

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 65-07758
Date Received: 4/11/90
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

Name: CHIQUITA PROCESSED FOODS LLC Phone: (208) 278-5664

Address: 6865 BUTTE RD
NEW PLYMOUTH ID USA 83655

2. Date of Priority: 11/22/1976

3. Source: Ground Water Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08N	04W	31	SE NE	0	PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.1	3
COMMERCIAL	1/01	12/31	0.1	3

7. Total Quantity Appropriated is:

0.1 C.F.S. and/or 6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
08N	04W	31	SE NE		DOMESTIC	0	
						Section Acres	0
						Total Acres	0



AMERICAN FINE FOODS 6865 Butte Rd.
New Plymouth, ID 83655
208 278-5664
FAX 208 278-5781

Howard Sevy
Farm Manager
Farm Division



Chiquita Processed Foods, LLC

840 BAKKE STREET • DEFOREST, WISCONSIN 53532 U.S.A
Phone (608) 846-8206 • Fax (608) 846-5135

RECEIVED

JUL 13 2000

**WATER RESOURCES
WESTERN REGION**

RECEIVED

JUL 12 2000

Department of Water Resources

Idaho Department of Water Resources
Attn: Ron Howerton
P.O. Box 83720
 Boise, ID. 83707-9315

**Re: Water Rights No. A65-07758
Adjudication Claim No. AJ0749NP**

Dear Sirs:

We have been asked to complete a "Notice of Change of Water Right Ownership" in connection with the above Water Rights No. A65-07758. This is unnecessary as there has been no change in ownership to the said rights, although there has been a name change involving the owner of the same.

Water Rights No. A65-07758 is disclosed in your Adjudication Claim Profile Report as being owned by American Fine Foods, Inc. American Fine Foods, Inc. merged into Owatonna Canning Corporation on December 31, 1998, and thereafter changed its name to Chiquita Processed Foods, L.L.C. Legally, there has been no change in the ownership of the said water rights.

Effectively, American Fine Foods, Inc. is now known as Chiquita Processed Foods, L.L.C. by virtue of the merger and name change. There has been no change in the ownership of the said water rights.

Please let me know if you require any further clarification on this matter.

Sincerely,

Robert M. Brill
Vice President and Legal Counsel

RMB/mm

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

COPY

SENT
3/14/00

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s): A65-07758

[] Claimant Name(s): AMERICAN FINE FOODS

[] Old Mailing Address: PO BOX 460
PAYETTE ID 83661

[] New Mailing Address: ~~AMERICAN FINE FOODS~~ SEE LTR DTD 7-5-00
6865 BUTTE RD
NEW PLYMOUTH ID 83655

Telephone Number: 208-278-5664
() -

[] Signature of Claimant(s):

Date:

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: 65-07758
DATE RECEIVED: 4/10/90
RECEIPT NO: 4999999
RECEIVED BY: DAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: AMERICAN FINE FOODS INC.
ADDRESS: P.O. BOX 460
PAYETTE, ID 83661

2. DATE OF PRIORITY: NOV 22, 1976

3. SOURCE: GROUNDWATER TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
08N	04W	31	SE	NE			PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
COMMERCIAL	01/01	12/31	0.100		3.00
DOMESTIC	01/01	12/31	0.100		3.00

7. TOTAL QUANTITY APPROPRIATED IS:
0.100 C.F.S. (AND/OR) 6.00 A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
08N	04W	31	SE	NE		DOMEST	

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREE
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS DECREE DEFENDANT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: 0

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): X _____ DATE: 1 _____

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM Production Superintendent OF

TITLE
American Fine Foods, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS Production Superintendent OF

TITLE
American Fine Foods AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

R.V. [Signature]
SIGNATURE OF AUTHORIZED AGENT
Production Superintendent of American Fine Foods
TITLE AND ORGANIZATION
4/11/90
DATE

STATE OF IDAHO)
COUNTY OF Ada) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 11 DAY
OF April 19 90

NOTARY PUBLIC

SEAL

RESIDING AT Boise Idaho
MY COMMISSION EXPIRES 4/11/95
DATE: 01/23/90

07/14/2000

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

RIGHT NUMBER 65-7758

NAME AND ADDRESS: CHIQUITA PROCESSED FOODS LLC Phone: (208) 276-5664
6865 BUTTE RD
NEW PLYMOUTH, ID 83655

SOURCE: Ground Water

QUANTITY 0.1 CFS
6 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED
13,000 GALLONS PER DAY

PRIORITY DATE: 11/22/1976

POINT OF DIVERSION. T08N R04W S31 LOT 0 SENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	1-01 12-31	0.1 CFS 3 AFY
DOMESTIC	1-01 12-31	0.1 CFS 3 AFY

COMMERCIAL USE IS ONION PACKING PLANT
DOMESTIC USE IS FOR FARM SHOP, STORAGE AREA AND EMPLOYEE USES.

