T06S R11E S7		NWNE	25.00	T06S R11E S7		SWNE	40.00
T06S R11E S7		SENE	40.00	T06S R11E S7		NENW	30.00
T06S R11E S7	Lot 1	NWNW	38.00	T06S R11E S7	Lot 2	SWNW	38.00
T06S R11E S7		SENW	40.00	T06S R11E S7		NESW	40.00
T06S R11E S7	Lot 3	NWSW	38.00	T06S R11E S7	Lot 4	SWSW	38.00
T06S R11E S7		SESW	40.00	T06S R11E S7		NESE	40.00
T06S R11E S7		NWSE	40.00	T06S R11E S7		SWSE	40.00
T06S R11E S7		SESE	40.00	T06S R11E S17		NWNW	40.00
T06S R11E S17		SWNW	40.00	T06S R11E S17		NWSW	40.00
T06S R11E S18		NENE	40.00	T06S R11E S18		NWNE	40.00
T06S R11E S18		SWNE	40.00	T06S R11E S18		SENE	40.00
T06S R11E S18		NENW	40.00	T06S R11E S18	Lot 1	NWNW	38.00
T06S R11E S18	Lot 2	SWNW	38.00	T06S R11E S18		SENW	40.00
T06S R11E S18		NESW	40.00	T06S R11E S18	Lot 3	NWSW	38.00
T06S R11E S18	Lot 4	SWSW	38.00	T06S R11E S18		SESW	40.00
T06S R11E S19	Lot 2	SWNW	39.00	T06S R11E S19	Lot 3	NWSW	39.00

Total Acres: 2640

Conditions of Approval:

1. F06 The following rights are diverted through point(s) of diversion described above: 2-10450, 2-10471 & 2-10472.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. K06 This right is limited to the irrigation of 1188 acres within the place of use described above in a single irrigation season.

Decreed Date: 4/8/2008

Exhibit B

Current Water Right No.: 2-10472

Current Owner: LYNNE K RINGERT
WILLIAM F RINGERT

Priority Date: 2/25/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	4.8 CFS	960 AF
	<u>Total Diversion</u>	4.8 CFS	960 AF

Location of Point(s) of Diversion

SNAKE RIVER	L6(NW1/4SW1/4)	Sec. 9,	Twp 06S,	Rge 11E B.M.
ELMORE County				

Place of Use

IRRIGATION Within ELMORE County

T06S R10E S1	NESW	35.00	T06S R10E S1	SWSW	40.00
T06S R10E S1	SESW	14.50	T06S R10E S2	SESE	40.00
T06S R10E S12	SENE	18.50	T06S R10E S12	NENW	40.00
T06S R10E S12	NWNW	40.00	T06S R10E S12	SWNW	40.00
T06S R10E S12	SENW	40.00	T06S R10E S12	NWSW	20.00
T06S R10E S12	SWSW	40.00	T06S R10E S12	SESW	40.00
T06S R10E S12	NESE	40.00	T06S R10E S12	NWSE	40.00
T06S R10E S12	SWSE	40.00	T06S R10E S12	SESE	40.00
T06S R10E S13	NENE	40.00	T06S R10E S13	NWNE	40.00
T06S R10E S13	SWNE	40.00	T06S R10E S13	SENE	40.00
T06S R10E S13	NENW	40.00	T06S R10E S13	NWNW	40.00
T06S R10E S13	SWNW	40.00	T06S R10E S13	SENW	40.00
T06S R10E S13	NESW	40.00	T06S R10E S13	NWSW	40.00
T06S R10E S13	NESE	40.00	T06S R10E S13	NWSE	40.00
T06S R10E S13	SWSE	40.00	T06S R10E S13	SESE	40.00
T06S R10E S24	NENE	40.00	T06S R10E S24	NWNE	40.00

T06S R10E S24		SWNE	40.00	T06S R10E S24		SENE	40.00
T06S R10E S24		NESE	40.00	T06S R10E S24		NWSE	40.00
T06S R11E S6	Lot 7	SWSW	10.00	T06S R11E S7		NENE	25.00
T06S R11E S7		NWNE	25.00	T06S R11E S7		SWNE	40.00
T06S R11E S7		SENE	40.00	T06S R11E S7		NENW	30.00
T06S R11E S7	Lot 1	NWNW	38.00	T06S R11E S7	Lot 2	SWNW	38.00
T06S R11E S7		SENE	40.00	T06S R11E S7		NESW	40.00
T06S R11E S7	Lot 3	NWSW	38.00	T06S R11E S7	Lot 4	SWSW	38.00
T06S R11E S7		SESW	40.00	T06S R11E S7		NESE	40.00
T06S R11E S7		NWSE	40.00	T06S R11E S7		SWSE	40.00
T06S R11E S7		SESE	40.00	T06S R11E S17		NWNW	40.00
T06S R11E S17		SWNW	40.00	T06S R11E S17		NWSW	40.00
T06S R11E S18		NENE	40.00	T06S R11E S18		NWNE	40.00
T06S R11E S18		SWNE	40.00	T06S R11E S18		SENE	40.00
T06S R11E S18		NENW	40.00	T06S R11E S18	Lot 1	NWNW	38.00
T06S R11E S18	Lot 2	SWNW	38.00	T06S R11E S18		SENE	40.00
T06S R11E S18		NESW	40.00	T06S R11E S18	Lot 3	NWSW	38.00
T06S R11E S18	Lot 4	SWSW	38.00	T06S R11E S18		SESW	40.00
T06S R11E S19	Lot 2	SWNW	39.00	T06S R11E S19	Lot 3	NWSW	39.00

Total Acres: 2640

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. K06 This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
3. F06 The following rights are diverted through point(s) of diversion described above: 2-10450, 2-10471 & 2-10472

Decreed Date: 4/8/2008

Exhibit C

RECORDATION REQUESTED BY:

J. R. Simplot Company

WHEN RECORDED MAIL TO:

J. R. Simplot Company
999 Main Street, Suite 1300
Boise, Idaho 83702

(Space above this line for Recorder's Use only)

WATER RIGHT DEED

FOR VALUABLE consideration, the receipt and sufficiency whereof is hereby acknowledged, Cottonwood Mutual Canal Company, an Idaho corporation ("Grantor") does hereby grant, sell and convey unto J. R. Simplot Company, a Nevada corporation ("Grantee") all of that certain water right more particularly described on Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD all and singular the herein described property, together with all appurtenances unto the said Grantee and its successors and assigns forever.

