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JUL 19 2007
DEPARTMENT OF
WATER RESOURCES

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase 22-07391
	)	
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE
	)	AMENDED NOTICE OF CLAIM
_____	)	

✓ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended October 16, 1997).

My name is Basic American Foods

My address is: 245 West 1000 North
 Rexburg, ID 83440

My phone number is (208) 356-3631

I am an attorney representing the above-listed claimant.

My name is Josephine P. Beeman

My address is Beeman & Associates, P.C.
 409 West Jefferson Street
 Boise, Idaho 83702

My phone number is (208) 331-0950 FAX: (208) 331-0954

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ✓ I must amend my Notice of Claim to the use of water in the SRBA because:

Basic American Foods' water right 22-7391 has three points of diversion (wells) which were operating and interconnected prior to November 19, 1987. The amended claim corrects original SRBA claim 22-7391 which listed only 1 of the 3 points of diversion.

Basic American Foods' water right 22-2204 has the same three points of diversion (wells) as 22-7391 and requires a similar amendment which is also being filed today.

The correction of the points of diversion will also help resolve Basic American Food's objection regarding a total combined annual diversion volume for water rights 22-7391 and 22-2204.

Basic American is the only objector to 22-7391, and Basic American Foods and the Idaho Department of Water Resources (IDWR) have been in discussions to resolve Basic American Foods' objections to IDWR's recommendation for 22-7391. These amendments are a result of those discussions.

- ✓ I am providing legal and factual documentation to support my amended Notice of Claim.

Affidavit of Quentin Bageley in Support of Amended Notice of Claim 22-2204 and Amended Notice of Claim 22-7391:

- (1) Map identifying the location of these wells, Attachment A to Affidavit of Quentin Bageley.

I have attached:

☒ An Amended Notice of Claim 22-7391.

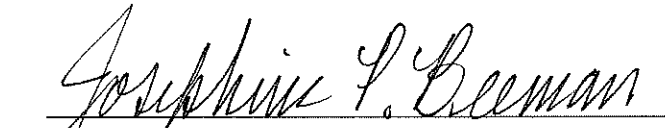
☐ Payment of the following additional fees required by IDWR:

VERIFICATION

State of Idaho)
) ss:
County of Ada)

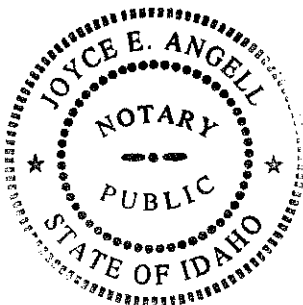
Josephine P. Beeman, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for late claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Josephine P. Beeman
Attorney signing in representative capacity

Subscribed and sworn to before me on July 18, 2007.





Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 7-29-08

CERTIFICATE OF MAILING

I certify that on July 18th, 2007, I caused to be served the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

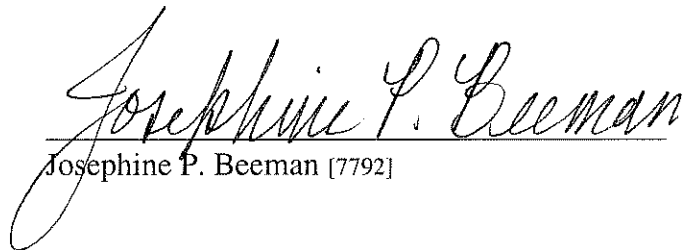
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Basic American
415 Collins Road
Blackfoot, ID 83221


Josephine P. Beeman [7792]

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702
Phone: (208) 331-0950
Fax: (208) 331-0954
jc.beeman@beemanlaw.com

Attorneys for Basic American Foods, Inc.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase Nos. 22-2204 and 22-7391
	)	
	)	AFFIDAVIT OF QUENTON BAGLEY
Case No. 39576	)	IN SUPPORT OF SRBA CLAIMS
	)	22-2204 and 22-7391
	)	

STATE OF IDAHO)
) ss:
COUNTY OF MADISON)

I, Quenton Bagley, after first being duly sworn upon oath, depose and state that:

(1) My name is Quenton Bagley. For 35 years, I was a fulltime employee for the potato processing plant in Rexburg, Idaho, that is now owned and operated by Basic American Inc. I began working at the plant in 1965, and I retired in 2000.

