

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72288APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant J. R. Simplot Company Phone 208-336-2110Post Office address PO Box 27, Boise, ID 83707

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 the reason for the proposed changes To replace diminished production from existing points of diversion by adding 2 additional new points of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-2501</u>	<u>April 12, 1965</u>	<u>5.57 cfs</u>	<u>Industrial</u>	<u>Jan. 1</u> to <u>Dec. 31</u>
<u>29-2502</u>	<u>April 12, 1965</u>	<u>6.66 cfs</u>	<u>Industrial</u>	<u>Jan. 1</u> to <u>Dec. 31</u>
<u>29-2375</u>	<u>March 13, 1956</u>	<u>6.68 cfs</u>	<u>Industrial</u>	<u>Jan. 1</u> to <u>Dec. 31</u>
<u>29-7763</u>	<u>Jan. 17, 1984</u>	<u>0.10 cfs</u>	<u>Industrial</u>	<u>Jan. 1</u> to <u>Dec. 31</u>

(Use of the rights listed above is limited to a total combined annual diversion volume of 8,500 af)

2. Total amount of water being transferred 19.01 cubic feet per second and/or 8,500 acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	7	6S	34E	Power	Existing Point of Diversion
		SE	SW	7	6S	34E	Power	Existing Point of Diversion
		SE	SW	7	6S	34E	Power	Existing Point of Diversion
		SE	NE	7	6S	34E	Power	New Point of Diversion
		SE	NE	7	6S	34E	Power	New Point of Diversion

5. Lands irrigated or place of use: Ind = Industrial Places of Use (No proposed changes to decreed places of use)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	34E	25	Ind	Ind	Ind	Ind	Ind				Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind	
		31					Ind	Ind	Ind	Ind									
		36	Ind	Ind	Ind	Ind	Ind	Ind											
	35E	30	Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind									
6S	34E	7			Ind						Ind			Ind	Ind		Ind	Ind	
		8					Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind			Ind		
		17		Ind			Ind												

Total Acres _____

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PART 1

6. General Information:

a. Description of diversion system Wells, pumps, pipelines, impoundment

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. *(No changes to the decreed places of use are proposed with this transfer application)*

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
This transfer application proposes to add two points of diversion only. No changes to the places of use are proposed under this application.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

 For the Director

page 3 of 12

LDY: 2004-03-22

2004 MAR 22 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

T72288

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 29-02501

NAME AND ADDRESS: J R SIMPLOT CO
999 MAIN ST STE 1300 P
O BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 5.57 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8,500 AF. COMBINED RIGHT NOS.:
29-2375, 29-2501, 29-2502, 29-7763.

PRIORITY DATE: 04/12/1965

POINT OF DIVERSION: T06S R34E S07 SESW Within Power County
 SESW
 NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	5.57 CFS

PLACE OF USE:	Industrial		Within Bannock County
	T05S R34E S25	NENE	NWNE
		SWNE	SENE
		NENW	NESW
		NWSW	SWSW
		SESW	NESE
		NWSE	SWSE
		SESE	
	S31	NENW	NWNW
		SWNW	SENE
	S36	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
	R35E S30	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENE
	T06S R34E S07	SENE	Within Power County
		SESW	NESW
		NESE	Within Bannock County
		NWSE	Within Power County
		SESE	SWSE
		NENW	Within Bannock County
	S08	SWNW	NWNW
		NESW	SENE
		SWSW	NWSW
		SWSE	SESW
	S17	NWNE	NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

72288

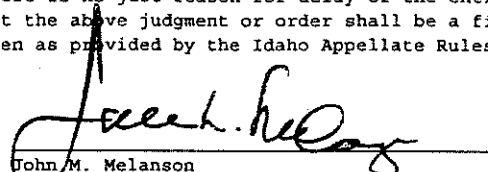
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

page 5 of 12

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 29-02502

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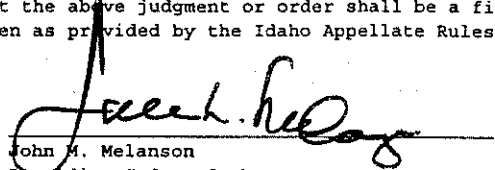
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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page 7812

Power/CY/2575

2004 MAR 22 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

772288

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 29-02375

NAME AND ADDRESS: J R SIMPLOT CO
999 MAIN ST STE 1300 P
O BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 6.68 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8,500 AF. COMBINED RIGHT NOS.:
29-2375, 29-2501, 29-2502, 29-7763.

