

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: A25-10794
Date Received: 11/ 9/1988
Receipt No: E003897
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO FRESH-PAK INC. 208-754-4686
Address: BOX 130
LEWISVILLE ID 83431

2. Date of Priority: OCT 1, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	38E	5	SE	NE	SE		JEFFERS

5. Description of diverting works:
2 WELLS - ONE FOR OFFICE - ONE FOR FACTORY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	1.250		
DOMESTIC	01/01	12/31	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/POTATO PROCESSING D/OFFICE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	38E	5	NE	SE		INDUST	
			NE	SE		DOMEST	
			SE	SE		INDUST	

A25-10794

Page

MICROFILMED Date: 09/15/92

NOV 10 1992

A2510794

RECEIVED

SEP 16 1992

IDAHO FRESH-PAK, INC.

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A25-07002.

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 Organizations:

I do solemnly swear or affirm that I am Production Manager of
Title
Idaho Fresh Pak, Inc., that I have signed the foregoing
Organization
document in the space below as Production Manager of
Title
Idaho Fresh Pak, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Robert W. Fleming
Signature of Authorized Agent
Production Mgr. Idaho Fresh Pak, Inc.
Title and Organization

9-22-92

Date

RECEIVED

SEP 16 1992

IDAHO FRESH-PAK, INC.

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of Sept 19 92

[Signature]
Notary Public

Seal

Residing at Amman, ID

My Commission Expires Nov 1993

RECEIVED

SEP 16 1992

IDAHO FRESH-PAK, INC.

4176

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: A25-10794
Date Received: 10/27/1988
Receipt No: 6003897
Received By: TE

RECEIVED

NOV 7 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO FRESH-PAK INC. 208-754-4686
Address: BOX 130
LEWISVILLE, ID 83431

2. Date of Priority: OCT 01, 1960

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4. Point of Diversion:

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I/POTATO PROCESSING D/OFFICE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	38E	5	NE	SE		INDUST	
			NE	SE		DOMEST	

A25-10794

Page 1

Date: 10/27/88

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NOV 09 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	38E	5	SE	SE		INDUST	

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

A25-07002.

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: 1

For Organizations:

I do solemnly swear or affirm that I am Production Manager of Idaho Fresh Pak, Inc., that I have signed the foregoing
Title
Organization

document in the space below as Production Manager of Idaho Fresh Pak, Inc. and that the statements contained in the
Title
Organization
foregoing document are true and correct.

Robert W. Blum
Signature of Authorized Agent

Production Mgr. Idaho Fresh Pak,
Title and Organization IWC.