(2) I was first employed in the shop doing night greasing and maintenance. Later, I was moved to the canning line where I was a foreman, and then to the boiler operations. For about the last 12 years of my employment, I was the utilities supervisor. My responsibilities as a

utilities supervisor included the operation of the boiler works, the process water system, and the use of water on the grounds.

(2) Due to my length of employment at the Rexburg plant, I am familiar with the plant, its systems, and its history. This includes the use and operation of the wells at the plant.

(3) When I began working at the plant in 1965, there were three wells in place and in operation: the "Main Well," the "Lawn Well," and the "Truck-shed Well." (For a map identifying the location of these three wells, *see* Attachment A to this Affidavit. This map includes the pump size of each well (if known), the water right associated with each well (if any), and the GPS coordinates for each of these wells.)

(4) The first well, known as the "Main Well," was operated by a 100-horsepower pump. The water right associated with this well is 22-2204.

(5) The second well, known as the "Lawn Well," was a smaller well located near the Main Well on the lawn at the front of the Rexburg plant. The Lawn Well was operated as an alternate point of diversion for the Main Well. The Lawn Well would supply water when the Main Well was shut down for maintenance or was not operating.

(6) The third well, known as the "Anderson Well" or the "Truck-shop Well," was established during my years at the plant but before Basic American purchased the plant. It is a small well used to supply water to operate the restroom located in the truck shop of the Rexburg plant. The truck shop is one of three small outbuildings located on the east end of the Rexburg plant facility.

(8) The Main Well and Lawn Well were interconnected at the time I began work at the plant in 1965, and they remained interconnected during my employment.

(9) In 1982, the "Kipper Well" or "Boiler Well" was installed at the Rexburg plant. (This well is identified as the "Kipper Well" on Attachment A to this Affidavit.) This well was

operated by a 25-horsepower pump, and was used to boost water to the plant boiler. At the time of installation, the Kipper Well was interconnected to the Main Well and Lawn Well. The Kipper Well remained interconnected with these two wells following its installation.

(10) During my 35 years of employment at the Rexburg plant, I personally observed that the Main Well, Lawn Well, and Kipper Well were interconnected prior to November 19, 1987. These three wells remained interconnected during my employment.

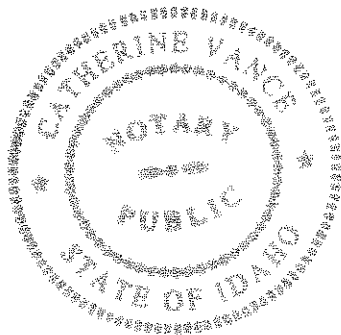
DATED this 17 day of July 2007.