PRIORITY DATE: 03/13/1956

POINT OF DIVERSION: T06S R34E S07 NESW Within Power County
 SESW
 SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	6.68 CFS

PLACE OF USE:	Industrial		Within Bannock County
	T05S R34E S25	NENE	NWNE
		SWNE	SENE
		NENW	NESW
		NWSW	SWSW
		SESW	NESE
		NWSE	SWSE
		SESE	
	S31	NENW	NWNW
		SWNW	SENW
	S36	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
	R35E S30	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
	T06S R34E S07	SENE	Within Power County
		SESW	NESW
		NESE	Within Bannock County
		NWSE	Within Power County
		SESE	SWSE
			Within Bannock County
	S08	NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		SWSE	
	S17	NWNE	NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

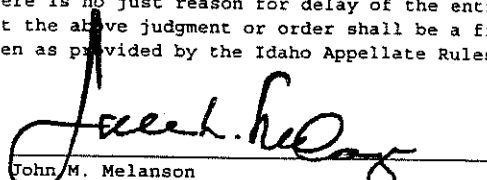
T72288

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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page 9 of 12

2004 MAR 22 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

T72288

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-07763

NAME AND ADDRESS: J R SIMPLOT CO
999 MAIN ST STE 1300 P
O BOX 27
BOISE, ID 83707

SOURCE: GROUND WATER

QUANTITY: 0.10 CFS
72.40 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 8,500 AF. COMBINED RIGHT NOS.:
29-2375, 29-2501, 29-2502, 29-7763.

PRIORITY DATE: 01/17/1984

POINT OF DIVERSION: T06S R34E S07 SESW Within Power County
NESW
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Industrial		01-01 TO 12-31	0.10 CFS 72.40 AFY

PLACE OF USE:	Industrial		Within Bannock County
T05S R34E S25	NENE		NWNE
	SWNE		SENE
	NENW		NESW
	NWSW		SWSW
	SESW		NESE
	NWSE		SWSE
	SESE		
S31	NENW		NWNW
	SWNW		SENW
S36	NENE		NWNE
	SWNE		SENE
	NENW		NWNW
R35E S30	NENE		NWNE
	SWNE		SENE
	NENW		NWNW
	SWNW		SENW
			Within Power County
T06S R34E S07	SENE		NESW
	SESW		
			Within Bannock County
	NESE		
			Within Power County
	NWSE		SWSE
			Within Bannock County
	SESE		
S08	NENW		NWNW
	SWNW		SENW
	NESW		NWSW
	SWSW		SESW
	SWSE		
S17	NWNE		NENW

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T72288

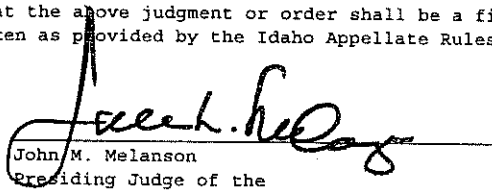
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

