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AUG 11 2006

Department of Water Resources

CORPORATE HEADQUARTERS

P.O. BOX 27
BOISE, IDAHO 83707-0027**August 11, 2006**

Telefacsimile: Fax No. 287-6700
Cynthia Clark
State of Idaho
Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

AMENDED
(SEE APP RECEIVED
AUG 22, 2006)

Re: IDWR Water Right Nos. 61-2165 and 61-7088.

Dear Ms. Clark:

The J. R. Simplot Company operates irrigated farmland that is described by the place of use under water right no. 61-7088. Water Right 61-7088 together with its described place of use is owned by the J. R. Simplot Self-Declaration of Revocable Trust.

One of three wells used to divert water under 61-7088 recently failed. To replace water that would otherwise be diverted from the failed well, the attached application seeks to divert replacement water from points of diversion that are described under water right no. 61-2165. The J. R. Simplot Company is the owner of water right no. 61-2165 and its corresponding points of diversion and places of use. The points of diversion and places of use described under 61-2165 are located on land that is adjacent to the place of use described under 61-7088.

We do not yet know the total volume that will be diverted under 61-2165. If you will please review the attached water bank rental application, I would appreciate any advice you may have on the fee that needs to be included with the final application. I can be reached by telephone at 208-389-7359 or by email: vic.conrad@simplot.com.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

01/03

Before the Idaho Water Resource Board

RECEIVED

AUG 11 2006

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Department of Water Resources

Applicant J.R. Simplot Self-Declaration of Revocable Trust Phone 208-336-2110
 Address PO Box 27
 City Boise State ID Zip Code 83707

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Groundwater
tributary to _____
2. Maximum volume of water 1,413 AF.
3. Maximum rate of diversion 5.03 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Irrigation
2. Location of point of diversion Please see remarks for description of all 7 existing points of diversion
1/4 1/4, Section _____
Township _____, Range _____, B.M. _____ County.
3. Season of use: From August 14, 2006 to November 1, 2006
4. Description of diverting works: (Seven Wells with Pumps)
 Pump HP _____ Lift _____ Pump type _____
 Canal name, if appropriate _____
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by 40-acre tract, section, township and range.

* T.4S R. 4E Sec.31: NESE (40)

Sec 32: NWNE (40), SWNE (39), NENW (40), SWNW (40)

SENE (40), NESW (40), NWSW (40), SWSW (40)

SESW (40), NWSE (39), SWSE (40), SESE (39)

Sec 33: SWSW (39)

T.5S R.4E Sec 5: NWNE (36), NENW (19)

Total = 611 Acres

* Same as Decreed place of use under Water Right No. 61-7088

Action recommended _____

01/03

Before the Idaho Water Resource Board

RECEIVED

AUG 22 2006

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant J.R. Simplot Self-Declaration of Phone 208-336-2110
Revocable Trust
Address P0 Box 27
City Boise State ID Zip Code 83707

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Groundwater
tributary to _____
2. Maximum volume of water 470 AF.
3. Maximum rate of diversion 5.03 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Irrigation
Please see remarks for description of all 7 existing points of diversion
2. Location of point of diversion 1/4 1/4, Section _____,
Township _____, Range _____, B.M. _____ County.
3. Season of use: From August 14, 2006 to November 1, 2006.
4. Description of diverting works: (Seven Wells with Pumps)
Pump HP _____ Lift _____ Pump type _____
Canal name, if appropriate _____
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.

✓ * T.4S R. 4E Sec.31: NESE (40)
Sec 32: NWNE (40), SWNE (39), NENW (40), SWNW (40)
SENE (40), NESW (40), NWSW (40), SWSW (40)
SESW (40), NWSE (39), SWSE (40), SESE (39)
Sec 33: SWSW (39)
T.5S: R.4E Sec 5: NWNE (36), NENW (19) Total = 611 Acres

* Same as Decreed place of use under Water Right No. 61-7088

- b. If water is not for irrigation, describe the nature of the intended use and the place of use.