10-27-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of October 19 88

Anthony A. Olmsted
Notary Public

Seal

Residing at Idaho Falls

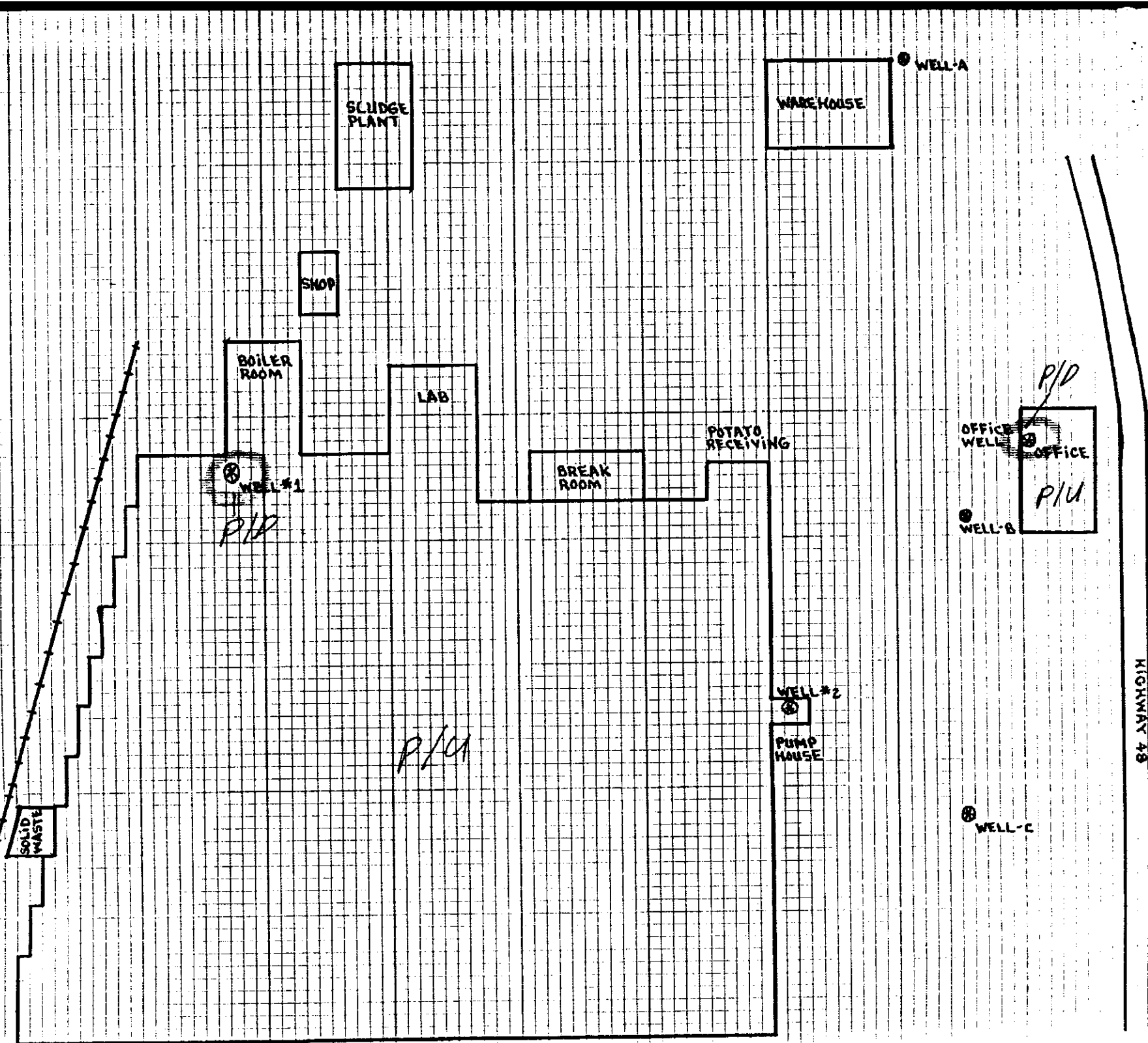
My Commission Expires 9/12/1994

A25-10794

NOV 09 1992

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1-2





State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

SEPTEMBER 14, 1992

RECEIVED
SEP 23 1992
Department of Water Resources
Eastern District Office

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

IDAHO FRESH-PAK INC
BOX 130
LEWISVILLE ID 83431

RE: NOTARY PUBLIC'S SEAL AND NOTARY/A25-10794

Dear Sirs:

While doing the initial comparison between computer generated Notices and hard copy Notices filed by claimants in Basin 25, it has come to our attention that a signed and notarized copy of your notice is not in our files.

Although a Notice of Claim to your water right has been data entered in our computer system, it is necessary that we have a signed and notarized Notice before we can process the Notice and make recommendations to the court. Since Idaho Fresh-Pak is the only name on the form, the Notice must be filled out for organizations (highlighted) by someone in authority and returned by the date shown below.

I have enclosed for your convenience a typed Notice of Claim that must be signed in the presence of a Notary and returned to this department within 10 days (September 28, 1992). If the signed Notice is not returned by this date, this office will initiate procedures for refunding the filing fee paid in conjunction with the Notice of Claim form you submitted for the Snake River Basin Adjudication (SRBA).

The effect of this action will be to remove this Notice from the Department's records. Should you decide to rifle this Notice once the refund has been issued, the new filing will be subject to a late fee of \$50.00.

I will keep your Notice of Claim in my office until September 28, 1992. If we have not heard from you, the refund process will be initiated.