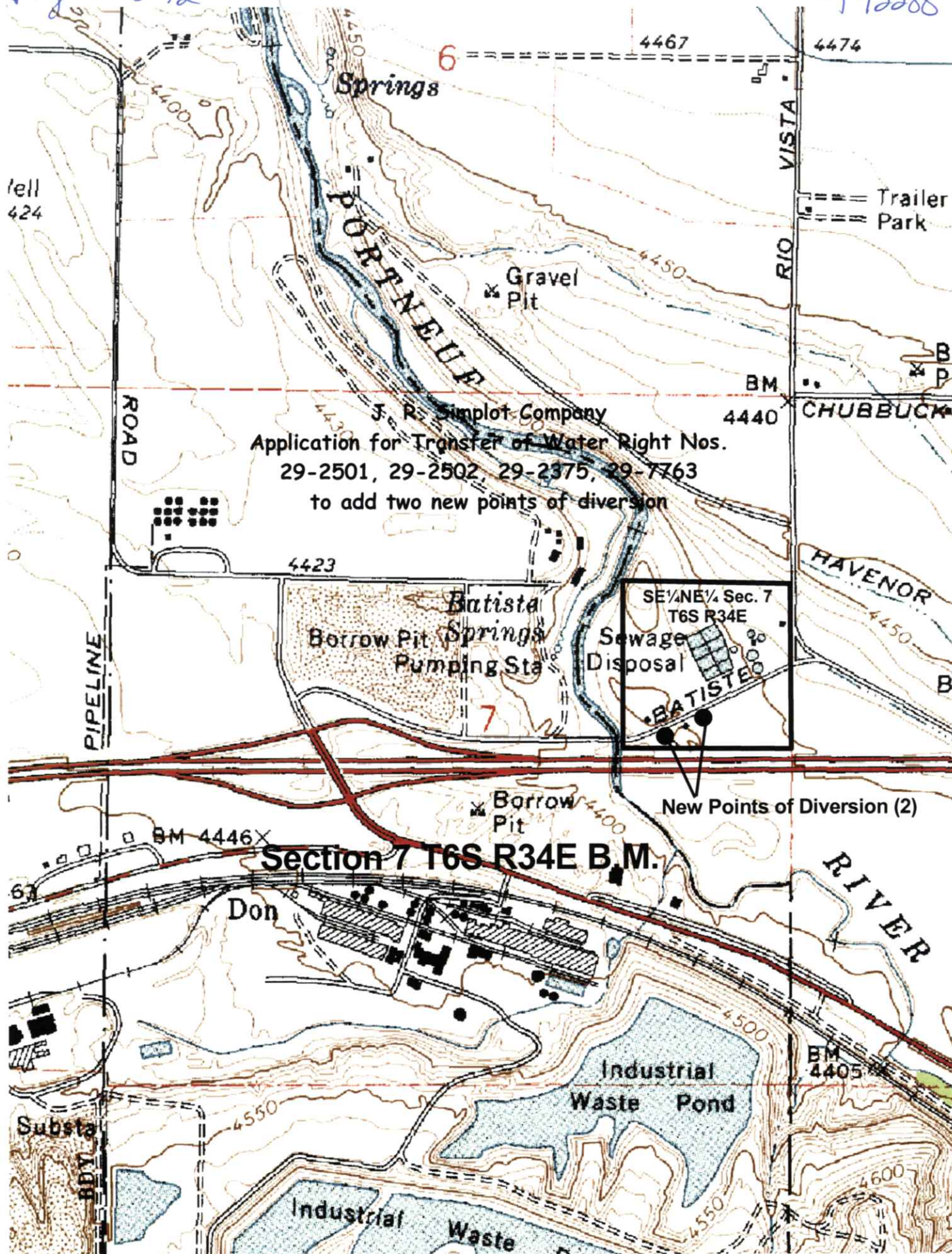
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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PART 3**B. CHANGES IN NATURE OF USE** (There are no changes to the decreed nature of use propped by this transfer application)

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

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

Subscribed and sworn to before me this 7 day of September, 2005.

Nell Janet Klemm
(Notary Public)

My commission expires 10/29/08

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 7 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by DC Fee 570 E031251

Receipted by _____ Date _____

Published in Power Co. Press Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

72288



SEP. 15. 2005

2:53PM

JR SIMPLOT COMPANY

NO. 486

P. 1/7

Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110**FAX COVER LETTER**

Transmittal Time:

TO: Dave Carlson	Fax No. 208-525-7177	DATE: September 15, 2005
COMPANY: IDWR Eastern Region		No. of pages including cover sheet: 7
FROM: Vic Conrad	Direct Dial Number (208)389-7359	FAX NO. (208) 389-7333

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.

