

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 47-2330
Date Received: 11/9/1988
Receipt No: S003707
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SENECA FOODS Phone: (208)345-5310
PO BOX 232
BUHL ID 83316

2. Date of Priority: 02/26/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	15E	31	NW SW	TWIN FALLS	

5. Description of diverting works:

WELL WITH 150 H.P. TURBINE TO PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	5/15	10/30	1.78	

7. Total Quantity Appropriated is:
1.78 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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09S

15E 31

NW SW

INDUSTRIAL

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

3-May-05

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SENECA FOODS
PO BOX 232
BUHL ID 83316

Re: SRBA Claim #47-2330, #47-11236

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claim noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn', is written over a horizontal line.

Carrie Hahn
Office Specialist

Enc.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

RECEIVED
APR 26 2005
Department of Water Resources
Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s)	Split	Water Right No(s).	Adjudication Claim No(s).	Split
47-11236	47-11236	—			—
47-02330	47-02330	—			—
		—			—
		—			—
		—			—

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Green Giant Company
430 7th Avenue S., Buhl, Idaho 83316
4. New Owner/Claimant(s) Seneca Food Corporation
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Post Office Box 232
Buhl, Idaho 83316
New Mailing Address
City, State and ZIP Code
New Telephone Number (208) 543-4322
5. Date you acquired the property February 10, 1995

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Phil & Paula*
(include title if applicable) CFO

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

854839

WARRANTY DEED

FOR VALUE RECEIVED The Pillsbury Company, a Delaware corporation, successor by merger to Green Giant Company, a Delaware corporation, formerly known as Pillsbury Development Company, successor by merger to Green Giant Company, a Delaware corporation, formerly known as GG Co., successor by merger to Green Giant Company, a Minnesota corporation, the grantor, do hereby grant, bargain, sell and convey unto SENECA FOODS CORPORATION a corporation under the laws of New York

whose current address is 1162 Pittsford-Victor Road, Pittsford, N.Y. 14534

the grantee, the following described premises, in Twin Falls County Idaho, to wit:
See Exhibit A attached hereto and made a part hereof.

Together with the benefits and subject to the burdens specified in the instruments described on Exhibit B attached hereto and made a part hereof.

*formerly known as Minnesota Valley Canning Company

RECEIVED
APR 26 2005
Department of Water Resources
Southern Region

IDAHO COUNTY, IDAHO SECURITY Title
1995 FEB 23 1995 FEB 23 11 1995002758

When recorded, return to:
Jeffrey E. Rolig, Esq.
First Security Bank Building
102 Main Avenue South
Suite 6
P.O. Box 2749
Twin Falls, Idaho 83303-2749

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee its successors heirs and assigns forever. And the said Grantor ~~do~~ hereby covenant to and with the said Grantee, that ~~he~~ it is the owner in fee simple of said premises; that they are free from all incumbrances except for any recited in said attached Exhibit B.

and that ~~he~~ will warrant and defend the same from all lawful claims whatsoever.

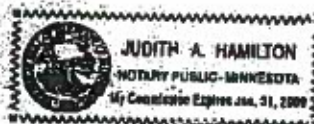
Dated: February 10, 1995

THE PILLSBURY COMPANY

By: Thomas J. Rolig Vice President

And: Rene P. Rolig Assistant Secretary

STATE OF MINNESOTA
COUNTY OF HENNEPIN
On this 10 day of February, 1995
before me, the undersigned, a Notary Public in and for the State of Minnesota,
did personally appear and personally appeared
Thomas J. Rolig
and Rene P. Rolig
known to me to be the Vice President and Assistant Secretary,
respectively, of The Pillsbury Company,
the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the act and voluntary act and deed of said corporation, for the year and purpose therein recited, and on oath stated that they are authorized to execute the said instrument and that the said official is the proper officer of said corporation,
Witness my hand and official seal hereunto affixed this day and year first above written.



Notary Public in and for the State of Minnesota
residing at Henning Ramsdell County

Twin Falls County, Idaho

EXHIBIT A

2.10.95

PARCEL I:

A parcel of land in the South One-Half of Section 31, Township 9 South, Range 15, East of the Boise Meridian, Twin Falls County, Idaho, described as follows:

Beginning at a point that is North 0 degrees 37 minutes West, 712.60 feet from the Southwest corner of Section 31, Township 9 South, Range 15 East of the Boise Meridian; thence South 69 degrees 37 minutes East, 389.73 feet; thence South 87 degrees 13 1/2 minutes East, 102.65 feet; thence South 1 degree 01 1/4 minutes West, 44.58 feet; thence South 86 degrees 04 minutes East, 143.33 feet; thence South 0 degrees 35 minutes West, 132.45 feet; thence South 44 degrees 59 minutes East, 227.01 feet; thence South 89 degrees 57 minutes East, 1750.32 feet; thence South 0 degrees 32 minutes East, 225.00 feet to the South Quarter corner of said Section 31; thence South 89 degrees 57 minutes East, 44.57 feet; thence North 0 degrees 32 minutes West, 565.00 feet; thence South 89 degrees 57 minutes East, 195.00 feet; thence South 52 degrees 56 minutes East, 31.56 feet; thence North 0 degrees 32 minutes West, 549.75 feet to the U.P.R.R. Right of Way; thence North 83 degrees 52 minutes West, along the U.P.R.R. Right of Way, 1916.68 feet; thence 252.97 feet along the U.P.R.R. Right of Way on a curve to the left that has a radius of 6,825.50 feet, a central angle of 2 degrees 07 minutes 24 seconds and a chord of 252.96 feet bearing North 84 degrees 55 3/4 minutes West, to the Northeast corner of the Pet Milk Tract; thence South 0 degrees 39 1/2 minutes East, 300.00 feet to the Southeast corner of the Pet Milk Tract; thence South 89 degrees 44 1/2 minutes West, 625.00 feet to the West boundary of said Section 31; thence South 0 degrees 37 minutes East, along the section line, 304.90 feet to the Point of Beginning.

EXCEPT a tract of land located in the Southwest Quarter of the Southwest Quarter of Section 31, Township 9 South, Range 15 East of the Boise Meridian in Twin Falls County, Idaho more particularly described as follows:

Beginning at the southwest corner of said SW 1/4 SW 1/4; Thence North 0 degrees 37 minutes 00 seconds West a distance of 712.60 feet along the westerly boundary of said SW 1/4 SW 1/4 to the True Point

Twin Falls County, Idaho

of Beginning; Thence North 0 degrees 37 minutes 00 seconds West a distance of 304.01 feet along the Westerly boundary of said SW 1/4 SW 1/4; thence North 89 degrees 37 minutes 51 seconds East a distance of 625.00 feet; thence North 0 degrees 37 minutes 12 seconds West a distance of 300.0 feet to the Southerly boundary of the Union Pacific Railroad Right of Way; thence Easterly along the Southerly boundary of said Right of Way 252.97 feet on the arc of a curve to the right with a radius of 6825.55 feet, a central angle of 2 degrees 07 minutes 25 seconds and a chord which bears South 84 degrees 52 minutes 39 seconds East a distance of 252.96 feet; thence South 83 degrees 52 minutes 00 seconds East a distance of 132.23 feet along the Southerly boundary of said Right of Way; thence South 0 degrees 37 minutes 12 seconds East a distance of 1059.69 feet; thence North 89 degrees 57 minutes 00 seconds West a distance of 244.18 feet; thence North 44 degrees 59 minutes 00 seconds West a distance of 227.01 feet; thence North 0 degrees 35 minutes 00 seconds East a distance of 132.45 feet; thence North 86 degrees 04 minutes 00 seconds West a distance of 143.33 feet; thence North 1 degree 01 minutes 15 seconds East a distance of 44.58 feet; thence North 87 degrees 13 minutes 30 seconds West a distance of 102.65 feet; thence North 69 degrees 37 minutes 00 seconds West a distance of 389.73 feet to the True Point of Beginning.

Subject to the rights of a public road which affect the westerly 25.00 feet thereof.

PARCEL II:

A tract of land in the NW 1/4 SW 1/4 of Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, described as follows:

BEGINNING at a point on the East-West center line of Section 31, 50.4 feet East from the West quarter corner of said Section; THENCE East 344 feet on section center line; THENCE South 524 feet to Twin Falls Canal Company's Lateral, Right Bank; THENCE along said lateral as follows: North 59 degrees 06 minutes West, 181 feet; North 49 degrees 55 minutes West, 125 feet; North 33 degrees 55 minutes West, 72 feet; North 22 degrees 18 minutes West, 148 feet; North 0 degrees 15 minutes East, 154 feet to the Point of Beginning.

Twin Falls County, Idaho

PARCEL III:

A tract of land in the South One-Half of Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, described as follows:

BEGINNING at the West Quarter corner of Section 31, Township 9 South, Range 15 East of the Boise Meridian, said point being on the North boundary of Lot 3 in said Section 31; THENCE South 89 degrees 21 minutes East, 623 feet; THENCE South 0 degrees 39 minutes West, 618.45 feet; THENCE North 84 degrees 10 minutes West, 594.02 feet; THENCE West 25 feet to a point on the West boundary of Section 31, Township 9 South, Range 15 East; THENCE North along the West boundary of Section 31, Township 9 South, Range 15 East, 565.10 feet to the Point of Beginning.

EXCEPTING therefrom a tract of land in the NW 1/4 SW 1/4 of Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, described as follows:

BEGINNING at a point on the East-West center line of Section 31, 50.4 feet East from the West quarter corner of said Section; THENCE East 344 feet on section center line; THENCE South 524 feet to Twin Falls Canal Company's Lateral, Right Bank; Thence along said lateral as follows: North 59 degrees 06 minutes West, 181 feet; North 49 degrees 55 minutes West, 125 feet; North 33 degrees 55 minutes West, 72 feet; North 22 degrees 18 minutes West, 148 feet; North 0 degrees 15 minutes East, 154 feet to the Point of Beginning.

PARCEL IV:

A tract of land in the South One-Half of Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, described as follows:

BEGINNING at a point that is South 89 degrees 21 minutes East, 623.00 feet from the West Quarter corner of Section 31, Township 9 South, Range 15 East of the Boise Meridian, said point being on the North boundary of Lot 3 in said Section 31; THENCE continuing South 89 degrees 21 minutes East, 2139.88 feet; THENCE South 0 degrees 14 minutes East, 1452.82 feet; THENCE North 83 degrees 18 minutes West,

Twin Falls County, Idaho

along the North boundary of the U.P.R.R. Right-of-Way, 911.00 feet; THENCE North 17 degrees 02 minutes West, 676.08 feet; THENCE North 84 degrees 10 minutes West 1056.68 Feet; THENCE North 0 degrees 39 minutes East, 618.45 feet to the Point of Beginning.

Subject to an irrigation ditch maintenance easement, the centerline of said easement being described as follows:

BEGINNING at a point that is South 0 degrees 39 minutes West, 30.00 feet from the Northwest corner of said tract; THENCE extending South 89 degrees 21 minutes East, parallel to the North boundary of said tract a distance of 551.20 feet. The width of said easement being 10 feet.

EXCEPT a parcel of land located in a portion of Lot 3 and the NE 1/4 SW 1/4 Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho and being more specifically described as follows:

Commencing at the West Quarter corner of Section 31, Township 9 South, Range 15 East of the Boise Meridian; THENCE South 89 degrees 55 minutes 21 seconds East 933.90 feet along the Northerly boundary of Lot 3 of said Section 31 to the Real Point of Beginning; THENCE South 89 degrees 55 minutes 21 seconds East 322.62 feet; THENCE South 0 degrees 26 minutes 04 seconds West 340.26 feet; THENCE North 89 degrees 55 minutes 21 seconds West, 317.55 feet; THENCE North 0 degrees 25 minutes 11 seconds West 340.26 feet to the Real Point of Beginning.

The above described parcel of land is subject to a twenty-five foot wide road right-of-way along the Northerly boundary.

