

RECEIVED

JUL 28 2003

DEPARTMENT OF WATER RESOURCES

Form 42-1761
01/03

Water Supply Bank No. _____

Water Right No. _____

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 ³ Phone 208-336-2110

Post office address PO Box 27, Boise, ID 83707

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)
- b. License No. 2-7040 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: 2.24 cubic feet per second &/or
560 acre-feet per annum
- b. Point of diversion: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 5S Range
4E, B.M. in Elmore County.
Additional points _____

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	21	18	39	10		33			12									112

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 112

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 a 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 November 16, 1979 as instrument no. 191779 and
copy of the Certificate of Ownership and Merger Including Articles of Merger
Merging Simplot Industries, Inc. into J. R. Simplot Company

- 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).

Water was not used to irrigate the portion of the water right to be placed
into the Bank during the 2002 and 2003 irrigation seasons. Water was used
continuously to irrigate the entire claimed place of use during each prior
irrigation season.

- 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.

Water is available throughout the entire licensed season of use.

- d. Describe any other water 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 portion offered for lease will not be irrigated during the 2003 irrigation season.

- e. If the water 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:

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 July 28, 2003 to December 31, 2003
(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.

July 25, 2003
Date

J. R. Simplot Company
By: Ronald N. Graves
Signature Ronald N. Graves, Senior Vice President,
Secretary and Chief Legal Officer

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

THIS INDENTURE, Made this 8th day of August

in the year of our Lord one thousand nine hundred and Seventy-two, between
Frank N. Rawlings and Virginia D. Rawlings, Husband and Wife,
of Nampa, County of Canyon, State of Idaho,
the parties of the first part, and Simplot Industries, Inc., a Utah
corporation qualified to do business in Idaho, with its
principal place of business in Idaho at
Boise, County of Ada, State of Idaho,
the party of the second part.

WITNESSETH, That the said parties 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 them in hand paid by the said
party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party
of the second part, and to its Successors heirs and assigns forever, all of the following described real estate,
situated in, County of Elmore, State of Idaho, to-wit:

Township 5 South, Range 4 East, Boise Meridian:

Section 17: $W\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}$,
 $SE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}$

Section 18: $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$

Section 20: $NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$

Section 21: $W\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$

Together with an Easement dated July 28, 1965, and recorded as
Instrument No. 125733, records of Elmore County, Idaho, across
Government lands for canal, pond and pipeline Right-of-Way from
a pumping station located on C. J. Strike Reservoir in the
 $SW\frac{1}{4}SW\frac{1}{4}$ of Section 22, Township 5 South, Range 4 East, Boise
Meridian, to the subject property.

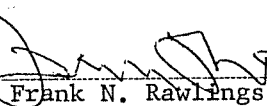
TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law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

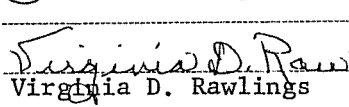
TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with
the appurtenances unto the party of the second part, and to its Successors heirs and assigns forever.

And the parties of the first part, and their heirs, shall and will warrant and by these presents
forever defend the premises in the quiet and peaceable possession of the party of the second part, its
Successors heirs and assigns, against the parties of the first part, and their heirs, and against all and every
person and persons whomsoever, lawfully claiming 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.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

 [Seal]
Frank N. Rawlings

 [Seal]
Virginia D. Rawlings

STATE OF IDAHO

County of Ada

ss.

On this 8th day of August

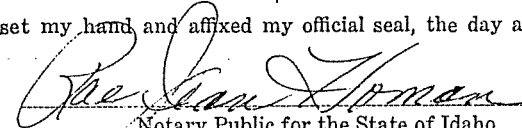
in the year 19 72 , before me

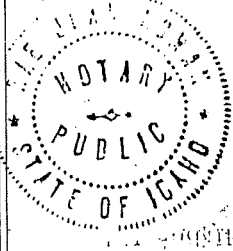
the undersigned, a Notary Public

in and for said State, personally appeared Frank N. Rawlings and Virginia D. Rawlings, 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.


Notary Public for the State of Idaho,
Residing at Boise, Idaho



No. 191779

WARRANTY DEED

-TO-

Dated _____, 19____

STATE OF IDAHO

County of Elmore

ss.

I hereby certify that this instrument was filed

for record at request of Ronald H. Rawls

at 59 minutes past 3

o'clock P. M., this 16th day

of November, A. D. 19 79

in my office, and duly recorded in Book

of _____ at page _____

RAMONA YRAZABAL

Ex-Officio Recorder.

By Mary Murray Deputy.

Fees, \$ 4.00

Mail to P. O. Box 27

Boise, Idaho 83707

SYMS-YORK COMPANY, BOISE

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 determined 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 business 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 of 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.

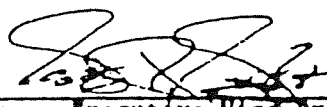
FIFTH: The undersigned corporation hereby (a) agrees that it may be served with process in the State of Utah in any proceeding for the enforcement of the rights of a dissenting shareholder of the above-mentioned subsidiary corporation against the surviving corporation; (b) irrevocably appoints the Secretary 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.

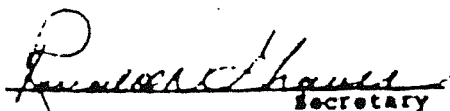
IN WITNESS WHEREOF, said J. R. SIMPLOT COMPANY has caused its corporate seal to be affixed and this certificate to be signed by Scott R. Simplot, its Executive Vice President and Ronald M. Graves, its Secretary this 15th day of February, 1985.

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, 1983, 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

SIMPLOT INDUSTRIES, INC.
(A UTAH CORPORATION)

INTO

J. R. SIMPLOT COMPANY
(A NEVADA CORPORATION)

FILED AT THE REQUEST OF:

J. R. SIMPLOT 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2004

JR SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

**RE: TERMINATION OF LEASE TO THE WATER SUPPLY BANK – WATER
RIGHT NO(S). 2-2220, 2-2222, & 2-7040**

Dear Sir or Madam:

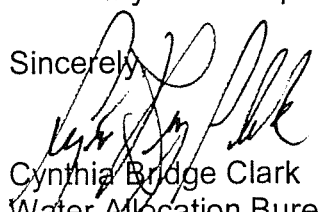
Department records show that the above referenced water right(s) has been leased through December 31, 2003 to the Water Supply Bank ("bank") operated by the Idaho Water Resource Board. This letter is notice that the right will be considered released from the bank unless you advise me, in writing, within fourteen (14) days of the date of this letter that you want to extend the period of the lease.

