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DEPARTMENT OF WATER RESOURCES

For Office Use Only

\$25 filing fee

Receipt #

Date

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**ASSIGNMENT OF PERMIT**

To change the ownership of a permit

I, J. R. Simplot Company, hereby assign to the City of Burley  
of, 1400 Overland Avenue, Burley, ID 83318 208-878-2224  
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 1-7082 to  
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for  
Permit No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.  
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre  
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 21<sup>st</sup> day of September, 20 04

J. R. SIMPLOT COMPANY

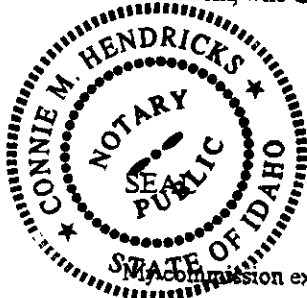
By: \_\_\_\_\_

Permit Holder(s)

State of Idaho )

County of Ada )ss

On this 21<sup>st</sup> day of September, 20 04, personally appeared before me the signer(s) of the above  
instrument, who duly acknowledged to me that he (she) (they) executed the same.



Notary Public residing at Burley

My commission expires: 8/22/08

297261

RECORDED AT THE REQUEST OF  
LAND TITLE & ESCROW

2004 JUL 30 PM 2 53

384  
FEE REC DEPUTY 46

CASSIA COUNTY, IDAHO  
LARRY A. MICKELSEN  
RECORDER

### DONATION BARGAIN AND SALE DEED

GRANTOR, **J.R. SIMPLOT COMPANY, a Nevada corporation**, as the donor herein whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell, convey and donate unto **THE CITY OF BURLEY, IDAHO, a municipal corporation**, whose principal address is 1401 Overland Avenue, Burley, ID 83318, as the GRANTEE and donee hereunder, and to Grantee's successors and assigns forever, all of the following described real estate located in Cassia County, State of Idaho:

See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all improvements, easements, hereditaments and non-water right related appurtenances thereto, expressly without warranty and on an "AS-IS" basis, and together with all water and water rights appurtenant to the property described on Exhibit A, expressly without warranty and on an "AS-IS" basis, which water rights are described on Exhibit B attached hereto, and SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Furthermore, Grantee, its successors, assigns, lessees and all others claiming by or through Grantee, shall be absolutely restricted and prohibited from using all or any portion of the land described on Exhibit A, and any and all improvements located thereon, for potato processing or vegetable processing purposes for a period of 20 years after the date this deed is recorded in the official real property records of Cassia County, State of Idaho, after which time this restrictive covenant shall automatically expire. It is expressly understood and agreed that the restrictive covenant contained in this deed shall attach to and run with the land and it shall be lawful for Grantor, its successors and assigns, to institute and prosecute any proceedings at law or in equity against the Grantee or such other person or persons violating or threatening to violate the restrictive covenant contained in this instrument by any action that Grantor may deem appropriate, at its sole option.

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, Grantor has hereunto caused this deed to be executed in its corporate name this 28<sup>th</sup> day of July, 2004.

**J.R. SIMPLOT COMPANY**

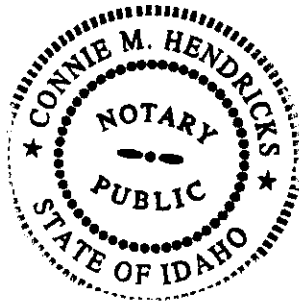
By [Signature]  
Lawrence S. Hlobik, President & CEO

ATTEST:

By [Signature]  
Terry A. Uhling, Secretary

STATE OF IDAHO       )  
                                  ) ss.  
County of ADA        )

On this 26<sup>th</sup> day of July, 2004, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Terry T. Uhling, known to me to be the President & CEO and Secretary, respectively of J.R. Simplot Company, the corporation that executed the within instrument, and acknowledged to me that said 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.



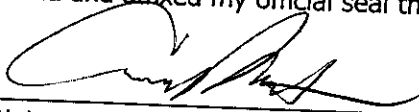
  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires: 8/22/08

EXHIBIT A

PARCEL NO. 1

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 21:

That part of Lot 2; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , lying North of the right-of-way of the Oregon Short Line Railroad, which land is more accurately described as follows:

Beginning at a point 1320 feet East of the Northwest corner of said  
Section 21;

Thence South 1301 feet;

Thence North 73°53' East for 1366 feet;

Thence North 50 feet;

Thence North 73°53' East for 650 feet;

Thence on a 2° curve to the left for 1320 feet;

Thence West 3050 feet to the Place of Beginning.

PARCEL NO. 2

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 16:

Lots 1 and 2 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

## Exhibit B

The following water rights and claims to water rights made in the Snake River Basin Adjudication are hereby conveyed to Grantee:

**Table 1**

| State of Idaho Department of Water Resources Water Right Numbers and Snake River Basin Adjudication Claim Numbers |   |
|-------------------------------------------------------------------------------------------------------------------|---|
| 45-2179                                                                                                           |   |
| 45-2719                                                                                                           |   |
| 45-11847                                                                                                          |   |
| 1-4058                                                                                                            |   |
| 1-10101                                                                                                           |   |
| 1-7082                                                                                                            | ✓ |