

RECEIVED
JUN 17 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 16 2010	
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: 01-10571

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On March 24, 2010, Idahoan Foods LLC, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 15, 2010. This *Motion* 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: June 16, 2010.



ERIC J. WILDMAN
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 June 16, 2010, with sufficient first-class postage to the following:

IDAHOAN FOODS LLC

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

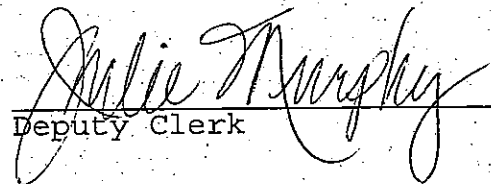
REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in dark ink, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and cursive.

**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 01-10571

Date Received: 6-17-2010

Receipt Number: CO91163 \$100-

Received By SRBA

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 24 2010

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

1. Name of Claimant(s) Idahoan Foods, LLC Phone By (208) 754-8100
Mailing Address PO Box 130, Lewisville, ID Zip 83431
Clerk
Deputy Clerk
2. Date of Priority (Only (1) per claim) April 1, 1970
3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River
4. a. Location of existing point of diversion is: Township 4N Range 38E Section 2,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, County of Jefferson
Additional points of diversion if any: _____
If Available, GPS Coordinates: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4
of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: 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. Pump, known as the Fresh Pak pump, located on the Dry Bed. Water is pumped from the Dry Bed to a sprinkler system.

6. Water is claimed for the following purposes: (Both dates inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/01 to 10/31 amount 2.78 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 2.78 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

9. 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 instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	38E	2		40	19		32	6											97
				L2			L3	L4											
5N	38E	35												11			37		48

Total number of acres irrigated 145

10. In which county(ies) are lands listed above as place of use located? Jefferson

11. Do you own the property listed above as place of use? Yes X No

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

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

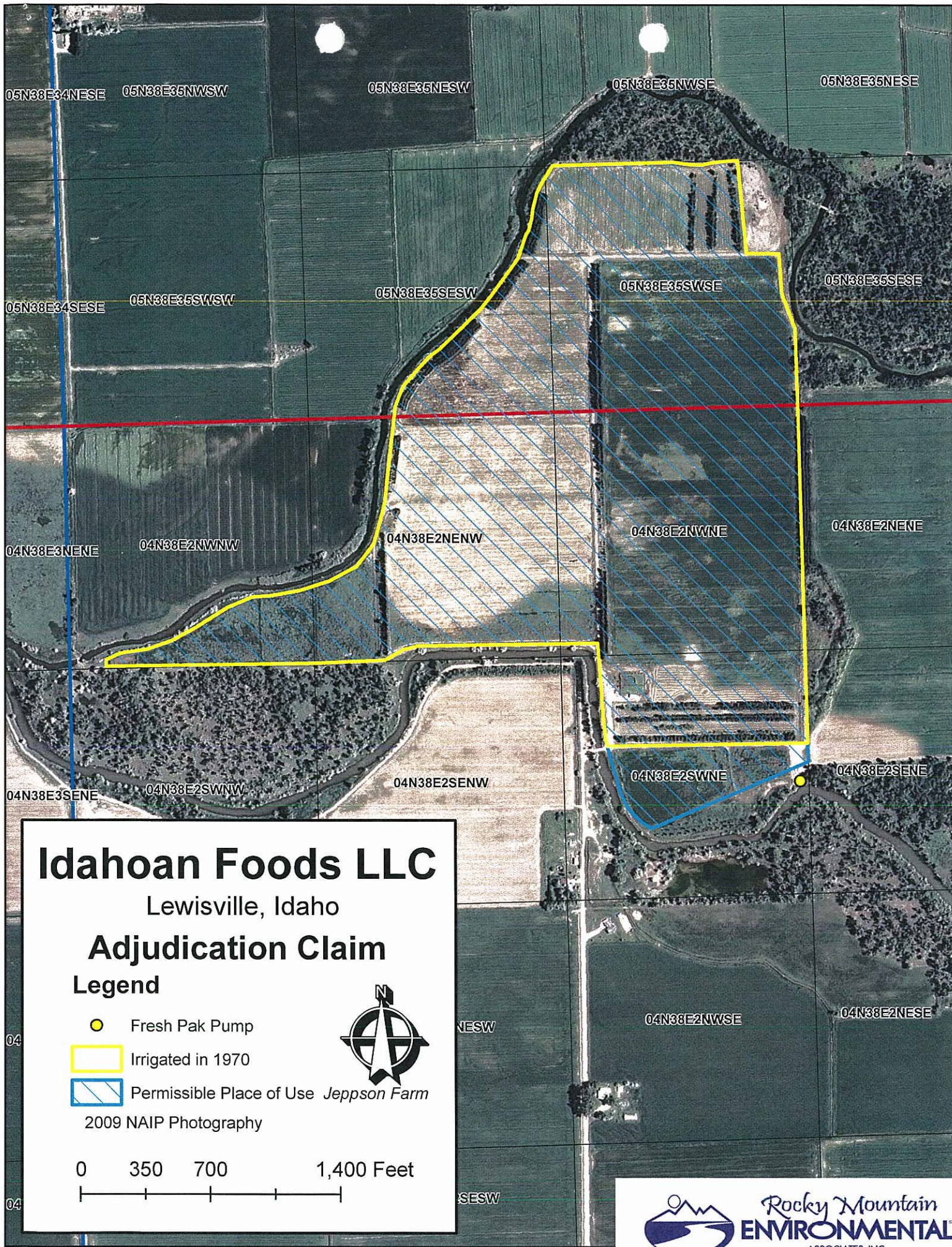
Water right 01-286A is also used on this permissible place of use, but it is limited to 36.4 acres. It is also diverted through the same point of diversion.

