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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 208-336-2110
Post office address PO Box 27, Boise, ID 83707

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Partial
Decree No. 45-2746 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. 45-02746 issued by the Idaho Department of Water
Resources.
- c. Permit No. 45-02746 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: 2.00 cubic feet per second &/or
798.50 acre feet per annum
- b. Point of Diversion: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 10S Range
21E, B.M. in Cassia County.
Additional points 2nd point of diversion also located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20; T.10S
R.21 E.B.M.

c. Place of 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	
11S	20E	13			13	12			30	31	40	40	32	39	39	40	32	32	380
		14			8	27					34	33	32	32	40	40	32	32	310
		23	33	34	33	32	33	33	33	33	34	33	32	33	33	34	33	32	528
		24	32	32	33	32	32	31	32	33	34	33	32	33	33	34	33	32	521
		25	34	34	34	33													135

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

(The total number of acres is the combined limit when water right 45-2746 Total number of acres 1,874

is used in combination with water right nos. 45-2320, 45-13642, 45-13643, 45-13644, 45-13645 & 01-7072. When used alone, water right 45-2746 is limited to the irrigation of 214.3 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).

A partial decree was issued by the SRBA Court for water right 45-2746 on May 6, 2005.

- 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.

The place of use described by water right 45-2746, or portions thereof, may continue to be irrigated under water right nos. 45-2320, 45-13642, 45-13643, 45-13644, 45-13645, and 01-7072.

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

Not Applicable

- 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:

The place of use described under water right no. 45-2746 was sold by the Lessor to Darrell and Patricia Funk. However, in accordance with the two Bargain and Sale Deeds attached, the Lessor excluded water right 45-2746 from the conveyance to Funk. (See attached Bargain and Sale Deed recorded in the real property records of Cassia County on August 28, 2002 as instrument no. 28318 and the Bargain and Sale Deed recorded in the real property records of Twin Falls County on August 28, 2002 as instrument no. 2002-017458.)

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: 
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 _____