PARCEL V:

A portion of the Southwest Quarter of Section 31, Township 9 South, Range 15 East of the Boise Meridian, described as beginning at a point 25 feet East and 1436.5 feet North of the Section corner at the Southwest corner of Section 31, Township 9 South, Range 15 East of the Boise Meridian, which point is the intersection of the North line of the OSL Railroad Right-of-Way with the East line of the County Road along the West side of said Section 31, Township 9 South, Range 15 East of the Boise Meridian; thence North along the East line of said road 650 feet;

Twin Falls County, Idaho

thence South 84 degrees 10 minutes East 1650.70 feet to a point; thence South 17 degrees 2 minutes East 676.08 feet, more or less, to a point on the North Right-of-way line of the Oregon Short Line Railroad; thence in a Westerly direction along said Right-of-way line a distance of 1779 feet, more or less, to the Point of Beginning.

EXCEPT a parcel of land located in Government Lot 3, Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 3; THENCE South 0 degrees 37 minutes 00 seconds East a distance of 609.65 feet along the Westerly boundary of said Government Lot 3 to the True Point of Beginning; THENCE South 89 degrees 20 minutes 54 seconds East a distance of 509.73 feet; THENCE South 0 degrees 39 minutes 06 seconds West a distance of 264.50 feet; THENCE North 89 degrees 20 minutes 54 seconds West a distance of 503.87 feet to a point on the Westerly boundary of said Government Lot 3; THENCE North 0 degrees 37 minutes 00 seconds West a distance of 264.57 feet along the Westerly boundary of said Government Lot 3 to the True Point of Beginning.

SUBJECT TO: The rights of a public road which affects the Westerly 25.00 feet thereof.

PARCEL VI:

That part of that certain parcel of land which lies North of the Oregon Shortline Railroad Co.'s Right of Way; a part of the West 1/2 Southeast 1/4 of Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

COMMENCING at a point in the North line of the Southeast Quarter of Section 31, Township 9 South, Range 15 East of the Boise Meridian, 530.8 feet East of the Northwest corner of the Southeast Quarter of said Section 31; THENCE West on the North line of said Southeast Quarter 265.4 feet; THENCE South on a line parallel to the West line of said Southeast Quarter of said Section 31 to a point on the South line of said Section 31; THENCE East on the South line of said Section 31, 264.57 feet; THENCE North on a straight line to Place of Beginning;

Twin Falls County, Idaho

ALSO: That part of the West 1/2 Southeast 1/4 lying North of the Oregon Shortline Railroad Co.'s Right of Way in Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

COMMENCING at a point on the North line of the Southeast Quarter of Section 31, Township 9 South, Range 15 East of the Boise Meridian, which said point is 530.8 feet East of the Northwest corner of the Southeast Quarter of said Section 31; thence South 1481 feet; thence East 265 feet, more or less; thence North 1514.5 feet; thence West 265 feet, to the Place of Beginning.

ALSO: That part of the West 1/2 Southeast 1/4 of Section 31, Township 9 South, Range 15 East of the Boise Meridian, lying North of the railroad, in Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at a point on the North line of the Southeast Quarter of Section 31, Township 9 South, Range 15 East of the Boise Meridian, which is South 89 degrees 55 minutes East, 1061.6 feet from the Northwest corner of the Southeast Quarter of said Section and running thence South 0 degrees 36 minutes East 277.37 feet to a point which is the True Point of Beginning; THENCE South 0 degrees 36 minutes East 1164.83 feet, more or less, to the North line of the Oregon Shortline Railroad Co.'s Right of Way; THENCE along the North line of said Right of Way in a Northwesterly direction a distance of 269.0 feet to a point; THENCE North 0 degrees 37 minutes West 1135.13 feet to a point which is 277.37 feet South of the North line of the Southeast Quarter of said Section; THENCE East 265.3 feet to the Point of Beginning.

EXCEPT a parcel of land located in the Northwest 1/4 Southeast 1/4 of Section 31, Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho, described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of Section 31, Township 9 South, Range 15 East of the Boise Meridian; thence South 89 degrees 55 minutes East along the North line of the Southeast Quarter of said Section 31 for a distance of 265.4 feet to the true point of beginning; THENCE South on a line parallel to the West line of said Southeast Quarter of said Section, for a distance of 226.8 feet

Twin Falls County, Idaho

to a point; THENCE South 89 degrees 55 minutes East for a distance of 530.8 feet to a point; THENCE North 0 degrees 37 minutes West for a distance of 226.8 feet to a point on the North line of the Southeast Quarter of Section 31; THENCE North 89 degrees 55 minutes West along the North line of said Southeast Quarter, of said Section 31, for a distance of 530.8 feet to the True Point of Beginning.

Twin Falls County, Idaho

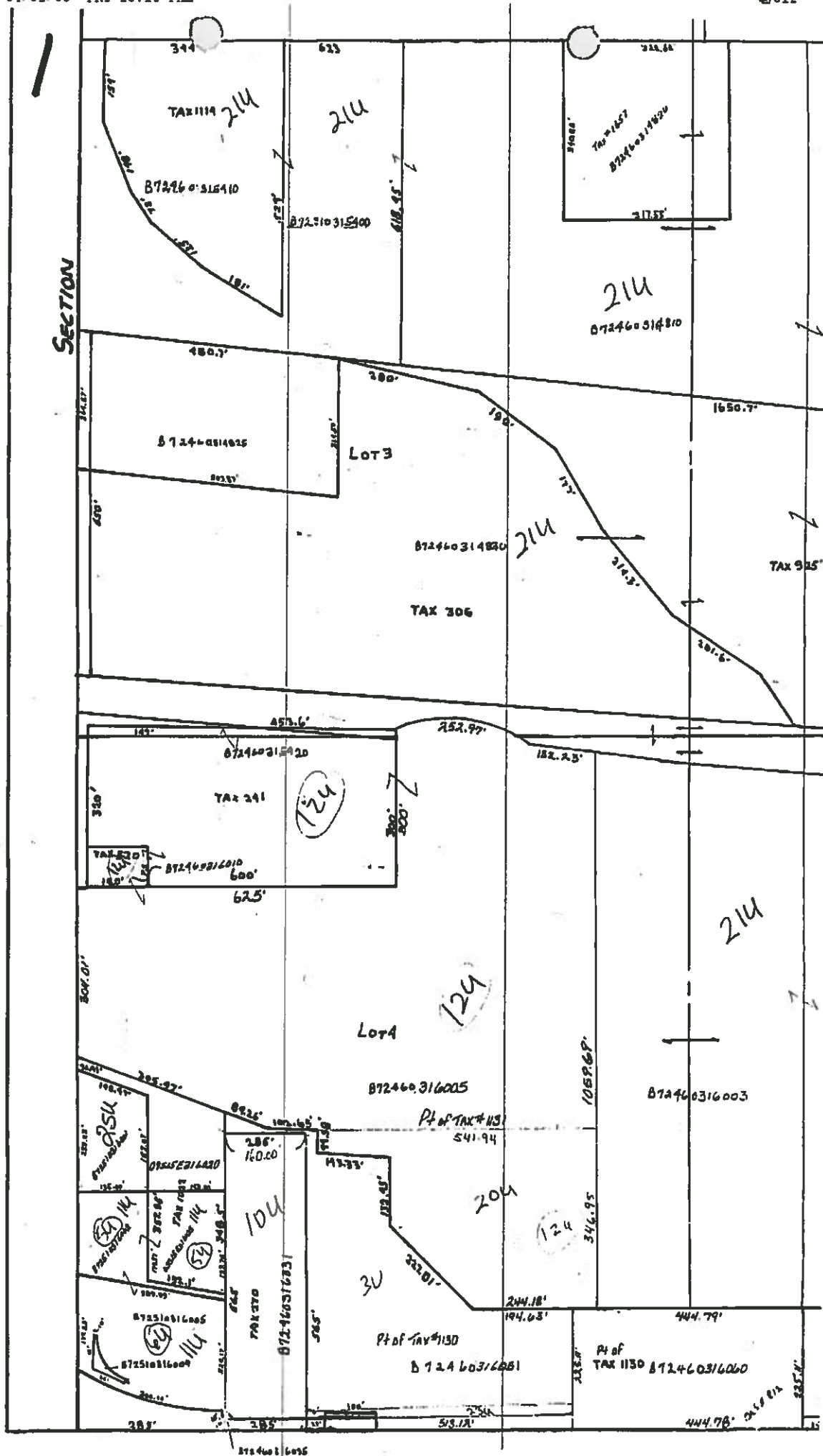
EXHIBIT B

2.10.95

1. Liens for current taxes not yet due and payable.
2. Liens, if any, previously disclosed in writing to Grantee pursuant to Disclosure Schedule attached to Asset Purchase Agreement dated December 8, 1994, as amended.
3. Liens, if any, imposed by law and incurred in the ordinary course of business, for obligations not yet due to carriers, warehousemen, laborers and materialmen.
4. Easements and other encumbrances, if any, which do not materially adversely affect the manner in which the improvements on the property are operated on the date hereof.
5. Encroachments, overlaps, boundary line disputes, if any, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
6. Rights of way, if any, for ditches, tunnels, telephone and distribution lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code 1947.
7. Water rights, claims or title to water, if any.
8. General taxes for the year 1994, as extended on the regular tax roll.
9. Liens and assessments, if any, of the American Falls Irrigation District, and the rights and powers of said district as by law provided.
10. Unrecorded right of way for ditches, canals and coulee of the Twin Falls Canal Company.
11. Right of Way granted April 15, 1927, made between Crawford Moore and Mildred Moore, husband and wife, and Clarence S. Peck and Evelyn M. Peck, husband and wife, to The Sego Milk Products

Twin Falls County, Idaho

- Company, recorded April 30, 1927, as Instrument No. 197199, Official Records of Twin Falls County, Idaho.
12. Right of Way granted April 19, 1927, made between Crawford Moore, Trustee, and Western Loan and Investment Company, parties of the first part, and The Sego Milk Products Company, party of the second part, and recorded as Instrument No. 197200, Official Records of Twin Falls County, Idaho.
 13. Easement as granted by F. W. Harder and Ada Harder, husband and wife, to Idaho Power Company, a corporation, by instrument recorded September 24, 1934, in Book 90 of Deeds, page 217, of Official Records of Twin Falls County, Idaho.
 14. Easement as granted by Green Giant Canning Company, to Idaho Power Company, a corporation, by instrument recorded May 10, 1958, as Instrument No. 472667, of Official Records of Twin Falls County, Idaho.
 15. Easement and Right-of-Way dated April 15, 1963, between Paul Dana and Lillian Dana, husband and wife, parties of the first part, and Green Giant Land and Development Company, party of the second part, as modified pursuant to Amendment to Easement and Right-of-Way dated June 19, 1968, between Paul Dana and Lillian Dana, husband and wife, and Green Giant Land and Development Company and Green Giant Company and recorded as Instrument No. 589987, Official Records of Twin Falls County, Idaho.
 16. Easement and Right-of-Way dated April 15, 1963, between Paul Dana and Lillian Dana, husband and wife, parties of the first part, and Green Giant Land and Development Company, party of the second part, as modified pursuant to Amendment to Easement and Right-of-Way dated April 19, 1968, between Paul Dana and Lillian Dana, husband and wife, and Green Giant Land and Development Company and Green Giant Company and recorded as Instrument No. 589988, Official Records of Twin Falls County, Idaho.
 17. Easement reserved in Warranty Deed by and between The Pillsbury Company, a Delaware corporation, and Pet Incorporated, a Delaware corporation, recorded February 9, 1989, as Instrument No. 951230, Official Records of Twin Falls County, Idaho.