RE: IDWR Transfer No. 72288

Message: As you requested, attached are the following documents to verify Simplot's ownership of the land on which the two new points of diversion are proposed.

1. Bannock County 2005 Assessment Notice for Assessor's Parcel No. R3853009501.
2. Warranty Deed recorded in the official real property records of Bannock County, Idaho on August 20, 1967 as instrument no. 442272.

If you do not receive all of the pages, please call back as soon as possible to (208)389-7303

Received Time Sep. 15. 3:55PM

T 72288
ATTACHMENT 1 OF 1



DIANE F. YEU
Bannock County Assessor
 P.O. Box 4969
 Pocatello, ID 83205-4969

2005
ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

2005

PARCEL DESCRIPTION:

TR LOT 6 TAX 17 11.25 AC
 TR LOT 7 TAX 13 10.79 AC
 S7-T6S-R34E

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number:

208-236-7098

Parcel Address:

27408 R3853009501 *****3-DIGIT 837

|||||

SIMPLOT INDUSTRIES INC
 ATTN: TAX DEPARTMENT
 PO BOX 27
 BOISE ID 83707-0027

2277

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 27, 2005

Tax Code Area: 003300

Parcel Number: R3853009501

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
01 INV IRR AG	3.000	2,106	2,259
04 INV MEADOW	4.500	549	603
05 INV DRY GRAZ	14.540	843	916
32 IMP ON CAT 1-9		500	6,951
SUBTOTAL:	22.040	3,998	10,729
LESS HOMEOWNERS EXEMPTION:		3,998	10,729
NET TAXABLE PROPERTY VALUE:			
These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.			

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY			208-236-7211	AUG 26, 2005
COUNTY RD&BRG			208-236-7211	AUG 26, 2005
POC SCH # 25			208-232-3563	JUNE 14, 2005
PORT FREE LIB			208-237-2192	AUG 31, 2005
N BAN FIRE			208-233-3523	AUG 30, 2005
AMBULANCE			208-236-7211	AUG 26, 2005
SUBTOTAL:				
FEES:				
PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

Received Time Sep. 15, 3:55PM

ATTACHMENT 2 OF 7

T 72288

Swanson, Ray V, et al
Purchase Agreement
Ex Doc: Ruby Company 68

5-1

442272

WARRANTY DEED

THIS INDENTURE, made this 1st day of October, 1960, between THEODORE A. SWANSON and MINNIE SWANSON, husband and wife, of Pocatello, Bannock County, Idaho; RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife, of Pocatello, Bannock County, Idaho; RONALD E. WOOD and ALICE S. WOOD, husband and wife, of Pocatello, Bannock County, Idaho; EFFIE FUGATE, a widow, of Aberdeen, Bingham County, Idaho; GRACE GARRETT, a widow, of Idaho Falls, Bonneville County, Idaho; and DELBERT ANDERSON and OLARA ANDERSON, husband and wife, of Idaho Falls, Bonneville County, Idaho, the parties of the first part, and RUBY COMPANY, a Corporation, with principal offices in the State of Idaho, at Boise, Ada County, Idaho, the party of the second part:

W I T N E S S E T H:

That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 AND OTHER VALUABLE CONSIDERATION - - DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto said party of the second part, and to its heirs and assigns forever: All those certain lots, pieces, or parcels of land situate, lying and being in the Counties of Bannock and Power, State of Idaho, bounded and more particularly described as follows, to wit:

BANNOCK COUNTY:

Section 7, Lot 6, except that portion conveyed to the City of Pocatello and described as:

Beginning at the intersection of the east line of Section 7 and the Northwesterly right of way line of Batista Road, which is 655 feet, more or less, northerly from the east 1/4 corner of said Section, and running; thence Southwesterly along said right of way 810 feet, more or less; thence Northwesterly at right angles 450 feet; thence Northwesterly at an angle of 100°45' right from the last preceding course 575 feet, more or less, to the north 1/16 line of said Section; thence Easterly along said 1/16 line 1090 feet, more or less, to the easterly line of said Section; thence Southerly along the easterly Section line 615 feet, more or less, to the point of beginning.

