

Transfer No. 75403
Receipt No. S030711

Amended

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707
(208)336-2110

RECEIVED
APR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
37-141	AJC/Decreed	0.20			64.0	SILVER CREEK
37-142	AJC/Decreed	0.40			64.0	SILVER CREEK
37-143	AJC/Decreed	0.40			64.0	SILVER CREEK
37-692A	AJC/Decreed	0.88			64.0	SILVER CREEK
37-939	AJC/Decreed	1.00			64.0	SILVER CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-141	NO	NO	YES	NO	NO	NO
37-142	NO	NO	YES	NO	NO	NO
37-143	NO	NO	YES	NO	NO	NO
37-692A	NO	NO	YES	NO	NO	NO
37-939	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

To provide the applicant with the flexibility to irrigate different acres from year to year.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
37-141	0.20 cfs	64.0	222.5	
37-142	0.40 cfs	64.0	222.5	
37-143	0.40 cfs	64.0	222.5	
37-692A	0.88 cfs	54.0	222.5	
37-939	1.00 cfs	64.0	222.5	
TOTAL	2.88 cfs	64.0	222.5	

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

J. R. Simplot Company

By: _____

(Signature of Applicant)

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

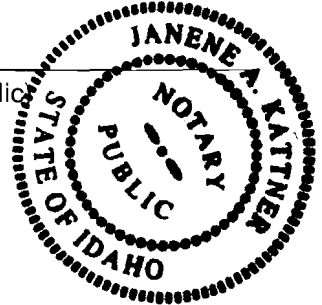
(Title or Office)

Subscribed and sworn to before me this 24th day of April, 2009.

Janene A. Kattner

(Notary Public)

My commission expires 5/31/2014



Transfer No. 75403
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-141

Priority Date: November 01, 1885
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

RECEIVED
APR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.20 CFS		
	Total Diversion	0.20 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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	
02S	20E	1			26.0	17.0	2.3				6.7					2.7	9.3		64.0
							L 3												

Total Acres: 64

Conditions/Remarks:

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. The rights listed below are limited to the irrigation of a combined total of 64-acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.

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Documentation of Ownership of the Current Place of Use

Please see the attached copy of the Warranty Deed recorded on October 5, 1984 in the official real property records of Blaine County, Idaho as Instrument No. 256588

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75403
Receipt No.S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-142

Priority Date: September 01, 1887
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

RECEIVED
APR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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		
02S	20E	1			26.0	17.0	2.3					6.7					2.7	9.3		64.0
							L 3													

Total Acres: 64

Conditions/Remarks:

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.

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Documentation of Ownership of the Current Place of Use

Please see the attached copy of the Warranty Deed recorded on October 5, 1984 in the official real property records of Blaine County, Idaho as Instrument No. 256588

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75403
Receipt No. S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-143

Priority Date: April 01, 1888
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

RECEIVED
APR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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		
02S	20E	1			26.0	17.0	2.3					6.7					2.7	9.3		64.0
							L 3													

Total Acres: 64

Conditions/Remarks:

1. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.

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Documentation of Ownership of the Current Place of Use

Please see the attached copy of the Warranty Deed recorded on October 5, 1984 in the official real property records of Blaine County, Idaho as Instrument No. 256588

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75403
Receipt No. S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-692A

Priority Date: May 01, 1889
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

RECEIVED
APR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.88 CFS		
	Total Diversion	0.88 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE 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	
02S	20E	1			26.0	17.0	2.3			6.7					2.7	9.3			64.0
							L 3												

Total Acres: 64

Conditions/Remarks:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

7. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.
8. This right is limited to the irrigation of 54 acres within the place of use described above in a single irrigation season.

Documentation of Ownership of the Current Place of Use

Please see the attached copy of the Warranty Deed recorded on October 5, 1984 in the official real property records of Blaine County, Idaho as Instrument No. 256588

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75403
Receipt No. S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-939

Priority Date: August 01, 1920
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

RECEIVED
APR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	1.00 CFS		
	Total Diversion	1.00 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02S 20E 1			26.0	17.0	2.3			6.7					2.7	9.3			64.0
					L 3												

Total Acres: 64

Conditions/Remarks:

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. The rights listed below are limited to the irrigation of a combined total of 64 acres in a single irrigation season. Combined Right Nos.: 37-141, 37-142, 37-143, 37-692A, and 37-939.
5. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in Silver Creek, as established by and subject to the provisions included within Leazenby vs. Chapman Blaine County, Fourth Judicial District Court, 1/2/1921.