Dated this _____ day of _____, 20__.

GRANTOR:

Cottonwood Mutual Canal Company

By: _____

Its: _____

STATE OF IDAHO)
 : ss
County of ADA)

On this _____ day of _____, 201_, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be the _____ of Cottonwood Mutual Canal Company, an Idaho corporation, whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same on behalf of said corporation.

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

NOTARY PUBLIC for Idaho
Residing at: _____
Commission Expires: _____

Exhibit A

Idaho Department of Water Resources Water Right Number 2-10471

RECORDATION REQUESTED BY:

J. R. Simplot Company

WHEN RECORDED MAIL TO:

J. R. Simplot Company
999 Main Street, Suite 1300
Boise, Idaho 83702

(Space above this line for Recorder's Use only)

WATER RIGHT DEED

FOR VALUABLE consideration, the receipt and sufficiency whereof is hereby acknowledged, William F. Ringert and Lynne K. Ringert, husband and wife ("Grantor") do hereby grant, sell and convey unto J. R. Simplot Company, a Nevada corporation ("Grantee") all of that certain water right more particularly described on Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD all and singular the herein described property, together with all appurtenances unto the said Grantee and its successors and assigns forever.

Dated this _____ day of _____, 20__.

GRANTOR:

William F. Ringert

Lynne K. Ringert

STATE OF IDAHO)
 : ss
County of _____)

On this _____ day of _____, 201_, before me, the undersigned, a Notary Public in and for said State, personally appeared Lynn K. Ringert and William F. Ringert, husband and wife, whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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

NOTARY PUBLIC for Idaho
Residing at: _____
Commission Expires: _____

Exhibit A

Idaho Department of Water Resources Water Right Number 2-10472

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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.
- ☒ ☐ #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).
- ☐ ☐ #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/wrt_default.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.e.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system detail 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.)
- ☐ ☒ #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 supplement both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

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

Name 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, Ringier Law Phone 208-342-4591Mailing address PO Box 2773, Boise, ID 83702 Email _____

- ☐ 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	_____ 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**. All of water right nos. 2-10471 and 2-10472 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 ☒ ☐	2-10471	23.76/ 4,752	Irrigation	4/1 to 10/31	Snake River/ Columbia River
☒ ☐	2-10472	4.8/ 960	Irrigation	4/1 to 10/31	Snake River/ Columbia River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 28.56 cfs and/or 5,712 ac-ft

2. Total amount of water proposed to be transferred or changed 28.56 cubic feet per second and/or 5,712 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	30				40					40		40	40	40	40	40	40	320
		31															39	40	79
5S	4E	4										40							40
		5						38	40	35	39	40	39	40	40	37	40	39	427
		6	39	40	40	40									40	40	40	40	319
		7	40			40													80
		8			3		40	40	40	40									163

Total Acres (for irrigation use) 1428

**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-of-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. 2-10471 and 2-10472 were originally appurtenant are not owned by the owners 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. Water right nos. 2-10471 and 2-10472 are leased to the Water Supply Bank.
- 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: None. See answer to 5.c.
- 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: Water Right nos. 2-10471 and 2-10472 are currently leased in their entirety to the Water Supply Bank. A portion of water right 2-10471 (2.9 cfs, 145 acres, 580 af per year) is rented from the Bank until October 31, 2015 pursuant to the Water Supply Rental Agreement dated March 15, 2011, a copy of which is attached hereto.

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**.

1. 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.:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings visible.

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Rereceived by _____ Receipt # _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" UTTER
Governor

GARY SPACKMAN
Interim Director

July 20, 2011

COTTONWOOD MUTUAL CANAL COMPANY
C/O RINGERT CLARK CHARTERED
PO BOX 2773
BOISE, ID 83701

Re: Change in Water Right Ownership: *Original:* Water Right No. 2-10449
Split into: Water Right No. ~~2-10471~~ & 2-10472

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original water right number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original water right, after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new water right number when corresponding with our office.

A portion of water right 2-10449 was leased to the Water Supply Bank in 1991. Water right 2-10449 was split through an ownership change into water right nos. 2-10471 and 2-10472. In accordance with the Water Supply Bank Lease Acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. These portions will remain in the bank indefinitely unless the rights are released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office at 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is fluid and cursive, with the first name "John" and last name "Westra" clearly distinguishable.

John Westra
Western Regional Manager

Enclosure

Cc: Ringert Law Chartered



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 20, 2011

WILLIAM F & LYNNE RINGERT
PO BOX 105
HAMMETT, ID 83627

Re: Change in Water Right Ownership: *Original:* Water Right No. 2-10449
Split Into: Water Right No. 2-10471 & ~~2-10472~~

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

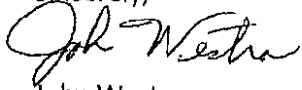
Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water right, then no further action is required at this time.

A portion of water right 2-10449 was leased to the Water Supply Bank in 1991. Water right 2-10449 was split through an ownership change into water right nos. 2-10471 and 2-10472. In accordance with the Water Supply Bank Lease Acceptance, the lessor may not use the right while it is in the bank, even if the right is not rented from the bank. These portions will remain in the bank indefinitely unless the rights are released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office at 334-2190 if you have any questions concerning the enclosed information or this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is fluid and cursive, with the first name "John" and last name "Westra" clearly distinguishable.