If you would like the right(s) to remain leased to the bank, please specify the date to which you want the lease extended. You may also request the right(s) remain leased to the bank for an "indefinite" period. In this case, the right(s) will remain in the bank indefinitely unless released earlier by the Board or until the water right owner or lease applicant contacts the department in writing to request the release of the right(s) from the bank.

Please consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank. If a written request is not received within fourteen (14) days, the right(s) will be considered released from the bank as of December 31, 2003.

If you have questions, feel free to contact me directly at (208) 327-7898.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR - Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 1, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JR SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

**RE: APPLICATION TO LEASE WATER RIGHT NOS. 2-2220, 2-2222, 2-7040, AND
61-7067 TO THE WATER SUPPLY BANK**

Dear Lessor:

The department has completed its review of the Applications to Sell or Lease Water Right(s) to the Water Supply Bank ("bank") that you submitted to this office. Please consider that the offered water right(s) are accepted into the bank.

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented 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. The portion of water right no. 2-7040 appurtenant to the lands leased to the bank under right no. 2-2220 may not be used during the term of the lease.
4. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

If you have questions, please feel free to contact me.

Sincerely,

Cynthia Bridge Clark
Water Allocation Bureau

CORPORATE HEADQUARTERS

July 25, 2003

L. Glen Saxton
Chief, Water Allocation Bureau
State of Idaho
Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

RECEIVED

JUL 28 2003

Department of Water Resources

**Re: Applications to Lease Portions of Water Right Nos. 2-2220, 2-2222, 2-7040 and
all of 61-7067 to the Water Supply Bank.**

Dear Mr. Saxton:

The following is brief summary relating to each of the enclosed applications:

Water Right 2-2220: This water right was licensed to allow 268 acres to be irrigated with water diverted from the Snake River. The enclosed application seeks to lease 72 acres of the licensed place of use to the Water Supply Bank. We are using the balance of this water right during the 2003 irrigation season.

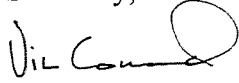
Water Right 2-2222: This water right was licensed to allow 305 acres to be irrigated with water diverted from the Snake River. During the 2003 irrigation season, and pursuant to the 2003 drought designation for Owyhee County, 80 acres of this right were changed under temporary change no. TC-2-03 to replace the water diverted under water right no. 2-10016. I will soon file a second temporary change under this same water right to move another 10 acres to replace water diverted under 2-7399. Water rights 2-10016 and 2-7399 may be curtailed due to the flows of the Snake River dropping below the Swan Falls minimum levels. The enclosed application seeks to lease 28 acres under this water right to the Water Supply Bank. We are using the balance of this right during the 2003 irrigation season.

Water Right 2-7040: This water right was licensed to allow 157 acres to be irrigated with water diverted from the Snake River. The place of use claimed in the Snake River Basin Adjudication for this water right includes an accomplished transfer slightly changing the licensed place of use without enlarging the number of acres irrigated under this right. The enclosed application seeks to lease 112 acres out of the 157 acres claimed/licensed to the Water Supply Bank. We are using the balance of this right during the 2003 irrigation season:

Water Right no. 61-7067: The enclosed application seeks to lease all of this right to the Water Supply Bank.

Please contact me should you have any questions about the enclosed applications. My phone number is 208-389-7359.

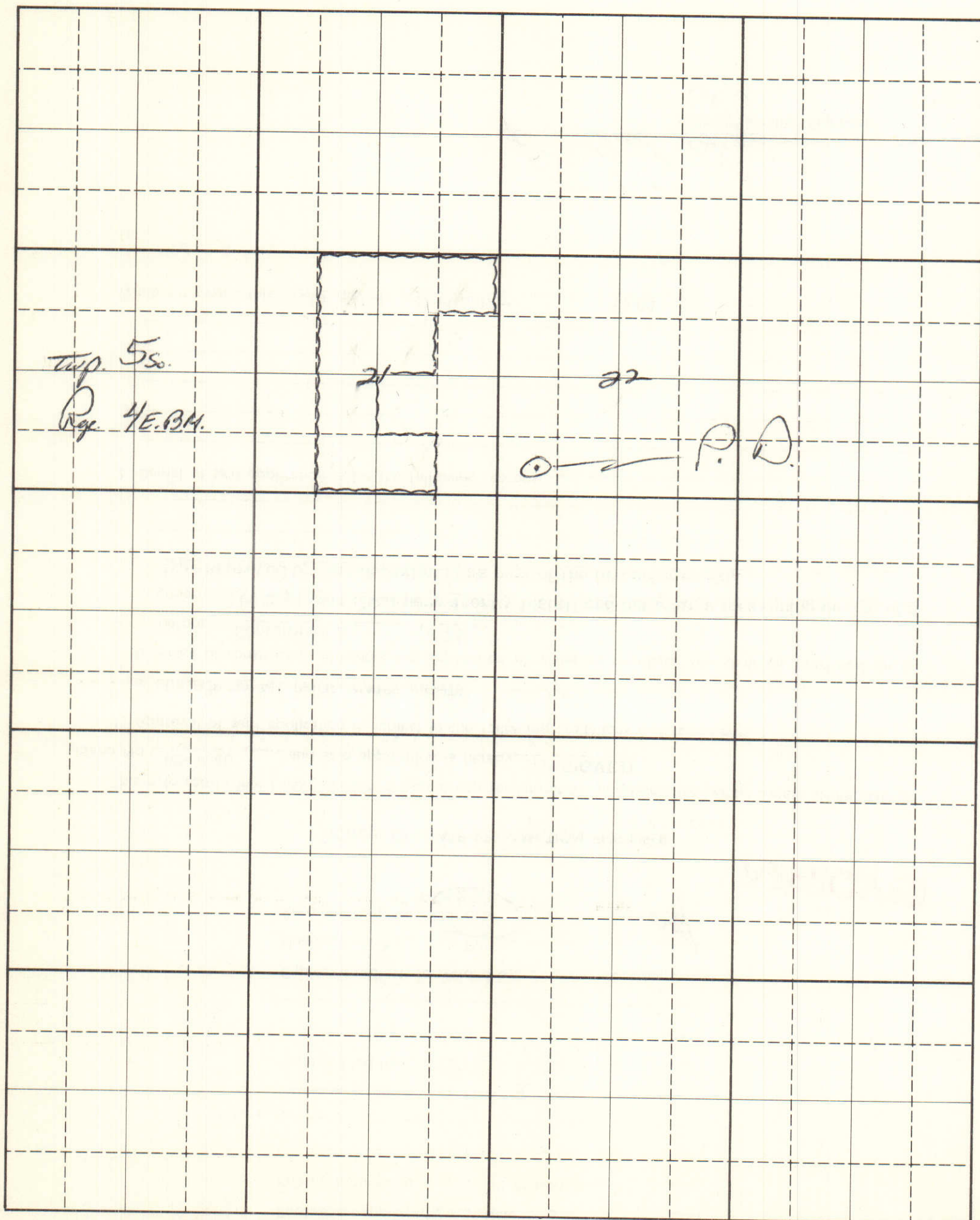
Sincerely,

A handwritten signature in black ink, appearing to read "Vic Conrad". The signature is fluid and cursive, with a large loop at the end of the last name.