or None ()

13. Remarks:

This right was developed through beneficial use as described in the attached Affidavit of Gene Christiansen. When it was developed, it was only used on 139 acres as shown on the attached map. But as the land was further developed, an additional 6 acres was added to the place of use prior to 1987. Claimant also owns shares in North Rigby Irrigation and Canal Company, Inc and Long Island Irrigation Company that originally pertained to this property. That water is delivered through the Fresh Pak pump listed as a point of diversion on this claim.

Last Name Idahoan Foods Ident. Number 01-10571



Idahoan Foods LLC

Lewisville, Idaho

Adjudication Claim

Legend

● Fresh Pak Pump

■ Irrigated in 1970

■ Permissible Place of Use Jeppson Farm

2009 NAIP Photography



0 350 700 1,400 Feet



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

14. Basis of Claim (Check one) ☒ Official Use ☐ Posted Notice ☐ Permit ☐ Decree ☐
License ☐ If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

15. 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 _____

For Individuals: I/we do solemnly swear or affirm under penalty of perjury 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 under penalty of perjury that I am VP Operations of Idahoan Foods LLC (Title)
(Organization), that I have signed the foregoing document in the space below as
VP Operations of Idahoan Foods LLC and that the statements contained (Title) (Organization)
in the foregoing document are true and correct.

Signature of Authorized Agent Sam Huffer
Title and Organization VP Operations Idahoan Foods LLC Date 2/12/2010