John Westra
Western Regional Manager

Enclosure

Cc: Ringert Law Chartered

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10471

WATER RIGHT NUMBER: 2-10471

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	CHARLES L HONSINGER RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	COTTONWOOD MUTUAL CANAL CO C/O RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 02/25/1963

Basis: Decreed

Status: Water Supply Bank Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	23.760 CFS	4,752.00 AF
	<u>Total Diversion:</u>	23.760 CFS	4,752.00 AF

Location of Point(s) of Diversion

SNAKE RIVER L6 (NW1/4SW1/4) Sec. 9, Twp 06S, Rge 11E, B.M.
ELMORE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	10E	1									35.0		40.0	14.5					89.5
06S	10E	2															40.0		40.0
06S	10E	12				18.5	40.0	40.0	40.0	40.0		20.0	40.0	40.0	40.0	40.0	40.0	40.0	438.5
06S	10E	13	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			40.0	40.0	40.0	40.0	560.0
06S	10E	24	40.0	40.0	40.0	40.0									40.0	40.0			240.0
06S	11E	6										10.0							10.0
												L7							

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10471

06S 11E 7	25.0	25.0	40.0	40.0	30.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0	40.0	40.0	40.0	40.0	592.0
						L 1	L 2			L 3	L 4						
06S 11E 17						40.0	40.0			40.0							120.0
06S 11E 18	40.0	40.0	40.0	40.0	40.0	38.0	38.0	40.0	40.0	38.0	38.0	40.0					472.0
						L 1	L 2			L 3	L 4						
06S 11E 19							39.0			39.0							78.0
							L 2			L 3							

Total Acres: 2640

Conditions of Approval:

1. K06 This right is limited to the irrigation of 1188 acres within the place of use described above in a single irrigation season.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. F06 The following rights are diverted through point(s) of diversion described above: 2-10450, 2-10471 & 2-10472.

Remarks:Comments:

1. Jhersley 7/20/2011 SPLIT RIGHT
Comment: This water right is the result of split from 2-10449 due to change in ownership.
2. Jhersley 7/20/2011 2:54:05 PM POD
Comment: Updated Shape
3. Jhersley 7/20/2011 2:58:02 PM POU
Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10471

Dates and Other Information:

Licensed Date:
Decreed Date: 4/8/2008
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10472

WATER RIGHT NUMBER: 2-10472

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	CHARLES L HONSINGER RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Original Owner	COTTONWOOD MUTUAL CANAL CO C/O RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591
Current Owner	WILLIAM F RINGERT PO BOX 105 HAMMETT, ID 83627 208-368-7993
Current Owner	LYNNE K RINGERT PO BOX 105 HAMMETT, ID 83627 208-368-7993

Priority Date: 02/25/1983

Basis: Decreed

Status: Water Supply Bank Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01	to 10/31	4,800 CFS	960.00 AF
	<u>Total Diversion:</u>		4,800 CFS	960.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L6 (NW1/4SW1/4)	Sec. 9,	Twp 06S,	Rge 11E, B.M.
ELMORE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06S	10E	1	35.0	40.0	14.5		89.5
06S	10E	2				40.0	40.0
06S	10E	12	18.5	40.0	40.0	40.0	438.5

Water Right Report 2-10472

O6S 10E	13		40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0		40.0	40.0				40.0	40.0	40.0	40.0		560.0
O6S 10E	24		40.0	40.0	40.0	40.0												40.0	40.0				240.0
O6S 11E	6	}					}					}		10.0			}					}	10.0
											L 7												
O6S 11E	7		25.0	25.0	40.0	40.0		30.0	38.0	38.0	40.0		40.0	38.0	38.0	40.0		40.0	40.0	40.0	40.0		592.0
									L 1	L 2				L 3	L 4								
O6S 11E	17							40.0	40.0				40.0										120.0
O6S 11E	18		40.0	40.0	40.0	40.0		40.0	38.0	38.0	40.0		40.0	38.0	38.0	40.0							472.0
									L 1	L 2				L 3	L 4								
O6S 11E	19								39.0				39.0										78.0
									L 2					L 3									

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | K06 | This right is limited to the irrigation of 240 acres within the place of use described above in a single Irrigation season. |
| 2. | F06 | The following rights are diverted through point(s) of diversion described above: 2-10450, 2-10471 & 2-10472 |
| 3. | T10 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |

Comments:

1. Jhersley 7/20/2011 spill right
Comment: This water right is the result of spill from 2-10449 due to change in ownership.
2. Jhersley 7/20/2011 2:47:25 PM PCD
Comment: Updated Shape
3. Jhersley 7/20/2011 2:52:13 PM PCU
Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 2-10472

Dates and Other Information:

Licensed Date:
Decreed Date: 4/8/2008
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

RECEIVED

MAR 18 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

DEPARTMENT OF
WATER RESOURCES

This is to certify that: DALE HOOLEY
26796 INDIAN COVE LN
HAMMETT ID 83827
(208) 599-0119

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
2-10449	2.90 CFS	580.0 AF	145.0 AC
COMBINED RENTAL TOTALS:	2.90 CFS	580.0 AF	145.0 AC

TERM OF RENTAL:

April 1, 2011 to October 31, 2011
April 1, 2012 to October 31, 2012
April 1, 2013 to October 31, 2013
April 1, 2014 to October 31, 2014
April 1, 2015 to October 31, 2015

RENTAL FEE:\$8,120.00 annually

The fee for rental of the above-described water is \$8,120.00 per year. An annual payment shall be received by the Department prior to March 15, the beginning of the irrigation season, each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 15th day of March, 20 11

By: DALE HOOLEY
(Print Name)

(Signature)

Dwaine Opertu
(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 23rd day of March, 20 11.

Exhibit E

Monica VanBuren
for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 2-10449
WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: DALE HOOLEY
 26796 INDIAN COVE LN
 HAMMETT ID 83627
 (208) 599-0119

Priority Date: 02/25/1963

Source: SNAKE RIVER Tributary to: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	2.90 CFS	580.0 AF
	Total:		2.90 CFS	580.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

SNAKE RIVER SW¼NE¼ Sec. 21 Twp 06S. Rge 06E OWYHEE County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	11					37	36	36	36									145

Total Acres: 145

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
- Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
- This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
- Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
- Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
- Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
- Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
- Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Grantors, for themselves, their heirs and assigns do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the grantee, its successors, heirs and assigns forever against the lawful claims of all persons.

Thomas T. Nicholson and Carl V. Nicholson are executing this document as well in order to confirm that all water rights appurtenant to the premises are transferred to the Grantee.

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, Grantors have hereunto subscribed their name to this instrument this 8 day of February, 1990.