4

265.4'

700

328.25'

TAX 170

09152317205

09152317205
17205
17205
17205

15100

328.25'

264.51'

09152317205
17205
17205
17205

264.41'

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell

Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaefer Kaufmann
Michael W. McGreaham

Kimberly D. Evans Ross
Jon A. Stenquist
Eric M. Barzee
Valerie N. Charles
Bradley J. Dixon
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Russell G. Metcalf

Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

April 22, 2005

RECEIVED
APR 26 2005
Department of Water Resources
Southern Region

Idaho Department of Water Resources-Southern
Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: **Water Rights 47-02330 and 47-11236**
Change of Ownership to Seneca Foods Corporation
MTBR&F File No. 19640.2

Dear Sir or Madam:

I am enclosing one original and one copy of the Notice of Change in Water Right Ownership for water right numbers 47-02330 and 47-11236, which I am submitting on behalf of Seneca Foods Corporation. It appears because these water rights are currently pending in the Snake River Basin Adjudication, no filing fee is necessary. Please file the original, receive stamp the copy, and return the copy to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/tmh
Enclosure
cc: Russell Grubb (w/o encl.)

Jones, Doug

From: Stanton, Jim
Sent: Friday, March 25, 2005 11:41 AM
To: Jones, Doug
Cc: Freitag, John
Subject: Green Giant Claims 47-2330 & 11236

I was contacted today by an attorney for Green Giant (Buhl plant) about these claims. She said that each claim covers a different well in the described 40. The licensed well is deeper and has a better water supply than the 1944 well, and they have decided to abandon the older well. The newer well will replace the old one for the beneficial-use claim, so no transfer is required according to the transfer memo (& confirmed w/Jeff); the attorney was so advised. FYI

$$\begin{array}{r} 1.78 \\ .44 \\ \hline 2.22 \text{ cfs} \end{array} = 996 \text{ gpm}$$

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
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D. James Manning
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Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

December 19, 2006

RECEIVED
DEC 20 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
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208 385 5384 Fax
www.moffatt.com

Nathan Erickson
Field Technician
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Seneca Plant, Buhl Idaho Ground Water Rights/Claims
MTBR&F File No. 19640.2

Dear Nathan:

I am writing you to request that either myself or Scott Campbell be copied on all correspondence with Seneca Foods Corporation regarding its Buhl, Idaho processing plant. I mention this because our firm was not copied on the preliminary recommendations for water right nos. 47-11236 and 47-2330. Instead, we received faxed copies of the preliminary recommendations from Seneca. I would appreciate it if you would forward me copies of all correspondence/materials you have sent to Seneca from the issuance of the Department's preliminary recommendations to date (including the preliminary recommendations themselves).

Thank you for your attention to this matter.

Very truly yours,


Andrew J. Waldera

AJW/dll

cc: Allen Merritt
Client

10/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-2330

NAME AND ADDRESS: SENECA FOODS
PO BOX 232
BUHL ID 83316

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.780 CFS
264.000 AFY

The rights listed below are limited to a total combined annual diversion volume of 264 af. Combined Right Nos.: 47-2330 and 47-11236.

PRIORITY DATE: 02/26/1960

POINT OF DIVERSION:

T09S R15E S31 NWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	05/15 10/25	1.780 CFS

PLACE OF USE: INDUSTRIAL Within TWIN FALLS County

T09S R15E S31 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



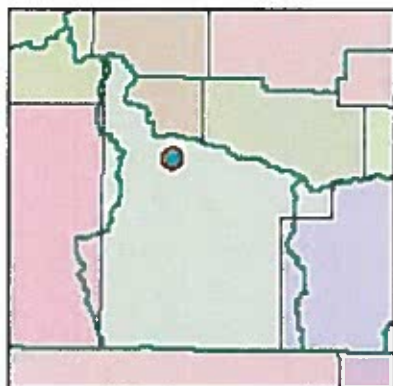
Idaho Department of Water Resources

SRBA Recommendation:

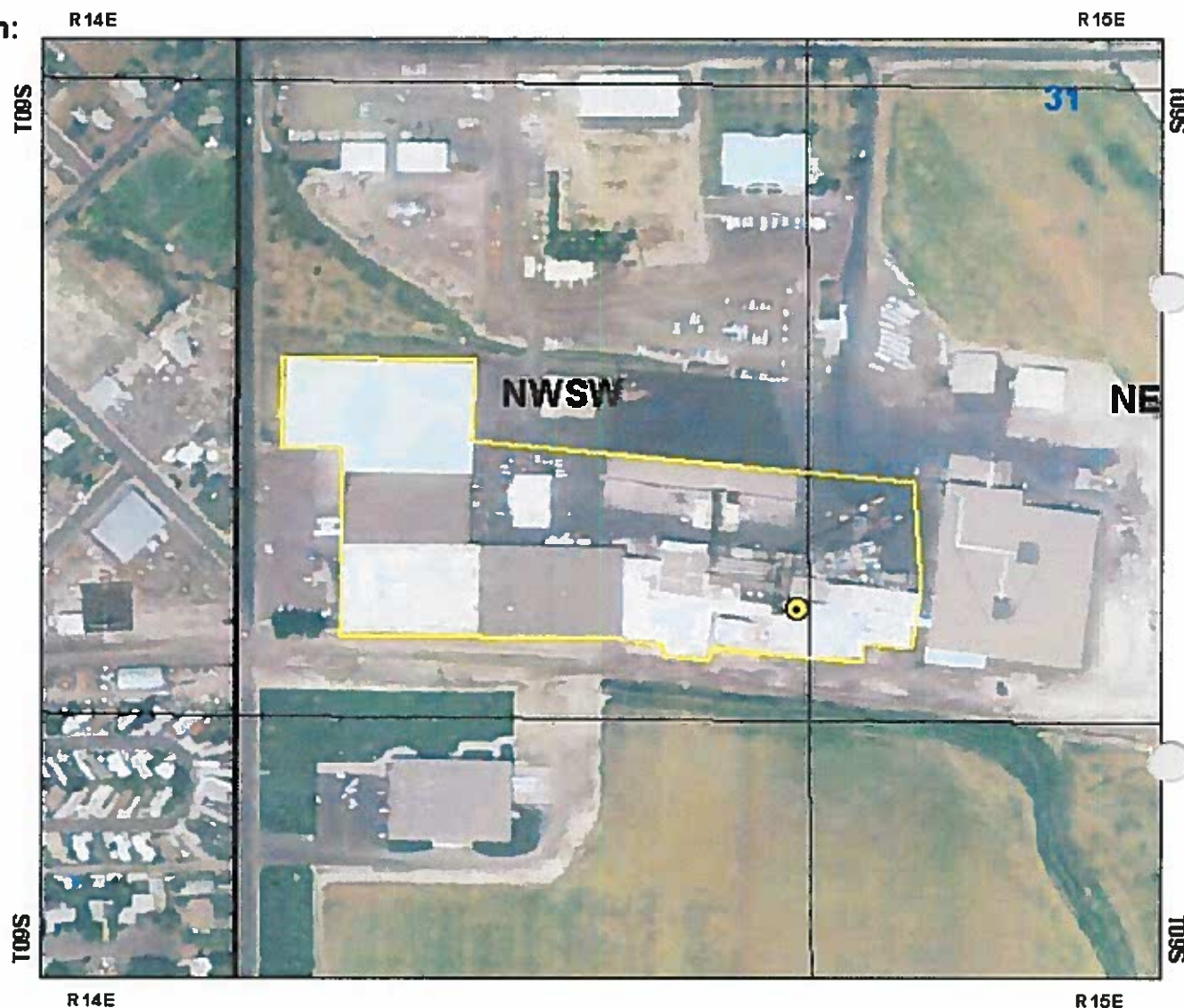
47-2330

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Twin Falls County
IDWR Basin 47



0 0.1 0.2 Miles

Prepared by N. Erickson
On Thursday, October 12, 2006
2004 Aerial Photography

Memo

To: File

From: Nathan Erickson

Date: 10/12/2006

Re: WR 47-11236 and 47-2330, Seneca Foods

The two water rights are owned by Seneca Foods of Buhl, there are two wells on the property. The main production well was drilled in 1960; it was found that the draw down rendered the original well inoperable. Because both wells are in the same QQ, there has been an accomplished transfer of the point of diversion for WR 47-11236 to the point of diversion for WR 47-2330, pursuant to Idaho Code Section 42-1425. Since the accomplished transfer has occurred the original well should be abandoned unless a transfer is filed to add the second well to the water rights.

The information in the adjudication claim file shows that the capacity of the main production well is capable of producing approximately 1,000 gpm (2.22 cfs) allowed by WR 47-11236 and 47-2330.

The season of use was changed to 5/15 - 10/25, to reflect what the Seneca Foods Lawyer reported (See facsimile in file dated October 6, 2006, from Andrew Waldera).

The determination of the annual diversion volume allowed for both water rights was based on the 2005 and 2006 production records for Seneca Foods. In 2005 the production records show that 218 acre feet were pumped from the well. However in 2006 the total volume as of October 2 was 217 acre feet, the 2006 volume was missing the last 23 days in the season of use. To account for the loss, the diversion volume for the 23 days in 2005 were applied to 2006 and the annual sum was calculated, this resulted in the estimated 2006 annual diversion volume of 264 acre feet. Other methods of applying an average to the 23 days were explored but were found to over estimate the expected production volume for the end of the season. It is recommended that the annual diversion volume be 264 acre feet.



US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
208 385 5384 Fax
208 385 5444 Direct

FACSIMILE

From: Andrew Waldera**Date:** October 6, 2006**Re:** Seneca-Buhl Ground Water Use**File No.:** 19-640.02

Number of pages being transmitted including the cover page: 2
Please call fax operator at (208) 345-2000 if all pages are not received.

	Name	Organization	Fax No.	Voice No.
To:	Nathan Erickson Field Technician	Idaho State Department of Water Resources	208-736-3037	

Message:

PLEASE DELIVER IMMEDIATELY

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.

Moffatt Thomas

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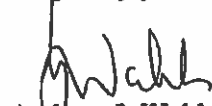
Boise
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www.moffatt.comEugene C. Thomas
John W. Barrett
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Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. RaineyRobert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*Willis C. Moffatt, 1907-1980
Kirk R. Helvic, 1956-2003October 6, 2006
via Facsimile
208-736-3037Nathan Erickson
Field Technician
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380Re: Seneca-Buhl Ground Water Use
MTBR&F File No. 19640.02

Dear Nathan:

As requested at yesterday's meeting between you, me, Scott Campbell, and Allen Merritt, I contacted Doug Thorson at Seneca's Buhl, Idaho plant and inquired as to the season of use of the 1960 well (or, more accurately Seneca's season of use of groundwater). Doug informed me that the plant used ground water during the entire processing season, covering May 15 through October 25, annually. Packing activities performed during the slower winter months are performed with the use of municipal/potable water supplied by the City of Buhl.

If you have any questions, or require any additional information, please let me know.

Very truly yours,



Andrew J. Waldera

AJW/dll

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
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Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

October 5, 2006
via Hand Delivery

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Allen Merritt
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Twin Falls, ID 83301-3380

Nathan Erickson
Field Technician
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Seneca Plant, Buhl Idaho Ground Water Rights/Claims
MTBR&F File No. 19640.2

Dear Allen and Nathan:

I am writing you to provide you with information regarding Seneca Foods Corporation's ("Seneca") ground water use at its Buhl, Idaho processing facility so that the Department can make its recommendation concerning Seneca's beneficial use claim no. 47-11236. As you will see from the attached documents and Affidavit of Doug Thorson, Seneca completed an accomplished transfer of the point of diversion for water right claim no. 47-11236 to the point of diversion for water right license no. 47-2330, pursuant to Idaho Code Section 42-1425. The 1960 well (right no. 47-2330) is not only capable of diverting up to 1,000 gallons per minute ("gpm"), but the Seneca plant has historically diverted, and currently diverts, up to 1,000 gpm of ground water on a regular basis to meet its processing season needs.

Seneca Buhl Water Rights

As the Department is aware, Seneca has two ground water rights associated with its Buhl facility. Beneficial Use Claim No. 47-11236 is a 437 foot deep well drilled in 1944. The well was driven by a 25 HP Peerless pump, and produced approximately 200 gpm (0.44 cfs) of ground water. Water was pumped from the well during the processing season up until the late 1970s or very early 1980s, but has not been pumped since for reasons discussed below. Currently, the well still contains its pump, but its power supply and water hookup into the plant have been disconnected.

