

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

RECEIVED

JUN 19 2006

WATER RESOURCES
WESTERN REGION

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

Ident. Number 63-15267
Date Received: 7/5/1989
Receipt No: C008023
Received By:

1. Name of Claimant(s)

DARIGOLD INC
DBA WESTFARM FOODS
520 ALBANY ST
CALDWELL ID USA 83605

Phone: (208) 459-3687

2. Date of Priority: 12/15/1950

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	03W	22	NE NW SW	CANYON	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	2.22	
DOMESTIC	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
2.22 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	22	NW	SW		DOMESTIC	
			NE	SW		DOMESTIC	
			NW	SW		INDUSTRIAL	
			NE	SW		INDUSTRIAL	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Name change by DB 2/12/2002

ORIGINAL WELL IN 1950 WAS 90ft DEEP, 20" DIA, WITH 30 HP PUMP; REPLACEMENT WELL IN 1988 IS 265ft DEEP, 16" DIA, DOWN TO 10" DIA, WITH A 50 HP PUMP.

THIS CLAIM SHOULD DEFAULT TO LICENSE #63-03000

15. Basis of Claim: Beneficial Use

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Clyde C. Moses of
Title
WestFarm Foods, that I have signed the foregoing
Organization
document in the space below as Quality Manager of
Title
WestFarm Foods and that the statements contained in the
Organization
foregoing document are true and correct.

Clyde C. Moses
Signature of Authorized Agent

Quality Manager - WestFarm Foods
Title and Organization

6-15-06

Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this
of June 2006

15th
Angel M. Francis

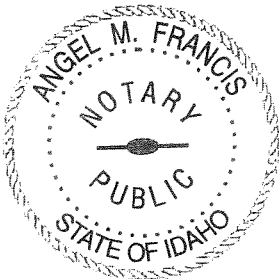
Notary Public

Residing at

Caldwell, Idaho

My commission Expires

12-10-2008



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 63-15267
Date Received: 7/5/1989
Receipt No: C008023
Received By:

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

1. Name of Claimant(s): DARIGOLD INC Phone: (208) 459-3687
DBA WESTFARM FOODS
520 ALBANY ST
CALDWELL ID USA 83605

2. Date of Priority: 12/15/1950

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	03W	22	NW NE SW	CANYON	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	2.22	
DOMESTIC	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
2.22 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	03W	22	NW SW NW SW		DOMESTIC INDUSTRIAL	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Name change by DB 2/12/2002

ORIGINAL WELL IN 1950 WAS 90ft DEEP, 20" DIA, WITH 30 HP PUMP; REPLACEMENT WELL IN 1988 IS 265ft DEEP, 16" DIA, DOWN TO 10" DIA, WITH A 50 HP PUMP.
THIS CLAIM SHOULD DEFAULT TO LICENSE #63-03000

15. Basis of Claim: Beneficial Use

- | | | |
|----|--|---|
| 3. | Name and Address of Former Owner/Claimant(s) | Dairymen's Creamery Association
520 Albany
Caldwell, ID 83605 |
| 4. | New Owner/Claimant(s) | Darigold, Inc. d/b/a WestFarm Foods, a Washington corporation |
| | New Mailing Address | 520 Albany Street |
| | City, State and ZIP Code | Caldwell, ID 83605 |
| | New Telephone Number | (208) 459-3687 |
| 5. | Date you acquired the property | December 1, 1991 |

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) BY: DARTGOLD, INC.
William G. Anderson
VICE PRESIDENT

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims. See attached.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

STOEL RIVES LLP

A T T O R N E Y S

101 SOUTH CAPITOL BOULEVARD
SUITE 1900
BOISE, IDAHO 83702-5958
Phone (208) 389-9000 Fax (208) 389-9040
Internet: www.stoel.com

RECEIVED

AUG 21 2001

WATER RESOURCES
WESTERN REGION

August 21, 2001

KEVIN J. BEATON
Direct Dial
(208) 387-4214
email kjbeaton@stoel.com

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

**Re: Darigold, Inc. d/b/a WestFarm Foods
Water Right Nos. 63-15265, 63-15266 and 63-15267**

Dear Sir or Madam:

Please find enclosed for filing an original Notice of Change in Water Right Ownership and Quitclaim Deed. Please provide me with a conformed copy of the Notice of Change in Water Right in the self-addressed, stamped envelope provided.

If you have any questions or comments, please feel free to contact me.

Very truly yours,



Kevin J. Beaton

KJB:ww
Enclosures

200003564

RECORDED

10 FEB 1 AM 11 01

C NOEL HALES

DAI COUNTY RECORDER

BY *McGowan**Aug*

REQUEST

TYPE

David Whitney

FEE

CORRECTION QUITCLAIM DEED(CORRECTING QUITCLAIM DEED RECORDED
ON 08/17/99 AS INSTRUMENT NO. 9932721)**RECEIVED****AUG 21 2001**WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED, DAIRYMEN'S CREAMERY ASSOCIATION, INC., "Grantor", does, effective the 1ST day of December, 1991, for and in consideration of ONE DOLLAR and other good and valuable consideration, remise, release and forever QUITCLAIM unto **DARIGOLD, INC.**, "Grantee", whose address is 635 Elliott Avenue West, Seattle, Washington 98119, and to its successors and assigns, all title which Grantor now has or may have acquired, in the following described real property, situated in Canyon County, Idaho, to-wit:

Situate in Caldwell, Canyon County, Idaho: All in Section 22, Township 4 North, Range 3 West of the Boise Meridian: All in CALDWELL ORIGINAL according to the Revised map thereof filed July 29, 1891, in Book 1 of Plats at pages 5 and/or 20, in the office of the County Recorder, Canyon County, Idaho: Lots 23 and 24, Block 67 and one half of the adjacent Vacated Alley; AND Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 92, and Tax Lot 1 adjacent on the East to 520 E. Albany Street, Caldwell, Idaho; AND Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 68; AND All of Block 69; AND Lots 1, 2, 3, 4, 5, 6 and 7, Block 91, and BEGINNING at the Northerly corner of Block 91 as shown on the revised map of Caldwell, Canyon County, Idaho, filed in Book 1 of Plats, Page 20, records of said County; running thence Southwesterly along the Northwesterly line of said Block 91 a distance of 149 feet to the point of intersection with the right of way of the Oregon Short Line Railroad Company; running thence Northwesterly along the Northeasterly line of said railroad right of way a distance of 40 feet; running thence Northeasterly parallel with the Northwesterly line of said Block 91 a distance of 149 feet to the point of intersection with the Southwesterly line of Albany Street in Caldwell, Idaho; running thence Southeasterly a distance of 40 feet to the POINT OF BEGINNING.

TOGETHER with all and singular the tenements, hereditaments and appurtenances.

TOGETHER with all water, water rights, ditches and rights of way for ditches appurtenant thereto or in anywise appertaining.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal.

DAIRYMEN'S CREAMERY ASSOCIATION, INC.

Dated: 1-24-00

By: [Signature]
President

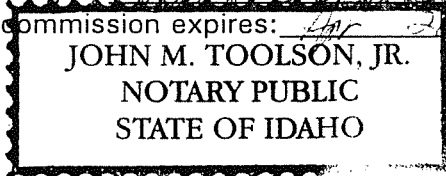
Attest: [Signature]
Secretary

STATE OF Idaho)
County of Jerome)§:

On this 7th day of January, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared **ADRIAN BOER**, known or identified to me to be the President of **DAIRYMEN'S CREAMERY ASSOCIATION, INC.**, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for: Idaho
Residing at: Jerome, Idaho 83338
My commission expires: Apr 2005



STATE OF Oregon)
County of Malheur)§:

On this 24 day of Jan, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared **JOE S. PAYNE**, known or identified to me to be the Secretary of **DAIRYMEN'S CREAMERY ASSOCIATION, INC.**, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for: Oregon
Residing at: Ontario
My commission expires: 11-14-03

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: A63-15267
Date Received: 5/04/1989
Receipt No: C008023
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAIRYMEN'S CREAMERY ASSN., INC.
Address: 520 ALBANY
P.O. BOX 578
ATTN: DICK COOPER
CALDWELL, ID

208-459-3687

83605

RECEIVED
JUL 03 1989

2. Date of Priority: DEC 15, 1950

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	03W	22	NW	NE	SW		CANYON

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	2.220		
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
2.220 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
CREAMERY; CHEESE, BUTTER, MILK, IN-PLANT DOMESTIC

A63-15267

Page 1

Date: 05/04/89

MICROFILMED
AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03W	22	NW	SW		INDUST	
			NW	SW		DOMEST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

63-02998, 63-02999, 63-03000

14. Remarks:

ORIGINAL WELL IN 1950 WAS 90' DEEP, 20" DIA, WITH 30 HP PUMP;
REPLACEMENT WELL IN 1988 IS 265' DEEP, 16" DIA, DOWN TO 10" DIA,
WITH A 50 HP PUMP.