Vic Conrad
Land and Development

Enclosures

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert M. Rawlins
(Applicant)
For
Virginia D. Rawlins

02-7040

RECEIVED

AUG 11 1969

Department of Reclamation

Affidavit of Publication

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Virginia D. Rawlings, Route 4, Mangum Heights, Nampa, Idaho has on July 8, 1969 applied for permit under application No. 02-7040 to divert 5.34 cubic feet per second of water from Snake River tributary of the Columbia River. Water will be diverted by pumps, motors and pipe within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 5 S, R. 4 E, B.M., Elmore County and is to be used from March 15 to November 10 for irrigation in the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 5 S, R. 4 E, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
First publication July 17, 1969.
Last publication July 24, 1969.

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 17 day
of July, 1969, and
the last publication having been made on the
24 day of July,
1969.; every Thursday issue of the paper
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 24
day of July, 1969

Quinn M. Waters
Notary Public

Bill submitted
8-15-69
ds

02-7040

Rge - 4E

124

T
5
S

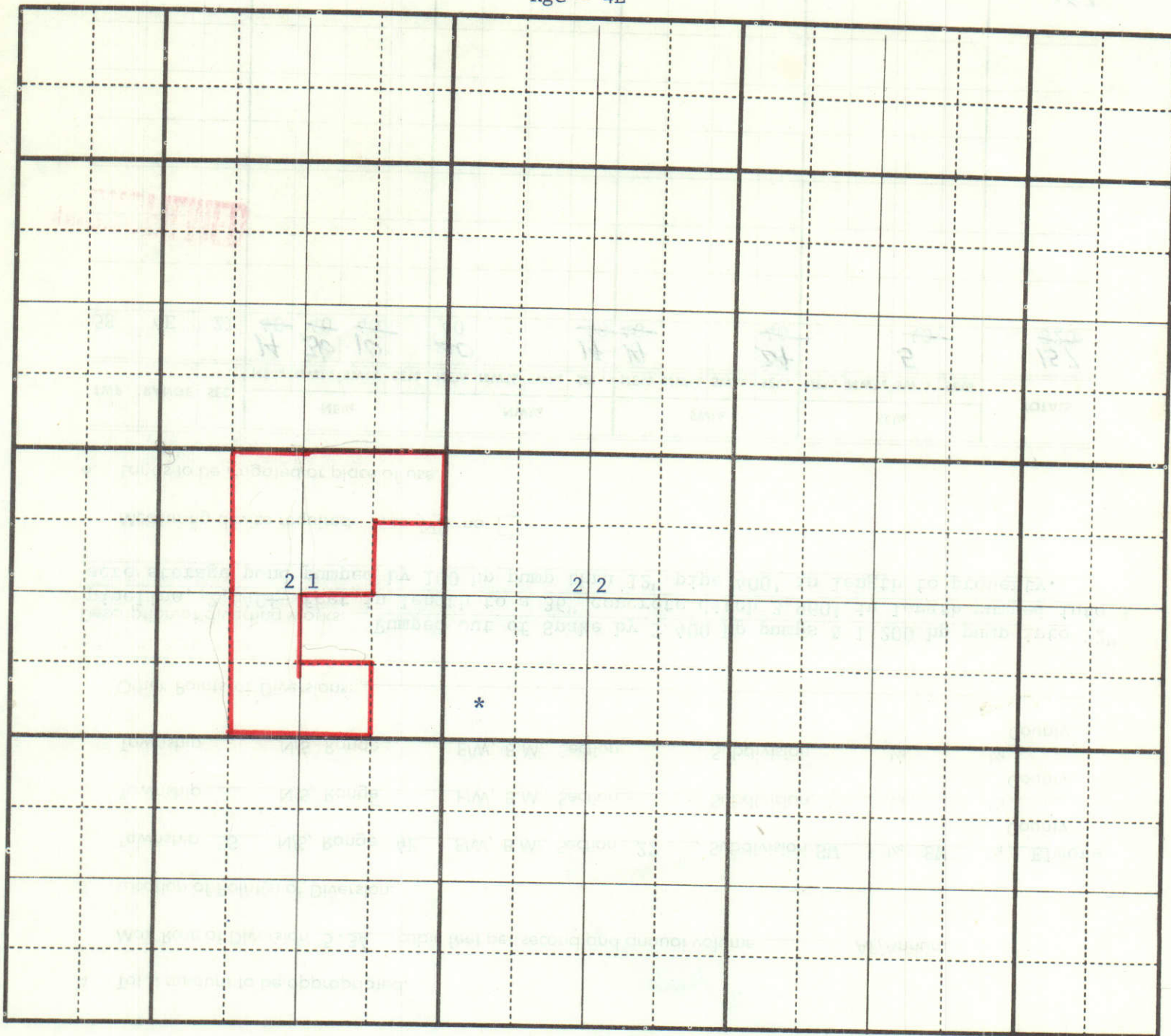


Diagram of System

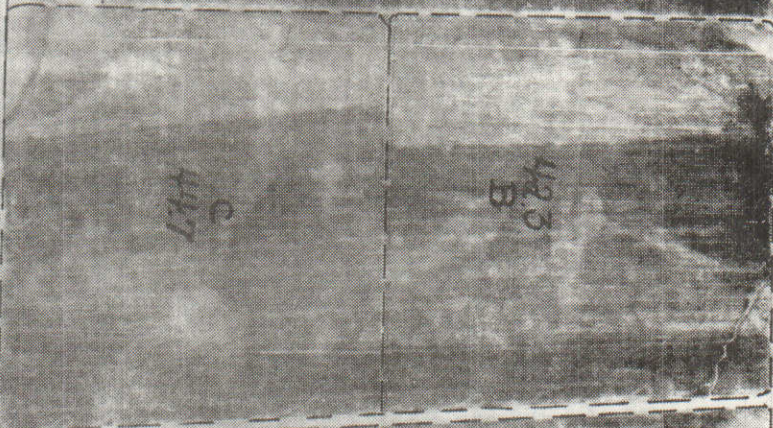
SEE 7K-39

17
20
16
21



627

x0



423
B

447
C

36 acres



B-373

88.2
A

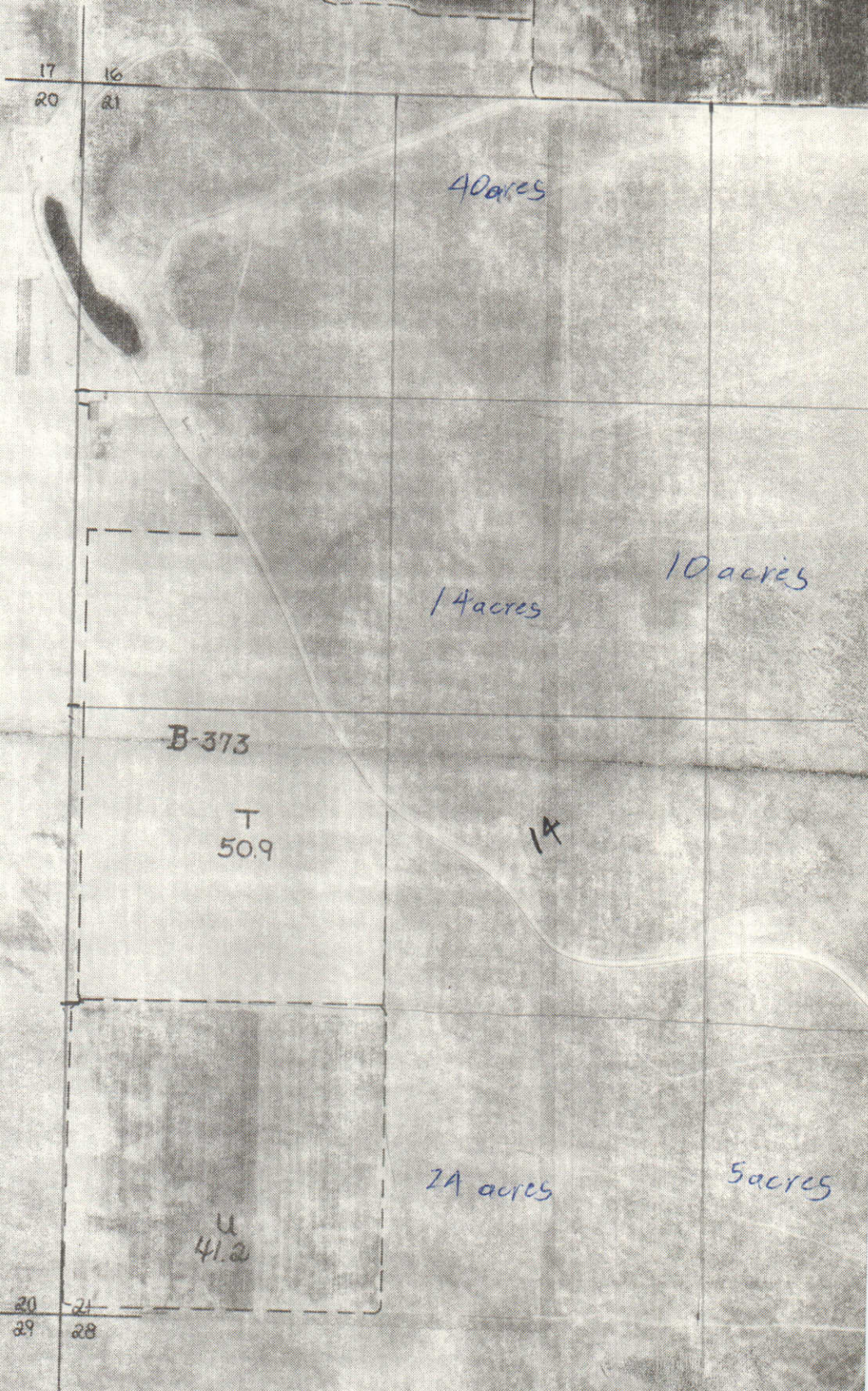
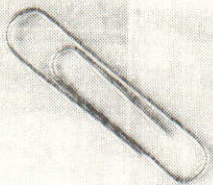
16
21
15
22

14 acres

177

UNRECORDED

