CFS to AFA

2.66 cfs = 133 in

1" = 9 gpm

133" = 1197 gpm

1197 gpm = 71,820 gph

71,820 gph = 1,723,680 gpd

1,723,680 = 629,143,200 gallons per year

629,143,200 ÷ 325,850 = 1930.8 AFA

AFA not licensed

Should get 1930.8 AF based on calculation.

1. What is the DATE THE SECOND WELL (C) WAS PUT IN?
2. When WAS THE POOL ENLARGED TO INCLUDE NENE
3. Is A PERMIT for WELL 'C' Req'd?

Claim 422-2204

I met with Keith Keller of Basic American Foods in Early Oct, 2005. The intent was to answer Al Rubarry's questions on the claims.

Please refer to the map of P.O.D's provided by Bryce Contour.

a/ Mr. Keller states that well "C" was a pre-existing domestic well for in-house use but not Industrial. Date installed - unknown (use at maintainance shop)

b/ Well "C" is not connected to wells A + B

c/ Wells "A" + "B" are interconnected

d/ Well "B" is the well for License 22-7391 (GPS shows NENE)

e/ Well "A" is the original well for 22-2204 but GPS shows it in a different 1/4 of 1/4.

f/ Place of use for 22-2204 was always static. Original License should have included NENE also

g/ Keith Keller
415 W. Collins
Blackfoot, ID 83221
phone 785-8572
cell 317-8576

contacted on 12-2-05 & still does not have affidavit for A22-4063

RW Jones

Ruberry, Allen

From: Bryce Contor [bcontor@if.uidaho.edu]
Sent: Tuesday, May 31, 2005 8:20 AM
To: jo.beeman@beemanlaw.com
Cc: kekeller@baf.com; bwright@baf.com; aruberry@idwr.state.id.us
Subject: Basic American Foods Water Rights - Rexburg

Dear Ms. Beeman -

On Friday Keith Keller and Eric Eastin showed me the wells and facilities associated with the Basic American Foods water rights in Rexburg. I told Mr. Keller I'd send you a summary of what we found, with a copy to him.

1) A22-02204. This is for the main water supply for the plant. The original license is for one well in 6N 40E 19 NWNE. The original well is actually in NENE, the large well known as "Well A." There is a second well, "Well C," in the NWNE. Mr. Keller and Mr. Eastin had supposed that this well was the well claimed under A22-10008, but inspection of the claim and documentation suggest that A22-10008 is a well across the road to the north at a maintenance shop.

Basic American Foods may wish to consider amending claim A22-02204 to show the correct location of the original well and to add Well C as an accomplished second point of diversion. It may also be well to amend the place of use to include both the NWNE and the NENE, as the plant actually overlaps the line between these two quarter-quarters. These differences in location appear to arise from better aerial photography that was not available to the licensing examiner, not to any change that has been made by Basic American Foods.

The license does not specify an annual volume. I forgot to double-check my assumption (based on license 22-7391) that the plant operates 24 hours/day, 365 days/year. If Mr. Keller, Mr. Wright or Mr. Eastin could call Al Ruberry at 525-7161, or me at 681-9100, to confirm this, that would aid in making a correct recommendation.

2) A22-04063. This is for the well at the former Meyers Brothers feedlot. About a year ago the well was capped and buried, in anticipation of moving it to a new location to allow for changing the irrigation system. Mr. Keller and Mr. Eastin are working on getting affidavits to establish priority and the capacity of diversion works. The water right is based on the original beneficial use for the feedlot. Since the feedlot is no longer in use, I expect Basic American Foods will want to transfer the water right to a different use, or resume using it for some other commercial purpose at the same location.

The claim lists only the SESW of 7N 40E 28 as the place of use, but the aerial photos clearly show that use also occurred in the NESW, the NWSE and the SWSE. Since this water right will likely be transferred to a different use in the future, it may not matter, but your clients might want to consider an amendment to include all four quarter-quarters. I did not discuss with Mr. Keller and Mr. Eastin that a future transfer will need to occur before the water right is forfeited for non-use.

3) A22-07391. This is for the boiler well, "Well B" at the main plant. The license and the physical connections allow it to be used within any part of the plant. As with A22-02204, the place of use and point of diversion are both listed as 6N 40E 19 NWNE. The well is actually in NENE and the place of use is in both NWNE and NENE. Basic American Foods may wish to consider an amended claim.

4) A22-10008. This is a beneficial use claim for the well known as the "Anderson Well," which serves a small maintenance shop across the road to

the north of the plant. It is a beneficial use claim, but the claimed priority date and evidence of priority are after the statutory permit date of 1963. However, the use appears to be well within the 2,500 gallon per day deminimus non-residential domestic classification, which can be recommended with a post-1963 priority date without evidence of priority. If this is acceptable, no further action should be necessary. Otherwise, your clients may wish to amend the priority date on the claim and provide evidence of priority earlier than the mandatory permit date.

Please call me at 681-9100 if you have questions. Today I will pass the files on to Mr. Ruberry at IDWR, who will be processing the actual recommendations for these water rights.