Seneca's second ground water right is License No. 47-2330, with a priority date of 1960. The well is 645 feet deep, cased with 18 inch pipe with an eight (8) inch discharge pipe, and pumped by a 150 HP GE pump. The license permits the diversion of 800 gpm (1.78 cfs), but

the well is capable of diverting more than this amount (see below). This well has been the plant's primary source of ground water since its completion in June 1960, and it is the only well still in use at the plant.

The second well was drilled in response to a major plant expansion that took place in 1960 during Green Giant's ownership of the facility. The drilling of the second 1960 well caused problems for the operation of the smaller 1944 well. Both wells are located within the same quarter, quarter section (NW 1/4 of the SW 1/4 of Section 31). Because of the wells' proximity, and their diversion of water from the same subsurface source, the smaller 1944 well historically went dry after a couple of weeks of operation of the larger 1960 well. For a number of years, the plant would run both wells until the 1944 well would go dry. The plant would then increase the production of the 1960 well to cover the absence of water from the 1944 well. This joint operation of the wells occurred until the late 1970s, or the very early 1980s at the latest. From that point forward, the 1944 well was retired, and its point of diversion moved entirely to the 1960 well.

As a result, the 1960 well then became the plant's sole ground water diversion point, producing both the water allocated under water right claim no. 47-11236 (200 gpm), and that allocated under water right license no. 47-2330 (800 gpm). The 1960 well has historically diverted, and currently diverts up to 1,000 gpm when plant production requires it.

In addition to the plant's ground water rights, the plant meets additional water needs through a connection to the City of Buhl municipal supply. Overall, plant water needs are met through an approximately 60/40 percent split between ground and city water (60 percent from ground water and 40 percent from city water). City water is used in the packing/freezing/canning of the product, as well as for other sanitary purposes. Ground water is used to wash the vegetables, cook (via steam), and cool the canned product, and reclaimed ground water is used to transport product through the facility.

1960 Well Diversion/Production Capacity

Records attached to this letter, and to the Affidavit of Doug Thorson, establish that the 1960 well is more than capable of diverting/producing 1,000 gpm. Attached as Exhibit A to the Thorson Affidavit are Seneca water use records for both its ground water and city water sources. The records cover the plant's 2005 processing season, and the 2006 processing season to date. Unfortunately, Seneca did not track or maintain such data prior to 2005. Regardless, and as demonstrated by the ground water usage records in 2005 and 2006, the 1960 well is more than capable of diverting/producing up to 1,000 gpm. For example, the well diverted 1,648,100 gallons of water on September 25, 2005.

Allen Merritt
Nathan Erickson
October 5, 2006
Page 3

In addition to these flow meter records, pump performance curve records from Andrew Well Drilling Services (the firm that drilled and maintains the 1960 well) show that the well can easily divert 1,000 gpm. Again, this “academic” finding is not surprising given the well’s actual production as measured on September 25, 2005, and again on August 2, 2006.

Other well production capability evidence includes that contained in the Affidavit of Doug Thorson. For example, there have been times in the past, including roughly five years ago, when the City of Buhl has had to cut off its delivery of water to the Seneca plant due to problems the city was having with some of its supply wells and corresponding infrastructure. When such a situation last arose, in or about processing season 2001, the Seneca plant was operated exclusively on ground water from the 1960 well. The well was diverting at least 1,000 gpm, and the plant was implementing whatever water conservation measures it could to support its continued operations. Last, regarding the capability of the 1960 well to divert up to 1,000 gpm, the Well Log and Report on file with the Department demonstrates that the well was test pumped at a rate of 1,106 gpm for 12.5 hours in 1965.

Plant Processing Water Needs/Use

In addition to Department concerns over the 1960 well’s ability to divert/produce up to 1,000 gpm, Mr. Erickson has expressed concern over whether the plant has historically used up to 1,000 gpm of ground water, thereby confirming the plant’s beneficial use of water right claim no. 47-11236. While Seneca did not keep detailed ground water use records until 2005, there is ample evidence that the plant has diverted and beneficially used at least 1,000 gpm of ground water since 1960.

First, the most recent records evidencing Seneca’s use of ground water up to 1,000 gpm are the detailed 2005 and 2006 processing season water use records discussed above. During the 2005 processing season, the plant met the 1,000 gpm threshold on at least 14 days. Additionally, the plant exceeded 950 gpm on at least 17 additional days. In 2006, to date, the plant met the 1,000 gpm threshold once so far, on August 2, 2006, and the plant has exceeded 950 gpm on 11 additional days. The 2006 processing season is still relatively young, and there will likely be days upcoming where the plant will use up to 1,000 gpm of ground water, or, at the least exceed the use of 950 gpm from the 1960 well.

In addition to the 2005-06 water use records discussed above, recall that roughly five years ago, the City of Buhl had to cut its water delivery to the plant due to problems with a couple of the City’s production wells and piping infrastructure. At that time, the plant operated exclusively on ground water diverted from the 1960 well.

Further, there is historic use evidence that the plant was diverting and using at least 1,000 gpm from the 1960 well for at least five packing seasons from 1960 through 1965. When submitting its Proof of Application of Water to Beneficial Use in 1965, Green Giant Plant Superintendent Oran C. Scholl testified that the well was capable of diverting 2.57 cfs (1,153.5 gpm). He further testified that the well had been diverting, and that the plant had been using, between 1,000 gpm and 1,100 gpm since the 1960 processing season—a total of five processing seasons (the well was completed June 24, 1960 according to the Well Log and Report). Mr. Scholl also testified that the minimum amount of ground water necessary for plant operation was 1,000 gpm. In addition to Mr. Scholl, Mr. Jesse C. Holmes (Buhl City Superintendent) and Mr. Olin L. Smith (Power Company Manager), both testified that the 1960 well was capable of, and in fact had been diverting 2.57 cfs (1,153.5 gpm) for five processing seasons commencing on August 1, 1960.

Lastly, regarding the plant's historic use of at least 1,000 gpm of ground water, Seneca has produced the water supply feasibility report prepared by the geotechnical firm E.G. Crosswaite, dated November 20, 1980. At the time the report was commissioned, the plant was operating upon the 1944 priority 200 gpm beneficial use claim and the 1960 priority 800 gpm license. Yet despite the plant's diversion and use of 1,000 gpm, Seneca's predecessor, Green Giant, still commissioned the report examining the feasibility of securing additional ground water supply. The existence of the report begs the question, "If the plant was not already maxing out its use of 1,000 gpm of ground water, why would Green Giant be investigating the development of even more ground water?" The first page of the report answers this question by stating, "The Green Giant Company needs more water than can be supplied by the existing water system." Admittedly, the report addresses anticipated shortcomings of the 1960 well and pump depth, rather than the outright search for additional water above and beyond 1,000 gpm. The report questions the 1960 well's ability to continue producing the desired 1,000 gpm required by the plant given dropping pumping levels. At a minimum, the report continually establishes the plant's need for at least 1,000 gpm of ground water, and that the safest means for ensuring such a supply, and perhaps securing even more water, would be through the drilling of a new primary well 1,000 to 1,200 feet deep, three-quarters of a mile from the existing wells. If the plant did not require at least 1,000 gpm of ground water, the E.G. Crosswaite report would never have been commissioned.

Conclusion

As you can see, Seneca and/or its predecessors in interest completed an accomplished transfer of the point of diversion for water right claim no. 47-11236 to the point of diversion for water right license no. 47-2330. Additionally, the 1960 well (water right license no. 47-2330) is capable of diverting up to 1,000 gpm. Further, Seneca and its predecessors have historically diverted and beneficially used up to 1,000 gpm of ground water during the processing season on

Allen Merritt
Nathan Erickson
October 5, 2006
Page 5

numerous occasions. Given these materials, the Department has more than enough evidence to recommend water right claim no. 47-11236 at its full 200 gpm (0.44 cfs) claimed amount.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Scott L. Campbell", is written over the typed name.

Scott L. Campbell

SLC/dll
Enclosure
cc: Client

Attorneys for Seneca Foods Corporation

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
19-640.2

ORIGINAL

BEFORE THE STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

In Re

Proof of Beneficial Use for Water Right
No. 47-11236

No. 47-11236

AFFIDAVIT OF DOUG THORSON

STATE OF IDAHO)
) ss.
County of Twin Falls)

DOUG THORSON, having been duly sworn upon oath, deposes and states as
follows:

1. I am over the age of 18 years and make this affidavit based upon personal
information.

2. I am the Quality Assurance / Environmental Affairs Manager for Seneca Foods Corporation's processing plant in Buhl, Idaho. I have held the position since 1990. I have worked at the Buhl processing plant since 1984.

3. The Buhl plant operates through the use of both ground water and potable water supplied by the City of Buhl. Ground water is supplied by water right nos. 47-11236 and 47-2330, and is diverted from the well serving as the point of diversion for water right no. 47-2330. Water use at the plant consists of a 40 percent / 60 percent split. Put another way, 60 percent of the plant's water is supplied by ground water, and 40 percent is supplied by city water. To support and maintain plant operations, the Seneca Buhl plant requires at least 1,000 gallons per minute ("gpm") of ground water during various times of the processing season.

4. As for how water is used, city water is used in the packing, freezing, and canning of product, as well as other sanitary purposes. Ground water is used to wash the vegetables, cook (via steam), and cool the canned product, and reclaimed ground water is used to transport vegetables and canned product through the plant.

5. Originally, water right no. 47-11236 (priority date 1944) was diverted through a 437 foot deep well driven by a 25 horsepower Peerless pump. Then, to meet the needs of a major plant expansion in 1960, Seneca's predecessor, Green Giant, drilled a second 645 foot deep well in the same quarter quarter section as the 1944 well. The 1960 well serves as the point of diversion of water right no 47-2330, and is driven by a 150 horsepower GE pump.

6. Over time, operation of the deeper 1960 well would cause the shallower 1944 well to go dry after a couple of weeks of concurrent operation. Despite this fact, both wells would be operated concurrently for the first couple of weeks of the processing season. When the shallower 1944 well would go dry, production/diversion from the deeper 1960 well would be

increased to cover both the production of the 1944 well (water right no. 47-11236) and the 1960 well (water right no. 47-2330), for a total of 1,000 gpm. This concurrent well operation scheme was used from 1960 through the late 1970s or very early 1980s at the latest. At that point it was decided that the shallower 1944 well be retired, and that both water right nos. 47-11236 and 47-2330 be diverted from the deeper 1960 well from then on. As such, the plant diverts both water rights through the 1960 well to this day.

7. Attached hereto as Exhibit A, are true and correct copies of plant ground water and city water use records for processing season 2005, and processing season 2006 to date. As demonstrated by these records, the 1960 well is more than capable of diverting/producing 1,000 gpm.

8. As another example of the 1960 well's ability to divert up to 1,000 gpm, there have been occasions in the past where the City of Buhl has had to completely cut off the plant's city water supply. This last occurred on or about processing season 2001, when the city had trouble with two of its supply wells and corresponding piping infrastructure. At the time, the plant was run and operated exclusively on ground water diverted from the 1960 well. The well was being pumped for all it could produce. To maximize use of the ground water pumped, the plant instituted a number of water conservation measures to get by.

9. In response to Idaho Department of Water Resources Field Technician Nathan Erickson's August 2006 plant visit, Seneca asked for and received pump performance curves for the 1960 well from Andrew Well Drilling Services (the company that drilled and maintains the 1960 well). As can be see from the pump performance curves, the 1960 well is more than capable of diverting 1,000 gpm. True and correct copies of the Andrew Well Drilling Services' pump performance curve data is attached hereto as Exhibit B.

Further your affiant sayeth naught.

Doug Thorson
Doug Thorson

SUBSCRIBED AND SWORN to before me this ____ day of October, 2006.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires _____

Notary Form: Jurat

*To be used when document is **SIGNED IN PRESENCE OF NOTARY**

✓ 1) Document signer(s) sign(s) the Journal

✓ 2) Oath Administered

(Do you swear or affirm the statements in this document are true?)

