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JUL 24 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 23 2007	
By _____	Clerk
_____	Deputy Clerk

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: 47-17438
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
	)	LATE NOTICE OF CLAIM
	)	
	)	

On June 29, 2007, ConAgra Foods Packaged Foods Co., Inc., by and through counsel, Josephine P. Beeman, filed a *Motion to File Late Notice of Claim and Request for Expedited Hearing* for the above-captioned water right. Hearing was held on the *Motions* on July 17, 2007. The *Motion to File Late Notice of Claim* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated July 20, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on July 23, 2007, with sufficient first-class postage to the following:

CONAGRA FOODS PACKAGED FOODS

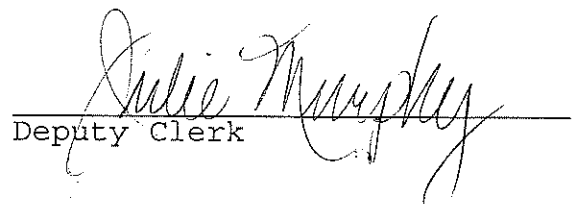
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

RECEIVED

JUL 24 2007

DEPARTMENT OF
NATERESOURCES

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Should questions arise during the processing of this application please contact:
Norm Young - ERO Resources Corp. (208) 373-7983

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

47-17438

Date Received

7.2.4.07

Receipt Number

C084626

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

DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED
2007 JUN 29 PM 4 40

Please type or print clearly

1. Name of Claimant(s) ConAgra Foods Packaged Foods Co., Inc.

Phone (208) 736-5640

Mailing Address P.O. Box 128 Twin Falls, Idaho

Zip 83303-0128

2. Date of Priority (Only one (1) per claim) October 14, 1961

3. Source of water supply (a) Ground water

Which is tributary to (b) --

4. a. Location of point of diversion is: Township 10S Range 17E Section 17,

NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____, B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is: N/A

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

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. 12 inch diameter, 600 foot deep well with 100 horsepower electric powered pump and distribution system to the processing facility.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Industrial purposes from 1/1 to 12/31 amount 1.25 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Operation and maintenance of a potato processing facility.

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 ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	17E	17																I	----

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

No other rights when developed, municipal water available as an alternative since 1975.

14. Remarks:

"Industrial use" is for food processing, sanitation and fire protection at a potato processing facility.