6. Water from this right resulted from saved water in Silver Creek.

Documentation of Ownership of the Current Place of Use

Please see the attached copy of the Warranty Deed recorded on October 5, 1984 in the official real property records of Blaine County, Idaho as Instrument No. 256588

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The change will convert the place of use to a permissible place of use and will be limited seasonally to the authorized irrigated acreage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75403
Receipt No.S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 37-141

Priority Date: November 01, 1885

Origin: Adjudication
 Recommendation

Basis: Decreed

Status: Active

RECEIVED
APR 27 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.20 CFS		
	Total Diversion	0.20 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

Describe the proposed diversion system

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			
02S	20E	1			27.0	40.0	1.7					5.8					40.0	34.0	34.0	40.0	222.5
							L 3														

Total Acres: 222.5

Transfer No. 75403
 Receipt No.S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 37-142

Priority Date: September 01, 1887

Origin: Adjudication
 Recommendation

Basis: Decreed

Status: Active

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

Describe the proposed diversion system

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			
02S	20E	1			27.0	40.0	1.7			5.8							40.0	34.0	34.0	40.0	222.5
							L 3														

Total Acres: 222.5

Transfer No. 75403
Receipt No.S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 37-143

Priority Date: April 01, 1888
Origin: Adjudication
Recommendation
Basis: Decreed
Status: Active

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and Point(s) of Diversion:

SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

Describe the proposed diversion system

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			
02S	20E	1			27.0	40.0	1.7			5.8							40.0	34.0	34.0	40.0	222.5
							L 3														

Total Acres: 222.5

Transfer No. 75403
Receipt No.S030711

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 37-692A

Priority Date: May 01, 1889
Origin: Adjudication
Recommendation
Basis: Decreed
Status: Active

Source: SILVER CREEK Tributary: LITTLE WOOD RIVER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/15	10/31	0.88 CFS		
	Total Diversion		0.88 CFS		

Source and Point(s) of Diversion:
SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

Describe the proposed diversion system

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	
02S	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
							L 3												

Total Acres: 222.5

Transfer No. 75403
 Receipt No.S030711

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 37-939

Priority Date: August 01, 1920
 Origin: Adjudication
 Recommendation
 Basis: Decreed
 Status: Active

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	1.00 CFS		
	Total Diversion	1.00 CFS		

Source and Point(s) of Diversion:

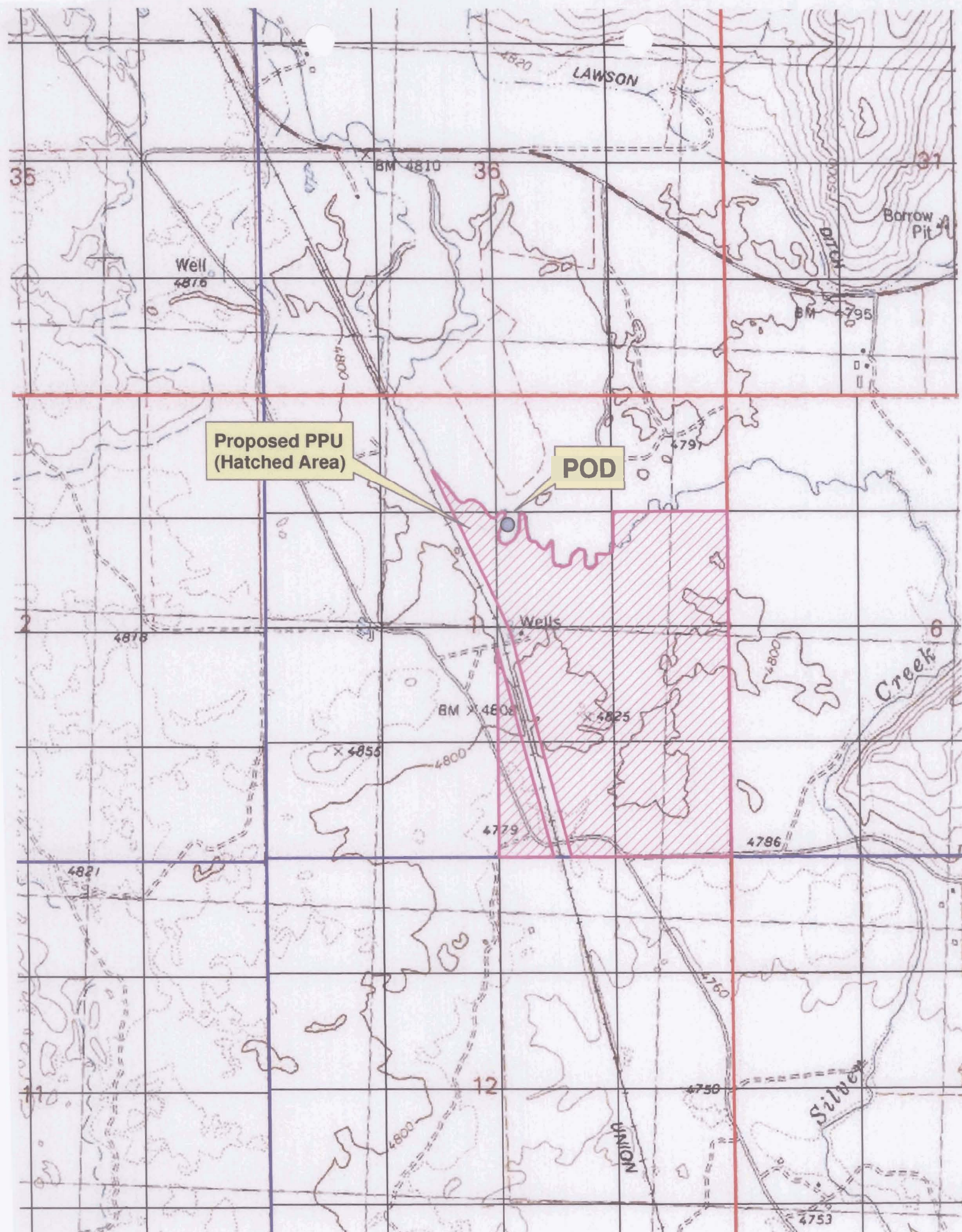
SILVER CREEK NWSWNE Sec. 1 Twp 02S Rge 20E BLAINE County