*Signer **MUST** answer in the affirmative to continue.

✓ 3) Person Signs Document

 4) Jurat Completed by Notary

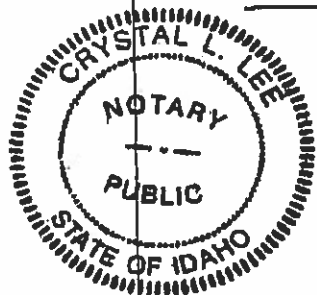
JURAT

State of Idaho

County of Twin Falls

Subscribed and sworn to (or affirmed) before me this

4th day of October, 20 06.



Crystal L. Lee

Notary Public: Crystal L. Lee

Commission Expires: 6/12/2009

**Attribution Clause: This certificate is prepared for and exclusively belongs to, the accompanying documents entitled State of Idaho Dept of Water Res., which consists of 5 page(s) and is dated: 10-4-06. If this certificate is appropriated to any document other than the one described herein, it shall be deemed null and void.

CERTIFICATE OF SERVICE

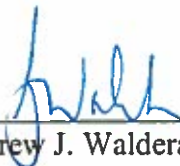
I HEREBY CERTIFY that on this 5th day of October, 2006, I caused a true and correct copy of the foregoing AFFIDAVIT OF DOUG THORSON to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
Idaho Water Center
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Allen Merritt, Water Rights Supervisor
Nathan Erickson, Field Technician
IDAHO DEPARTMENT OF WATER RESOURCES
Southern Region Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Andrew J. Waldera

Water Usage

Date	Well		Total		City-Cold Storage		Total		City-Warehouse		Total		City Total		Total	
	Begin	End	85,755,200		Begin	End	820,700		Begin	End	47,341,100		47,961,800		97,116,000	
25-Jul			-				-				-		-		-	
26-Jul			-				-				-		-		-	
27-Jul	860,454	870,499	1,004,500	246,599	246,731		13,200	1,934,971	1,939,780		480,900		494,100		1,498,600	
28-Jul	870,499	881,852	1,135,300	246,731	246,891		16,000	1,939,780	1,946,778		899,800		715,800		1,851,100	
29-Jul	881,852	893,266	1,141,400	246,891	247,021		13,000	1,946,778	1,954,142		736,400		749,400		1,890,800	
30-Jul	839,266	904,253	1,141,400	247,021	247,125		10,400	1,954,142	1,962,721		857,900		868,300		2,009,700	
31-Jul	904,253	916,475	1,222,200	247,125	247,206		8,100	1,962,721	1,966,404		368,300		376,400		1,598,600	
1-Aug			-				-				-		-		-	
2-Aug			-				-				-		-		-	
3-Aug	919,539	924,250	471,100	247,304	247,358		5,400	1,970,719	1,971,361		64,200		69,600		540,700	
4-Aug	924,250	931,903	714,500	247,358	247,438		8,000	1,971,361	1,978,082		672,100		680,100		1,394,600	
5-Aug	931,903	938,326	642,300	247,438	247,529		9,100	1,978,082	1,987,292		921,000		930,100		1,572,400	
6-Aug	938,326	948,905	1,057,900	247,529	247,614		6,500	1,987,292	1,991,291		399,900		408,400		1,466,300	
7-Aug	948,905	951,685	278,000	247,614	247,717		10,300	1,991,291	1,995,208		391,700		402,000		680,000	
8-Aug	959,685	970,365	1,068,000	247,717	247,813		9,600	1,995,208	1,997,784		257,600		267,200		1,335,200	
9-Aug			-				-				-		-		-	
10-Aug	970,365	979,519	915,400	247,813	247,957		14,400	1,997,784	2,003,285		550,100		564,500		1,479,900	
11-Aug	979,519	985,109	559,000	247,957	248,020		6,300	2,003,285	2,007,072		378,700		385,000		944,000	
12-Aug	985,109	992,944	783,500	248,020	248,115		9,500	2,007,072	2,011,426		435,400		444,900		1,228,400	
13-Aug	992,944	1,001,557	861,300	248,115	248,190		7,500	2,011,426	2,017,645		621,900		629,400		1,490,700	
14-Aug	1,001,557	1,009,126	756,900	248,190	248,253		6,300	2,011,426	2,017,645		621,900		628,200		1,385,100	
15-Aug	1,009,126	1,010,586	146,000	248,253	248,323		7,000	2,021,715	2,023,687		197,200		204,200		350,200	
16-Aug	1,010,586	1,014,412	382,600	248,323	248,383		6,000	2,023,687	2,025,723		203,600		209,600		592,200	
17-Aug	1,014,412	1,025,462	1,105,000	248,383	248,442		5,900	2,025,723	2,031,272		554,900		560,800		1,665,800	
18-Aug	1,025,462	1,029,455	396,300	248,442	248,503		6,100	2,031,272	2,035,186		391,400		397,500		793,800	
19-Aug	1,029,455	1,038,462	900,700	248,503	248,601		9,800	2,035,186	2,041,243		605,700		615,500		1,516,200	
20-Aug	1,038,462	1,049,650	1,118,800	248,602	248,682		8,000	2,041,243	2,049,935		889,200		877,200		1,996,000	
21-Aug	1,049,650	1,059,779	1,002,300	248,682	248,775		9,300	2,049,935	2,056,384		642,900		652,200		1,654,500	
22-Aug	1,059,779	1,068,692	891,300	248,775	248,857		8,200	2,056,384	2,063,460		709,600		717,800		1,609,100	
23-Aug	1,068,692	1,069,568	87,600	248,857	248,937		8,000	2,063,460	2,071,057		759,700		767,700		855,300	
24-Aug	1,069,568	1,081,026	1,145,800	248,937	249,006		6,900	2,071,057	2,078,690		763,300		770,200		1,916,000	
25-Aug	1,081,026	1,092,785	1,175,900	249,006	249,094		8,800	2,078,690	2,086,107		741,700		750,500		1,926,400	
26-Aug	1,092,785	1,096,015	323,000	249,094	249,185		9,100	2,086,107	2,092,817		671,000		680,100		1,003,100	
27-Aug	1,096,015	1,106,534	1,051,900	249,185	249,292		10,700	2,092,817	2,099,652		683,500		694,200		1,746,100	
28-Aug	1,106,534	1,118,004	1,147,000	249,292	249,398		10,600	2,099,652	2,107,943		829,100		839,700		1,988,700	
29-Aug	1,118,004	1,127,549	954,500	249,398	249,481		8,300	2,107,943	2,112,137		419,400		427,700		1,382,200	
30-Aug	1,127,549	1,135,460	791,100	249,481	249,525		4,400	2,112,137	2,116,500		436,300		440,700		1,231,800	
31-Aug	1,135,460	1,141,649	618,800	249,525	249,597		7,200	2,116,500	2,119,268		276,600		283,800		902,700	
1-Sep	1,141,649	1,146,841	519,200	249,597	249,664		6,700	2,119,268	2,122,602		333,600		340,300		859,500	
2-Sep	1,146,841	1,158,473	1,163,200	249,664	249,747		8,300	2,122,602	2,130,648		804,600		812,900		1,976,100	
3-Sep	1,158,473	1,169,474	1,100,100	249,747	249,857		11,000	2,130,648	2,138,130		748,200		759,200		1,859,300	
4-Sep	1,169,474	1,181,209	1,173,500	249,857	249,947		9,000	2,138,130	2,145,613		748,300		757,300		1,930,800	
5-Sep	1,181,209	1,192,310	1,110,100	249,947	250,035		8,800	2,145,613	2,153,450		783,700		792,500		1,902,600	
6-Sep	1,192,310	1,201,645	933,500	250,035	250,118		8,300	2,153,450	2,161,470		802,000		810,300		1,743,800	
7-Sep	1,201,645	1,208,132	648,700	250,118	250,196		7,800	2,161,470	2,168,490		702,000		709,800		1,358,500	
8-Sep	1,208,132	1,212,742	461,000	250,196	250,265		6,900	2,168,490	2,173,847		535,700		542,600		1,003,600	
9-Sep			-				-	2,173,847	2,175,870		202,300		202,300		-	
10-Sep	1,212,742	1,217,327	458,500	250,265	250,358		9,300	2,175,870	2,180,118		424,800		434,100		892,600	
11-Sep	1,217,327	1,228,369	1,104,200	250,358	250,402		4,400	2,180,118	2,186,956		683,800		688,200		1,792,400	
12-Sep	1,228,369	1,229,650	128,100	250,402	250,463		6,100	2,186,956	2,194,070		711,400		717,500		845,600	
13-Sep	1,229,650	1,239,656	1,000,600	250,463	250,556		9,300	2,194,070	2,201,620		755,000		764,300		1,764,900	
14-Sep	1,239,656	1,251,492	1,183,500	250,556	250,641		8,500	2,201,620	2,210,350		873,000		881,500		2,065,100	
15-Sep	1,251,492	1,261,784	1,029,200	250,641	250,723		8,200	2,210,350	2,218,410		806,000		814,200		1,843,400	
16-Sep	1,261,784	1,269,196	741,200	250,723	250,796		7,300	2,218,410	2,226,488		807,800		815,100		1,556,300	
17-Sep	1,269,196	1,278,482	928,600	250,796	250,857		6,100	2,226,488	2,234,635		814,700		820,800		1,749,400	
18-Sep	1,278,482	1,288,928	1,044,600	250,857	250,916		5,900	2,234,635	2,243,237		860,200		866,100		1,910,700	
19-Sep	1,288,928	1,300,185	1,125,700	250,916	250,999		8,300	2,243,237	2,252,236		899,900		908,200		2,033,900	
20-Sep	1,300,185	1,311,554	1,136,900	250,999	251,124		12,500	2,252,236	2,260,180		792,400		804,900		1,941,800	
21-Sep	1,311,554	1,322,526	1,097,200	251,124	251,229		10,500	2,260,180	2,269,255		909,500		920,000		2,017,200	
22-Sep	1,322,526	1,333,318	1,079,200	251,229	251,326		9,700	2,269,255	2,278,350		909,500		919,200		1,998,400	
23-Sep	1,333,318	1,344,719	1,140,100	251,326	251,410		8,400	2,278,350	2,284,256		590,600		599,000		1,739,100	
24-Sep			1,090,000	251,410	251,483		7,300	2,284,256	2,287,682		342,600		349,900		1,349,900	
25-Sep	344,719	361,200	1,648,100	251,483	251,561		7,800	2,287,682	2,290,383		240,100		247,900		1,896,000	
26-Sep			-				-				-		-		-	
27-Sep	361,200	370,519	931,900	251,561	251,731		6,400	2,290,383	2,294,832		444,900		451,300		1,383,200	
28-Sep	370,519	382,405	1,188,600	251,731	251,835		10,400	2,294,832	2,297,585		275,300		285,700		1,474,300	
29-Sep	382,405	390,889	848,400	251,835	251,936		10,100	2,297,585	2,301,783		419,800		429,900		1,278,300	
30-Sep	390,889	402,240	1,135,100	251,936	252,039		10,300	2,301,783	2,307,575		579,200		589,500		1,724,600	
1-Oct	402,240	412,475	1,023,500	252,039	252,134		9,500	2,307,575	2,316,220		864,500		874,000		1,897,500	
2-Oct	412,475	420,475	778,500	252,134	252,224		9,000	2,316,220	2,325,575		935,500		944,500		1,723,000	
3-Oct	420,475	431,058	1,058,300	252,224	252,312		8,800	2,325,575	2,333,981		840,600		849,400		1,907,700	
4-Oct	431,058	440,780	972,200	252,312	252,379		6,700	2,333,981	2,341,473		840,600		847,300		1,819,500	
5-Oct	440,780	451,800	1,102,000	252,379	252,438		5,900	2,341,473	2,348,302		682,900		688,800		1,	