-1-

442272

5-2

That portion of Lot 7, that portion north and east of the Portneuf River. SW $\frac{1}{4}$ of Section 8 lying south and west of Batiste Road; that portion of the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 8, lying south and west of Batiste Road; that portion of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8 lying south and west of Batiste Road; that portion of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, lying north and east of the Oregon Short Line Railroad right of way, excepting those portions granted to Bannock County or the State of Idaho for highway purposes, and to the Oregon Short Line Railroad; that portion of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17 lying west of Batiste Road and north and east of the Oregon Short Line Railroad right of way, excepting those portions granted to Bannock County and the State of Idaho for highway purposes and to the Oregon Short Line Railroad; all of the above described property lying and being in Township 6 South, Range 34. East of the Boise Meridian.

POWER COUNTY:

That portion of Lot 7, EXCEPT Tax No. 7 and Tax No. 4, in Section 7, Township 6 South, Range 34 East, Boise Meridian, all being in Power County, Idaho; and

The N $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 18, Township 6 South, Range 34 East, Boise Meridian, all being in Power County, Idaho.

Particular descriptions of Tax No. 7 and Tax No. 4, above mentioned, are as follows:

TAX NO. 7:

Beginning at the SE corner, Sec. 7, T. 6 S., R. 34 E., B.M., running thence N. 19°15' W. 692.51 feet to the North boundary of U.S. Highway 30 N. right of way; thence N. 63°32' W. 1261.97 feet to a true point of beginning on the North boundary of the U.S. Highway 30 N. right of way; thence N. 16°41' E. 408.93 feet; thence N. 47°55'30" W. 390.65 feet; thence S. 0°10'30" W. 586.37 feet to a point on the North boundary of U.S. Highway 30 N. right of way; thence along the said right of way 186.94 feet, more or less, to the true point of beginning, containing 2.90 acres, more or less.

TAX NO. 4:

Beginning at the Southwest corner of Lot 7, Section 7, Township 6 South, Range 34 East, Boise Meridian; thence North along the West line of the said Lot 7 a distance of 2.0 feet, more or less, to the Northerly right of way line of the Old Oregon Trail Highway; thence following the said right of way line in a Southeasterly direction on a curve to the right 190.3 feet to the point of beginning of the following described tract of land; thence North 16°27' E. 407.0 feet; thence S. 38°23' E. 325.4 feet; thence S. 16°27' W. 249.0 feet, more or less to the said right of way line; thence along the said right of way line in a Northwesterly direction on a curve to the left 267.8 feet, more or less, to the point of beginning. Being a part of Lots 7 and 10 of Section 7, T. 6 S., R. 34 E.B.M. and containing 2.0 acres, more or less.

Beginning at the Northeast corner of Lot 10, Section 7,

442272

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T. 6 S., R. 34 E.B.M., thence south along the east line of the said Section 7, 640.0 feet, more or less, to the northerly right of way line of the Old Oregon Trail Highway; thence along the said right of way line in a northwesterly direction on a curve to the left, to the northwest corner of the said Lot 10; thence East along the north line of the said Lot 10, 1320.0 feet, more or less, to the point of beginning.

The above described tract of land is all of that part of Lot 10, Section 7, T. 6 S., R. 34 E., B.M., lying northerly from the northerly right of way line of the Old Oregon Trail Highway and contains 9.0 acres, more or less, SAVE AND EXCEPT the following described tracts, to wit:

TAX NO. 4 and TAX NO. 7 as described above.

TAX NO. 6:

Beginning at the SE corner, Sec. 7, T. 34 E.B.M., running thence N. 1°15' W. 692.51 feet to the North boundary of U.S. Highway 30 N. right of way; thence N. 60°25' W. 532.36 feet to a true point of beginning on the north boundary of U.S. Highway 30 N right of way thence N. 28°33' E., 270 ft., thence N. 67°09'30" W., 514.55 ft. thence S. 16°19'30" W. 251.09 ft., to a point of the north boundary of U.S. Highway 30 N right of way, thence along said right of way, 459.91 ft., more or less, to the true point of beginning, containing 2.86 acres, more or less.

