

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: A47-04370
Date Received: 11/01/1988
Receipt No: 5003423
Received By: 08

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PET, INC. 208-543-4338
Address: P. O. BOX 552
BUHL, ID 83316
2. Date of Priority: JAN 01, 1928
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	15E	31	NE	SW	SW	4	TWIN FALLS
5. Description of diverting works:
WELL, PUMP, 50 HP MOTOR W/VARIABLE-SPPED DRIVE, PIPELINES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	3.650		
7. Total Quantity Appropriated is:
3.650 C.F.S. (and/or) 201.60 A.F.A.
8. Total consumptive use is 201.6 Acre Feet Per Annum.
9. Non-irrigation uses:
C/USE IN MILK-PROCESSING PLANT
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	15E	31	SW	SW		COMMER	
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:
WATER FROM BUHL MUNICIPAL SYSTEM

14. Remarks:
WELL PUMPS 180,000 GALLONS PER DAY ALL YEAR. ABOUT 10% IS CONSUMPTIVELY USED; THE REST IS DISCHARGED INTO THE BUHL SEWER SYSTEM. SEC. 43-1416 IS CITED TO COVER EXPANDED USE OF WATER IN THE PLANT DURING THE LAST 60 YEARS. CITY WATER SUPPLEMENTS OUR OWN WELL WHEN NEEDED.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PLANT MANAGER of
PET INC Title
Organization, that I have signed the foregoing
document in the space below as PLANT MANAGER of
PET INC Title
Organization and that the statements contained in the
foregoing document are true and correct.

Craig E. Stinson
Signature of Authorized Agent

PLANT MANAGER - PET INC
Title and Organization

11/1/88
Date

State of Idaho

County of Twin Falls

)
) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of Nov. 19 88

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/92

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A47-04370

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PET INC

1 - 500 CLEAR LAKES

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-4338

+ - - Priority Date - - +
01/01/1928

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

Point of Diversion					
Twn	Rng	Sec	Tract	Lot	Rflg County
09S	15E	31	NE SW SW	4	(83) TWIN FALLS

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
10 - COMMERCIAL		01/01	12/31	3.650	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
3.650	201.60	201.6	

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
09S	15E	31	SW SW			10 COMMERCIAL		(83) TWIN FALLS

Total Acres:

+ - - Diversion Means - WELL, PUMP, 50 HP MOTOR W/VARIABLE-SPPED DRIVE, PIPELINES

+ - - Non-Irrigation Use - C/USE IN MILK-PROCESSING PLANT

+ - - Other Rights for Same Use - WATER FROM BUHL MUNICIPAL SYSTEM

+ - - - - - Remarks - - - - - +

WELL PUMPS 180,000 GALLONS PER DAY ALL YEAR. ABOUT 10% IS CONSUMPTIVELY USED; THE REST IS DISCHARGED INTO THE BUHL SEWER SYSTEM. SEC. 43-1416 IS CITED TO COVER EXPANDED USE OF WATER IN THE PLANT DURING THE LAST 60 YEARS. CITY WATER SUPPLEMENTS OUR OWN WELL WHEN NEEDED.
ADDRESS CHANGE REC'D 08/12/94 SS.

MICROFILMED
OCT 27 1994

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

08/15/94 09:11:58
Page 2

Water right number - A47-04370

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

08/15/94 SSHERMAN

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 11/01/1988

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 00/00/0000
Receipt Number - S003423
POU Ownership Flag - Y
Name Connector -

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District -
Federal/State Indicator - S
Presumption Flag - E
Notice of Error Flag -

MICROFILMED
OCT 27 1994

Mail this card to all the people, businesses and publications who send you mail. For publications, tear an old address label over name and old address sections and complete new address. COMPLETE ADDRESS PORTION ON FRONT OF FORM with Name, Street Address, City, State and Zip Code of individual or business to whom you are mailing this card.

22
8-15-94

Your Name	Print or Type—Last Name, First Name, Middle Initial PET, INC					A47-04370 + R Record.				
	No. and Street P.O. BOX 552					Apt./Suite No.	P.O. Box	R.D. No.	Rural Box No.	
Old Address	City and State BUHL, ID					ZIP + 4 Code 83316-				
	No. and Street 500 CLEAR LAKES					Apt./Suite No.	P.O. Box	R.D. No.	Rural Box No.	
New Address	City and State BUHL, ID					ZIP + 4 Code 83316-				
	Signature B. Eldenbeck		Date new address in effect 6-1-94		Keyline No. (If any)					
Sign Here										

NOV 28 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A47-04370

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

January 17, 1995 2:44pm

NAME:
CRAIG OLINGER

CALLIN

RE:
PROOF OF PRIORITY

HE IS W/ PET MILK AS PLANT MANAGER. I EXPLAINED THE NEED TO PROVE THE DATE CLAIMED AND SUGGESTED SOME POSSIBLE SOURCES OF PROOF. HE WILL CONTACT THE PARENT CO. AND SUPPLY A RESPONSE.

FOR SRBA CLAIM: **A47-04370.**

NOV 28 1996

PET

INCORPORATED

Pet Incorporated
P.O. Box 392
St. Louis, MO 63166-0392
(314) 622 7700

FAX: (314) 622 6525

FAX: (314) 622 6528

March 15, 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

Douglas Jones, P.E.
Water Rights Supervisor

Dear Doug,

Please find attached as requested, the evidence of priority. I have included a letter from our Corporate Office identifying the fact that the information is not complete on our plant.

I have also been in touch with the mayor of Buhl, who was a child at the time this plant was built, he remembers that the plant was here and in operation during that time. He would also be willing to verify that in writing if necessary.

Should you have any questions, regarding this evidence of priority, please do not hesitate to call.

Sincerely,


Craig Ollinger
Buhl Operations

*Does not
provide any
evidence*

*A47-04370 1/3
3/16/95*

CEO/kb

NOV 28 1996

PET

INCORPORATED

MEMORANDUM

DATE:

February 1, 1995

SUBJECT:

Buhl Plant Well

cc: M. Hanley

FROM:

Dale Rutherford

TO:

Craig Ollinger

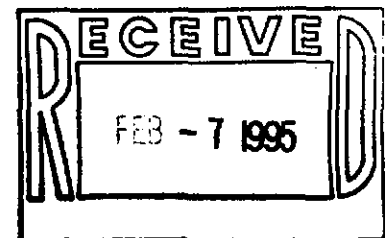
I was requested to research the date of drilling of the Buhl plant well. I reviewed all of the Buhl drawings and files that exist here in the engineering area. The drawings of the original Buhl Sego plant dated 1927 do not show the well. Our other drawings and files do not indicate when the well was drilled.

John Rugaber stated the following:

- The well was probably drilled when the plant was built by Sego in 1927.
- Pet acquired Sego in 1932.
- PET was not able to retrieve the original Buhl plant files and records when the Sego Company ceased to exist.

If you have any questions concerning my findings, please contact me.

Dale Rutherford
DWR:sm



NOV 28 1996





DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04370
PET INC
500 CLEAR LAKES
BUHL

ID 83316

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

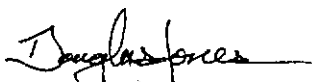
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

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