SEE 7KK-39



40 acres

14 acres

10 acres

B-373

T
50.9

14

24 acres

5 acres

U
41.2

20 21
29 28

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7040 Priority July 27, 1969 Amount 3.14 cfs
(late proof)

THIS IS TO CERTIFY, that SIMPLIT INDUSTRIES, INC.
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 02-7040 issued pursuant to Application for Permit dated July 8, 1969,
and has submitted proof to the Department of Water Resources on September 20, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 33.4 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 10</u> at <u>3.14</u> cfs and <u>785</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 3.14 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
785 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 5S,
Rge. 4E, B.M. in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	4E	21	14	6	10	40			14	14			20	8	157

Total number of acres irrigated 157

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
December, 19 79.

Director

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

FRANK N. RAWLINGS and VIRGINIA D. RAWLINGS hereby assign to SIMPLOT INDUSTRIES, INC., of P.O. BOX 2777, Boise, Idaho, all of their right, title, and interest, in and to Permit No. 02-7040 to appropriate the public waters of the State of Idaho.

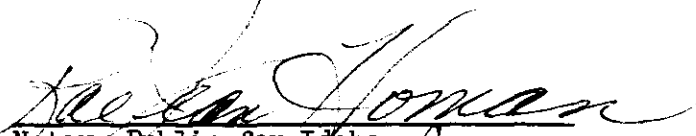
Made this 8th day of August, 1972.


FRANK N. RAWLINGS


VIRGINIA D. RAWLINGS

STATE OF IDAHO)
County of Ada)ss.

On this 8th day of August, 1972, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.