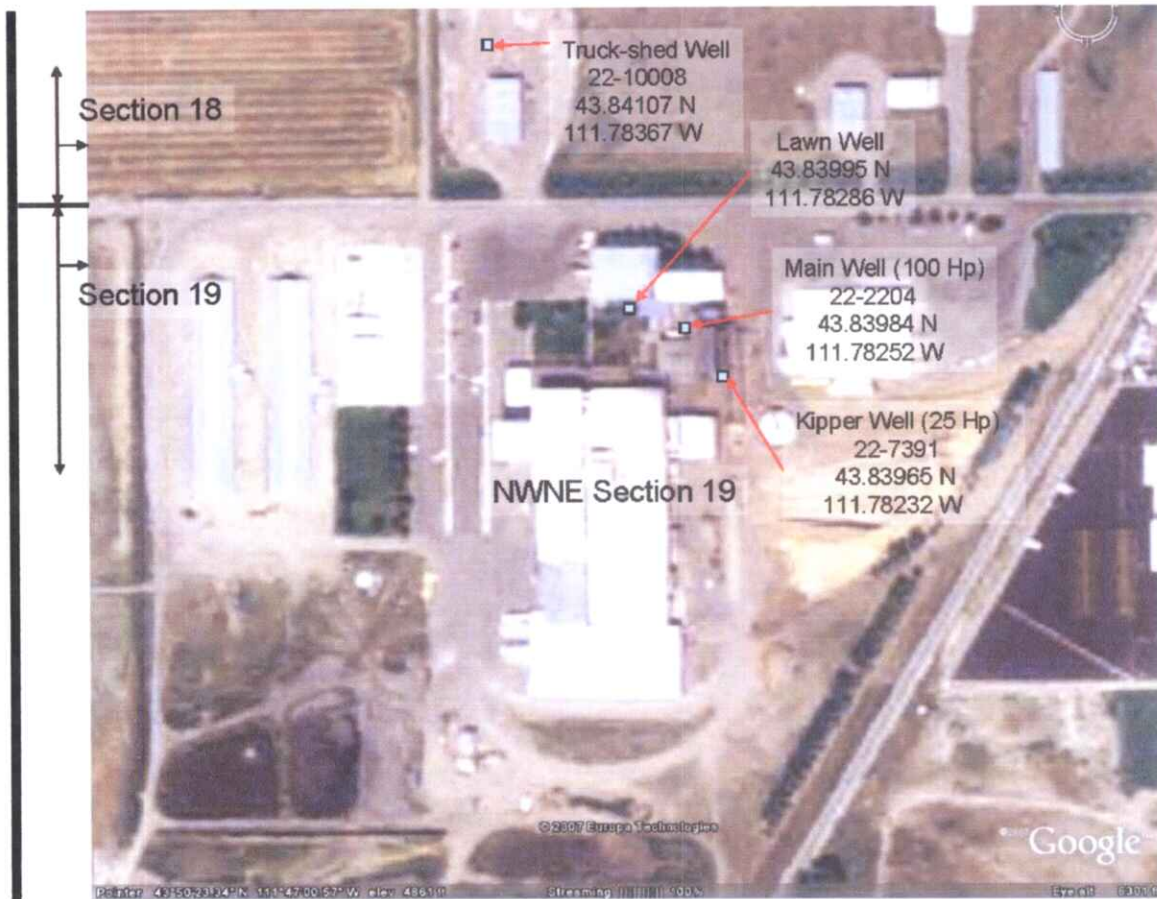
Quenton Bagley
QUENTON BAGLEY

SUBSCRIBED AND SWORN to before me this 17 day of July 2007.

Catherine Vance
Notary Public in and for the State of Idaho
Residing at: Madison, ID
My Commission Expires: May 14, 2009

Z:1773/8/QB/7830





Attachment A
to
Affidavit of Quenton Bagley
22-2204 and 22-7391
July 17, 2007

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

Ident. Number **A22-07391**

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant **Basic American Foods** Phone **(208) 356-3631**
Mailing Address **245 West 1000 North**
Rexburg, ID 83440
2. Date of Priority: **February 23, 1982**
3. Source of water supply: **Ground water**
4. Location of point of diversion: **Township 06N Range 40E Section 19 NWNE County of Madison (kipper well)**
Additional points of diversion: **Township 06N Range 40E Section 19 NWNE County of Madison (main well)**
Township 06N Range 40E Section 19 NWNE County of Madison (lawn well)
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. **Three wells and pumps to plant.**

6. Water is claimed for the following purposes:

(both dates are inclusive)
For **Industrial** purposes from **01/01** to **12/31** amount **0.640 cfs**

7. Total quantity claimed: **0.640 cfs**

8. Total consumptive use claimed is **463.3 acre feet per annum**.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) **1/potato processing plant**

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
06N	40E	19		I															

Total number of acres irrigated _____

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
A22-2204

14. Remarks: **A22-02204 is a separate well.**

15. Basis of Claim: **License**

If applicable provide IDWR Water Right Number 22-07391

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature

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

Number of Attachments _____

I, **Bruce Wright**, do solemnly swear or affirm that I am the **Senior Project Manager – Environmental of Basic American Foods**, that I have signed the foregoing **Amended Notice of Claim to a Water Right** as the **Senior Project Manager – Environmental of Basic American Foods** and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Bruce Wright

Title and Organization

Senior Project Manager – Environmental
Basic American FoodsDate: July 18, 2007State of Maine)

) SS.

County of AndroscogginSubscribed and sworn (or affirmed) before me this 18 day of July 2007.

SEAL

Notary Public

Geoffrey A. Wright

Residing at

Presque Isle, Maine

My Commission Expires

Sept 20, 2012

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Josephine P. Beeman

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (fax)

Date: July 18, 2007