

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-04162
Date Received: 8/08/1989
Receipt No: E009784
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PENFORD PRODUCTS CO. 208-522-3570
Address: 1088 W. SUNNYSIDE RD.
IDAHO FALLS, ID 83402

2. Date of Priority: JUN 01, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
02N	37E	25	SE SW		BONNEVILLE

5. Description of diverting works:
WELL, PUMP TO PIPELINE, 285' DEEP WITH 12" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.080		

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POTATO STARCH PROCESSING PLANT

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	37E	25	SE SW		COMMER	

11. Place of use in counties: BONNEVILLE

A25-04162

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Date: 08/11/89

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NOV 10 1992

A2504162

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) PENFORD PRODUCTS CO. Phone (208) 522-3570
Mailing Address 1088 WEST SUNNYSIDE RD. IDAHO FALLS, IDAHO Zip 83402

2. Date of Priority (Only one (1) per claim) JUNE 1, 1952

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 2N Range 37E Section 25,
SE 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of BONNEVILLE

Additional points of diversion if any: _____

b. If Instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

WELL. PUMP TO PIPELINE IN POTATO STARCH PROCESSING PLANT. THE
WELL IS 285 FEET DEEP WITH 12 INCH CASING.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For COMMERCIAL purposes from JAN. 1 to DEC. 31 amount 0.08 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) POTATO STARCH PROCESSING PLANT.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
2N	37E	25												X					

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? BONNEVILLE

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

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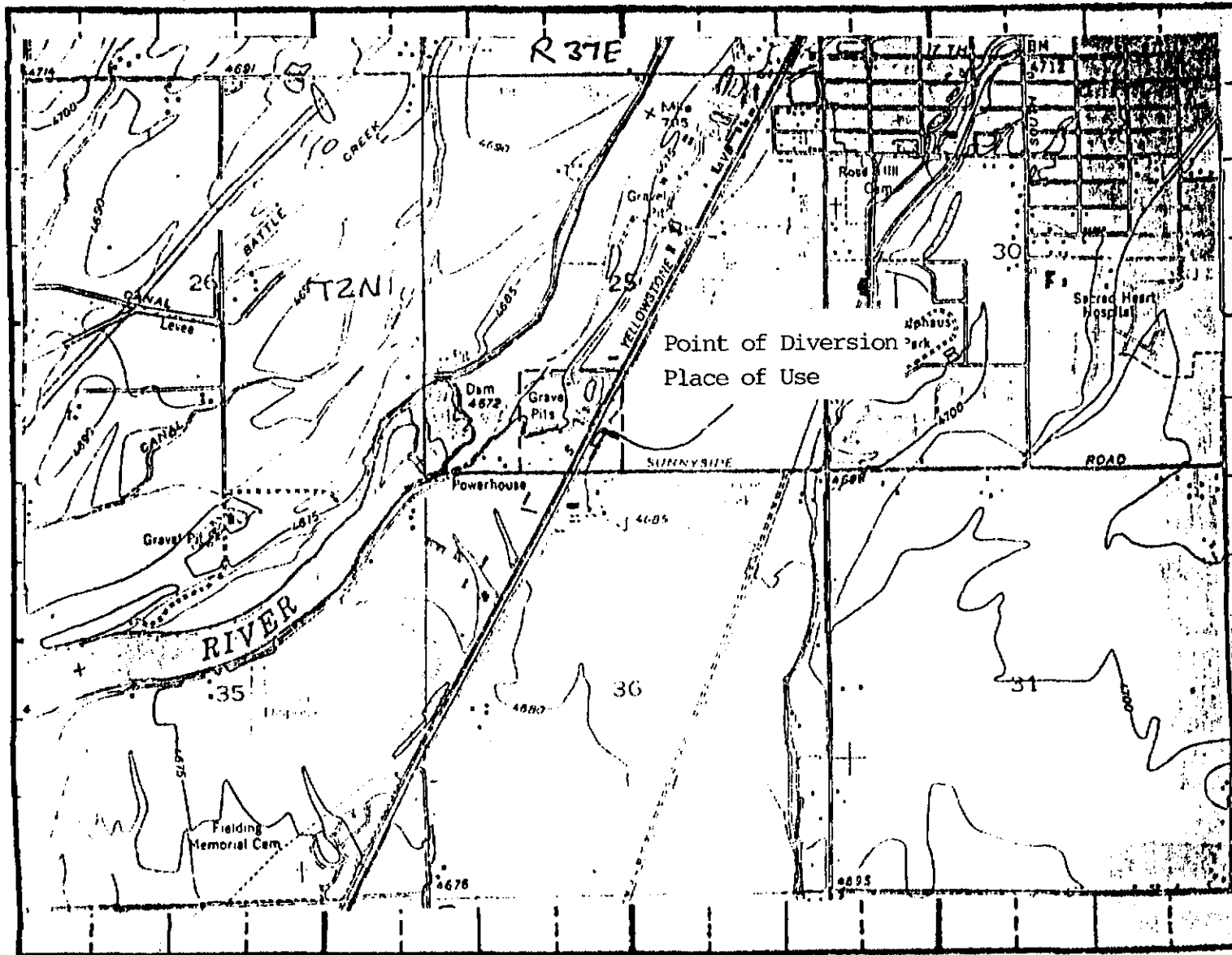
NOV 10 1992