THIS CLAIM SHOULD DEFAULT TO LICENSE #63-03000

15. Basis of Claim: BENEFICIAL USE

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 ^X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Assistant Secretary of Title

Dairymen's Creamery Assn., Inc., that I have signed the foregoing Organization

document in the space below as Assistant Secretary of Title

Dairymen's Creamery Assn., Inc. and that the statements contained in the Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Assistant Secretary
Dairymen's Creamery Association, Inc.
Title and Organization

June 30, 1989
Date

State of Idaho)
County of Canyon) SS.

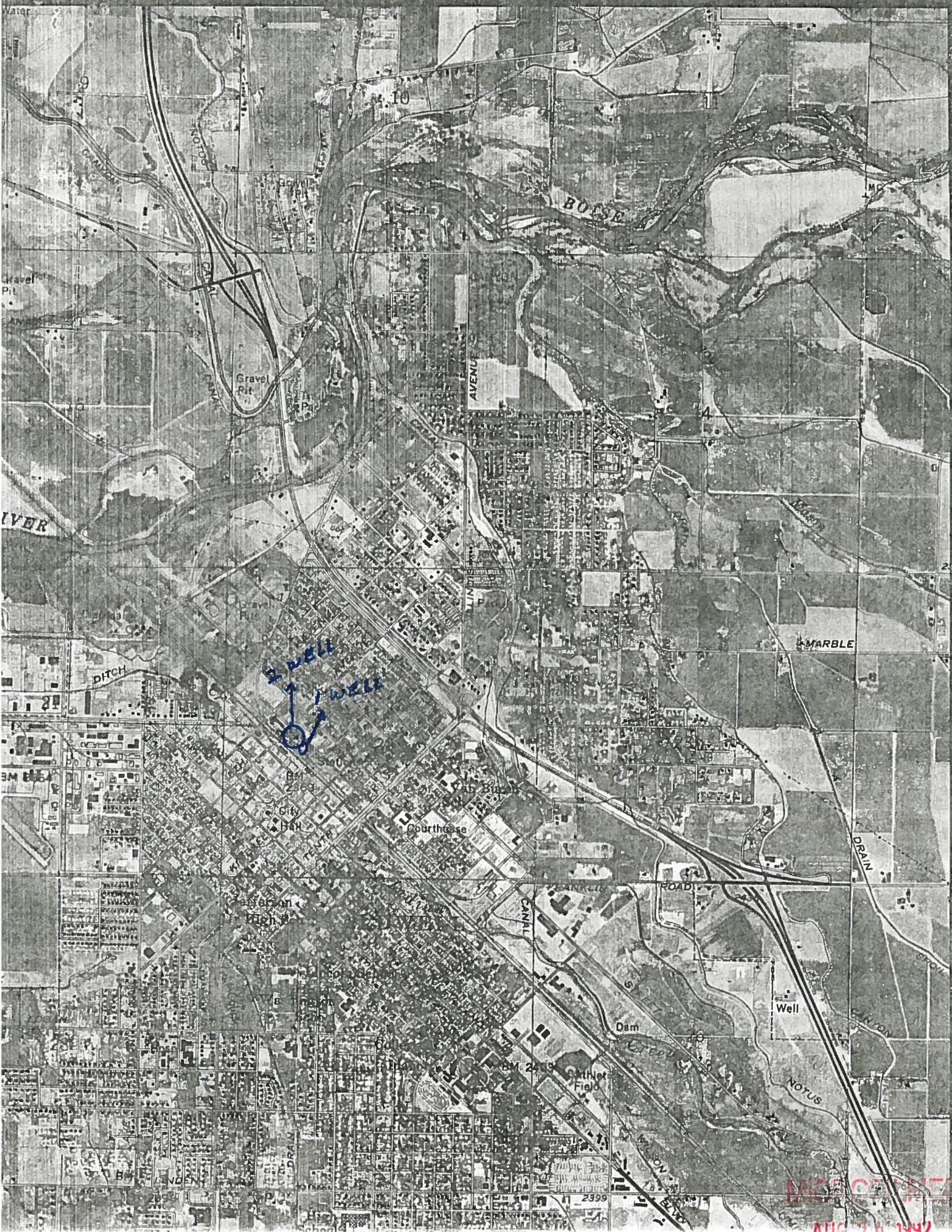
Subscribed and sworn (or affirmed) before me this 30 day
of June 19 89

Lida Rae Sweet
Notary Public

Seal

Residing at Wilder, Idaho

My Commission Expires 2/24/93



NOTICE

AUG 24 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Darby men CLAIM IDENT. NO. A63-15267

DATE RECEIVED 7/13 CK # C008023 AMOUNT \$ _____ YES _____ NO _____ Required Info? *

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: B Date: 7/13

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____
Checked by: _____ Date: _____

Comments: fee 274⁰⁰

OLD # A63-03000 MICROFILMED

06/20/2006

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

RIGHT NUMBER: 63-15267

NAME AND ADDRESS: DARIGOLD INC
DBA WESTFARM FOODS
520 ALBANY ST
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.220 CFS
448.700 AFY

PRIORITY DATE: 12/15/1950

POINT OF DIVERSION:

T04N R03W S22 NENWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS 0.60 AFY
INDUSTRIAL	01/01 12/31	2.220 CFS 448.10 AFY

Domestic use is in restrooms, breakrooms, a laboratory, and for hand-washing stations.

PLACE OF USE: INDUSTRIAL Within CANYON County

T04N R03W S22 NESW T04N R03W S22 NWSW

DOMESTIC Within CANYON County

T04N R03W S22 NESW T04N R03W S22 NWSW

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Industrial use is in a milk processing plant.