Not Applicable

6. Describe any other water rights used for the same purposes as rental water sought under this application.

61-7088: Well failed. Water diverted under 61-2165 will be used in lieu of
water that would otherwise be available under 61-7170

7. Who owns the property at the point of diversion?

J. R. Simplot Company (for points of diversion under 61-2165).

8. Who owns the property at the place of use?

J. R. Simplot Self-Declaration of Revocable Trust owns the place of use
described under 61-7088

9. Are you seeking a rental for more than one (1) year? No (yes or no)
 If yes, for how many years? _____

10. Remarks: Points of diversion under 61-2165:

T.4S R.4E Sec. 31: SESE

T.5S R.4E Sec. 4 : NWSW; Sec.5: NWNW, SENW, NESW, NESE;

Sec. 6 : SENE

J. R. Simplot Self-Declaration of Revocable
Trust

August 15, 2006

Date

By: J. R. Simplot, Trustee

Signature of Applicant

J. R. Simplot, Trustee by Ronald N. Graves
Attorney-in-Fact

FOR DEPARTMENT USE ONLY

Received by WJ Date 8-22-06 Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

RECEIVED**JUN 01 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. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated _____ in _____ county of _____
(Name of court)

b. License No. 61-02165 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: 5.03 cubic feet per second &/or
1,413 acre feet per annum

b. Point of Diversion: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31 Township 4S Range
4E, B.M. in Elmore County.

Additional points See Remarks for additional points of diversion

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	
5S	4E	4										40							40
		5									39		39	40	40	37	40	39	274

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 314

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.

Please see the attached copy of the Warranty Deed recorded in the real property records of Elmore County on February 12, 1990 as instrument no. 257482

- 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).

This water right is included in pending IDWR Transfer no. 67838 which was originally filed on April 13, 1993. At the request of IDWR, this transfer was amended on June 20, 2002; and amended again on November 12, 2003 and additional fees were paid. This water right was not used during 2003 or 2004 pending the approval of Transfer 67838. The partial decree to be entered in the Snake River Basin Adjudication is also pending the Administrative proceeding on Transfer 67838.

- 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.

During the term of this lease the place of use described by this water right will not be irrigated.

Water right 61-07170 is also appurtenant to the place of use.

- 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:

Additional Points of Diversion:

T.5S R. 4E Section 5: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

T.5S R. 4E Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$

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.

5/27/05
Date

J.R. SIMPLOT COMPANY
By: [Signature]
Signature Terry T. Uhling, Senior Vice President
Secretary & General Counsel

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

257482

Test of

GUARANTY TITLE, INC

Time 2:53 P.M.

Date February 12, 1990

Book of

Page

RAMONA PROZABAR

By Merle 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 $\frac{1}{2}$

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

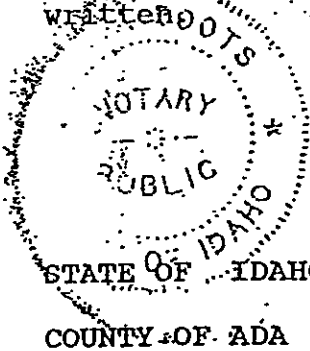
Thomas T. Nicholson
Thomas T. Nicholson

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.

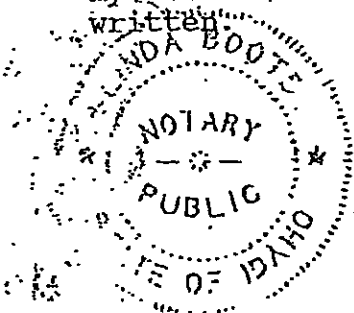


Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

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.

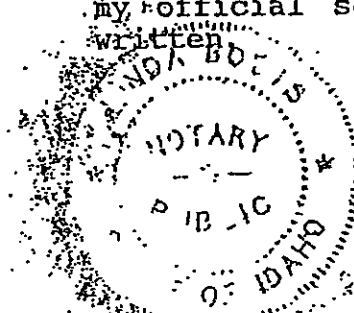


Linda K. Boots
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/31/95

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