Notary Public for Idaho
Residing at: Boise, Idaho

My Commission Expires 11-14-73

NOTARIZED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 02-7040)
in the name of VIRGINIA D. RAWLINGS)
_____)

ORDER OF REINSTATEMENT

WHEREAS, on July 8, 1969, Virginia D. Rawlings applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 5.34 cubic feet per second of water from the Snake River, tributary to the Columbia River, from a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. ²²21, Twp. 5S, Rge. 4E, B.M., Elmore County, to be used for irrigation purposes; and,

WHEREAS, on September 12, 1969, the Department approved said application and issued Permit No. 02-7040 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before September 1, 1974; and,

WHEREAS, on July 1, 1974, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on September 4, 1974, the Department notified the permit holder that Permit No. 02-7040 had lapsed for failure to submit the required proof; and,

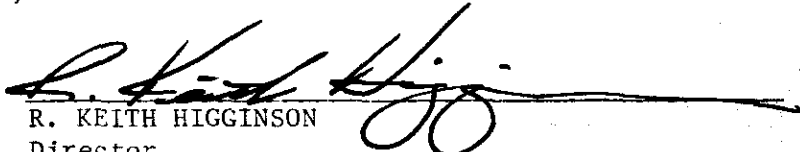
WHEREAS, on September 20, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 02-7040 be REINSTATED and the priority advanced to July 27, 1969.

Dated this 25 day of September, 1974.


R. KEITH HIGGINSON
Director

JG

MICROFILMED

Receipt # 8294
Department of Water Administration

AMENDMENT
APPROVED

Permit No. 02-7040

Comes now VIRGINIA D. RAWLINGS of (address) _____

Route #4 Mangum Heights Nampa, Idaho, and represents to the State Reclamation
Engineer of the State of Idaho:

No. 02-7040, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 5 S, R. 4 E, B.M. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

2750

R 4 E

[illegible]

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

(signature)

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho,

hereby APPROVE application for amendment for Permit No. 02-7040.

Witness my hand this 18th day of April, 19 72 /

State Reclamation Engineer

2 7740



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Idaho Land Office
Boise, Idaho

IN REPLY REFER TO:

L:VSS
I-1229

NOTICE OF ALLOWANCE

Virginia D. Rawlings
Route #4
Mangum Heights
Nampa, Idaho 83651

Department of Reclamation

Serial No. I-1229

320 Acres

T. 5 S., R. 4 E., Boise Mer., Idaho
Sec. 21: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ W $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Your desert land application for the above described land has this day been approved and allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. The acceptability of final proof is contingent upon development and reclamation of the land in accordance with your plan of development which is on file in the Boise Land Office. Any substantial change in source of water or deviation in the construction of the irrigating facilities must have the approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 267 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914, which will require the reservation of all oil and gas deposits to the United States.

Subject to Rights-of-Way Idaho 015485 and I-999 issued to Frank N. Rawlings for irrigation ditch and pipelines. Subject to Right-of-Way Idaho 016362 issued to Idaho Power Company for a powerline. Subject to the right of the United States or its permittees or licensees to enter upon, occupy and use any or all of such lands for transmission line purposes and access road under Sec. 24 of the Federal Power Act for Power Project No. 2055.

IN WITNESS WHEREOF, I have hereunto set
my hand and seal this 23rd day
of September, 19 69

State Dept of Reclamation

/S/ ORVAL G. HADLEY

MANAGER, LAND OFFICE

ILO-2226-20
12-68

02-7040

Identification No. 02-7040
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho **APPROVED**
(TYPE OR PRINT IN INK)

1. Name of applicant Virginia D. Rawlings
post office address Route 4, Mangum Heights, Nampa, Idaho 83651
2. Source of water supply SNAKE RIVER which is a tributary of Columbia
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 5 S
Range 4 E B.M. Elmore County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 5.34 for irrigation purpose from March 15 to November 10 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.34 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pumps, motors and pipe

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 50,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

02-7040
jms

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 S	4 E	21	40	40	40		40			40	40			40			40		320

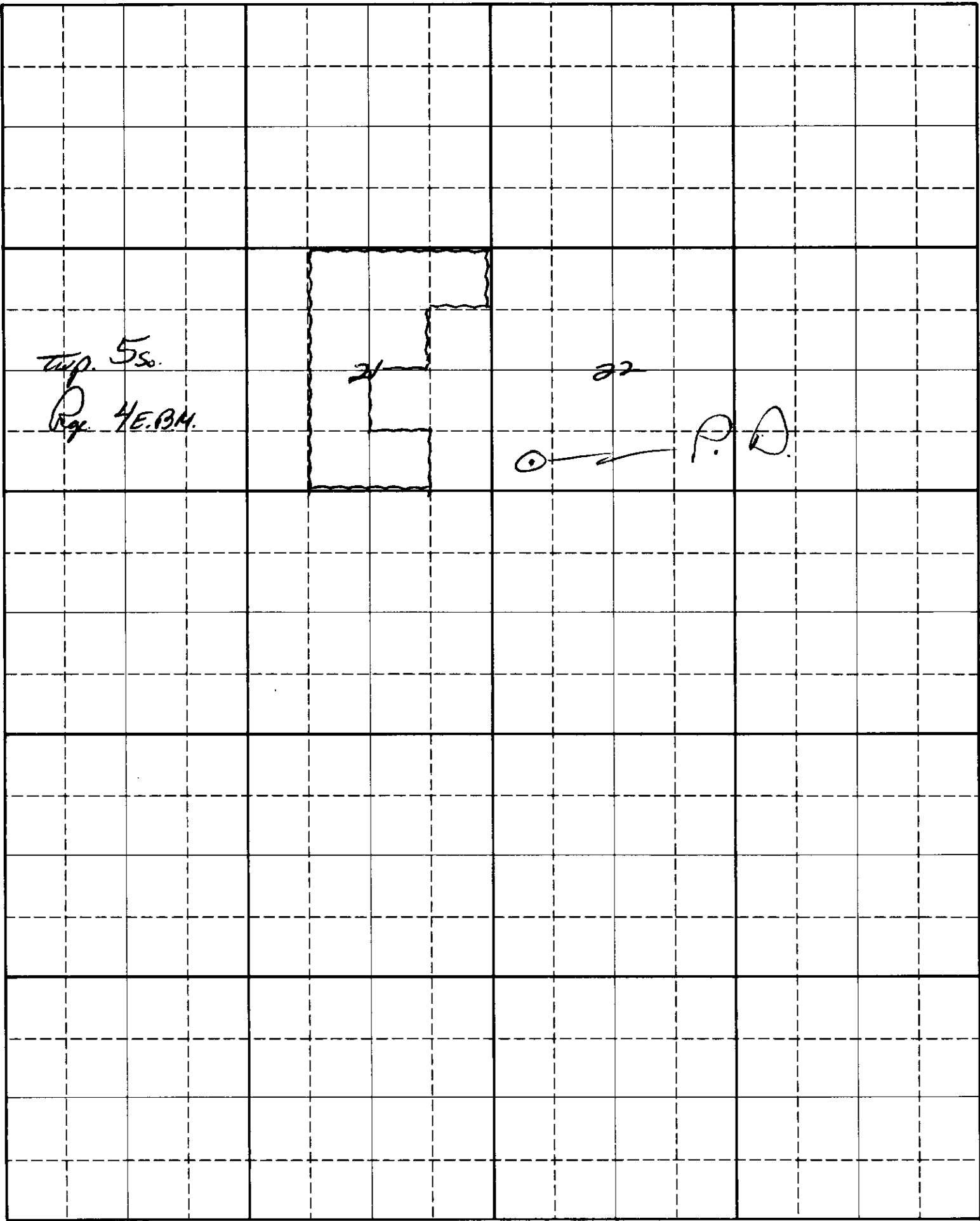
Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes None