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____
Date _____

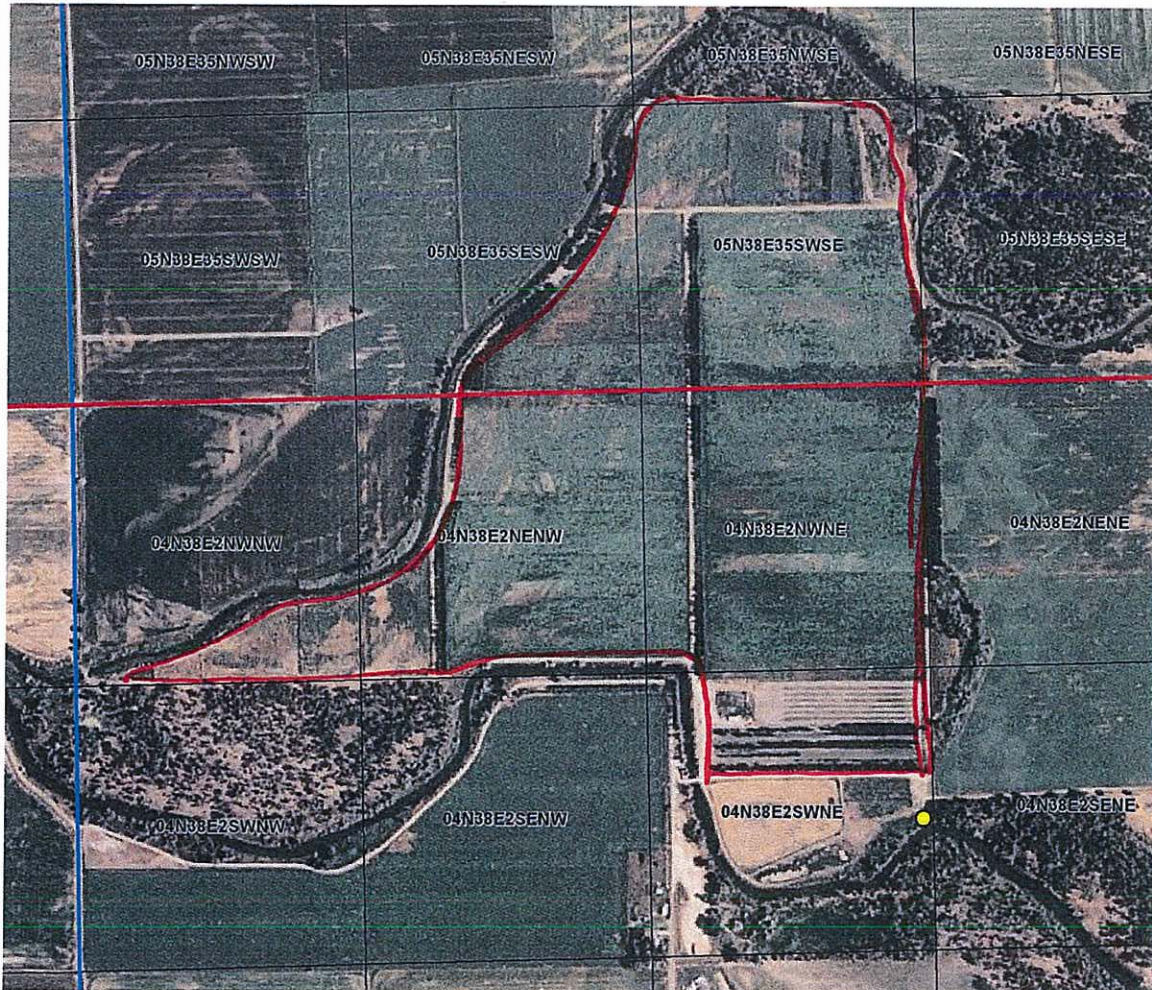
Affidavit of Gene Christiansen

As a boy, I remember hunting ducks on and around the Jeppson Farm, which was run by a Mr. Fullmer. I remember seeing a 1937 Ford motor that was used to pump water from the Dry Bed to irrigate the farm.

In 1963, I began working as a laborer for Idaho Fresh Pak, Inc. At that time, the wastewater from the processing facility was dumped directly into the Dry Bed because they didn't have a farm on which to dispose of the wastewater.

In about 1967 and 1968, we started construction on the farm located between the two channels of the Dry Bed, or what is currently known as the Jeppson Farm. We moved the natural river channel from its original location to a manmade channel that runs east-west just north of the Hedelius Farm (in the NW1/4 of Section 2, T4N, R38E). All the gravel from the new channel was used to levy the farm roads on the newly constructed farm.

In 1968, I installed a new pump to replace the old 1937 Ford motor. We didn't start using it until 1970, which was also the first year that the wastewater from the processing plant was transported by pipeline to be dispersed on the farm. The Jeppson Farm, as outlined on the map below, was irrigated using the pump.



Be it known that the undersigned, being duly sworn, deposes and says that the matters and facts herein are true to the best of the affiant's knowledge.

Gene P. Christiansen
Gene Christiansen

State of Idaho)
County of Jefferson)

Sworn to before me this 22 day of Dec., 2009.

Notary Public for: Tami Holmes Idaho
Residing at: Risby
My commission expires: 3-23-2012