Water Usage

Date	Well Begin	End	Total 4,760,200	Minus SSP	City-Cold Storage Begin	End	Total	City-Warehouse Begin	End	Total 26,444,460	City Total 2,640,875	Minus SSP	Total 6,920,275
19-Jul	806,441	813,893	725,200		267,783	267,868	10,500	2,524,529	2,524,955	42,600	83,109		778,300
20-Jul	813,893	822,059	838,600	501,960	267,868	267,989	12,100	2,524,955	2,530,360	540,500	552,800	331,560	1,389,200
21-Jul	822,059	830,874	881,500	528,900	267,989	268,105	11,600	2,530,360	2,534,689	432,900	444,500	268,700	1,326,000
22-Jul	830,874	840,008	913,200	684,900	268,105	268,211	10,600	2,534,689	2,541,432	674,300	285,375	214,031	1,598,100
23-Jul	840,008	845,855	884,900		268,211	268,304	9,300	2,541,432	2,549,584	815,200	824,500		1,409,400
24-Jul	845,855	854,043	918,500		268,304	268,450	14,600	2,549,584	2,558,389	880,500	885,100		1,713,900
25-Jul	854,043	863,569	952,800		268,450	268,564	11,400	2,558,389	2,565,095	670,600	682,000		1,634,600
26-Jul	863,569	873,782	1,021,300		268,564	268,678	11,400	2,565,095	2,570,460	536,500	547,900		1,569,200
27-Jul	873,782	883,940	1,015,800		268,678	268,811	13,300	2,570,460	2,577,389	692,900	706,200		1,722,000
28-Jul	883,940	891,860	792,000		268,811	268,928	11,700	2,577,389	2,582,505	511,600	523,300		1,315,300
29-Jul	891,860	891,860	-		268,928	268,928	-	2,582,505	2,582,505	-	-		-
30-Jul	891,860	892,548	68,800		268,928	269,022	9,400	2,582,505	2,585,039	253,400	262,800		331,600
31-Jul	892,548	892,548	-		269,022	269,022	-	2,585,039	2,585,039	-	-		-
1-Aug	892,548	892,548	-		269,022	269,022	-	2,585,039	2,585,039	-	-		-
2-Aug	892,548	905,935	1,338,700		269,022	269,385	36,300	2,585,039	2,590,049	501,000	537,300		1,876,000
3-Aug	905,935	915,884	994,900		269,385	269,478	9,300	2,590,049	2,594,374	432,500	441,800		1,436,700
4-Aug	915,884	923,431	954,700		269,478	269,640	16,200	2,594,374	2,597,133	275,900	282,100		1,046,800
5-Aug	923,431	933,101	967,000		269,640	269,810	17,000	2,597,133	2,602,694	556,100	573,100		1,540,100
6-Aug	933,101	943,176	1,007,500		269,810	269,984	17,400	2,602,694	2,607,732	503,800	521,200		1,528,700
7-Aug	943,176	954,085	1,090,900		269,984	270,169	18,500	2,607,732	2,615,058	732,600	751,100		1,842,000
8-Aug	954,085	964,202	1,011,700		270,169	270,320	15,100	2,615,058	2,623,730	867,200	882,300		1,894,000
9-Aug	964,202	974,783	1,058,100		270,320	270,440	12,000	2,623,730	2,633,431	970,100	982,100		2,040,200
10-Aug	974,783	984,990	1,020,700		270,440	270,558	11,800	2,633,431	2,643,224	979,300	991,100		2,011,800
11-Aug	984,990	995,656	1,066,600		270,558	270,661	10,300	2,643,224	2,654,682	1,145,800	1,158,100		2,222,700
12-Aug	995,656	1,005,836	1,018,000		270,661	270,839	17,800	2,654,682	2,664,611	992,900	1,010,700		2,028,700
13-Aug	1,005,836	1,016,222	1,036,600		270,839	271,015	17,600	2,664,611	2,675,325	1,071,400	1,089,000		2,127,600
14-Aug	1,016,222	1,027,247	1,102,500		271,015	271,173	15,800	2,675,325	2,685,383	1,005,800	1,021,600		2,124,100
15-Aug	1,027,247	1,037,808	1,056,100		271,173	271,343	17,000	2,685,383	2,695,057	967,400	984,400		2,040,500
16-Aug	1,037,808	1,047,726	991,800		271,343	271,468	12,500	2,695,057	2,705,152	1,009,500	1,022,000		2,013,800
17-Aug	1,047,726	1,058,616	1,088,000		271,468	271,577	10,900	2,705,152	2,710,714	558,200	567,100		1,656,100
18-Aug	1,058,616	1,066,907	829,100		271,577	271,672	9,500	2,710,714	2,713,556	284,200	293,700		1,122,800
19-Aug	1,066,907	1,076,864	995,700		271,672	271,829	15,700	2,713,556	2,714,958	140,200	155,900		1,151,600
20-Aug	1,076,864	1,082,728	586,400		271,829	271,966	13,700	2,714,958	2,716,321	136,300	150,000		736,400
21-Aug	1,082,728	1,092,692	996,400		271,966	272,073	10,700	2,716,321	2,719,952	363,100	373,800		1,370,200
22-Aug	1,092,692	1,102,396	970,400		272,073	272,168	9,500	2,719,952	2,723,811	385,900	395,400		1,365,800
23-Aug	1,102,396	1,109,012	661,800		272,168	272,326	15,800	2,723,811	2,723,813	200	16,000		677,600
24-Aug	1,109,012	1,116,902	789,000		272,326	272,454	12,800	2,723,813	2,725,603	179,000	191,800		880,800
25-Aug	1,116,902	1,127,393	1,048,100		272,454	272,605	15,100	2,725,603	2,728,973	337,000	352,100		1,401,200
26-Aug	1,127,393	1,138,079	1,068,800		272,605	272,746	14,100	2,728,973	2,733,497	452,400	468,500		1,535,100
27-Aug	1,138,079	1,148,684	1,060,500		272,746	272,883	13,700	2,733,497	2,739,301	580,400	594,100		1,654,600
28-Aug	1,148,684	1,159,494	1,081,000		272,883	273,092	20,900	2,739,301	2,747,269	796,800	817,700		1,898,700
29-Aug	1,159,494	1,170,149	1,065,500		273,092	273,177	8,500	2,747,269	2,753,641	637,200	645,700		1,711,200
30-Aug	1,170,149	1,180,974	1,082,500		273,177	273,311	13,400	2,753,641	2,760,725	708,400	721,800		1,804,300
31-Aug	1,180,974	1,191,780	1,080,600		273,311	273,455	14,400	2,760,725	2,768,684	795,900	810,300		1,890,900
1-Sep	1,191,780	1,202,602	1,082,200		273,455	273,578	12,300	2,768,684	2,774,703	601,900	614,200		1,696,400
2-Sep	1,202,602	1,213,481	1,085,800		273,578	273,723	14,500	2,774,703	2,781,583	688,000	702,500		1,788,400
3-Sep	1,213,481	1,224,410	1,094,900		273,723	273,856	13,300	2,781,583	2,788,044	646,100	658,400		1,754,300
4-Sep	1,224,410	1,235,191	1,070,100		273,856	273,990	13,400	2,788,044	2,796,005	796,100	809,500		1,887,800
5-Sep	1,235,191	1,246,257	1,106,800		273,990	274,144	15,400	2,796,005	2,803,967	796,200	811,600		1,918,200
6-Sep	1,246,257	1,256,964	1,070,700		274,144	274,288	14,400	2,803,967	2,811,205	723,800	736,200		1,808,900
7-Sep	1,256,964	1,267,683	1,071,900		274,288	274,447	15,900	2,811,205	2,817,020	581,500	597,400		1,669,300
8-Sep	1,267,683	1,278,523	1,084,000		274,447	274,583	13,600	2,817,020	2,823,697	667,700	681,300		1,765,300
9-Sep	1,278,523	1,289,279	1,075,600		274,583	274,719	13,600	2,823,697	2,828,823	512,600	526,200		1,601,800
10-Sep	1,289,279	1,300,238	1,095,900		274,719	274,863	14,400	2,828,823	2,834,671	584,800	599,200		1,695,100
11-Sep	1,300,238	1,311,042	1,080,400		274,863	275,016	15,300	2,834,671	2,840,635	598,400	611,700		1,692,100
12-Sep	1,311,042	1,321,951	1,050,900		275,016	275,163	14,700	2,840,635	2,846,472	783,700	798,400		1,889,300
13-Sep	1,321,951	1,332,735	1,078,400		275,163	275,316	15,300	2,846,472	2,854,752	628,000	643,300		1,721,700
14-Sep	1,332,735	1,343,613	1,087,800		275,316	275,461	14,500	2,854,752	2,861,959	720,700	735,200		1,823,000
15-Sep	1,343,613	1,353,975	1,038,200		275,461	275,586	12,500	2,861,959	2,864,608	264,900	277,400		1,313,600
16-Sep	1,353,975	1,364,159	1,018,400		275,586	275,716	13,000	2,864,608	2,870,009	540,100	553,100		1,571,500
17-Sep	1,364,159	1,374,537	1,037,800		275,716	275,852	13,600	2,870,009	2,872,384	237,500	251,100		1,288,900
18-Sep	1,374,537	1,385,235	1,089,800		275,852	275,992	14,000	2,872,384	2,878,039	565,500	579,500		1,649,300
19-Sep	1,385,235	1,394,366	913,100		275,992	276,112	12,000	2,878,039	2,882,545	450,600	462,600		1,375,700
20-Sep	1,394,366	1,405,479	1,111,300		276,112	276,268	15,600	2,882,545	2,888,211	566,600	582,200		1,683,500
21-Sep	1,405,479	1,415,007	952,800		276,268	276,350	8,200	2,888,211	2,892,840	462,900	471,100		1,423,900
22-Sep	1,415,007	1,425,484	1,047,700		276,350	276,472	12,200	2,892,840	2,896,627	378,700	390,900		1,436,600
23-Sep	1,425,484	1,435,541	1,005,700		276,472	276,598	12,600	2,896,627	2,898,681	205,400	218,000		1,223,700
24-Sep	1,435,541	1,446,065	1,052,400		276,598	276,716	12,000	2,898,681	2,901,178	249,700	261,700		1,314,100
25-Sep	1,446,065	1,455,841	977,600		276,716	276,838	12,000	2,901,178	2,902,857	167,900	179,900		1,157,500
26-Sep	1,455,841	1,465,935	1,009,400		276,838	276,961	12,300	2,902,857	2,904,701	184,400	196,700		1,206,100
27-Sep	1,465,935	1,475,537	980,200		276,961	277,081	12,000	2,904,701	2,906,383	168,200	180,200		1,140,400
28-Sep	1,475,537	1,486,590	1,105,300		277,081	277,202	12,100	2,906,383	2,907,390	100,700	112,800		1,218,100
29-Sep	1,486,590	1,495,235	964,500		277,202	277,327	12,500	2,907,390	2,908,236	84,600	97,100		961,600
30-Sep	1,495,235	1,504,108	887,300		277,327	277,455	12,800	2,908,236	2,909,286	105,000	117,800		1,005,100
1-Oct	1,504,108	1,511,202	709,400		277,455	277,574	11,900	2,909,286	2,909,307	2,100	14,000		723,400
2-Oct	1,511,202	1,514,887	368,500		277,574	277,689	11,500						

Message

Page 1 of 1

DOUG THORSON

From: CLAY MONTGOMERY
Sent: Wednesday, August 02, 2006 10:30 AM
To: DOUG THORSON
Cc: BOB SEVERA; CLAY MONTGOMERY
Subject: FW: [SPAM] - Untitled.PDF - Bayesian Filter detected spam

From: AWDS [mailto:info@andrewwelldrill.com]
Sent: Wed 8/2/2006 10:16 AM
To: CLAY MONTGOMERY
Cc: 'Roger'
Subject: [SPAM] - Untitled.PDF - Bayesian Filter detected spam

Clay,

Please find attached the 7 stage performance curves for the pump you now have installed. Please note that it has an impellor trim on it, so it was designed for a 800 gpm @ 500 TDHF, if you go over to the 1000 gpm flow on the curve, it should do approximately 434 TDHF @ 1000 gpm with a 350 foot pumping level. That leaves you with 84 feet for pressure or 36 psi for pressure at the pump discharge.