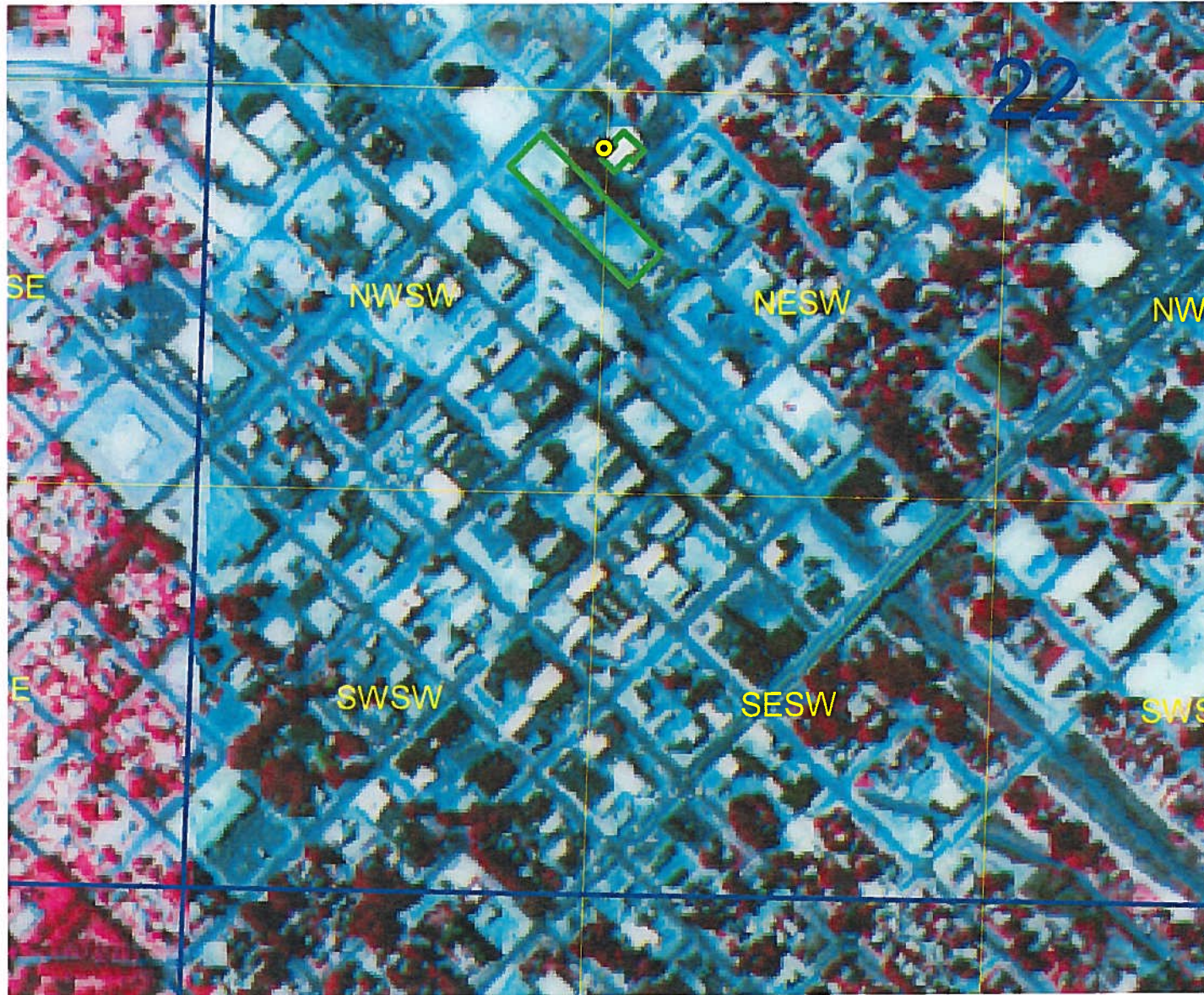
Idaho Department of Water Resources

**T04N, R03W,
SEC 22**

Claim No: 63-15267

Prepared By: Kimberly Brown

Date: June 20, 2006



Place of Use

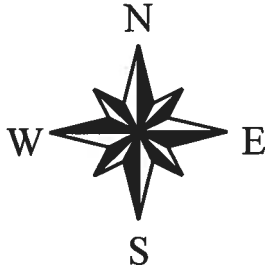


Section Lines

1/4 1/4



Point of Diversion



00.02 Miles



1987 NAPP

09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-15267

DARIGOLD INC
DBA WESTFARM FOODS
520 ALBANY ST
CALDWELL ID 83605
Telephone Number: (208) 459-3687

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-25-06 SIGNATURE: Clyde C. Moses

Please print your name: Clyde C. Moses

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15267 V1

WATER RIGHT NUMBER: 63-15267 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAIRYMENS CREAMERY ASSN INC ATTN: DICK COOPER PO BOX 578 CALDWELL, ID 83605 (208)459-3687
Current Owner	DARIGOLD INC DBA WESTFARM FOODS 520 ALBANY ST CALDWELL, ID 83605 (208) 459-3687

Priority Date: 12/15/1950

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	0.60 AF
INDUSTRIAL	01/01 to 12/31	2.220 CFS	448.10 AF
	<u>Total Diversion:</u>	2.220 CFS	448.70 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4SW1/4	Sec. 22, Twp 04N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	22									X	X							

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	03W	22									X	X							

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-15267 V1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Industrial use is in a milk processing plant.
3. X01 Domestic use is in restrooms, breakrooms, a laboratory, and for hand-washing stations.

Remarks:Comments:

1. kbrown 6/20/2006 Priority Date/ #63-3000
Comment: A priority date of 7/29/1954 was licensed under Right No. 63-3000, but Darigold Inc. wanted the earlier priority date of 12/15/1950. Therefore, Darigold Inc. filed this Beneficial Use claim in order to obtain the earlier priority date and, essentially, #63-15267 replaces #63-3000.
2. kbrown 6/20/2006 Remark from Notice of Claim
Comment: This claim should default to Licensed #63-03000.
3. kbrown 6/20/2006 Remark from Notice of Claim
Comment: Original well in 1950 was 90 ft. deep, 20 inch diameter, with a 30 HP pump; replacement well in 1988 is 265 ft. deep, 16 inch diameter, with a 50 HP pump.
4. kbrown 6/20/2006 Name Change
Comment: Name changed by DB 2/12/2002.
5. kbrown 6/20/2006 Parcel Number
Comment: PARCEL NO: R0515900000 (this number is the same for the two different parcels associated with this right).
6. kbrown 6/20/2006 Amended Claim
Comment: The N 1/2 SW 1/2, Section 22 was licensed under #63-3000, but only the NWSW was claimed under #63-15267. The Amended Claim represents what was licensed under 63-3000 and the actual POU for this claim.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-15267 V1

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/22/2006	lharris	Active
Contacts	6/20/2006 1:59:55 PM	kbrown			Active
Priority Date	6/20/2006 2:02:57 PM	kbrown			Active
POD	6/20/2006 2:06:53 PM	kbrown			Active
Source	6/20/2006 2:09:09 PM	kbrown			Active
POU	6/20/2006 2:11:56 PM	kbrown			Active
Use	6/20/2006 2:12:44 PM	kbrown			Active
Season	6/20/2006 2:14:48 PM	kbrown			Active
Quantity	6/20/2006 2:17:32 PM	kbrown			Active
Summary			06/20/2006	kbrown	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	6/20/2006 2:21:34 PM	kbrown	Updated shape for Active POU
General	6/20/2006 2:02:57 PM	kbrown	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Proof of Application of Water to Beneficial Use submitted for Permit No. G-25089 (#63-3000) (see file).

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15267 V1

POD	6/20/2006 2:06:53 PM	kbrown	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - This well was licensed in the NESW, Section 22 under #63-3000; but is actually located right over the QQ-line in the NWSW, Section 22. Its location was verified by Clyde Moses, Quality Manager of WestFarm Foods (see Conversation Memorandums and email copies in file).
Source	6/20/2006 2:09:10 PM	kbrown	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source was verified by the field exam/licensed for #63-3000.
POU	6/20/2006 2:11:56 PM	kbrown	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - The POU was verified by the field exam/license for #63-3000. The N 1/2 SW 1/4, Section 22 was licensed under #63-3000, but only the NWSW was claimed under #63-15267. The Amended Claim represents was what licensed under #63-3000 and the actual POU.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15267 V1

Season	6/20/2006 2:14:48 PM	kbrown	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - The domestic and industrial use are both year round (see Industrial Use Volume questionnaire).
POU	6/20/2006 2:22:48 PM	kbrown	Updated shape for Active POU
Use	6/20/2006 2:12:44 PM	kbrown	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (Yes) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - The domestic and industrial use were verified by the field exam/license for #63-3000.
Quantity	6/20/2006 2:17:32 PM	kbrown	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - A measurement was conducted for Licensed Right No. 63-3000 and this claim essentially replaces 63-3000. Description for Question 10 - See Report of the Engineer for the annual diversion calculation. Industrial Use Volume = $(400,000 \text{ gal/day} \times 365 \text{ days/yr}) / 325,850 \text{ AF} = 448.1 \text{ AF}$ (see Industrial Use Volume questionnaire).

