

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: A27-02116
Date Received: 9/26/1989
Receipt No: E010809
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE PILLSBURY COMPANY, INC. 208-357-3402
Address: 434 S. EMERSON
SHELLEY, ID 83274
2. Date of Priority: APR 15, 1958
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
01N 37E 32 NW SE BINGHAM
5. Description of diverting works:
WELL, APPROX. 150' DEEP, 100 HP U.S. MOTOR AND PEERLESS PUMP
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
COMMERCIAL 01/01 12/31 2.660
7. Total Quantity Appropriated is:
2.660 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1277.5 Acre Feet Per Annum.
9. Non-irrigation uses:
COMMERCIAL USE FOR PROCESSING OF POTATOES
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	37E	32	SE	NE		COMMER	
			NE	SE		COMMER	
			NW	SE		COMMER	

A27-02116

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Date: 10/25/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	37E	2	NE	NW		COMMER	
			SE	NW		COMMER	
			NE	SW		COMMER	
			SW	SW		COMMER	
			SE	SW		COMMER	
		3	NE	NW		COMMER	
			NW	NW		COMMER	
			SW	NW		COMMER	
			SE	NW		COMMER	
			NE	SW		COMMER	
		11	NW	SW		COMMER	
			NE	NW		COMMER	
			NW	NW		COMMER	
			SW	NW		COMMER	
			SE	NW		COMMER	
			NE	SW		COMMER	
			NW	SW		COMMER	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-04019/07411.

14. Remarks:
WATER USED IN WASHING, TRANSPORTING AND PROCESSING POTATOES.
DURING SUMMER MONTHS THIS WATER IS COMINGLED WITH IRRIGATION
WATER FROM OTHER SOURCES TO IRRIGATE CROPS.

15. Basis of Claim: LICENSE

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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 _____

NO LATE FEE RECEIVED

BY

10/8/89

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A 27-02116

Date Received 9-26-89

Receipt Number 6010809

SV

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A2702116



Please type or print clearly

1. Name of Claimant (s) The Pillsbury Company, Inc. Phone (208) 357-3402

Mailing Address 434 South Emerson, Shelley, ID Zip 83274

2. Date of Priority (Only one (1) per claim) April 15, 1958

3. Source of water supply (a) Groundwater
which is tributary to (b)4. a. Location of existing point of diversion is: Township 1 N Range 37 E. Section 32,
NW 1/4 of SE 1/4 of 1/4, Govt. Lot, E. B.M., County of Bingham

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. A 100 H.P. U.S. motor and Peerless
pump move water from a well approximately 150 feet deep through a check
valve and check gate to pipelines which transport the water to the
processing plant and to cooling condensers for refrigeration.