Carl E. Nicholson
Carl E. Nicholson

Blanche Nicholson
Blanche Nicholson

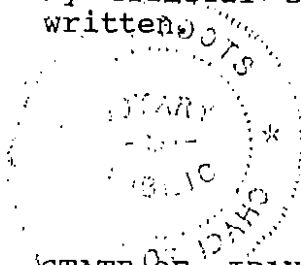
Thomas T. Nicholson
Thomas T. Nicholson

Carl V. Nicholson
Carl V. Nicholson

STATE OF IDAHO)
) SS:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing 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.

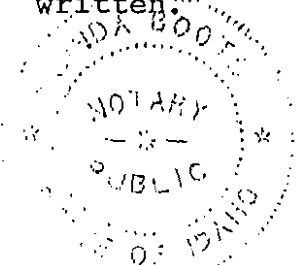


Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS T. NICHOLSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

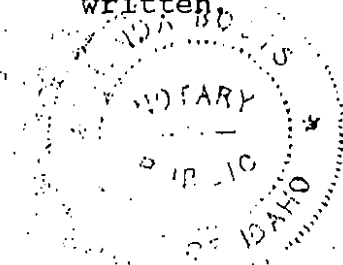


Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

On this 8 day of February, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL V. NICHOLSON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

WARRANTY DEED

COPY

For Value Received

OLIVER M. COX AND DONNA COX, husband and wife

The grantors, do hereby grant, bargain, sell and convey unto

J.R. SIMPLOT COMPANY, a corporation

the grantee, whose current address is P.O. Box 27 Boise, ID 83707

the following described premises, in

ELMORE

County Idaho, to-wit:

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 30: Lot 4
SE $\frac{1}{4}$ NE $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$

TOGETHER WITH ALL IMPROVEMENTS INCLUDING FENCES AND THE RESERVOIR, AND ALL WATER RIGHTS COVERED OR EVIDENCED BY WATER LICENSE NO. 61-7096

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances EXCEPT THOSE OF RECORD.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 20, 1989

Oliver M. Cox
OLIVER M. COX

Donna Cox
DONNA COX

STATE OF IDAHO, COUNTY OF Elmore

On this 20th day of January, 1989, before me, a notary public, and for the said State, personally appeared

Oliver M. Cox
OLIVER M. COX
known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Donna Cox
DONNA COX

Notary Public
Idaho

Residing at Mountain Home
Comm. Expires 5-15-92

STATE OF IDAHO, COUNTY OF Elmore

I hereby certify that this instrument was filed for record at the request of **GUARANITY TITLE, INC.**

at 37 minutes past 3:00 o'clock P.M.,
this 20 day of January, 1989, in my office, and duly recorded in Book
of Deeds at Page

RAMONA YRAZABAL

Ex-Officio Recorder

By *Mark A. Becker* Deputy.

Fees \$ 3.00
Mail to:

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.

Lois
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

RECEIVED

JUN 02 86

USDA, BLM
BOISE DISTRICT OFFICE

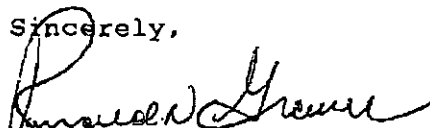
Bureau of Land Management
Boise District
3948 Development Avenue
Boise, Idaho 83705

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

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 5TH 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

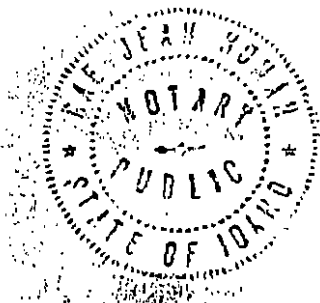
STATE OF IDAHO }
County of Ada } SS.

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 Thomas
Notary Public for Idaho
Residing at: Boise, Idaho



191781

ELMORE COUNTY, IDAHO, ss

Request of Ronald H. Thomas
Time 4:00 PM
Date November 16th 1979
Book 23
Page 1

RAMONA YRAZABAL

By Mary Thomas
Deputy
Fee 4.00

After Recording Mail to:
Summit Industrial Inc
PO Box 83
Boise Idaho, 83707

126133

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

DECISION

Right-of-Way Granted

DETAILS 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

Feb. 1

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

Enclosure

120733

STATE OF IDAHO, } ss.
County of Elmore

I hereby certify that this instrument
was filed for record at request of
Robert L. Smith
at 2:20 minutes past 3
o'clock P.M., this 15th
day of December, A.D. 1935
in my office, and duly recorded in Book
_____ of _____
at Page _____

H. J. Smith
Ex-Officio Recorder,
By W. L. Smith Deputy.

Fees \$ 2.00

120733

SE⁴ NW⁴

for Conol.
of Surveyed

CURVE

C-1
Δ: 34°16'
R: 324.4'
T: 1000'
L: 1940'
Ch: 1852'

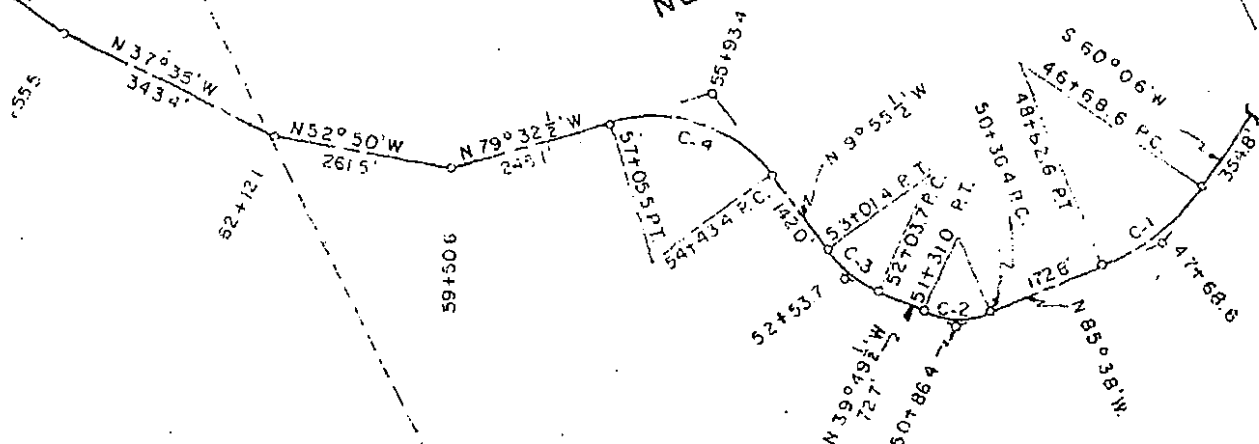
C-2
Δ: 45°48'
R: 118.3'
T: 500'
L: 946'
Ch: 921'