Describe the proposed diversion system

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	
02S	20E	1			27.0	40.0	1.7			5.8					40.0	34.0	34.0	40.0	222.5
								L 3											

Total Acres: 222.5



North Fork
12

WARRANTY DEED

THIS INDENTURE, Made this 16th day of February, in the year of our Lord one thousand nine hundred and seventy-eight, between NORTH FORK RANCH CO., a Nevada corporation, with its principal place of business in Boise, County of Ada, State of Idaho, the party of the first part, and SIMPLOT INDUSTRIES, INC., a Utah corporation, with its principal place of business in Boise, County of Ada, State of Idaho, whose current mailing address is P. O. Box 27, Boise, Idaho 83707, the party of the second part,

W I T N E S S E T H :

That the said party of the first part, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate, situated in the County of Blaine, State of Idaho, to-wit:

All of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 12, Township 2 South, Range 20 East, Boise Meridian, EXCEPT the following:

Beginning at a point 300 feet West and 20 feet South of the Northeast corner of said Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 12; thence South 100 feet; thence West 60 feet; thence North 100 feet; thence East 60 feet to the place of beginning.

AND Subject to railroad right of way.

Containing 33.67 acres, more or less.

Rainbow Ranch

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, Township 2 South, Range 20 East, Boise Meridian, EXCEPT the right of way of the Wood River Branch of the O.S.L.R.R., containing in all 36.65 acres, more or less.

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 12, Township 2 South, Range 20 East, Boise Meridian, EXCEPT the O.S.L.R.R. right of way, containing 38.5 acres, more or less.

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 12, Township 2 South, Range 20 East, Boise Meridian, EXCEPT the O.S.L.R.R. right of way, containing 35.4 acres, more or less.

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, Township 2 South, Range 20 East, Boise Meridian, EXCEPT the right of way of the Wood River Branch of the O.S.L.R.R., containing in all 36.65 acres, more or less.

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, Township 2 South, Range 20 East, Boise Meridian, EXCEPT the following described tract of two (2) acres:

Beginning at a point which bears North 5°00' West 1450.0 feet from the quarter corner common to Sections 1 and 12, Township 2 South, Range 20 East, Boise Meridian; running thence North 28°15' West 295.15 feet; thence South 61°45' West 295.15 feet; thence South 28°15' East 295.15 feet; thence North 61°45' East 295.15 feet to the place of beginning.

Containing 38.0 acres, more or less.