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NOV 10 1992

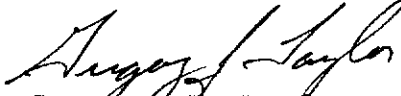
RECEIVED

SEP 16 1992

IDAHO FRESH-PAK, INC.

I am sorry for any inconvenience. Please do not hesitate to contact this office if you have any questions regarding this matter (525-7161).

Respectfully submitted,



Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice of Claim A25-10794

File: TIC

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SEP 16 1992

IDAHO FRESH-PAK, INC.

idahoan[®]

IDAHOAN[®] FOODS

NUMBER ONE POTATO PLACE
PHONE (208) 754-4665

LEWISVILLE, IDAHO 83431-0115
FAX (208) 754-0099

RECEIVED

MAY 24 1991

Department of Water Resources
Eastern District Office

May 22, 1991

Mr. Ernest Carlsen
State of Idaho Dept of Water Resources
150 Shoup Ave.
Suite #15
Idaho Falls, ID 83402

RE: PROOF OF BENEFICIAL USE ON WATER RIGHT NO. A25-10794.

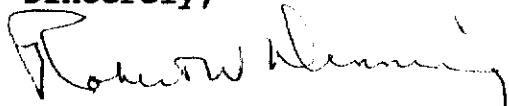
Dear Mr. Carlsen:

We hope to comply with your request by sending this letter from Mr. Welker.

I am including copies of old well test results from the Department of Health. I'm sorry I couldn't locate any test results dated back to 1960.

If you have any questions or need further information, please feel free to call me.

Sincerely,



Robert W Denning
Production Manager

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RECEIVED

MAY 24 1991

Department of Water Resources
Eastern District Office

May 22, 1991

To: Idaho department of water resources.

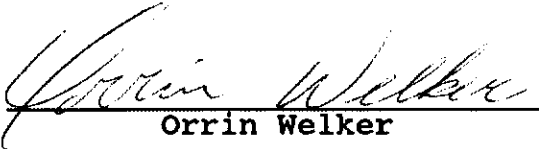
From: Orrin Welker
4046 East 600 North
Rigby, Jefferson County, Idaho, 83442

Re: Water right number A25-10794
Idaho Fresh-Pak, Inc.

I hereby verify that wellwater on this property has had beneficial use to Idaho Fresh-Pak, Inc. since Oct. 1960 for both commercial and domestic use.

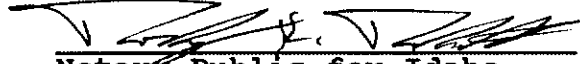
I have been an employee of Idaho Fresh-Pak, Inc. since 1960 working in the maintenance department.

If you need more information you may contact me at the above address.


Orrin Welker

State of Idaho)
County of Jefferson)

On this 22 day of May, in the year of 1991, before me Robney E. Roberts, personally appeared Orrin Welker, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho

Residing at: Ammon, Id

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NOV 10 1992

STATE OF IDAHO
DEPARTMENT OF HEALTH
LABORATORIES
BOISE

REGIONAL LABORATORIES

POCATELLO
TWIN FALLS

COEUR D'ALENE
LEWISTON
MAY 4 1991
Department of Health Resources
Eastern District Office

REPORT OF WATER ANALYSES, CITY OF _____

DATE SAMPLE COLLECTED _____ RECEIVED 10-24-61 REPORTED 10-26-61

MR. Fresh-Pak Processors
Box 302 Lewisville, Idaho.

SOURCE	from lab tap	direct from well		
RESULT:				
Bacteria Per Mi.				
No. of Positive Fermentations in Five 10 Mi. Portions.				
Presumptive Test	0	0		
Confirmed Tests for Coli-Aerogenes Group	0	0		

REMARKS: Idaho Health Dept.
Regional Laboratory
Courthouse

Ivan H. Frayer
Bacteriologist.