DATA

C-3
Δ: 20°54'
R: 116.5'
T: 217'
L: 262'
Ch: 262'

C-4
Δ: 63°57'
R: 115.8'
T: 1900'
L: 1900'
Ch: 1900'

U.S.
NE⁴ SW⁴

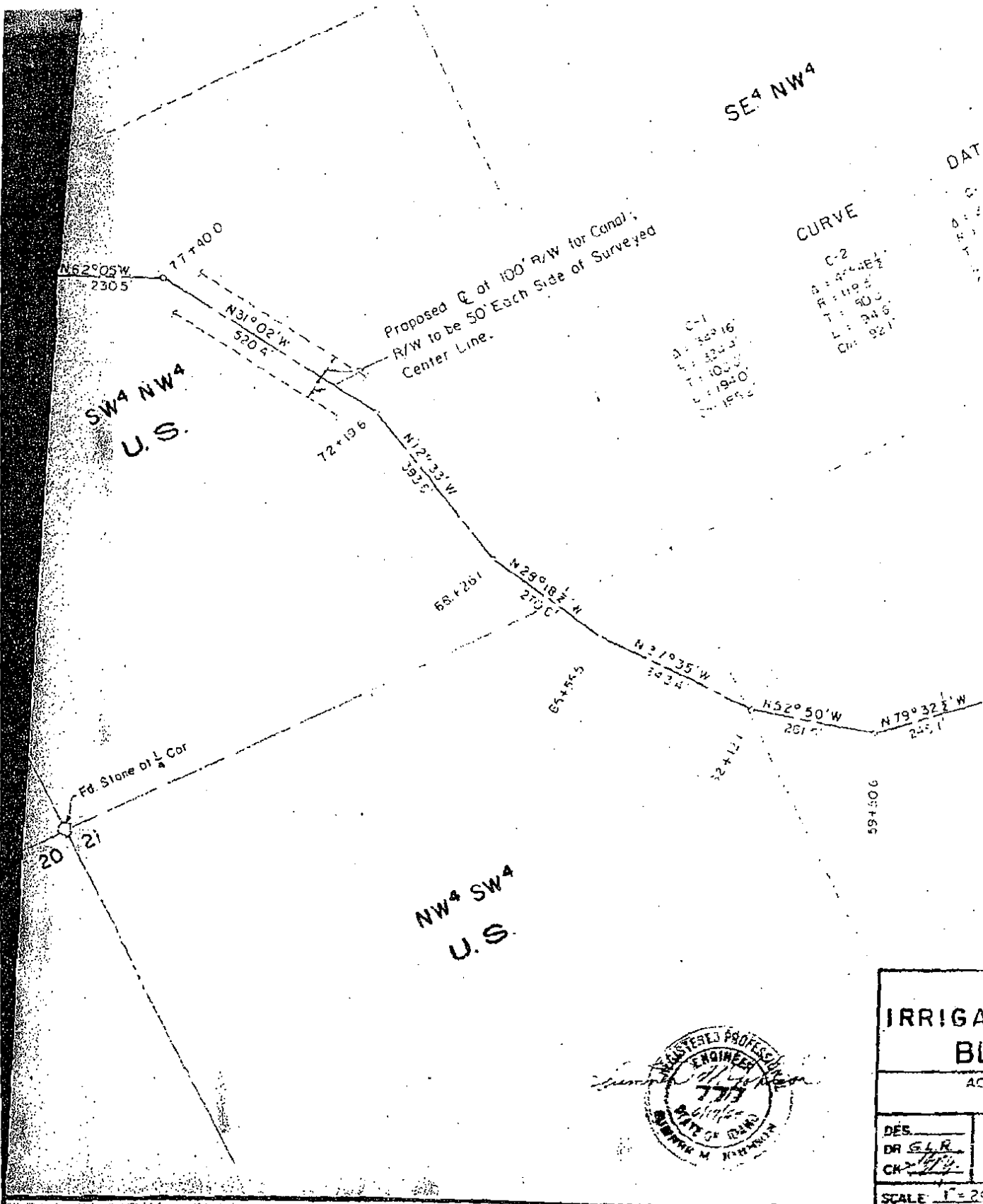


LOCATION SURVEY IRRIGATION CANAL RIGHT-OF-WAY BLUE WING WATER CO.

ACROSS A PORTION OF SECTION 21, T55, R.4E, B.M.
ELMORE COUNTY, IDAHO

DES. OR. G.L.R. CH. <i>[Signature]</i>	JOHNSON & UNDERKOFER — Consulting Engineers — Nampa, Idaho	PLATE C DWG. NO. 640525-2
--	--	---------------------------------