All of Lot 3 and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, Township 2 South, Range 20 East, Boise Meridian, lying South and West of Silver Creek and East of the O.S.L.R.R. right of way, containing 38.20 acres, more or less.

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, Township 2 South, Range 20 East, Boise Meridian.

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, Township 2 South, Range 20 East, Boise Meridian.

A parcel of land located in the East Half (E $\frac{1}{2}$) of Section 1, Township 2 South, Range 20 East, Boise Meridian, more specifically described as follows:

That portion of the South 110 feet of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 1 lying East of the right of way line of the Union Pacific Railroad; and that portion of the North 220 feet of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 1, lying East of the right of way line of the Union Pacific Railroad.

TOGETHER With all water, water rights and ditches appurtenant thereto, including but not limited to seventy (70) inches of the waters of Silver Creek with a priority of May 1, 1889, and fifty (50) inches of the waters of Silver Creek with a priority of April 1, 1890.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right title and interest in and to the said property, as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written.



Secretary

NORTH FORK RANCH CO.

By

Its

President

STATE OF IDAHO)
) ss.
County of Ada)

On this 21st day of February, in the year 1978,
before me, Jean M. Weaver, a Notary Public,
personally appeared J. R. Dimpert, known to
me to be the - President of the corporation that exe-
cuted the within instrument, and acknowledged 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.



Jean M. Weaver
Notary Public for Idaho
Residing at Boise
My commission expires 5-29-79

256588

STATE OF IDAHO, ss.
COUNTY OF BLAINE
I HEREBY CERTIFY
THAT THE ABOVE INSTRUMENT WAS FILED
IN MY OFFICE AT THE BLAINE
ON 11/16 Oct 5 1984
AT 11:46 A.M.
RECORDED IN BOOK 5 ON PAGE 800
OF Deed
EX. 44
BY MAURIE WIE
DEPUTY

STATE OF NEVADA

FEB 27 1985

876-55

**CERTIFICATE OF OWNERSHIP AND MERGER
INCLUDING ARTICLES OF MERGER**

Merging

SIMPLOT INDUSTRIES, INC.

into

J. R. SIMPLOT COMPANY

**FILING FEE: \$50.00
BY: J. R. SIMPLOT
COMPANY
SUITE #1300
ONE CAPITAL
CENTER
999 MAIN STREET
P. O. BOX 27
BOISE, IDAHO
83707**

(Pursuant to Section 78.486 of the Nevada Revised Statutes
and 16-10-70 of the Utah Business Corporation Act.)

J. R. SIMPLOT COMPANY, a corporation organized and
existing under the laws of Nevada, the parent corporation, does
hereby certify:

FIRST: That this corporation was incorporated on the
28th day of June, 1955, pursuant to the laws of the State of
Nevada.

SECOND: The number of outstanding shares of each
class of SIMPLOT INDUSTRIES, INC., a Utah corporation, and the
number of shares of each class owned by J. R. SIMPLOT COMPANY
are as follows:

<u>Names of Subsidiary</u>	<u>Number of Shares Outstanding</u>	<u>Designation of Class</u>	<u>Number of Shares Owned by J. R. Simplot Company</u>
Simpplot Industries, Inc.	10	Common	10

THIRD: That this corporation, by resolution of its
board of directors, duly adopted the following Plan of Merger,
at a meeting held on the 15th day of February, 1985, and deter-
mined to merge into itself said SIMPLOT INDUSTRIES, INC. at the
Effective Time which resolution is in the following words
to-wit:

NOW, THEREFORE, be it resolved that J. R. SIMPLOT COMPANY
merge, and it hereby does merge into itself said SIMPLOT
INDUSTRIES, INC. and assumes all of its obligations, at the
Effective Time; under the following terms and conditions:

A. BE IT RESOLVED that effective as of the close of busi-
ness on the 28th day of February, 1985, (the Effective
Time), SIMPLOT INDUSTRIES, INC. shall be and it is hereby
merged into J. R. SIMPLOT COMPANY, with the effect and
result that the existence of SIMPLOT INDUSTRIES, INC. shall

cease and J. R. SIMPLOT COMPANY shall continue in existence as the surviving corporation.

B. BE IT RESOLVED that all of the provisions contained in the Articles of Incorporation, as amended, and the By-Laws of J. R. SIMPLOT COMPANY shall remain in force and effect and shall not be deemed altered or amended hereby, and that the laws of the State of Nevada shall continue to govern the surviving corporation.