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15267 V1

Summary	6/20/2006 2:26:06 PM	kbrown	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	6/20/2006 1:59:55 PM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim replaces Licensed Right No. 63-3000.
Summary	3/22/2006 3:49:13 PM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
POD	6/20/2006 2:19:25 PM	kbrown	Updated shape

Water Supply Bank:

default to # 63-3000

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-15267

WATER RIGHT NUMBER: 63-15267 ✓

Owner Type

Original Owner

Name and Address

DAIRYMENS CREAMERY ASSN INC ✓

ATTN: DICK COOPER

PO BOX 578

CALDWELL, ID 83605

(208) 459-3687

Current Owner

DARIGOLD INC ✓

DBA WESTFARM FOODS

520 ALBANY ST

CALDWELL, ID 83605

(208) 459-3687

Priority Date: 12/15/1950 ✓

Basis: Beneficial Use ✓

Status: Active

(7/29/54 licensed under #63-3000, but Darigold wanted earlier priority date)

Source

GROUND WATER ✓

TributaryBeneficial Use

DOMESTIC ✓

INDUSTRIAL ✓

From To

1/01 to 12/31 ✓

1/01 to 12/31 ✓

Diversion Rate

0.020 CFS ✓

2.220 CFS ✓

Annual Volume

0.6 AF

448.1 AF

Total Diversion:

2.220 CFS ✓

448.7 AFA

Location of Point(s) of Diversion

GROUND WATER

CANYON County

(NW 1/4 NE 1/4 SW 1/4) ✓
NE NW SW

Sec. 22, Twp 04N, Rge 03W, B.M. ✓

Place of Use

DOMESTIC ✓

" Well #3 "

currently not being used (sand)

Twp Rge Sec

04N 03W 22

NE

NE | NW | SW | SE

NW

NE | NW | SW | SE

SW

NE | NW | SW | SE

SE

NE | NW | SW | SE

Totals

INDUSTRIAL ✓

Twp Rge Sec

04N 03W 22

NE

NE | NW | SW | SE

NW

NE | NW | SW | SE

SW

NE | NW | SW | SE

SE

NE | NW | SW | SE

Totals

ADD X01 - Domestic use is in restrooms, breakrooms, a laboratory, and for hand-washing stations.

ADD - Industrial use is in a milk processing plant.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-15267

Conditions of Approval:

1. ORIGINAL WELL IN 1950 WAS 90ft DEEP, 20" DIA, WITH 30 HP PUMP; REPLACEMENT WELL IN 1988 IS 265ft DEEP, 16" DIA, DOWN TO 10" DIA, WITH A 50 HP PUMP.
THIS CLAIM SHOULD DEFAULT TO LICENSE #63-03000
2. Name change by DB 2/12/2002

Remarks:

→ This B/U claim allows an earlier priority date.
This claim replaces licensed Right No. 63-3000.

Comments:

Parcel No: R05159000000.

Water Supply Bank:

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$274.⁰⁰
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in S22
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-15267Owner: Darigold Inc. Phone No. 459-3687Current Address: 520 Albany St., Caldwell 83605Property Address: ☒ No change NAME IS THE SAME☐ NEW OWNER20 E. Albany St. ☐ No change Addressaldwell ☒ NEW ADDRESS 635 Elliot Ave. W., Seattle 98119☐ How long owned property?Accompanied by: N/A**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is:

12/15/50

* Proof of Application of Water to Beneficial Use submitted for Permit No. G-25089 (63-3000) (see file).

(If priority date, based on your exam, seems questionable, explain below.)

7/29/54 was licensed as the priority date under #63-3000, but Darigold wanted the earlier priority date.

Source:

Ground Water

Tributary to

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed:
- ☐ If different, when did POD change?

* licensed"Well #3" is located in the NENWSW

* The Industrial Use Volume questionnaire's answers by Clyde Moses states that well #3 is currently not being used, but it was used in 1987 (see Conversation Memorandums).

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NE	NW	SW					

Description of diverting works

See Report of Engineer.

OVERLAP REVIEW

Other water rights with the same point of diversion:

None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

#63-15265 & #63-15266 have different wells.

WATER USES

☐ No change

☐ Different Uses

Use Domestic From _____ To _____ Amount _____ CFS 0.6 AFA

Use Industrial From _____ To _____ Amount _____ CFS 448.1 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

$$\text{Volume: } 2.22 \text{ cfs} \times 1.9835 \times 365 \text{ days} = 1607.2 \text{ AF}$$

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount _____ CFS 448.7 AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____

Additional comments:

Domestic use is for restrooms, bedrooms, hand-washing stations, + a laboratory. Industrial use is in a milk processing plant.

PLACE OF USE:

☐ No Change

☒ Changes shown below:

The N $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 22 was licensed, but only the NWSW was claimed. The Amended Claim depicts what is actually the POB (N $\frac{1}{2}$ SW $\frac{1}{4}$).

Parcel No: R0515900000

~~a portion of~~

(2 different parcels with same number)

ADD: NESW, S22

[illegible]

Overlap with other water rights: 63-16265, 63-16266

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See Report of Engineer.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Water license No. G - 25089

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3000

WATER RIGHT NUMBER: 63-3000

Owner Type

Previous Owner

Name and Address

DAIRMENS CO OP CREAMERY OF BOISE VALLEY ✓

Current Owner

CALDWELL, ID
 DARIGOLD INC
 DBA WESTFARM FOODS
 520 ALBANY ST
 CALDWELL, ID 83605
 (208) 459-3687

Priority Date: 07/29/1954 ✓

Basis: License ✓

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

INDUSTRIAL ✓

DOMESTIC ✓

From To

/ to /

/ to /

Diversion Rate

2.220 CFS ✓

Annual VolumeTotal Diversion:

2.220 CFS ✓

Location of Point(s) of Diversion

GROUND WATER

CANYON County ✓

NE1/4SW1/4 ✓

Sec. 22, Twp 04N, Rge 03W, B.M. ✓

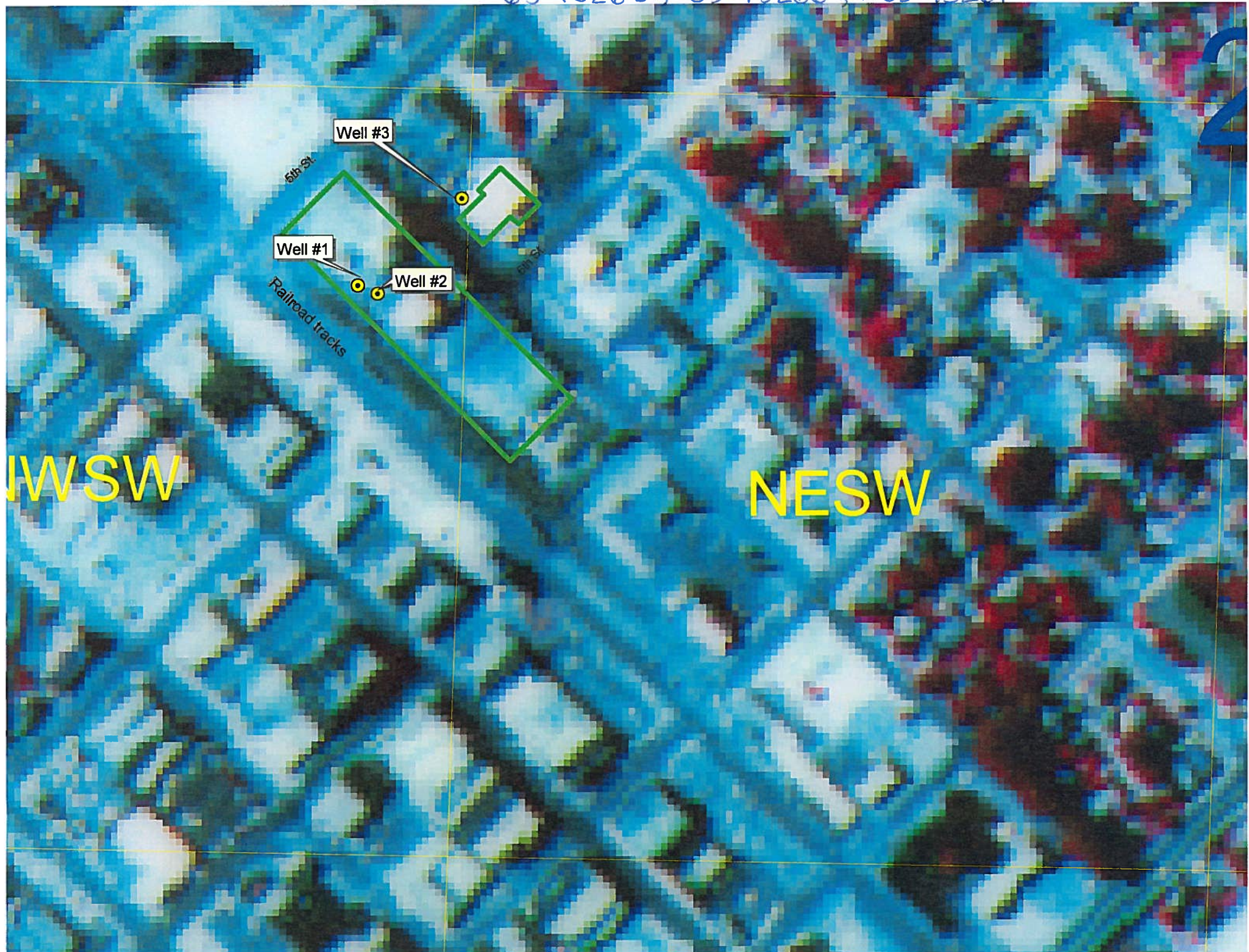
Place of Use

INDUSTRIAL ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	03W	22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X	X							

✓ DOMESTIC same as INDUSTRIALConditions of Approval:Remarks:Comments:

63-15265, 63-15266, & 63-15267



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-15267

03/22/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2275	Water Right	04N	03W	22	NW	SW		IRRIGATION		PIONEER IRRIGATION DISTRICT
4229	Claim	04N	03W	22	NW	SW		INDUSTRIAL		MOUNTAIN VALLEY LLC
15265	Claim	04N	03W	22	NW	SW		INDUSTRIAL		DARIGOLD INC
15266	Claim	04N	03W	22	NW	SW		INDUSTRIAL		DARIGOLD INC
~~15267~~	~~Claim~~	~~04N~~	~~03W~~	~~22~~	~~NW~~	~~SW~~		~~INDUSTRIAL~~		~~DARIGOLD INC~~
2998	Water Right	04N	03W	22	NW	SW		INDUSTRIAL		DARIGOLD INC
2999	Water Right	04N	03W	22	NW	SW		INDUSTRIAL		DARIGOLD INC
3000	Water Right	04N	03W	22	NW	SW		INDUSTRIAL		DARIGOLD INC
4229	Water Right	04N	03W	22	NW	SW		INDUSTRIAL		RICHARD W SCOTT
15265	Claim	04N	03W	22	NW	SW		DOMESTIC		DARIGOLD INC
15266	Claim	04N	03W	22	NW	SW		DOMESTIC		DARIGOLD INC
~~15267~~	~~Claim~~	~~04N~~	~~03W~~	~~22~~	~~NW~~	~~SW~~		~~DOMESTIC~~		~~DARIGOLD INC~~

no overlap

Brown, Kimberly

From: Moses, Clyde [Clyde.Moses@Westfarm.com]
Sent: Friday, June 16, 2006 1:05 PM
To: Brown, Kimberly
Subject: RE: New and Improved POD Locations

The location of all three wells looks really close. I don't think any of them would be off more than 2 or 3 feet.

-----Original Message-----

From: Brown, Kimberly [mailto:Kimberly.Brown@idwr.idaho.gov]
Sent: Friday, June 16, 2006 9:02 AM
To: Moses, Clyde
Subject: New and Improved POD Locations

Mr. Moses,
I attached the POD location changes based on our last conversation. If you feel any more changes need to be made, please don't hesitate to call me back. I would like my recommendation to be as accurate as possible. Thanks again for your assistance.

Sincerely,

Kimberly Brown
Senior Water Resource Agent
Western Region

<<darigold#3.jpg>>

Brown, Kimberly

From: Brown, Kimberly
Sent: Thursday, June 15, 2006 8:22 AM
To: 'clyde.moses@westfarm.com'
Subject: Amended Water Right Claims

Mr. Moses,

Thank you for your assistance yesterday afternoon! I attached the three amended claims, in which I added the **NESW** for industrial and domestic uses. On 63-15265, I also changed the claimed period of use from 1/01 - 11/23 to 1/01 - **12/31** (year round use). On 63-15267, I also changed the legal description of the point of diversion from the claimed NWNESW to the **NENWSW** -- please review the attached 2004 aerial photo to make sure I placed Well #3 in the correct location, since it is right next to the quarter quarter line and could easily be either the NWSW or the NESW. In addition, please make sure that the green boxes, depicting the places of use, are also correct.

The claims will need to be signed in front of a notary. Please send them to me, as soon as possible, at:

IDWR - Western Region
ATTN: Kimberly Brown
2735 Airport Way
Boise ID 83705-5082

If you have any further questions or comments, please contact me at #334-2190.

Sincerely,

Kimberly Brown
Senior Water Resource Agent
Western Region Adjudication Bureau



darigold2.jpg



63-15265Amended.doc



63-15266Amended.doc



63-15267Amended.doc

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 63-15267
Date Received: 7/5/1989
Receipt No: C008023
Received By:

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

1. Name of Claimant(s)

DARIGOLD INC
DBA WESTFARM FOODS
520 ALBANY ST
CALDWELL ID USA 83605

Phone: (208) 459-3687

2. Date of Priority: 12/15/1950

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
04N	03W	22	NE	NW	SW	CANYON	

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	2.22	
DOMESTIC	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
2.22 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	03W	22	NW	SW	DOMESTIC	
			NE	SW	DOMESTIC	
			NW	SW	INDUSTRIAL	
			NE	SW	INDUSTRIAL	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Name change by DB 2/12/2002

ORIGINAL WELL IN 1950 WAS 90ft DEEP, 20" DIA, WITH 30 HP PUMP; REPLACEMENT WELL IN 1988 IS 265ft DEEP, 16" DIA, DOWN TO 10" DIA, WITH A 50 HP PUMP.
THIS CLAIM SHOULD DEFAULT TO LICENSE #63-03000

15. Basis of Claim: Beneficial Use

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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of
_____ Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-15267
Annual Volume for Well #3**

June 14, 2006

I spoke with Clyde Moses regarding his answer on the Industrial Use Volume questionnaire that states, "Currently this well #3 is not being used due to excessive sand in the water" (see file). After I asked Mr. Moses when they stopped using well #3, he replied that it's been six years since they stopped actively using it. Mr. Moses added that they are considering abandoning the third well, but may possibly drill a new one, too. I informed Mr. Moses that they may drill a new well and still retain the 1950 priority date, but that they have 5 years to do so after the Director's Report comes out; otherwise, it will be considered abandoned.

When I asked Mr. Moses what this well is used for, he said that it "is used on both sides of the street;" meaning, that it is used for both domestic and industrial purposes in both buildings.

Because Well #3 was being used in 1987 (until 2000), I need to recommend an annual volume. Therefore, since Mr. Moses was able to give me the gallons of water used daily for #63-15265 and #63-15266, I asked him if he could give also me a specific number of gallons used for Well #3. Mr. Moses immediately replied, "Well #3 put out as much water as Well #2."

According to the Industrial Use Volume questionnaire submitted for #63-15266: 300,000 to 400,000 gallons of water per day are used from Well #2. Based on this knowledge, I am now able to calculate the annual volume for Well #3.