SCALE: 1"=200' DATE: MAY, 1964 Sh. 2 of 3



CURVE

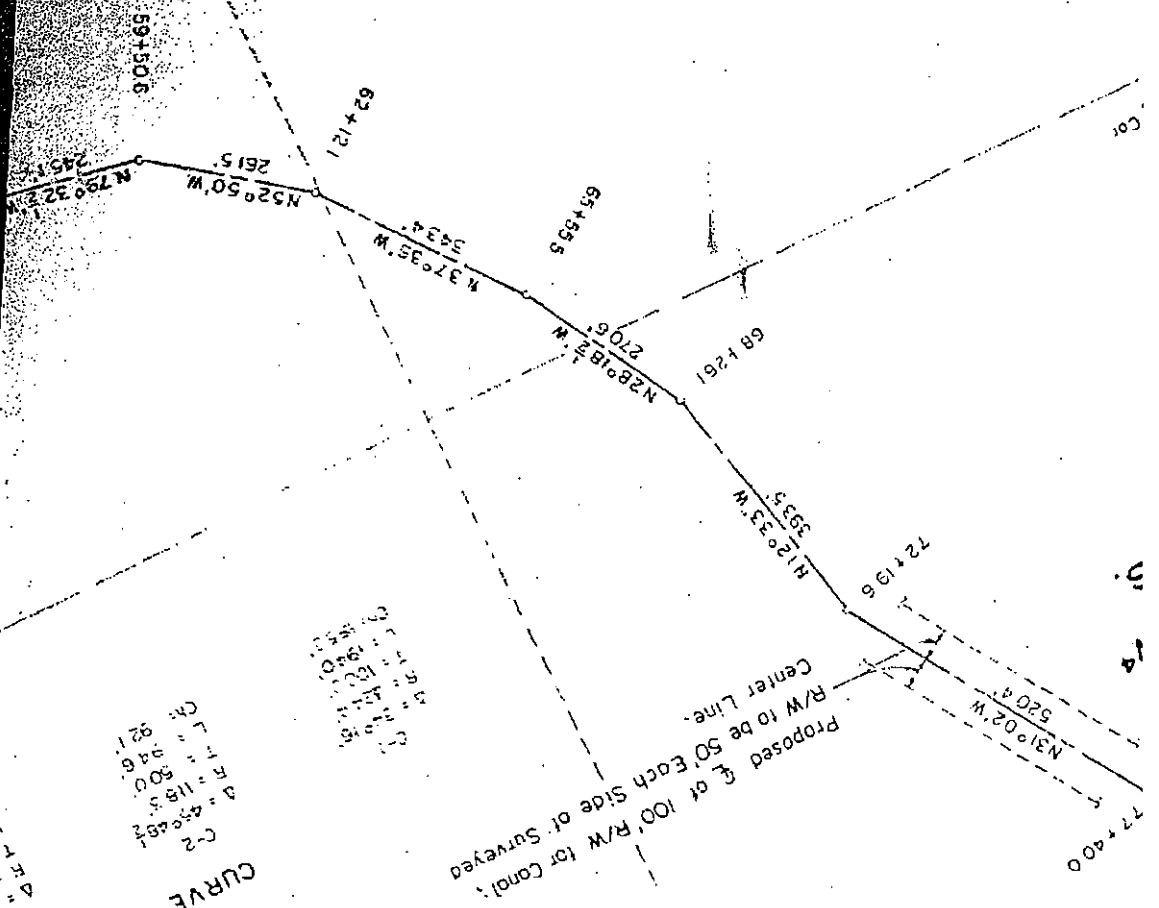
C-2
 Δ = 47° 45' 12"
 R = 119.5
 T = 80.0
 L = 94.6
 Ch = 92.1

DATE

IRRIGA	
BL	
AC	
DES.	DR. G.L.R.
CH.	773
SCALE 1" = 20'	