C. BE IT RESOLVED that the present members of the Board of Directors of J. R. SIMPLOT COMPANY shall continue to hold office during the remainder of the term to which they are elected and until their successors are elected and duly qualified.

D. BE IT RESOLVED that at the Effective Time, all of the property, real, personal or mixed, and all of the assets of SIMPLOT INDUSTRIES, INC. wherever located, shall be deemed automatically transferred to and become vested in J. R. SIMPLOT COMPANY as the surviving corporation, without any further act or deed or instrument of transfer or conveyance for the accomplishment thereof; and whereupon, further, J. R. SIMPLOT COMPANY shall assume and become liable for payment of all of the existing indebtedness and obligations of SIMPLOT INDUSTRIES, INC., including the obligations to perform existing agreements without any special act or assumption of liability for those obligations.

E. BE IT RESOLVED that in as much as SIMPLOT INDUSTRIES, INC. is a wholly-owned subsidiary of J. R. SIMPLOT COMPANY and is being merged into its parent corporation, no additional capital stock of J. R. SIMPLOT COMPANY will be issued upon or as a part of said merger; and after the Effective Time each certificate or certificates theretofore representing issued and outstanding shares of the Capital Stock of SIMPLOT INDUSTRIES, INC. shall be deemed cancelled.

F. BE IT RESOLVED that notwithstanding any action taken with respect to the merger by the Directors of J. R. SIMPLOT COMPANY or SIMPLOT INDUSTRIES, INC. or both, and notwithstanding anything herein or elsewhere to the contrary, the merger may be abandoned at any time prior to the filing thereof by the adoption of a resolution providing for such abandonment by the Board of Directors of J. R. SIMPLOT COMPANY.

G. BE IT RESOLVED that the Executive Vice President and Secretary of this corporation be and they hereby are directed to make and execute, under the corporate seal of this corporation, a certificate of ownership and merger setting forth a copy of the resolution to merge said SIMPLOT INDUSTRIES, INC. and assume its liabilities and obligations, and to file the same in the office of the Secretary of State of Nevada and the Secretary of State of Utah; and

H. BE IT FURTHER RESOLVED that the officers of this corporation be and they hereby are authorized and directed to do all acts and things whatsoever, whether within or without the States of Nevada and Utah which may be necessary or proper to effect said merger.

FOURTH: That this corporation survive the merger and may be served with process in the States of Nevada and Utah in any proceeding for enforcement of any obligation of SIMPLOT INDUSTRIES, INC. as well as for enforcement of any obligation of the surviving corporation arising from the merger.

FIFTH: The undersigned corporation hereby (a) agrees that it may be served with process in the State of Utah in any proceeding for the enforcement of the rights of a dissenting shareholder of the above-mentioned subsidiary corporation against the surviving corporation; (b) irrevocably appoints the Secretary of State of Utah as its agent to accept service of process in any such proceeding; and (c) agrees that it will promptly pay to the dissenting shareholders of such domestic corporation the amount, if any, to which they shall be entitled under the provisions of the Utah Business Corporation Act with respect to the rights of dissenting shareholders.

SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

IN WITNESS WHEREOF, said J. R. SIMPLOT COMPANY has caused its corporate seal to be affixed and this certificate to be signed by Scott R. Simplot, its Executive Vice President and Ronald M. Graves, its Secretary this 15th day of February, 1985.

J. R. SIMPLOT COMPANY

By


Its Executive Vice President

ATTEST:


Secretary

STATE OF IDAHO

County of Ada

} ss
}

I, Laurel J. Walker, a notary public, do hereby certify that on this 15th day of February, 1985, personally appeared before me Scott R. Simplot, who, being by me first duly sworn, declared that he is the Executive Vice President of J. R. SIMPLOT COMPANY, that he signed the foregoing document as Executive Vice President of the Corporation, and that the statements therein contained are true.

Laurel J. Walker

Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5/30/87

CERTIFICATE OF OWNERSHIP

MERGING

**SIMPLIOT INDUSTRIES, INC.
(A UTAH CORPORATION)**

INTO

**J. R. SIMPLIOT COMPANY
(A NEVADA CORPORATION)**

FILED AT THE REQUEST OF:

**J. R. SIMPLIOT COMPANY
SUITE #1300
ONE CAPITAL CENTER
999 MAIN STREET
P. O. BOX 27
BOISE, IDAHO 83707**

FILING DATE: FEBRUARY 27, 1985

FILING FEE: \$ 50.00

FILE NUMBER: 876-55