Kimberly Brown
Senior Water Resource Agent
Western Region

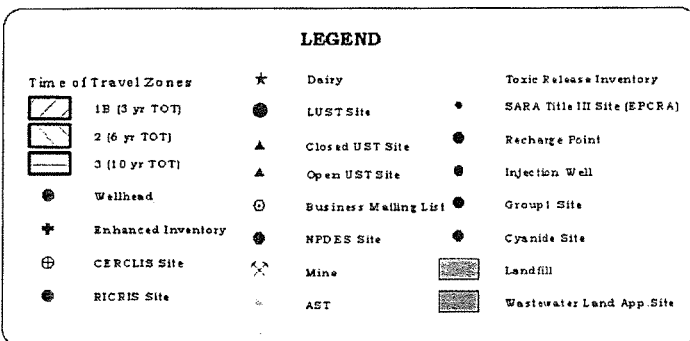
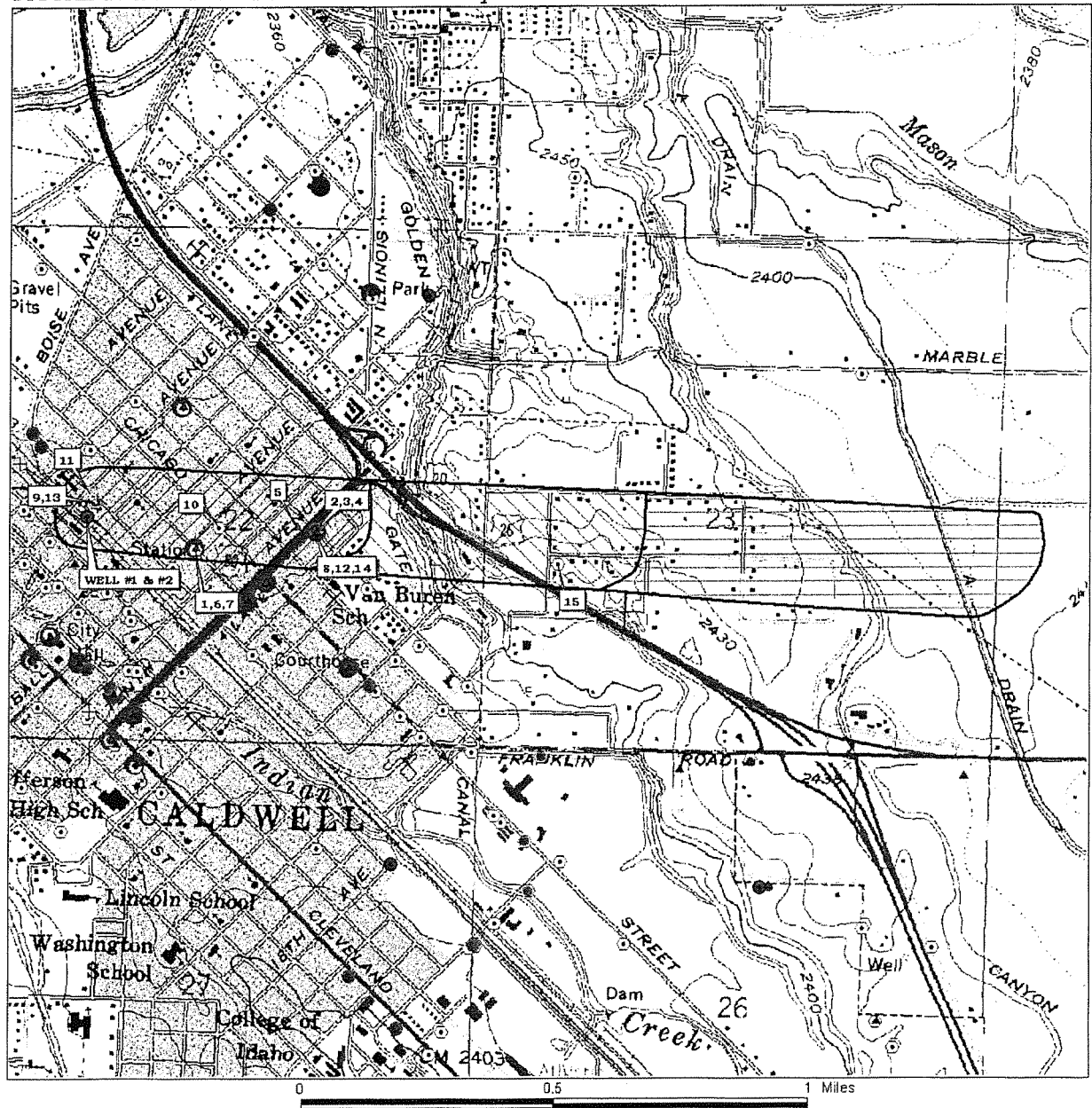
Brown, Kimberly

From: Moses, Clyde [Clyde.Moses@Westfarm.com]
Sent: Wednesday, June 14, 2006 3:51 PM
To: Brown, Kimberly
Subject: Westfarm map



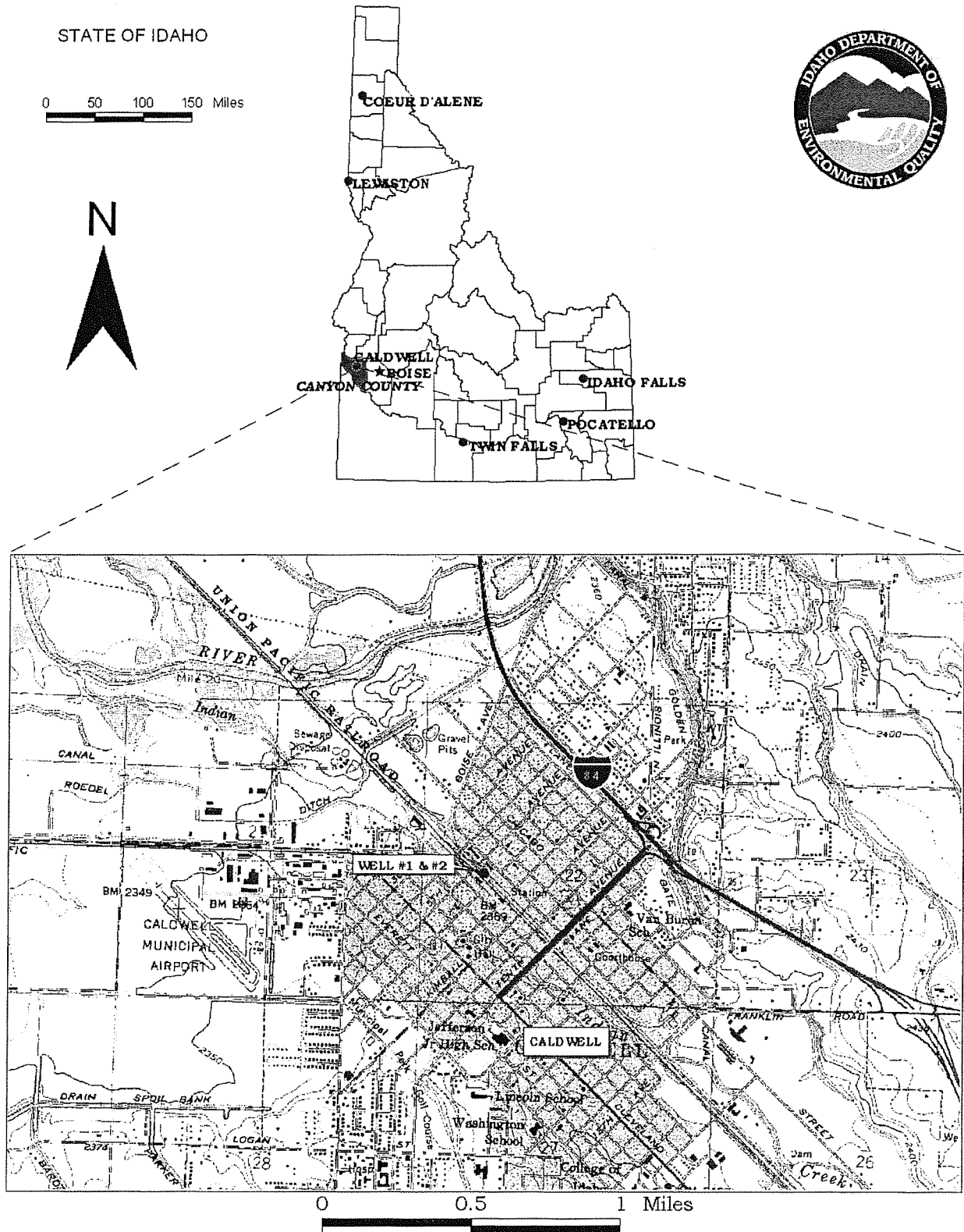
2006061414455660
3.pdf

FIGURE 2. West Farm Foods Delineation Map and Potential Contaminant Source Locations



PWS# 3140168
WELL #1 & #2

FIGURE 1. Geographic Location of West Farm Foods



RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

INDUSTRIAL USE VOLUME

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report #A63-15267. (Well #3)**

Type of Establishment: (example – camp, church, country club, bar/lounge, boardinghouse, factory, motel, highway rest area, hospital, laundry, office, park, restaurant, school, service station, theater)

Milk processing plant. We separate and ship bulk cream to customers and dry the skim milk which is bagged and shipped to customers.