PLACE OF USE. COMMERCIAL Within PAYETTE County
T08N R04W S31 SENE
DOMESTIC Within PAYETTE County
T08N R04W S31 SENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS
NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL BASIS OF CLAIM - Decreed

C 18

WR5809NP
No. 65-07758

PROCESSED FOODS, LLC.
IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/14/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AMERICAN FINE FOODS INC. P.O. BOX 468 PAYETTE ID 83661	11/22/1976	COMMERCIAL DOMESTIC	01/01 12/31 01/01 12/31	0.100 CFS 0.100 CFS	3.00 AFA 3.00 AFA
TOTAL DIVERSION:					0.100 CFS	6.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T08N R04W S31 SENE

PAYETTE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
08N	04W	31	:				D												

Place of use location for COMMERCIAL is the same location as described for: DOMESTIC

Pou County: PAYETTE

Dates:	App. Received:	Priority Date:	11/22/1976
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT 06/16/89 CURTIS

USE : COMMERCIAL USE IS ONION PACKING PLANT
DOMESTIC USE IS FOR FARM SHOP, STORAGE
AREA AND EMPLOYEE USES

CONDITIONS:
N 10
N 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small ~~Domestic~~/Stock exams)
COMMERCIAL

1. ☒ No Change NAME
☒ NEW OWNER: CHIQUITA PROCESSED FOODS LLC - SEE LTR DTD
☒ No Change ADDRESS
☒ NEW ADDRESS: 6865 BUTTE RD - SEE CARD (P11) 75-00

2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
 Priority date, per claimant, is _____.
 (if the priority date, based on your exam, seems questionable, explain in remarks.)

3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
 Source found: _____

4. ☒ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
 New P/D: Twp. ____, Rge. ____, Sec. ____, ____ 1/4 ____ 1/4 ____ 1/4

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
 HP of pump ____ Pump Ser. # ____ Pumping water level ____
 Well depth ____ Motor Ser. # ____ Static water level ____
 Casing size ____ Method of irr. _____

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found).

 Use ____ From ____ To ____ Amount ____ cfs ____ af
 Use ____ From ____ To ____ Amount ____ cfs ____ af

7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- ____ cfs ____ af
☐ Change found, the new total is, -- -- -- ____ cfs ____ af

8. N/A

9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:

 Domestic - No. of homes ____ Stockwater - No. of head ____
 Other: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

USES:

a COMMERCIAL USE IS ONION PACKING PLANT.
a DOMESTIC USE IS FOR FARM SHOP, STORAGE
AREA AND EMPLOYEE USES.

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☐

MAP ☒

SYSTEM DIAGRAM ☐

☒ Book 88
Payette Cty
& Rural Maps

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: IN-OFFICE 3/14/00

FIELD EXAMINER:

Ron Howerton

Signature

SA Water Agent
Ron Howerton

Other Attachments:

- ORIGINAL PRBA CLAIM
- PROFILE REBRT - WR RECORD
- LICENSE
- APPL FOR PERMIT

My commission expires 9KN 1/23/78

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-7758 Priority November 22, 1976 Amount 0.10 cfs

THIS IS TO CERTIFY, that American Fine Foods, Inc.
of Payette, Idaho, has complied with the terms and conditions of Permit
No. 65-7758 issued pursuant to Application for Permit dated November 22, 1976
and has submitted proof to the Department of Water Resources on December 15, 1977
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 0.10 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Commercial</u>	<u>from January 1 to December 31</u>	<u>at 0.10 cfs and</u>	<u>1.0 acre feet</u>
<u>Domestic</u>	<u>from January 1 to December 31</u>	<u>at 0.10 cfs and</u>	<u>1.2 acre feet</u>
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.2 acre feet per year, said waters to be diverted within the SE&NE, Sec. 31,
Twp. 8 N., Rge. 4 W., B.M., in the County of Payette

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8 N	4 W	31				X													

Total number of acres irrigated _____

NOTE: Modifications to or variation from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of

October, 1978.

[Signature]
Director

Identification No. _____

Application No. 65-7758

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant American Fine Foods, Inc. Phone: 642-9061
post office address P. O. Box 460 Payette, ID 83661
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31 Township 8N
Range 4W B.M. Payette County, additional points of diversion if any _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes.
Amount 0.1 cfs (cfs or acre feet per annum) for commercial purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.1 cfs (cfs or acre feet per annum) for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ (cfs or acre feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated.
a. 0.1 cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 3 hp pump. Well 8" - 50' deep

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive
c. Proposed well diameter is _____ inches, proposed depth of well is _____ feet
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years
b. Estimated construction cost is \$ 2000
8. Description of proposed uses
a. If water is not for irrigation
(1) Give the place of use of water SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31 Township 8N
Range 4W B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