Sincerely, Bryce Contor
Subcontractor for IDWR Adjudication Bureau,
Eastern Regional Office

Basic American Foods, Rexburg
A22-02204, A22-07391
Current Condition



Delores Aguilar
785-830b
Blackfoot
Keith ~~Keith~~ Keller
785-8572

04 NAIP photography
Water Resources Field Services)

Illustration prepared by
Water Resources Field Services
208 681 9100

Claim No. 22-2201

Document Checklist

- [x] Copy License/Decree
- [ ] Copy Transfer
- [ ] Copy Licensing Field Exam
- [x] Check if Ownership/Address Change is Required
- [ ] Generate, mail and file "Evidence of Priority" letter
- [x] Generate Arcview Map

See A22-7391, A22-10008

Claim no. A22-2204

Claimant Contact Log

Date	Remarks	Agent initials
18 May 05	356-3631 Kieth Keller xt 8572 Call Bruce Wright – Probably next week – Eric Eastin @ Rexburg 359-6843 Discussed evidence of priority for A22-4063, A22-10008	BAC
27 May 05	Field inspection, accompanied by Kieth Keller and Eric Eastin	BAC
27 May 05	MSG on Eric Eastin's answering machine asking for confirmation of plant operating hours.	

IDWR Field Exam Form

02/26/2004

Contacts Data Entry Form

Claim Number: A22-2204

Owner Type | Full Name | Address | City | State | Zip

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

There are three POD at the plant proper and one at a repair shop north of the plant. It appears that well "A" on the attached layout is the original well under license 22-2204, in 6N 40E 19 NWNENE. Well "B" appears to be the original well under ~~A~~ license 22-7391, also in 6N 40E 19 NWNENE. Well "C" appears to be an accomplished second POD under license 22-2204, in 6N 40E 19 NENWNE.

Claimants originally believed that claim A22-10008 referred to well "C" but examination of the claim, the name "Anderson" on the well log in A22-10008 suggest that A22-10008 refers to a well at the maintenance shop north of the plant in section 18 (not illustrated on the layout).

Because of tall buildings next to the wells, GPS accuracy was poor (≈ 35 meters) so the manually-placed points on the layout are probably a better location guide than the GPS readings.

Please see e-mail in A22-10008 regarding discussion of amended claim for second POD under A22-2204.

JMC 30 May 05

Reviewer: _____ Date: _____

IDWR Field Exam Form

02/26/2004

Priority Date Data Entry Form

Claim Number: 22-2204

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Copy of license shows 30 March 1961 BAC 30 May 05

Reviewer: _____

Date: _____

Water Right No(s). A22- 2204

1st POD Tag E0006916 (well "A")
Motor: US Motors 100 hp
SN B-9981-03-176-R2112711
tag is on small valve @ left side of pump house about eye level.

2nd POD tag E0006987 (well "C")
Motor controller has no hp identifyer but conduit is small indicating only a low HP at most. Tag is banded to motor conduit.



GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____



IDWR Field Exam Form

02/26/2004

Point of Diversion and Source Data Entry Form

Claim Number: A22- 2204

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T ____, R ____, Sec. ____, ____, ____, ____, County: ____

Source: ____ Tributary to : ____

Water Right Point of Diversion: T ____, R ____, Sec. ____, ____, ____, ____, County: ____

Source: ____ Tributary to : ____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? ____

Transfers Pending or approved: ____

Document how the POD and Source were verified:

License shows 6N 40E 19 NWNE but original well is actually located in NWNENE. Second well is in 6N 40E 19 NENWNE. GPS readings have poor accuracy.

Original well ("A") Waypoint 18 2678270E 1406697N IDTM83

Second well ("B") Waypoint 20 2678230E 1406697N IDTM83

BAC 30 May 05

Reviewer: ____ Date: ____

IDWR Field Exam Form 02/26/2004

Place Of Use Data Entry Form

Claim Number: 22-02204

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acre s	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

License shows 6N 40E 19 NWNE. Aerial photo shows use actually occurs in both NWNE and NENE. BAC 30 May 05

Well "A" is connected to the entire plant. Well "C" is connected only to the North greenhouse. BAC

Reviewer: _____ Date: _____

IDWR Field Exam Form

Season of Use and Quanti

Claim Number: A22-2204

Water Right Period of Use and Diversion Rate

Water Use	Start	

Overall Diversion Rate _____ Overall Diversio

Claimed Period of Use and Diversion Rate

Water Use	Start	

Overall Diversion Rate _____ Overall Diversio

Recommended Period of Use and Diversion Rate

Water Use	Start	

Overall Diversion Rate _____



Volume!
1.9835 x (365) x 2.66
= 1,925.8 AF
Using calc. from field exam for 22-7391, another BAF claim

Document how the Period of Use and/or

License shows 2.66 cfs w/o annual volume. Season is also omitted from license. I forgot to ask but from license A22-7391 it appears plant operates year round, around the clock. License A22-7391 authorizes volume equal to year-round steady pumping. BAC 30 May 05.

Reviewer: _____ Date: _____