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

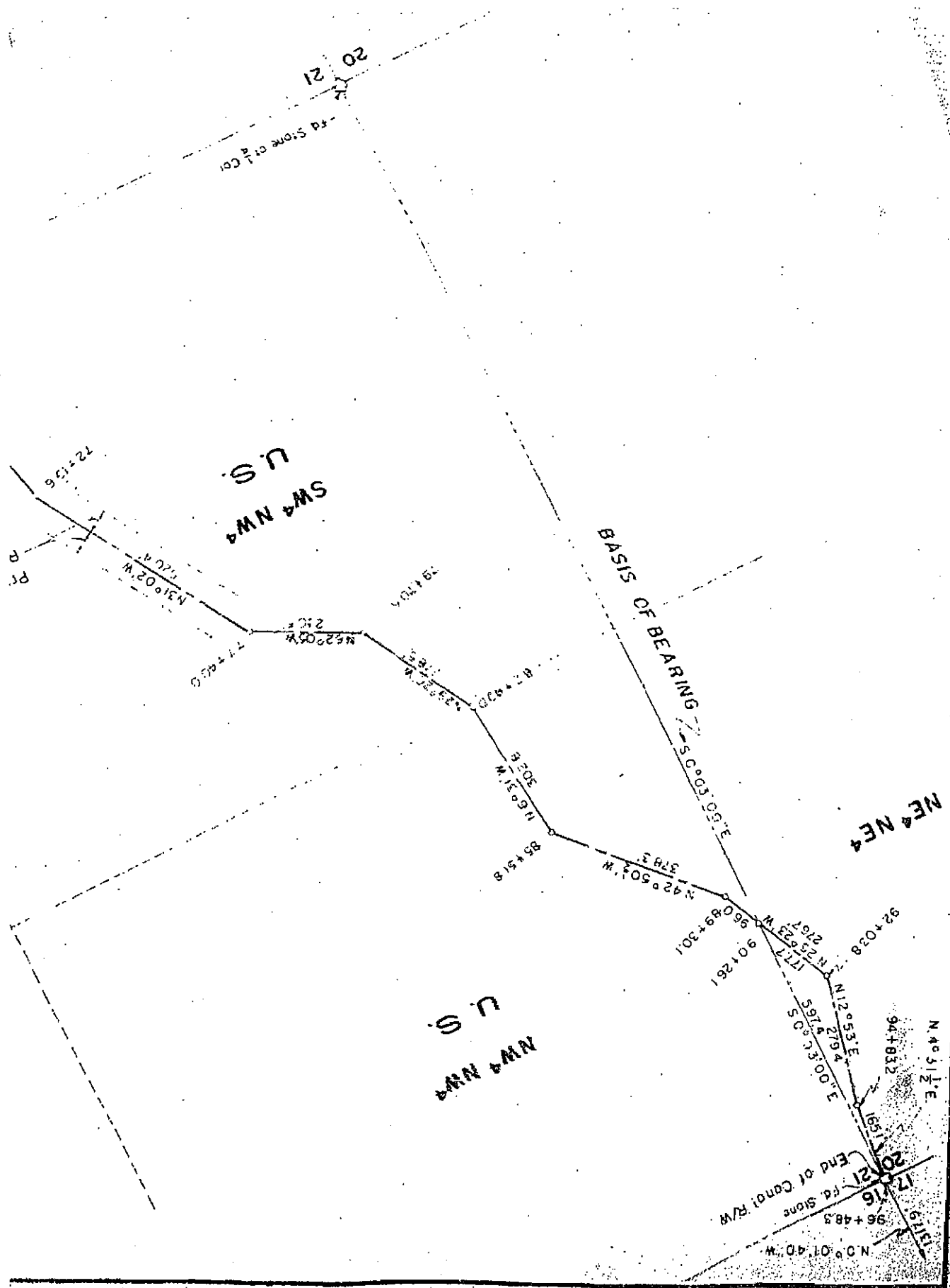


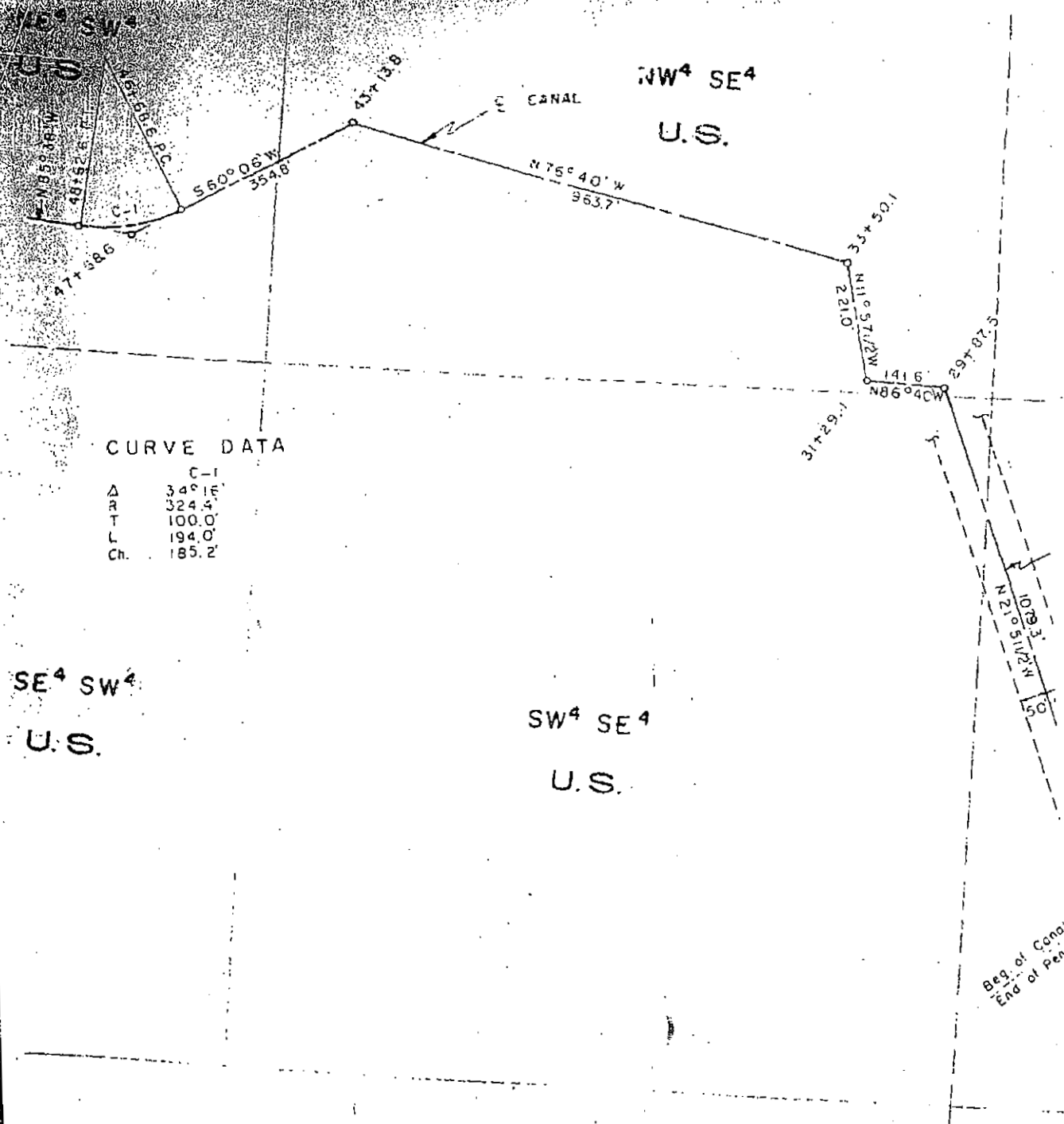
C-1
L = 100.0
T = 194.0
R = 118.5
D = 43.0
C-2
L = 94.6
T = 92.1
C-3
L = 94.6
T = 92.1