84 feet
 $2.31\text{ft/psi} = 36\text{ psi}$

pgm x total head feet
 $3960 \times \text{pump efficiency} = \text{HP}$

800 gpm x 500 feet
 $3960 \times .75 \text{ (overall pump efficiency)} = 134.6 \text{ HP}$

1000 gpm x 436 feet
 $3960 \times .75 = 141 \text{ HP}$

You are capable of pumping 1000 gpm out of you well as long as you use the lower pressure.

Sincerely,

Roger Buchanan

8/5/2006

Exhibit B



Performance Curves

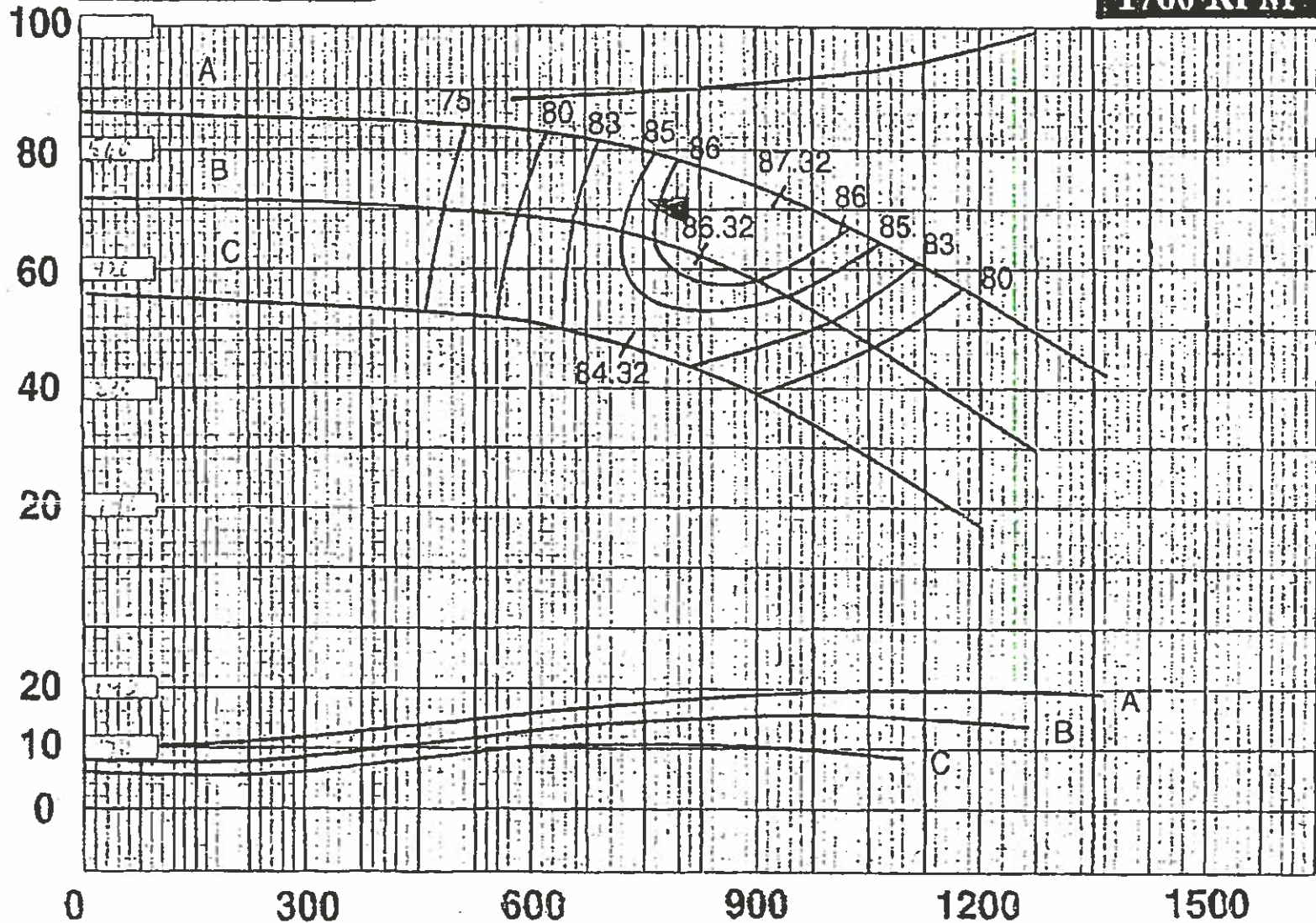
12-M-100

1760 RPM

Number of Stages Required: 7

HEAD IN FEET

HORSEPOWER



20
10
0

N.P.S.H.

TOTAL 0.34

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

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Idaho Falls
Pocatello
Twin Falls

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Richard C. Fields
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D. James Manning
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Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

September 21, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Nathan Erickson
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Water Right Nos. 47-02330 and 47-11236
MTBR&F File No. 19640.2

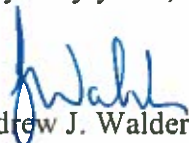
Dear Nathan:

As you know from our telephone conversation last Friday, I performed a site visit at the Seneca Buhl facility on Monday, September 18, 2006. I understand that you would like to receive certain information in order to finalize the Department's recommendation of the Seneca water rights (nos. 47-02330 and 47-11236). I am working on putting that information together. I am currently reviewing the information/records I received during my visit to the plant, however, there are other additional records and information that I am procuring from other sources such as the City of Buhl and Andrews Well Drilling.

In addition to locating/obtaining these additional items, it is also taking me additional time to keep Scott Campbell (the senior attorney on this matter) informed. My work is subject to Mr. Campbell's approval in conjunction with further discussions with Seneca corporate officials.

I mention the foregoing to illustrate that Seneca is taking this matter seriously, and that we are working diligently on your request. It is my hope and expectation to provide a full response to you by the end of next week, and sooner if possible. Unfortunately, however, control over this process is not entirely in my hands. I appreciate your ongoing patience and understanding.

Very truly yours,


Andrew J. Waldera

AJW/dll

RECEIVED
SEP 22 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SEP 21 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
208 385 5384 Fax
208 385 5323 Direct

RECEIVED

RECEIVED

SEP 21 2006

FACSIMILEDEPT. OF WATER RESOURCES
SOUTHERN REGION**From:** Deborah L. Long
Administrative Assistant to Andrew J. Waldera**Date:** September 21, 2006**Re:** Water Right Nos. 47-02330 and 47-11236**File No.:** 19640.2**Number of pages being transmitted including the cover page: 2**
Please call fax operator at (208) 345-2000 if all pages are not received.

	Name	Organization	Fax No.	Voice No.
To:	Nathan Erickson	Idaho Department of Water Resources Southern Region	(208) 736-3037	(208) 736-3033

Message:

Letter dated September 21, 2006, from Andrew Waldera.

PLEASE DELIVER IMMEDIATELY

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.

RECEIVED

Moffatt Thomas

SEP 21 2006

Boise
Idaho Falls
Pocatello
Twin FallsMOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD. DEPT. OF WATER RESOURCES
SOUTHERN REGIONEugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
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September 21, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, Idaho 83701 0829208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.comNathan Erickson
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380Re: Water Right Nos. 47-02330 and 47-11236
MTBR&F File No. 19640.2

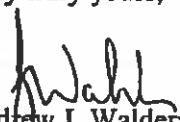
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Very truly yours,


Andrew J. Waldera

AJW/dll

Erickson, Nathan

From: Erickson, Nathan
Sent: Tuesday, September 12, 2006 2:24 PM
To: 'DOUG THORSON'
Subject: RE: SENECA Adjudication Claims

Doug,

I am planning on wrapping up the adjudication recommendation for water rights 47-2330 and 47-11236 within the next week and would like to have whatever information is available. Please get back to me soon.

Thank You,
Nathan

-----Original Message-----

From: DOUG THORSON [mailto:dthorson@senecafoods.com]
Sent: Tuesday, August 22, 2006 2:11 PM
To: Erickson, Nathan
Subject: RE: SENECA Adjudication Claims

We will try to get back to you next week.

-----Original Message-----

From: Erickson, Nathan [mailto:Nathan.Erickson@idwr.idaho.gov]
Sent: Monday, August 21, 2006 3:33 PM
To: DOUG THORSON
Subject: SENECA Adjudication Claims

Doug,

I am still trying to gather enough information to make a recommendation for SENECA Foods water rights 47-2330 and 47-11236. As we have discussed previously I am needing to have some definitive information as to what the historical use of water has been from the two wells on site. I appreciated the information on the pump capacity for the big well, that will be helpful. But there are a few more bits of information that would be useful...

How often is the pump running?

At what rate does it typically run?

What would the typical week require for production from the well?

How does pumping from the well change throughout the year?

I am trying to get an idea of how the water rights and use match up. If possible a copy of your meter readings would be helpful also, I believe you said they were taken daily. If you have any questions let me know.

Thanks,

Nathan Erickson

Fax Cover Sheet

To: *NATHAN ERICKSON*

Company:

Phone:

FAX:

From: *DOUG THORSON*

Company: Seneca Foods Corporation - Buhl, Idaho

Phone: 208-543-

FAX: 208-543-6015

Date: *8-2-06*Pages Inc. Cover: *3*Comments: *INFORMATION FROM ANDREWS
WELL DRILLING.*

Message

Page 1 of 1

DOUG THORSON

From: CLAY MONTGOMERY
Sent: Wednesday, August 02, 2006 10:30 AM
To: DOUG THORSON
Cc: BOB SEVERA; CLAY MONTGOMERY
Subject: FW: [SPAM] - Untitled.PDF - Bayesian Filter detected spam

SOME TEMP STORAGE
TANKS.

From: AWDS [mailto:info@andrewwelldrill.com]
Sent: Wed 8/2/2006 10:16 AM
To: CLAY MONTGOMERY
Cc: 'Roger'
Subject: [SPAM] - Untitled.PDF - Bayesian Filter detected spam

Clay,

Please find attached the 7 stage performance curves for the pump you now have installed. Please note that it has an impellor trim on it, so it was designed for a 800 gpm @ 500 TDHF, if you go over to the 1000 gpm flow on the curve, it should do approximately 434 TDHF @ 1000 gpm with a 350 foot pumping level. That leaves you with 84 feet for pressure or 36 psi for pressure at the pump discharge.

84 feet

2.31ft/psi = 36 psi

gpm x total head feet

3960 x pump efficiency = HP

800 gpm x 500 feet

3960 x .75 (overall pump efficiency) = 134.6 HP

1000 gpm x 436 feet

3960 x .75 = 141 HP

You are capable of pumping 1000 gpm out of you well as long as you use the lower pressure.