FORM IDH 580-13
Pocatello, Idaho

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NOV 10 1992

LABORATORIES
BOISE
COEUR D'ALENE
LEWISTON
POCATELLO
TWIN FALLS

STATE OF IDAHO
DEPARTMENT OF HEALTH

WATER SAMPLE
FOR BACTERIOLOGICAL QUALITY TEST

(PLEASE PRINT PLAINLY)

REPORT RESULT TO:

SAMPLE COLLECTED

1:30 PM 4/13/66
HOUR DATE

NAME

Idaho Fresh-BK Inc.

ADDRESS

102 N. 10th St.

CITY

Louisville, IDAHO

SEE BACK OF FORM FOR COLLECTING
INSTRUCTIONS.

DATE RECEIVED

4-15-66

LOCATION OF
SAMPLING POINT

PRESUMPTIVE TEST

NUMBER OF
CONFIRMATORY
TESTS POSITIVE

	WELL SYSTEM*	10cc	10cc	10cc	10cc	10cc	
NO. 1	Office Well						0
NO. 2	No. 2 Sur. Well						0
NO. 3							
NO. 4							
NO. 5							

*SEE REVERSE SIDE FOR EXPLANATION.

DATE REPORTED

4-17-66

Lombard

FORM DH-1008

MICROBIOLOGIST

MICROFILMED
NOV 10 1992

idahoan[®]

IDAHO FRESH-PAK, INC.

NUMBER ONE POTATO PLACE LEWISVILLE, IDAHO 83431-0130
PHONE (208) 754-4665

LEGAL DESCRIPTION

A tract of land in Section 5, T4N, R38E, B.M. described as follows:

Starting at a point in the Westerly R.O.W. of State Highway #48 which lies N0°05' E 1092.5' and West 40.0' from the South East corner of said Section 5, thence S89°04' W 1058.8' to the Easterly R.O.W. line of the Union Pacific Railroad, thence N18°30' E 707.7' to the fence corner, thence N87°52' E 396.0', thence N67°10' E 327.1' to the Westerly R.O.W. of the State Highway #48, thence around a 40° curve to the right along said R.O.W. 814.2' more or less to the point of beginning.

Containing 15.0 acres more or less.

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Idaho's Best - The Nation's Finest
TWX #910-380-3189

idahoan[®]

IDAHO FRESH-PAK, INC.

NUMBER ONE POTATO PLACE LEWISVILLE, IDAHO 83431-0130

PHONE (208) 754-4665

WELL INFORMATION

Well #1

Horsepower: 50
Well Casing Diameter: 10 inches.
Well Casing Length: 125 feet.
Flow Capacity: 700 gal/min (1.56 ft³/sec.)
Well Drilled: 1960

Well #2

Horsepower: 60
Well Casing Diameter: 12 inches.
Well Casing Length: 125 feet.
Flow Capacity: 900 gal/min (2.00 ft³/sec.)
Well Drilled: 1965

Office Well

Horsepower: 3/4
Well Casing Diameter: 1 1/4 inches.
Well Casing Length: 20 feet.
Flow Capacity: 1.35 gal/min (0.003 ft³/sec.)
Well Drilled: 1960

Wells A, B and C

Horsepower: 2
Well Casing Diameter: 3 inches.
Well Casing Length: 30 feet.
Flow Capacity: 80 gal/min (0.178 ft³/sec.)
Wells Drilled: 1965

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Idaho's Best - The Nation's Finest
TWX #910-380-3189

N

SLUDGE
PLANT

WAREHOUSE

WELL-A

SHOP

BOILER
ROOM

LAB

BREAK
ROOM

POTATO
RECEIVING

OFFICE
WELL

OFFICE

WELL-B

WELL#2

PUMP
HOUSE

WELL-C

HIGHWAY 48

WELL#1

SOLID
WASTE

NOV 09 1992

MICROFILMED

April 29, 1991

Idaho Fresh-Pak Inc.
Box 130
Lewisville, ID 83431

RE: Evidence of Priority

Dear Mr. Robert W. Denning:

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.

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NOV 09 1992

Idaho Fresh-Pak Inc.

Page 2

Please submit the required evidence supporting the priority date by **May 29, 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.

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

A25-10794
IDAHO FRESH-PAK INC.
BOX 130

LEWISVILLE ID 83431

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NOV 09 1992