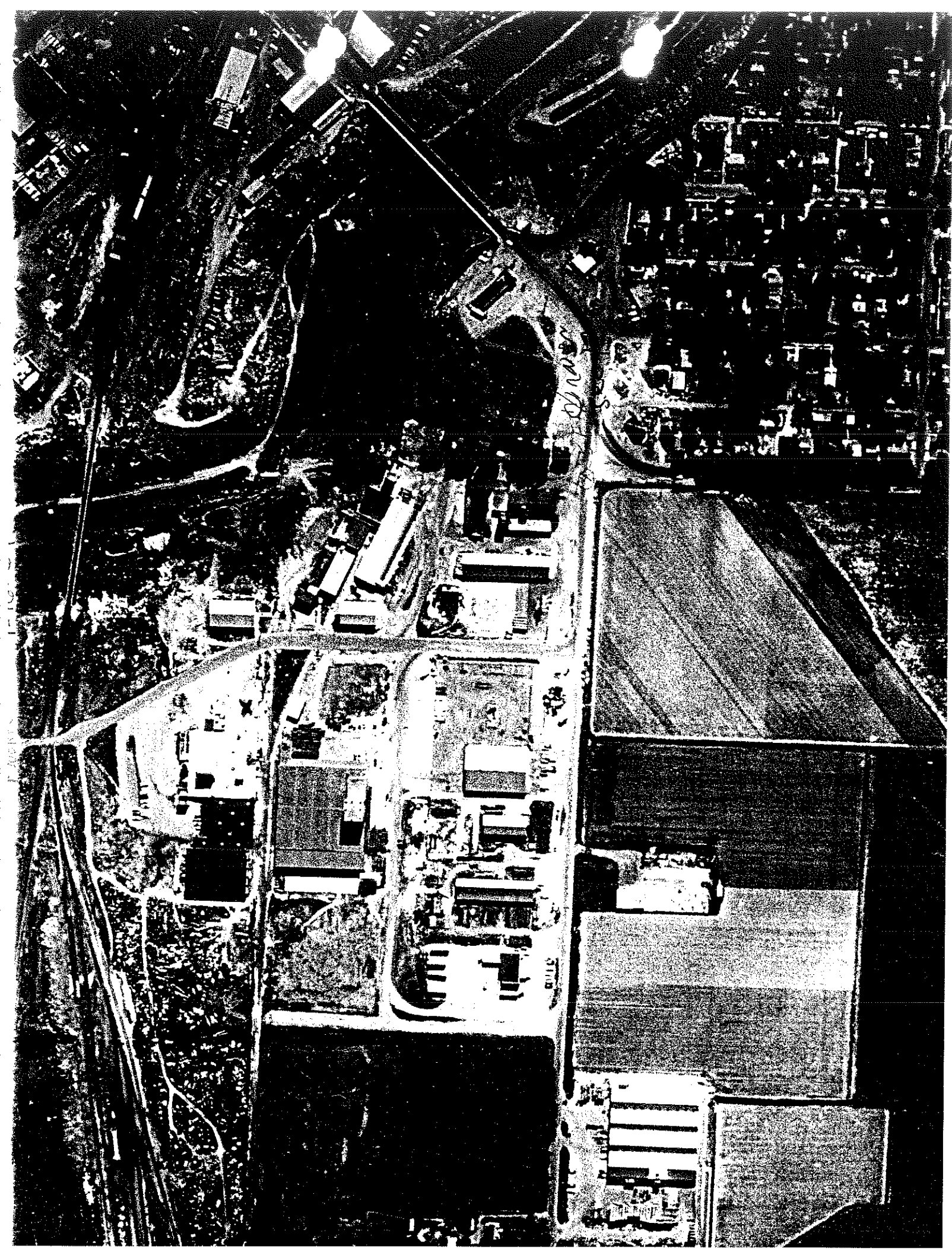
Point of diversion and place of use are within Lot five (5) of Chamber of Commerce Industrial Site Subdivision of the City of Twin Falls and adjacent portion of Railroad Avenue West.