MICROFILMED

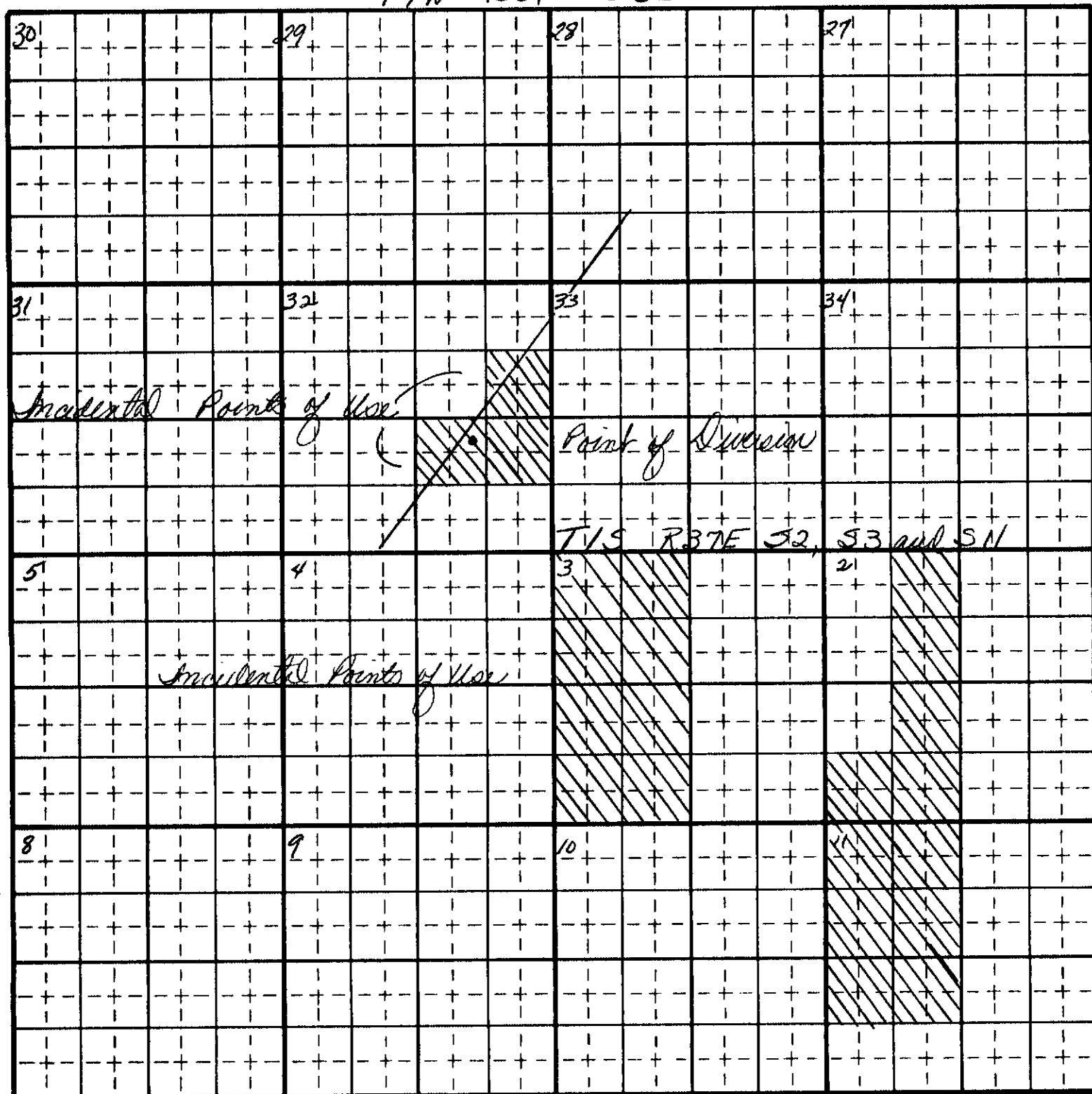
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

↑ N

T1N R37E S32



MICROFILMED

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Last Name _____

Ident No. _____

Copies: White-State, Yellow-Claimant

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 2.66 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.66 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1277.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial use--washing, transportation and processing potatoes in The Pillsbury Company, Inc., located at Shelley, Idaho.

10. Description of place of use:

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

b. 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	
1N	37E	32				C									C	C			
1S	37E	2					C			C	C		C	C					
1S	37E	11					C	C	C	C	C	C							
1S	37E	3					C	C	C	C	C	C							

Total number of acres irrigated _____

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

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.
A portion of License No. 27-7411 and Claim No. 27-4019 water or None ()
is used in the same locations for the same purposes.

14. Remarks:
The License - G-27323-establishing this right was originally issued in the name of The R.T. French Company, Inc., which sold the potato processing right, to The Pillsbury Company, Inc., on or about July 29, 1985. This water is used initially for the commercial purpose indicated. It is subsequently, and incidentally, used to transport effluent from the plant to farm locations owned by The Pillsbury Company, Inc., where it is commingled with irrigation water from other sources and applied to crops.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number G-27323

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 ☒ 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 Engineering Manager

of The Pillsbury Company, Inc. , that I have signed the foregoing

Organization

document in the space below as Engineering Manager of The Pillsbury Company, Inc.

Title

Organization

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

Signature of Authorized Agent Francis A. Latta, Engineering Manager

Title and Organization The Pillsbury Company, Inc. Date 8/30/89

State of Idaho/or _____)

) SS.