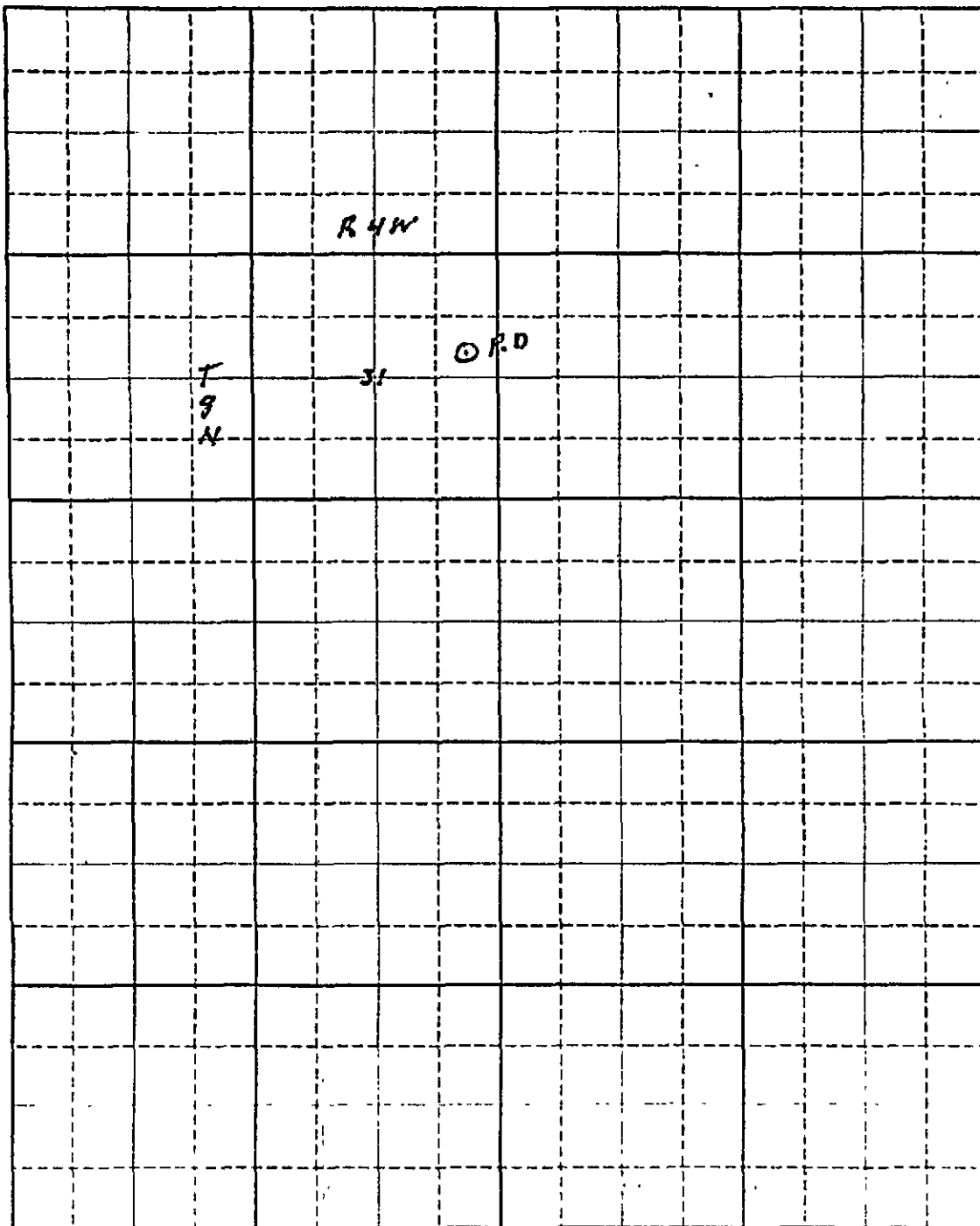
(4) Name of municipality to be served _____ or number of farm families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe onion packing plant, Farm area and
storage shop

[illegible]

c. Describe any other water rights used for the same purposes as described above None

- [illegible]

11. Map of proposed project- show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Russian Fish Pond, Inc.
By Robert L. Johnson
(Applicant) *Green Manager*

Priority 11-22-76
Received by AKN Date 11/23/76 Time 4:40 PM
Preliminary check by RW Fee \$ 10 # 6086
Receipted by RS Date 11-22-76
Publication prepared by CS Date 11-24-76
Published in Independent Enterprise
Publication dates Dec 2 + Dec 9, 1976
Publication approved by Date 12-17-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by: _____

Hearing held by _____ Date _____

Recommended for approval denial by JH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-7758, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions.

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 78.
- c. Other: _____

2. Denial of said application is for the following reasons. _____

Witness my hand this 27 day of December, 19 76.

R. Paul H.
Director