Last Name _____ Ident No. 910-866-902

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name _____

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am OPERATIONS MANAGER
Title

of PENFORD PRODUCTS COMPANY-IDAHO FALLS PLANT, that I have signed the foregoing
Organization
document in the space below as OPERATIONS MANAGER of PENFORD PRODUCTS COMPANY-IDAHO FALLS PLANT
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert D. Krumpal

Title and Organization Operations Manager Date 8/8/89
Penford Products Company

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day of August 19 89

SEAL

Notary Public Anthony A. Olenchak

Residing at Idaho Falls

My Commission Expires 9/12/1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



A division of
Penwest

1088 W. Sunnyside Rd.
Idaho Falls, ID
83402
(208) 522-3570

RECEIVED

JUN 5 1991

Department of Water Resources
Eastern District Office

June 1, 1991

Mr. Ernest Carlsen
Water Rights Supervisor
Department Of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

RE: Evidence of Priority
Notice Number: A25-04162

Dear Mr. Carlsen,

The enclosed correspondence from Bob Cushman supports the information provided by Bill Serr regarding the time frame in which the existing water well was drilled on our property. There were actually two wells drilled during this period. The first was found to be inoperable; and was the subject of litigation. The second was drilled by Guy Cushman and is the same well that is in use today.

If you need additional information in order to establish the date of priority/beneficial use, please contact me.

Sincerely,

Robert D. Kroupa

Robert D. Kroupa
Operations Manager

Enclosure

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NOV 10 1992

Jack Cushman Drilling & Pump Co.

1405 SOUTH BROADWAY - BLACKFOOT, IDAHO 83221 - (208) 785-1588

JUN 1 1991

Department of Water Resources
Eastern District Office

May 15, 1991

Tenford Products Company
1088 W. Sunnyside
Idaho Falls, Idaho 83402

ATTENTION: Robert Kroupa

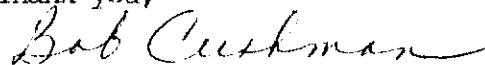
Dear Mr. Kroupa,

This letter is in regards to the information that you requested concerning the water well that was drilled at the above location, but under the name of Idaho Potatoe Starch Company.

To the best of our knowledge and from what records we could locate of Guy Cushman's, who is now deceased, we are putting the approximate priority date as of May-June of 1952.

We wish we could be more exact, but this is close to being thirty-nine years since the drilling was done. If we can be of further assistance please don't hesitate to call our office.

Thank you,



Bob Cushman, Vice-president
JACK CUSHMAN DRILLING, INC.

BC/mj

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4/62

May 6, 1991

PENFORD PRODUCTS CO
1088 W SUNNYSIDE ROAD
IDAHO FALLS ID 83402

RE: **Evidence of Priority**

Dear Sir:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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PENFORD PRODUCTS INC

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All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water Right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

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4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME PENFORD PRODUCTS Co. CLAIM # ENT. NO. A25-04162DATE RECEIVED 8/8/89 CK # AMOUNT \$ YES NO Required Info?

1. Is the name and address complete with zip code? X *
2. Is a priority date entered? X *
- Is the priority date acceptable in view of mandatory filing dates? X *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. X *
3. (a) Is a source entered? X *
- x (b) Is a tributary to entered? (if required) N/A X *
4. Is the legal description of the p.d. sufficient? X *
5. Is there a description of the diverting works? X *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. X *
- Is the period of use included? X *
- Is a quantity claimed for each use? X *
7. Is a total quantity claimed entered? X *
- x 8. If required is a consumptive use entered? N/A X *
- x Is the consumptive use correct? N/A X *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A X *
10. Is (are) the place(s) of use and purpose(s) indicated? X *
11. Is (are) the county(ies) entered? X *
12. Is the ownership of p.u. checked? X *
- x 13. Are other water rights listed or "none" indicated? X *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X *
15. Is the basis of the claim indicated? X *
- x 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. X *
18. Has the claim been signed, sealed, and dated by a notary? X *
19. Was this claim filed on time, or was an extension granted? X *
20. Is the fee enclosed correct? Exempt X *
- x 21. If this claim is based on an existing water right, has the identification number been entered? N/A X *
22. Should this claim be data entered? X *

Claim checked by: TO Date: 8/9/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)Receipt Prepared by:
Claim data entered by: SK 8/11/89
Sent to claimant by: Date:
Date:
Date: Checked by: Date: Comments: MICROFILMED
NOV 10 1989