County of Bonneville)

Subscribed and sworn (or affirmed) before me this 30th day of August 19 89

SEAL

Notary Public Q. Timothy Hopkins

Residing at Idaho Falls, Idaho

My Commission Expires 4/1/91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, C. Timothy Hopkins 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 Q. Timothy Hopkins
Hopkins, French, Crockett, Springer & Hoopes

Address P. O. Box 51219, Idaho Falls, ID 83405-1219

Date August 31, 1989

UNRECORDED

NOV 12 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME	<u>PILLSBURY</u>	CLAIM NO.	<u>A27-02116</u>
DATE RECEIVED	<u>9/26/89</u>	CK #	
AMOUNT \$		YES	NO
Required Info?			
1. Is the name and address complete with zip code?	<u>X</u>		*
2. Is a priority date entered?	<u>X</u>		*
Is the priority date acceptable in view of mandatory filing dates?	<u>X</u>		*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>		*
3. (a) Is a source entered?	<u>X</u>		*
(b) Is a tributary to entered? (if required)	N/A <u>X</u>		*
4. Is the legal description of the p.d. sufficient?	<u>X</u>		*
5. Is there a description of the diverting works?	<u>X</u>		*
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.	<u>X</u>		*
Is the period of use included?	<u>X</u>		*
Is a quantity claimed for each use?	<u>X</u>		*
7. Is a total quantity claimed entered?	<u>X</u>		*
8. If required is a consumptive use entered?	N/A <u>?</u>		*
Is the consumptive use correct?	N/A <u>?</u>		*
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 <u>X</u>		*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>		*
11. Is (are) the county(ies) entered?	<u>X</u>		*
12. Is the ownership of p.u. checked?	<u>X</u>		*
13. Are other water rights listed or "none" indicated?	<u>X</u>		*
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 <u>X</u>		*
15. Is the basis of the claim indicated?	<u>X</u>		*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	N/A <u>X</u>		*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	<u>X</u>		*
18. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>		*
19. Was this claim filed on time, or was an extension granted?	<u>X</u>		*
20. Is the fee enclosed correct?	Exempt <u>X</u>		*
21. If this claim is based on an existing water right, has the identification number been entered?	N/A <u>X</u>		*
22. Should this claim be data entered?	<u>X</u>		*

Claim checked by: TO Date: 9/27/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)

Receipt Prepared by:	Date:	Checked by:	Date:
Claim data entered by:	Date:		
Sent to claimant by:	Date:		

Comments: _____

NOV 12 1992

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARRY L. GOINS
LARRY S. LARSON
STEPHEN R. MAY
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN

SALISBURY BUILDING-428 PARK AVENUE
P. O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

September 26, 1989

Mr. Ernest Carlsen
Adjudication Supervisor
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Re: The Pillsbury Company, Inc.

Dear Mr. Carlsen:

You will find that we are returning to the Department four Notices of Claim to a Water Right which have now been modified based on your letter to us dated September 6, 1989.

The principal change relates to a characterization of the proposed use of the waters claimed. As you will see, our client has determined to claim an incidental use only for irrigation while the principal use relates to the commercial operations of The Pillsbury Company other than the one claimed for domestic use.

Also, based on your letter to us the filing fees have been recalculated with \$25.00 representing the fee for the domestic notice, \$50.00 each for the three commercial claims, plus \$705.00 for the commercial claims at \$100.00 per cfs. The total is therefore \$880.00.

Should you have any questions concerning the conditions of this letter or the enclosed claims please let us hear from you. If not, we shall simply look forward to return of the client's copies of the enclosed documents indicating the same have been filed.

Thank you for your cooperation in this matter.

Very truly yours,


C. Timothy Hopkins

CTH/lc
Encl.
cc: Mr. Frank Latta

NOV 12 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: September 6, 1989

Hopkins, French, Crockett, Springer & Hoopes
Attn: C. Timothy Hopkins
P.O. Box 51219
Idaho Falls, ID 83405-1219

RE: Pillsbury Co. Water Right Claims

Dear Mr. Hopkins:

The Idaho Department of Water Resources (IDWR) is returning your check #10340 (\$686.00) and The Pillsbury Company's Notices of Claim to Water Rights because of insufficient information and fees. All items on the claim form must be correctly completed and fees submitted before the IDWR can process the notices.