Sincerely,

Roger Buchanan

8/2/2006

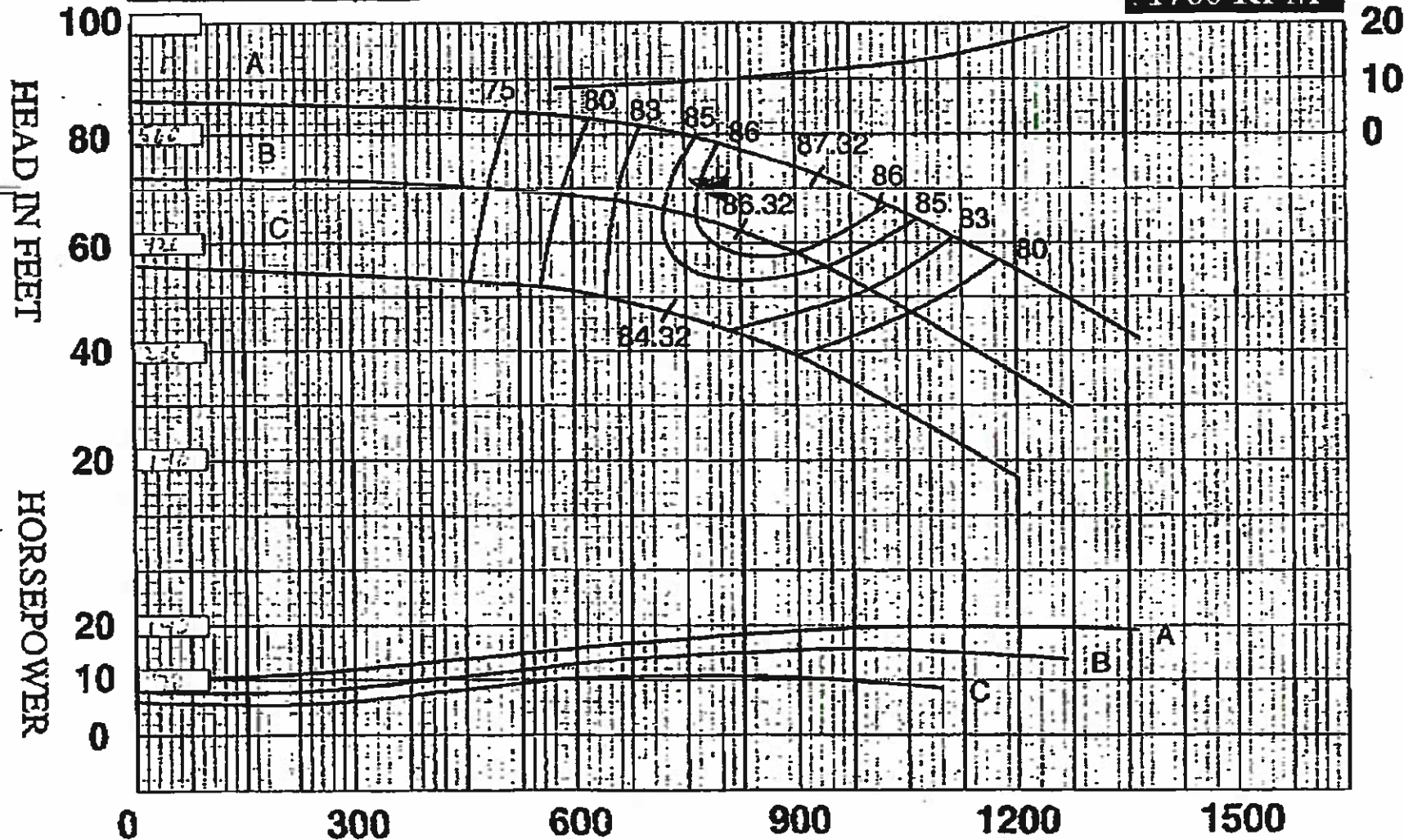


Performance Curves

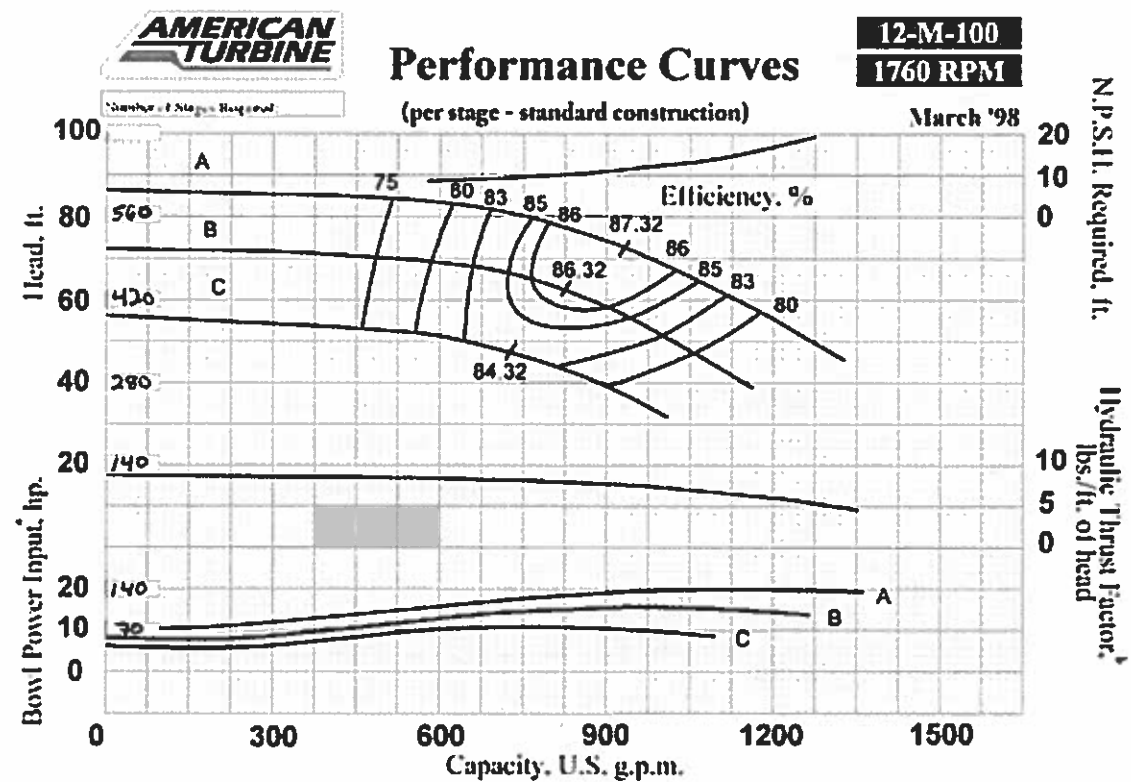
12-M-100

1760 RPM

Number of Stages Required: 7



N.P.S.H.



Seneca Foods

8/1/2006 Field exam with Doug Thorson

WR 47-11236 (Small Well)

- Beneficial use claim (evidence of priority letter in file)
- Priority date 4/1/1944
- Claim is for 0.44 cfs (197gpm)
- Last use was 10-15 years ago
- Believed to have a 25hp submersible pump
- Wires appear to have been cut (Figure 1 and 2)
- No GPS signal (see Map)
- Seneca was told that water could be used in the Big well because it was in the same QQ

WR 47-2330

- Licensed claim
- Priority date 2/26/1960
- Licensing exam rated the pump at 800gpm (1.78 cfs)
- Waste water is used for irrigation
- No GPS, well is in building (figure 3)

Overall System

- Total capacity of Seneca foods system is 1,000 – 1,200
- The City of Buhl is another source of water used at the plant, due to recent increase in the cost of City water Seneca would increase use from well to avoid the added cost
- Season of use is approximately end of May to Mid November

8/21/2006

Requested further information from Seneca Foods on production from the Big Well.

Figure 1: Small Well, WR 47-11236



Figure 2: Wire that appears to have been cut to Small well



Figure 3: Big Well, WR 47-2330





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Willis C. Moffatt, 1907-1980
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May 9, 2005

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Russell Grubb
Seneca Foods Corporation
25 N. 6th Street
P.O. Box 460
Payette, ID 83661

Re: Buhl Water Rights
MTBR&F File No. 19640.2

Dear Russ:

As you recall from Angela Schaer Kaufmann's March 28, 2005 letter to you regarding Seneca's Buhl plant water rights, Seneca did not need to apply for a point of diversion transfer regarding its wells for water rights 47-11236 and 47-02330. Because both diversion wells are located in the same quarter quarter section, and pursuant to the Director's Rules regarding Transfers Memorandum No. 24, a transfer application seeking to transfer all points of diversion to the larger well is unnecessary.

This information/course of action was confirmed by Mr. Jim Stanton, Senior Water Resource Agent, with the Idaho Department of Water Resources. Mr. Stanton also advised that he would prepare a memorandum to the Department's file regarding these water rights, and Seneca's intent to transfer the point of diversion for water right 47-11236 to larger well used for diverting water right 47-02330. With that, Mr. Stanton stated that no further action was required by Seneca regarding this matter.

I have included a memorandum prepared by my paralegal, Tiffany Hudak, discussing these matters, as well as attaching Director's Rules Memorandum No. 24 for your review. As for the change in ownership paperwork transferring ownership from Green Giant Company to Seneca, those documents were submitted to the Department on Seneca's behalf on April 22, 2005.

Russell Grubb
May 9, 2005
Page 2

If you have any further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



Scott L. Campbell

SLC/AJW/dll
Enclosures

MEMORANDUM

TO: Scott L. Campbell
FROM: Tiffany M. Hudak 
DATE: March 28, 2005
RE: Seneca Foods Corporation / Buhl Water Rights
MTBR&F No. 19640.2

At Andy's request, I undertook a project whereby the client desired to transfer the point of diversion of water right 47-11236 from a small well to a larger well which serves as the point of diversion for water right 47-02330. I was directed to draft an application for transfer for such purpose.

In reviewing the file in preparation for drafting the transfer application, I noticed that both of the subject wells are located in the same quarter quarter section. Recalling that certain exceptions to the statutory transfer requirements may exist when wells are located in the same quarter quarter section, I called the Southern Region office of the Idaho Department of Water Resources to verify. On March 25, 2005, I spoke with Jim Stanton, Senior Water Resource Agent. After providing Mr. Stanton with the pertinent water right information, he indicated that pursuant to the Director's Rules Re Transfers Memorandum #24, a transfer application for this particular situation is not required. Mr. Stanton indicated that he would prepare a memorandum to the file indicating that Seneca intended to transfer the point of diversion of water right 47-11236 to the existing point of diversion for water right 47-02330. He stated that no further action was required by Seneca.

I obtained a copy of Memorandum #24, and have attached it hereto for your reference. Please advise if you would like to go forward with the transfer application or if you would prefer I draft a letter to Mr. Stanton confirming our conversation and Seneca's intent to transfer the water right without the filing of a transfer application.

/tmh

Attachment

cc: Angela Schaer Kaufmann
Andrew J. Waldera

J-15208

State of Idaho
License and Certificate of Water Right

Water License No. G-28509 47-2330

Amount 1.78 c.f.s.

Water District No.

Priority February 26, 1960

THIS IS TO CERTIFY that GREEN GIANT COMPANY
of Buhl, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 26, 1960; that Permit No. G-28509
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.78 second feet, was issued thereunder on August 3, 1965, showing that said works
were completed on the 8th day of March, 1965; and that on the 8th
day of March, 1965.

GREEN GIANT COMPANY

of Buhl, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of Industrial Use,
Food Processing under Use Permit No. G-28509 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page 8205, on the 3 day of August, 1965;

The right hereby confirmed dates from February 26, 1960;

The Point of Diversion is located

in the NW 1/4 SW 1/4 Sec. 31, Tp. 9 S, R. 15 E, B. M. County of Twin Falls

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.78 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	15 E	31	NW 1/4 SW 1/4 For Industrial Use, Food Processing		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

3rd day of August, 1965.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer. 17 2330

(SEAL)

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: A47-02330
Date Received: 11/03/1988
Receipt No: 5003707
Received By: ADA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GREEN GIANT CO. 208-543-4322
Address: 430 7TH AVE. SOUTH
BUHL, ID 83316
2. Date of Priority: FEB 26, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	15E	31	NW	SW			TWIN FALLS
5. Description of diverting works:
WELL WITH 150 H.P. TURBINE TO PIPELINES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	05/15	10/30	1.780		
7. Total Quantity Appropriated is:
1.780 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
I/FOOD PROCESSING.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	15E	31	NW	SW		INDUST	
11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

OTHER CLAIM FOR BACKUP WELL & HOOKED TO CITY OF BUHL

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28509

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: 0

For Organizations:

I do solemnly swear or affirm that I am Manufacturing Manager of
Green Grant/Pillsbury, that I have signed the foregoing
document in the space below as Manufacturing Manager of
Green Grant/Pillsbury and that the statements contained in the
foregoing document are true and correct.

Kory Mandel
Signature of Authorized Agent

Manufacturing Manager - Green Grant/Pillsbury
Title and Organization

11/3/88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of Nov. 19 88
Allen D. Mennitt
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94