9. a. Who owns the property at the point of diversion Bureau of Land Management
- b. Who owns the land to be irrigated or place of use Bureau of Land Management
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing DE I-1229

10. Remarks

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Phoebe M. Rawlins
(Applicant)
For
Virginia D. Rawlins

02-7040

Received by Duke Date July 8-69 Time 4:15 P.M.
Preliminary check by Duke Fee \$ 45.00 plus \$1.00 BL copy
Received by ej Date 7-8-69 per # 3272 given
Publication prepared by tg Date 7-10-69
Published in Idaho Home News
Publication dates 7-17-24-69
Publication approved du Date 7-16-69
Priority reduced to _____ Reason _____

Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Duke

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7040, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 74.
- c. Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 12th day of September 19 69.

R. Keith Hiji
State Reclamation Engineer

RECEIVED

JUL 15 1969

Department of Reclamation

Affidavit of Publication

NOTICE OF APPLICATION FOR WATER

WHEREAS a certain State and Vir-
gina S. Thompson, State of Mon-
tana, having been granted the right
on July 6, 1968, to divert water
from the Colorado River, to permit
divert 1.5 cfs and one second
of water from the Colorado River tri-
bute of the Colorado River. Water
will be diverted by pumps, motors
and pipe within the SW1/4, NW1/4,
Sec. 21, T. 5 S., R. 4 E., E. 1/2,
Elmore County and is to be used
from March 15 to November 10
for irrigation in the NW1/4, NE1/4,
SW1/4, NW1/4, Sec. 21, T. 5 S., R. 4 E.,
E. 1/2. Any protest against this ap-
plication must be filed with the
Department of Reclamation within
the days from the last date of this
notice.

First publication July 17, 1969.
Last publication July 24, 1969.

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters, do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 17 day
of July, 1969, and
the last publication having been made on the
24 day of July,
1969; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 24

day of July, 1969

Quinn M. Waters
Notary Public

File submitted
8-15-69
dz

02-7040



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

L:VSS
I-1229

Idaho Land Office
Room 334, Federal Building
550 West Fort Street
Boise, Idaho 83702

JUN 11 1969

Virginia D. Rawlings
Route 4, Mangum Heights
Nampa, Idaho 83651

Dear Mrs. Rawlings:

On April 11, 1969, the Boise District Manager issued an "Initial Decision" approving your desert land petition I-1229.

According to your plan of development, water for irrigation is to be obtained from the Snake River. You must submit evidence of your right to appropriate and use the water. The evidence should consist of a copy of a State water permit approved by the State Reclamation Engineer. Attached is an extra copy of this letter. The copy should be submitted to the State Department of Reclamation at the time you apply for a permit. Unless they have knowledge that the land of the desert land application has been classified as suitable for entry, they may decline to issue the water permit. You should make arrangements with the State Reclamation Engineer to have a copy of the permit sent to this office.

We would appreciate receiving a copy of the permit as soon as possible.

Sincerely yours,

[Signature] CURTIS R. TAYLOR

Curtis R. Taylor
Acting Manager, Land Office

Attachment

02-1040



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 25, 1985

RE: Water Rights in the name of "Simplot Industries, Inc."

J. R. Simplot Company
P.O. Box 27
Boise, ID 83707

Gentlemen:

Please be advised that we are in receipt of the Certificate of Ownership and Merger, merging Simplot Industries, Inc. into J. R. Simplot Company. We have corrected our water right records to show this merger on the below listed water rights.

01-4058	43-4194	65-11119	65-6638	29-7036	43-2575
01-7082	43-4196	65-11120	65-6639	33-7007	43-7056
33-2125	43-4197	65-11121	65-6640	33-7053	43-7068
35-4189	43-4198	65-11122	65-6641	33-7061	45-2746
36-4179	43-4201	65-11123	65-7376	35-8114	51-2160
36-4180	43-7145	65-11124	65-0786	36-7333	61-7067
36-4181	45-4167	65-11125	02-7040	37-0465	63-5273
36-4182	63-9335	65-2477	02-7396	37-0692	63-5274
36-8153	65-10426	65-6063	22-7423	43-2519	63-5286
36-8154	65-10428	65-6637	29-4088	43-2569	63-5297
02-0006	02-0015	02-0076	02-2053	02-2118	02-2139
02-2166	02-2220	02-2221	02-2222	02-2409	
33-2119	65-2805				

We have placed a copy of the merger in all of the files above. If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k

MICROFILMED

FILED
IN THE OFFICE OF THE
SECRETARY OF STATE OF THE
STATE OF NEVADA

CERTIFICATE OF OWNERSHIP AND MERGER
INCLUDING ARTICLES OF MERGER

RECEIVED

AUG 1 1985

Department of Water Resources

EB 27 1985

Merging

SHACHTMAN - SECRETARY OF STATE

SIMPLOT INDUSTRIES, INC.

02-7040

into

J. R. SIMPLOT COMPANY

(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>
Simplot 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

RECEIVED

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 of 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.

MICROFILMED

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.

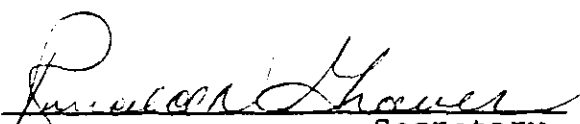
SIXTH: The mailing of Notice of said Plan and Agreement of Merger was waived by the shareholders of SIMPLOT INDUSTRIES, INC. on February 15, 1985.

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 N. Graves, its Secretary this 15th day of February, 1985.

J. R. SIMPLOT COMPANY

By 
Its Executive Vice President

ATTEST:


Secretary

MICROFILMED

STATE OF IDAHO)
) ss
County of Ada)

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

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

January 4, 1980

Simplot Industries, Inc.
Ronald N. Graves, Corporate Counsel
One Capital Center, P.O. Box 27
Boise, ID 83707

Gentlemen:

RE: Permit No. 92-7040

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

December 5, 1979

Re: Permit No. 02-7040

Simplot Industries, Inc.
Ronald N. Graves, Corporate Counsel
One Capital Center
P.O. Box 27
Boise, ID 83707

Dear Mr. Graves:

We acknowledge receipt of the assignment submitted conveying the above referenced permit to Simplot Industries, Inc.. The assignment has been recorded and the Department's records changed accordingly.