CURVE

SE 1/4 NW 1/4

DATA





ENGINEER'S STATEMENT

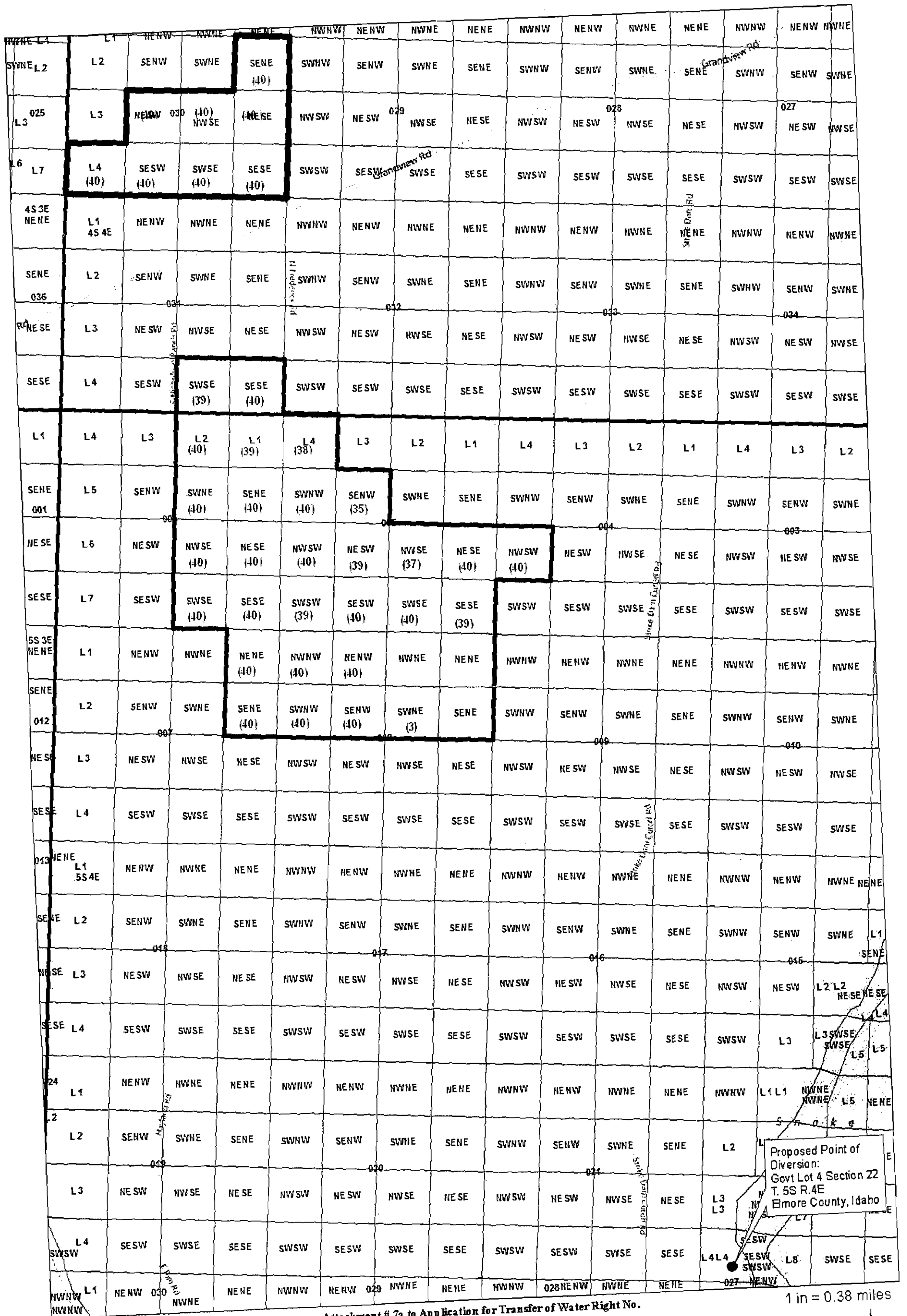
SUMNER M. JOHNSON STATES HE IS BY OCCUPATION A PROFESSIONAL ENGINEER EMPLOYED BY FRANK N. RAWLINGS AND YALE B. HOLLAND TO MAKE THE SURVEY OF THE IRRIGATION CANAL, PENSTOCK, ACCESS ROAD AND RESERVOIR AS DESCRIBED AND SHOWN ON THIS MAP. THAT THE SURVEY OF SAID WORKS WAS MADE UNDER HIS DIRECT SUPERVISION AND UNDER AUTHORITY COMMENCING ON THE 11TH DAY OF MAY, 1964 AND ENDING ON THE 8TH DAY OF JUNE, 1964, AND THAT SAID 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 DESIGNER 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 24 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 and Yale B. Holland
4/19/64



■ = Proposed Place of Use
(#) = # of Acres per 1/4 for Proposed Place of Use

Attachment # 7a to Application for Transfer of Water Right No.
2-10449 Elmore County, State of Idaho

1 in = 0.38 miles

257482

Attachment #2b

No. of 20 1
GUARANTY TITLE, INC.
 Time 2:53 P.M.
 Date February 12, 1990
 Book _____
 Page _____
 By RAMONA YRAZABAL
Merle F. Becker Deputy
 Fee \$9.00

WARRANTY DEED

GRANTOR, CARL E. NICHOLSON and BLANCHE NICHOLSON, husband and wife, of Meridian, County of Ada, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto J.R. SIMPLOT COMPANY, whose current address is 999 Main Street, Suite 1300, County of Ada, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in County of Elmore, State of Idaho:

TRACT I

TOWNSHIP 4 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 31: S $\frac{1}{2}$ SE $\frac{1}{4}$

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 5: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$ AND LOT 4

SECTION 6: LOTS 1 AND 2

TRACT II

TOWNSHIP 5 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 6: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SECTION 7: E $\frac{1}{2}$ NE $\frac{1}{4}$ SECTION 8: N $\frac{1}{2}$

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances, specifically including but not limited to all mineral rights, hydrocarbon rights, geothermal rights, grazing rights, water rights, and any and all additional rights SUBJECT TO reservations of mineral rights in the U.S. Government's patents on the property.

RECEIVED

MAR 18 2011

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: DALE HOOLEY
26796 INDIAN COVE LN
HAMMETT ID 83627
(208) 599-0119

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
2-10449	2.90 CFS	580.0 AF	145.0 AC
COMBINED RENTAL TOTALS:	2.90 CFS	580.0 AF	145.0 AC

TERM OF RENTAL:

April 1, 2011 to October 31, 2011
April 1, 2012 to October 31, 2012
April 1, 2013 to October 31, 2013
April 1, 2014 to October 31, 2014
April 1, 2015 to October 31, 2015

RENTAL FEE: \$8,120.00 annually

The fee for rental of the above-described water is \$8,120.00 per year. An annual payment shall be received by the Department prior to March 15, the beginning of the irrigation season, each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 15th day of March, 2011

By: DALE HOOLEY
(Print Name)

[Signature]
(Signature)
DWR Director
(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 23rd day of March, 2011.

Exhibit E

[Signature]
for GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 2-10449
WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: DALE HOOLEY
 26796 INDIAN COVE LN
 HAMMETT ID 83627
 (208) 599-0119

Priority Date: 02/25/1963

Source: SNAKE RIVER Tributary to: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.90 CFS	580.0 AF
	Total:		2.90 CFS	580.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

SNAKE RIVER SW¼NE¼ Sec. 21 Twp 06S Rge 06E OWYHEE County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	11					37	36	36	36									145

Total Acres: 145

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
- Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
- This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
- Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
- Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
- Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
- Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
- Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

AUG 18 2011

WATER RESOURCES
WESTERN REGION

August 18, 2011

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. 2-10471 and 2-10472.

Dear John:

Enclosed for filing is an application for transfer of the point of diversion and place of use for the above referenced water rights. Please apply the enclosed \$2,380.00 toward covering your filing fee. In the event I miscalculated the fee and an additional amount is necessary, or if you need any other information to assist in processing the enclosed transfer, please let me know. I can be reach by phone (208-389-7359) or by email (vic.conrad@simplot.com).

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

c: D. Steenson (w/enclosure)