Please correct the items identified below and return the forms to the IDWR within 30 days of the date of this letter. Failure to return the corrected notices within the 30-day period may result in an assessment of an additional late-fee.

Domestic Notice of Claim

- Item #2: The day and month water was first used for the house must be entered. If you do not know the precise date, you must estimate the day and month, or apply the last day of the year, i.e. December 31, 1946.
- Items #6 and #7: The amount claimed for the household must be entered. The amount guideline for one house with up to 1/2-acre of lawn and garden irrigation is 0.04 cfs.

Commercial/Irrigation Notices of Claim

- Item #10: The place of use for commercial purposes should be denoted by using a "C" in the appropriate 1/4 of 1/4 section-boxes. If you are also claiming irrigation purposes separately, you must enter the number of irrigated acres within each of the claimed 1/4 of 1/4 section-boxes (40-acre tracts).

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Note: On the notices for Water Right Licenses 27-7411 and G-27323/27-2116, it appears the water used in the processing plant is also being claimed for irrigation use. However, the licenses do not reflect the use of water for irrigation. If the practice is to discharge plant effluent through a sprinkler system, application of the water to the land would be considered an incidental use to the commercial use. This incidental use could be described in "Remarks" (Item #14), instead of being claimed as a separate purpose in Item #6, with the 1/4 of 1/4 section-boxes where the water is applied marked with a "C" in Item #10.

If you claim the irrigation as a separate purpose, rather than an incidental use, the irrigation on each claim must coincide with acres irrigated during the claimed priority date. For example, only 20 acres of irrigation are listed for the priority date of 7/1/1957 on Claim to a Water Right 27-4019. Please refer to the enclosed copies of the Water Right Claim and Licenses.

Insufficient Fee

The filing fee for each Notice of Claim for commercial and/or irrigation purposes is \$50.00, plus \$100.00 per cfs claimed for commercial purposes, plus \$1.00 per each irrigated acre listed in Item #10 (The acreage fee only must be paid once, i.e. \$511.00). There is no fee for the irrigated acreage if it is listed as an incidental use. The filing fee for the Domestic Notice of Claim is \$25.00. The total filing fee for all four claims, as previously submitted, is \$1,191.00.

If you have any questions, please call Tony Olenichak, Water Rights Agent, at (208)-525-7161.

Sincerely,

Tony Olenichak
for Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

Enclosure

NOV 12 1992

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARRY L. GOINS
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SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

August 31, 1989

State of Idaho
Department of Water RESources
150 Shoup Avenue
Idaho Falls, ID 83401

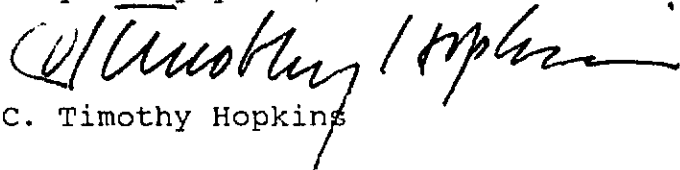
Re: The Pillsbury Company, Inc.--Claims to Water
Rights--(Bingham County)

Gentlemen:

You will find that I have enclosed the action of the Director of the Department of Water Resources extending The Pillsbury's time to file its notices of claims to water rights until August 31, 1989. You will find that we have enclosed four notices prepared for our client. You will also find that we have enclosed our check in the amount of \$686.00 made payable to the Department as and for the applicable fees.

Thank you for your assistance in filing these claims. Should you have any questions concerning the same we ask that we be contacted directly as counsel for The Pillsbury Company, Inc.

Very truly yours,


C. Timothy Hopkins

CTH/lc
Encl.
cc: Mr. Frank Latta

NOV 12 1989

State of Idaho
Department of Water Resources

MAY 25 1989

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

THE PILLSBURY COMPANY

Name of Claimant

434 South Emerson

Post Office Address

Shelley, Idaho 83274

City, State, Zip Code

Bingham

County(s) where Place of Use is located

May 25, 1989

Date Claim Originally Due

See attachment.

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

See attachment.

Claimant requests an extension to August 31, 1989.

Signature Attorney

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 8/31, 1989.

Signed this 29 day of May, 1989.

Director or his designated agent

DAVID B. SHAW