A representative of this Department made an examination of the works covered by your Permit No. 02-7040 and found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 3.14 cfs Source: Snake River

The maximum quantity diverted shall not exceed 785 acre feet per year.

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 5S, Rge. 4E, B.M.

Beneficial use: Irrigation of 157 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 5S, Rge. 4E, B.M.

Priority date established: July 27, 1969 (late proof)

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

13

SIMPLOT INDUSTRIES, INC. / ONE CAPITAL CENTER / 999 MAIN STREET / SUITE 1300
P.O. BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432

RECEIVED

November 15, 1979

16 1979

Department of Water Resources

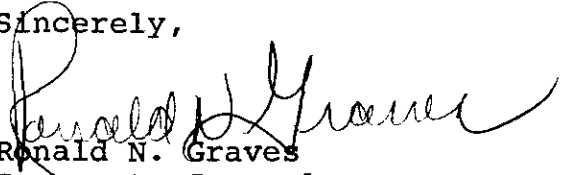
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Water Permit No. 02-7040

Gentlemen:

I am enclosing a fully executed copy of an assignment of the above referenced Permit from Frank N. Rawlings and Virginia D. Rawlings to Simplot Industries, Inc. At such time as the license is issued under this Permit, would you please issue it in the name of Simplot Industries, Inc.

Sincerely,


Ronald N. Graves
Corporate Counsel

RNG/vk

Enclosure

MICROFILMED

File No. 8C

FIELD REPORT

- 342-3521

- (name spring, stream, etc.)

- Permit No. 02-7040
- Examination for b/u

- 157
~~320~~

A 10x10 grid with a 3x3 subgrid highlighted in the bottom-left. The subgrid contains the numbers 2 1, 2 2, and * in its cells.

Diagram of System

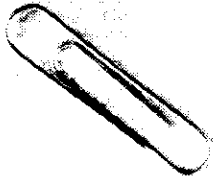
SEE 7KK-39

17
20
16

36 acres

1474
1474

SEE 7KK-39



17 16
20 21

40 acres

10 acres

14 acres

B-373

T
50.9

14

24 acres

5 acres

41.3

20 21
29 28

DATE OF EXAM 9/11/75

ACREAGE
Found 157
Recommended 157

Irrigation Requirement 5.0 Ac Ft/Ac

USE
Irrigation Q = 3.14 c.f.s. V = 785 AF/Ann. from 3/15 to 11/10
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 15 x 1000 cfs = 34.203 ^{cfs} Method of measurement in line meter
Mate-a-Flow
Total Q recommended 3.14 Meter No. 744771 Type _____ Condition operational
Total V recommended 785

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None None Simplot Industries Now owns Property

MEASUREMENT CALCULATION:
in line flow meter Mate-a-Flow # 744771 at 15,000 gpm
= 34.203

$$\frac{15,000 \text{ gpm}}{448.8} = 33.4 \text{ cfs}$$

SYSTEM DESCRIPTION:

- ① US Motor 400 HP ID# J520410, Floway pump Size 18 Serial# 73-849B-1
 - ② GE Motor 400 HP Model 5K6326XC161A Serial# CAT310007, Vertiline pump Model# 16KHHB Serial# 09073
 - ③ GE Motor 400 HP Model# 5K6326XC161A Serial# CAT310006, Vertiline pump Model# 16KHHB Serial# 09073
 - ④ GE Motor 200 HP Model# 5K627BXH24 Serial# AHJ119106, Peerless pump Serial# 226125
- REMARKS: 10" main line into cement ditch from ditch a centry motor 100 HP Serial# 6L, Berkley pump (Centrifugal) Model EXPB# Serial# 7381580 into 10" main line

Examiner's Signature 6h Sisco Date 10/29/75
Checked by 172 Date 10-30-75
Approved by _____ Date _____

September 30, 1974

Re: Permit No. 02-7040

Virginia D. Rawlings
Route #4, Magnum Heights
Nampa, ID 83651

Dear Ms. Rawlings:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement: please note that the priority has been advanced to July 27, 1969.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

cc: Ronald N. Graves
Enclosure

RECEIVED
OCT 1 1974

Identification No. _____

Permit No. 02-7040

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

SEP 10 1969
Department of Water Resources

1. a) Name of Permit Holder Virginia D. Rawlings
b) Post Office Address c/o Simplot Industries, Inc., P. O. Box 2777,
Boise, Idaho 83701
2. Permit Number 02-7040
3. Date of Priority that you are prepared to establish July 8, 1969
4. a) Source from which water was appropriated Snake River
b) Location of the point of diversion: SW 1/4 SW 1/4, Section 22
Township 5 South, Range 4 East Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 5.34 cfs for irrigation purposes from March 15 to Nov. 10 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 5.34 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: ASCS personnel computed rate of flow
in canal
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: works owned by Permittee but situated on B.L.M.
land under Right-of-Way Agreement
b) Describe the agreement or understanding by which you take water from the works: _____
B.L.M. right-of-way I-1229
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) water pumped out of Snake
River by three 400-horse power pumps and one 200-horse power pump
into 22-inch pipeline, 2,640+- feet in length to a 36" concrete
ditch 3,960 feet in length pumped into 3 acre storage pond pumped by
100 horse power pump through 12" pipe 400 feet in length to property.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
a Weir
c) Give well drillers name and address and date the well was completed _____
None

Exam typed 9/30/74 by js

MICROFILMED

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5 S	4 E	21	14	36	10		40			14	14			24			5		157

Total number of acres irrigated 157

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

9/18/74
(Date)

Virginia L. Franking
C. (Signature)

State of Idaho)
County of Ada) ss.

On this 18th day of September, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) ~~(they)~~ executed the same.

Kendy M. Kuhn
Notary Public residing at Boise, Idaho

My commission expires 9/15/76

SIMPLOT INDUSTRIES, INC.

