

RECEIVED**MAY 20 2005**

Department of Water Resources

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

Name of Seller/Lessor J.R. Simplot Company Phone 208-336-2110Post office address PO Box 27, Boise, ID 83707

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

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

in case of Snake River Basin Adjudication vs _____dated _____ in _____ county of _____
(Name of court)

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

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

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

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

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

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

c. Place of use: IND = Industrial Use

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

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

Total number of acres _____

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

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

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

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

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

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

Not Applicable

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

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

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

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

4. REMARKS:

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

5. SALE/LEASE AGREEMENT

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

_____ For sale

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

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

_____ As a gift to the state of Idaho.

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

 Current Rental Rate

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

The owner/lessor acknowledges the following:

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

J.R. SIMPLOT COMPANY

 May 20, 2005
Date

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

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____