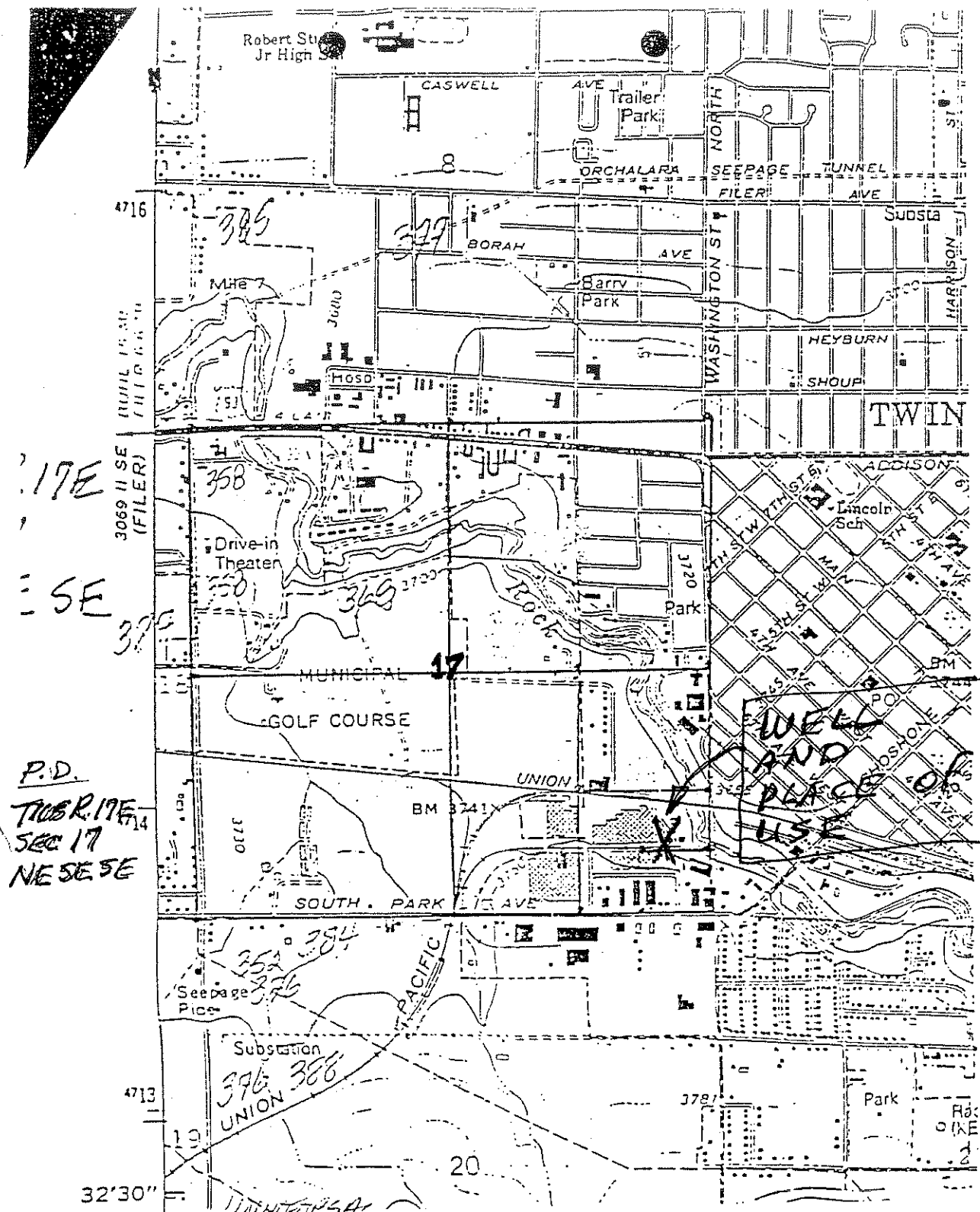
The claimed priority date is based upon the completion date of the well (see attached driller's report and well test report). Also attached is a copy of the "Idaho Frozen Foods Corp. Employee Handbook" that describes (on page 2) the history of the Twin Falls facility. Section 42-229, Idaho Code, provides for perfection of this right commenced by diversion and beneficial use prior to a permit being mandatory.

Last Name ConAgra Ident. Number _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile.





15. Basis of Claim (Check One) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 received notice in the Snake River Basin Adjudication." I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Operations Manager of ConAgra Foods

Packaged Foods Co., Inc., that I have signed the foregoing document in the space below as

Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent David T. Kulon for Wayne Clark

Title and Organization Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

Date 6/29/07

State of Idaho/or Idaho)

County of Boise) SS.

Subscribed and sworn to before me this 29th day of June 20 07

Notary Public Julius Thomas

Residing at Kimberly, ID

My Commission Expires 6/4/2013



17. Notice of Appearance:

Please Print Name

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 _____

Address Beeman & Associates, P.C.
409 W. Jefferson St.
Boise, Idaho 83702
(208) 331-0950

Date _____

Last Name CongAgra Ident. Number _____

Last Name ConAgra Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
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Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Operations Manager of ConAgra Foods

Packaged Foods Co., Inc., that I have signed the foregoing document in the space below as

Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

Date _____

State of Idaho/or _____)
_____) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Please Print Name

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

Address Beeman & Associates, P.C.

409 W. Jefferson St.

Boise, Idaho 83702

(208) 331-0950

Date

June 29, 2007

Last Name CongAgra Ident. Number _____

Last Name ConAgra Ident. Number _____