805 IDAHO STREET
P. O. BOX 2777 - BOISE, IDAHO
83701

RECEIVED

SEP 20 1974

Department of Water Resources

September 20, 1974

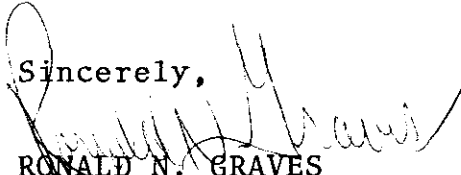
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

SUBJECT: WATER PERMIT NO. 02-7040
VIRGINIA D. RAWLINGS

Gentlemen:

Enclosed is a Proof of Application of Water to Beneficial Use which we are forwarding for filing in your office. We apologize for the delay in getting this back to you; however, due to extenuating circumstances, the information requested on the form was not furnished in time to file by September 1, 1974.

Sincerely,


RONALD N. GRAVES
Assistant General Counsel

RNG:vja

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 4, 1974

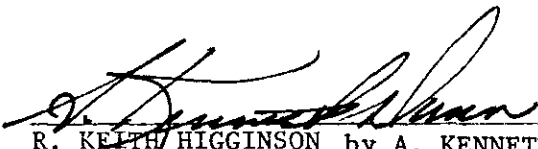
Re: Permit No. 02-7040

Virginia D. Rawlings
Route #4, Mangum Heights
Nampa, ID 83651

Dear Ms. Rawlings:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 02-7040 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON by A. KENNETH DUNN, Administrator
Director Operations Division

RKH:jg

WATER RESOURCE BOARD:

John F. Streiff
Chairman
Franklin Jones

George L. Yost
Vice-Chairman
M. Reed Hansen

Donald R. Kramer
Secretary
Scott W. Reed

Edwin C. Schlender
Member
Joseph H. Nettleton

02-7040

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

5

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

①

Virginia D. Rowland

INSURED NO.

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

③

7/2/74

02-7040

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark or Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moistern gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, ID 83707

02-7040

657
June 1977

July 1, 1974

CERTIFIED MAIL

#25478

Re: Permit No. 02-7040

Virginia D. Rawlings
Route #4, Mangum Heights
Nampa, Idaho 83651

Dear Ms. Rawlings:

One of the conditions of approval of your water Permit No. 02-7040 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before September 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. KEITH HIGGINSON
Director

Enc: Proof affidavit

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

April 18, 1972

Re: Permit No. 02-7040 (Desert Land Entry No. I-1229)

Virginia D. Rawlings
Route #4, Mangum Heights
Nampa, Idaho 83651

Dear Mrs. Rawlings:

Enclosed please find a copy of the APPROVED amendment in connection with the above referenced permit and also receipt no. 8294 in the amount of \$10.00.

If we may be of further assistance, do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BL
Enclosure

cc: Bureau of Land Management
Enc: Copy of Amendment

2 7040

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

April 6, 1972

Re: Permit No. 02-7040

Mrs. Virginia D. Rawlings
Route #4
Mangum Heights
Nampa, Idaho 83651

Dear Mrs. Rawlings:

We are returning your application for amendment form, in order that you may include the proper \$10.00 filing fee.

Please return the form and fee as soon as possible.

If we can be of any further assistance in this matter, please do not hesitate to contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enc: application for amendment

2 7040

April 6, 1972

Re: Permit No. ~~02-7040~~

Mrs. Virginia D. Rawlings
Route #4
Mangum Heights
Nampa, Idaho 83651

Dear Mrs. Rawlings:

We are returning your application for amendment form, in order that you may include the proper \$10.00 filing fee.

Please return the form and fee as soon as possible.

If we can be of any further assistance in this matter, please do not hesitate to contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enc: application for amendment

2 7060

September 16, 1969

Re: Permit Nos. 02-7040 - Virginia D. Rawlings - DE I-1229
73-7005 - Allan F. Corbett - DE I-2257

Land Office
Bureau of Land Management
P. O. Box 2237
Federal Building
Boise, Idaho

Gentlemen:

Enclosed are copies of the above referenced permits which have been approved by our office and accepted as desert land entries.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures

02-7040

September 16, 1969

Re: Permit No. 02-7040

Virginia D. Rawlings
Route 4
Mangum Heights
Nampa, Idaho 83651

Dear Mrs. Rawlings:

We enclose a copy of your approved application for permit 02-7040 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
1 informational letter

02-7040

August 8, 1969

Re: Application for Permit No. 02-7040-Virginia D. Rawlings

Mountain Home News
Mountain Home
Idaho

Gentlemen:

As of this date we have yet to receive the affidavit of publication or the certified bill for the above referenced. As it is mandatory that we be in receipt of these items before the permits can be approved, would you PLEASE forward the affidavit and certified bill by return mail.

Your immediate attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc

02-7040

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 11, 1969

Re: Applications filed in connection with desert entries

Mr. Curtis Taylor, Acting Manager
Bureau of Land Management
Idaho Land Office
Room 334, Federal Building
550 W. Fort Street
Boise, Idaho 83702

Dear Mr. Taylor:

Please be advised that the following applications have been received in connection with desert entries:

I-2552 Kenneth N. Forrey-Application No. 63-7247

I-1229 Virginia D. Rawlings-Application No. 02-7040

Yvonne Simpson-Application No. 51-7041

Wesley E. Reynolds and/or Donald J. Hinze-Special Use
Permit-Application No.
36-7068

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

02-7040

July 10, 1969

Re: Application for Permit No. 02-7040-Virginia D. Rawlings

Mountain Home News
Mountain Home, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

b Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: Legal Notice (1)

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Virginia D. Rawlings, Route 4, Mangum Heights, Nampa, Idaho has on July 8, 1969 applied for permit under application No. 02-7040 to divert 5.34 cubic feet per second of water from Snake River tributary of the Columbia River. Water will be diverted by pumps, motors and pipe within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 5 S., R. 4 E., B.M., Elmore County and is to be used from March 15 to November 10 for irrigation in the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 5 S., R. 4 E., B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
First publication July 17, 1969.
Last publication July 24, 1969.

02-7040

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Virginia D. Rawlings, Route 4, Mangum Heights,
Nampa, Idaho has on July 8, 1969

applied for permit under application No. 02-7040

to divert ~~66666~~ 5.34 cubic feet per second ~~66666~~ feet
of water from Snake River tributary of the Columbia River.

Water will be diverted by pumps, motors and pipe

within the SW¹/₄SW¹/₄, Sec. 21, T. 5 S, R. 4 E, B. 1, Elmore County

and is to be used from March 15 to November 10 for irrigation

in the N¹/₂NE¹/₄, SW¹/₂NE¹/₄, E¹/₂NW¹/₄, E¹/₂SW¹/₄, SW¹/₂SE¹/₄, Sec. 21, T. 5 S, R. 4 E, B. 1.

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Mountain Home News, Mountain Home, Idaho,
on July 17 and July 24, 1969.

02-7040