TAX NO. 13:

Commencing at the SE corner, Section 7, Twp. 6 S., R. 34 E.B.M., thence N. 1°15' W. 692.51 feet to the north boundary of the Old Oregon Trail right of way, thence N. 59°47' W. 332.41 feet to the real point of beginning on the N. boundary of said highway right of way, thence N. 28°32' E. a distance of 210 feet, more or less to a point, thence Northwest along a curve left of 5830.30 feet radius 78 feet distance northeasterly from and parallel to the center line of the Old Oregon Trail FI 1024 (1) highway survey, a distance of 200 feet, more or less, to a point, thence S. 28°33' W. a distance of 190 feet, more or less, to a point on said present northerly right of way line of the Old Oregon Trail Highway, thence Southeasterly along the said present northerly right of way line a distance of 200 feet, more or less, to the point of beginning and containing .92 acres, more or less.

TAX NO. 14:

Beginning at the SE Corner, Sec. 7, Twp. 6 S., R. 34 E.B.M. running thence N. 1°15' W. 692.51 feet, to the north boundary of U.S. Highway 30 N. right of way, thence N. 59°47' W. 332.41 feet to a true point of beginning on the north boundary of U.S. Highway 30 N. right of way, thence N. 28°32' E. 270 feet, thence N. 61°28' W. 200 feet, thence S. 28°32' W. 270 feet, to a point on the north boundary of U.S. Highway Right of Way, thence along the said right of way, 200 feet, more or less, to the point of beginning, containing 1.24 acres, more or less, SAVE AND EXCEPT Tax # 13.

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Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to its heirs and assigns forever and the said parties of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns against the said parties of the first part, and their heirs and assigns and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Theodore A. Swanson
Theodore A. Swanson

Minnie Swanson
Minnie Swanson

Ray V. Swanson
Ray V. Swanson

Lottie E. Swanson
Lottie E. Swanson

Ronald E. Wood
Ronald E. Wood

Alice S. Wood
Alice S. Wood

Effie Trugate
Effie Trugate

Grace Garrett
Grace Garrett

Delbert Anderson
Delbert Anderson

Clara Anderson
Clara Anderson

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STATE OF IDAHO

County of Bannock

On the 1st day of October, in the year 1960,

before me, Louis F. Racine, Jr., a Notary Public in and for said County and State, personally appeared THEODORE A. SWANSON and MINNIE SWANSON, husband and wife, RAY V. SWANSON and LOTTIE E. SWANSON, husband and wife, RONALD E. WOOD and ALICE S. WOOD, husband and wife, EFFIE FUGATE, a widow, GRACE GARRETT, a widow, DELBERT ANDERSON and CLARA ANDERSON, 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.

Louis F. Racine, Jr.
Louis F. Racine, Jr.
Notary Public for Idaho
Residing at: Pocatello, Idaho

(Seal)

NOTARY SEAL

INDEXED

INDEXED

TIMED

91033

Instrument No.

State of Idaho, ss. I hereby certify that this instrument was filed for record at the cost of

J.R. Simplot Co.
Filed at 25 minutes past 2 o'clock P. M., this 28th day of July, 1967, and recorded in book 1067 at 1033 #91033
Robert H. Hall
Recorder
Mary Tarwell
Deputy

No. 442272

RECORDED AT REQUEST OF

J.R. SIMPLOT COMPANY
P.O. BOX 2777-- BOISE, IDAHO 83701

AUG 28 9 39 AM '67

OFFICIAL NOTICE BY NO. 215
BANNOCK COUNTY, IDAHO
EMMETTE SWANSON, RECORDER
FEE \$6.00

Received Time Sep. 15. 3:55PM

ATTACHMENT T 72288 7 OF 7