Type of Facilities: (example: kitchen facility/cafeteria, lavatory facilities, shower(s), bath(s), sink(s), trailers, flush toilets)

4 lavatory facilities, 2 breakrooms, 1 laboratory, 5 handwash stations
Most of our water usage is for cleaning of process equipment and cooling during processing.

Number of Fixtures: (example: number of flush toilets, number of bathtubs, number of bathroom/kitchen sinks, number of showers, etc.)

4 Toilets, 10 sinks, 1 shower
17 milk silos, 2 milk evaporators, 3 separators, 3 dryers
Numerous line circuits and milk hauling tankers

How many employees (and/or public individuals) per day use each of the facilities your commercial use is based upon?

29 Employees presently. We have had as many as 140 employees. This number can vary with the amount of milk we are receiving and what we are doing with the milk.

How many hours per day is the facility open for this specific use?

24 hours per day

How many days per week is the facility open for this use?

7 days per week

Is this facility open year round? ☒ Yes ☐ No

If not, please indicate the length of time the facility is open during the year.

** Most businesses have a good idea of how many gallons of water per day they use. If this is true in your case, please indicate how many **total gallons of water you use** for the commercial purposes explained above:

Currently this well #3 is not being used due to
excessive sand in the water.

(*) In a conversation with Mr. Moses on June 14, 2006,
he said that Well #3 was used up until 2000
and that it "put out as much water as Well #2."
In file #63-15266, this amount would be 300,000
to 400,000 gallons of water per day.) - Kimberly Brown

Additional information you feel may be pertinent:

Clyde Moses
Your name

208-459-3687 Ext. 218
Business telephone number

Please return to:

ATTN: Kimberly Brown
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

 WESTFARM FOODS

Leadership Through Experience.

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

April 19, 2006

Kimberly Brown
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Evidence of Priority, Industrial Use Volume and Annual Volume
Snake River Basin claims numbers: A63-15265, A63-15266, A63-15267

Dear Kimberly,

Enclosed are two signed affidavits for evidence of priority water rights. One is from our current plant manager, Dennis Agenbroad, who has been employed here since 1978. The other is from a recent former employee/plant manager who started working here in 1962.

Also enclosed are the completed Industrial Use Volume worksheets requested for the above mentioned claim numbers.

If there are any questions concerning these documents please call me at 208-459-3687 ext. 218 or Dennis Agenbroad at ext. 210.

Sincerely,



Clyde Moses
WestFarm Foods
520 Albany
Caldwell, ID 83605

Cc: Dennis Agenbroad
Michael Campbell

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S)) ,
63-15265)
63-15266)
63-15267)
State of Idaho)
County of Canyon)

AFFIDAVIT

Dennis Agenbroad

deposes and says: I have been employed by
Dairymen's Creamery Association and Darigold
(doing business as West Farm Foods) since 1978.
The wells covered by the above referenced
water rights have provided all the water
for plant processing in this Caldwell
location since 1978 and to the best of
my knowledge these wells have been
the sole water supply for this plant
since they were drilled.

Dennis Agenbroad 4-18-06
(Signature)

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63-15265)
63-15266)
63-15267)
State of Idaho)
County of Canyon)

AFFIDAVIT

Wayne Eskew

deposes and says: Being a long time former employee
of Dairymen's Creamery Assoc. and then Dairigold, I
do have personal knowledge of water being used
from the above mentioned Water Right numbers.
My employment with Dairymen's Creamery
Assoc. started in 1962. Dairymen's Creamery was
using these wells at that time as the main water
source for the processing operations and to the
best of my knowledge these wells have been used as
the main water source for this plant from the
time they were drilled until the present day.

Date: 4/11/2006

Wayne Eskew
(Signature)

71823 Meadow loop Boardman Or
Home phone 541-485-2449 97818



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

DARIGOLD INC
dba WESTFARM FOODS, A WASHINGTON CORPORATION
520 ALBANY ST
CALDWELL ID 83605

Re: Notice of Claim to a Water Right No. 63-15265, 63-15266 & 63-15267

Dear Claimants:

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

State of Idaho

License and Certificate of Water Right

Water License No. G- 25089

Amount.....2.22 second feet

Water District No.....

Priority.....July 29, 1954

THIS IS TO CERTIFY that DAIRYMEN'S CO-OPERATIVE CREAMERY OF BOISE VALLEY of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 29, 1954; that Permit No. G-25089 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.22 second feet, was issued thereunder on March 14, 1955, showing that said works were completed on the 22nd day of October, 1954; and that on the 22nd day of October, 1954,

DAIRYMEN'S CO-OPERATIVE CREAMERY OF BOISE VALLEY

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, ~~and~~ (subterranean flow), for the purpose of industrial and domestic use, under Use Permit No. G-25089 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5468, on the 14th day of March, 1955; The right hereby confirmed dates from July 29, 1954;

The Point of Diversion is located

In the NE 1/4 SW 1/4, Sec. 22, Tp. 4 N. R. 3 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.22 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			N 1/4 SW 1/4 Section 22, Range 3 West, B.M.	Township 4 North	

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 14th day of March, 1955.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 3000
CLAIMED AS 63-15267

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-25089This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Dairymen's Co-op. Creamery of Boise Valley, Caldwell, Idaho2. Source of water supply: Subterranean from a well3. Location of point of diversion: Is in the N¹/₂ SW¹/₄ of Section 22T. 4 N. R. 3 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: _____

Well is 90' deep by 20" diameter, cased to bottom. Gravel packed. Bowls are
down 50', 3 stage, 12" bowls. Fairbanks Morse Pomona Turbine Pump No. PJ 6986.
U. S. Motor 30 h.p., Serial No. 880145. 6" discharge to the North into a metal
tank and trap size 32" diameter by 6' high, then across the street into the
creamery plant where it joins into the same cooling system as the well in Permit
No. 25088. Capacity of this well is 1,000 g.p.m.

5. Water is used for: Industrial and domestic purposes6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation): _____

Place of Use: N¹/₂ SW¹/₄ Section 22, Twp. 4 North, Range 3 West, B. M.See the map

(Submit map on attached plat, showing location and details of above description.)

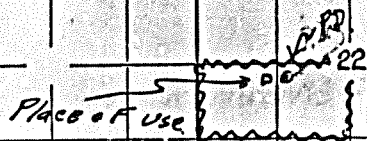
8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Well & pump engineered by T. C. Butler Jr.This well is colder than the small well across street.This examination was made on the 4th day of March, 19 55(Signed) E. M. Humphrey Examiner.G-25089CLAIMED AS 63-15267

R-3W

T.
4
N.



P.D. is in Block 6B at corner of 6th and Albany

Q = 1000 gpm. or 111 inches.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2006

DARIGOLD INC
520 ALBANY ST
CALDWELL ID 83605

**RE: Industrial use for Snake River Basin Adjudication claims 63-15265, 63-15266,
& 63-15267**

To Whom It May Concern,

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). During the initial review of this claim, we found that you claimed a commercial use that requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under Annual Volume). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the Industrial Use Volume sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by April 26, 2006 so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

This review of your claim, in addition to the submittal of our recommendation to the SRBA Court, will result in a decreed right for your property. This water right then remains with the land as long as it is being used. We will give you the opportunity to review our recommendation and provide feedback, if necessary, prior to its submittal to the SRBA Court.

Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Kimberly Brown'.

Kimberly Brown
Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 28, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DARIGOLD INC
DBA WESTFARM FOODS
520 ALBANY ST
CALDWELL ID 83605

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-15265, A63-15266, A63-15267

Dear Claimants,

In the past, Dairymen's Creamery Assn. Inc. submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. Dairymen's indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by April 26, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-15265, A63-15266, A63-15267

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

Receipt Details for ID C008023

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/5/1989 11:16:02 AM	7/5/1989	State	\$832.00	Check
Payer		DAIRYMEN'S CREAMERY ASSOC		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
19409			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEES

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$832.00	ADJUDICATION FEES	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	15265		\$141.00	Claim
63	15267		\$274.00	Claim
63	15266		\$263.00	Claim
45	10439		\$25.00	Claim
45	10440		\$52.00	Claim
63	15264		\$77.00	Claim

Print Report

State of Idaho

Amount.....2.22 second feet

Priority.....July 29, 1954

THIS IS TO CERTIFY that DAIRYMEN'S CO-OPERATIVE CREAMERY OF BOISE VALLEY

DAIRMEN'S CO-OPERATIVE CREAMERY OF BOISE VALLEY

9 of Licenses at page 5468 , on the 14th day of March , 19 55 ;

in the NE ¼ SW ¼, Sec. 22, Tp. 4 N, R. 3 W, B. M. Canyon County

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, Range 3 West, B.M.	Township 4 North	

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of March, 1955

MARK R. KULP
State Reclamation Engineer.

63 2000

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-25089

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Dairymen's Co-op. Creamery of Boise Valley, Caldwell, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the N¹ E SW¹ 4 of Section 22
T. 4 N. R. 3 W. County of Canyon
4. Describe works as they exist, giving dimensions and capacities of same:
Well is 90' deep by 20" diameter, cased to bottom. Gravel packed. Bowls are
down 50', 3 stage, 12" bowls. Fairbanks Morse Pomona Turbine Pump No. PJ 6986.
U. S. Motor 30 h.p., Serial No. 880115. 6" discharge to the North into a metal
tank and trap size 32' diameter by 6' high, then across the street into the
creamery plant where it joins into the same cooling system as the well in Permit
No. 25088. Capacity of this well is 1,000 g.p.m.

5. Water is used for: Industrial and domestic purposes
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of Use: N¹ SW¹ Section 22, Twp. 4 North, Range 3 West, B. M.

See the map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks:

Well & pump engineered by T. C. Butler Jr.

This well is colder than the small well across street.

This examination was made on the _____ lth _____ day of _____ March _____, 1955

(Signed)

E. H. Humphrey

Examiner

25089

R-3W

T.
4
N.



P.D. is in Block ⁶⁹~~22~~ at Corner of 6th and Albany

Q = 1000 gpm. or 111 inches

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-32913
Permit No. G- 25089
District No.

1. Name of Applicant: DAIRYMEN'S CO-OPERATIVE CREAMERY OF BOISE VALLEY

Postoffice address: Caldwell

County: Canyon

State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second
Miners' inches or gallons per minute 1,000

(b) Annual withdrawal in acre feet per annum 1624.25

3. Source of water supply: Surface well 20 inches in diameter and 90 feet in depth

4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22

Twp. 4 N., Rge. 3 W., B.M., County of Canyon

5. Water is to be used for: Industrial and domestic purposes.

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Twp. 4 N.
Rge. 3 W., B.M. and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, Twp. 4 N., Rge. 3 W., B.M.

(b) Waste water or sewage effluent is to be returned to main sewer line
at a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Twp. 4 N., Rge. 3 W., B.M.

7. Kind of works: Well, with water piped to industrial plant.

8. Estimated cost of works: \$2,800.00

9. (a) Is reservoir to be used?

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is
years. Work already completed and water applied to proposed use.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: See data on Permit No. G-25087

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued.

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

Remarks: since December 15, 1950

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.

DAIRYMEN'S CO-OPERATIVE CREAMERY OF BOISE VALLEY Applicant.

By C. M. Carlson Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. July 29, 1954

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-25089

Recorded in Book 89 Page 25089 Approved August 7, 1954

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions

Bond in the sum of \$ to be filed on or before

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before August

Witness my hand this 7th day of August, 1954

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th day of August, 1954

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

Secretary of State.

By LEN JORDAN

Governor

12.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	NE¼NW¼SW¼SE¼	
			Permit No. G-25089 CERTIFICATE OF COMPLETION OF WORKS				
TO ALL WHOM IT MAY CONCERN:							
This is to certify that DAIRYMEN'S CO-OPERATIVE CREAMERY OF BOISE VALLEY of Caldwell, County of Canyon, and State of Idaho, the holder of Permit No. G-25089, issued upon Application No. G-32913 bearing date of priority of July 29, 1954, authorizing the diversion of 1,000 gals. per minute of the waters of a well (subterranean flow) County of Canyon, State of Idaho, for industrial and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1,000 gallons per minute, or 2.22 second feet of the waters of said well; that the point of diversion of said waters is in the NE¼ SW¼ Section 22, Township 4 North, Range 3 West, R.M. and that the place of use of said water is in the NE¼ SW¼ Section 22, Township 4 North, Range 3 West, B.M.							
Witness my hand this 14th day of March, A. D. 1955.							
MARK R. KULP State Reclamation Engineer							
Proof of completion of works made October 22, 1954 Certificate of Completion of Works issued March 14, 1955							
OR 2.32 SEC. 22, T. 4 N., R. 3 W., B.M.							
pg 5468							

OR 2.22 SEC. FT.
pg 5468

August 17, 1954

RE: Permits Nos. G-25087, G-25088
and G-25089

Messrs. Alexanderson & Davis
Harrison Building
Caldwell, Idaho

ATTENTION: Mr. Robert L. Alexanderson

Dear Mr. Alexanderson:

We enclose Permits Nos. G-25087, G-25088, and G-25089 in the name of the Dairyman's Co-operative Creamery of Boise Valley, together with departmental receipts Nos. G-710 and G-716 for the \$16.00 filing fees.

Although the applications state that the works are completed and the water applied to Beneficial Use, you will note that we have allowed two years, or until August 7, 1956, within which to make the statutory proofs required to complete the water rights. This is in accordance with the statutes which sets two years as the minimum within which these proofs may be required.

However they may be made at any earlier date and we shall be glad to send you the necessary forms and instructions upon request.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

L:br
Enc.

P 25087
P 25088
+
P 25089

CALDWELL, ALEXANDERSON & DAVIS
LAWYERS

HUGH M. CALDWELL, JR., M.A.
ROBERT L. ALEXANDERSON
WAYNE F. DAVIS

HARMON BUILDING
CALDWELL, IDAHO

August 18, 1954

AUG 19 1954
Department of Recl

Department of Reclamation
State of Idaho
State House
Boise, Idaho

Gentlemen:

Re: Permits G-25087
G-25088
G-25089

We have just received your letter dated August 17, 1954, and note therefrom that we may submit our proofs at any time. We will appreciate your sending us the necessary forms and instructions so that we may proceed without delay to conclude this matter.

Thanking you for your prompt attention in this matter, we are

Very truly yours,

ALEXANDERSON & DAVIS

Robert L. Alexander
By ROBERT L. ALEXANDERSON

RLA/m

September 18, 1954

RE: Permits Nos. G-25087
G-25088
G-25089

Caldwell News Tribune
Caldwell
Idaho

Gentlemen:

We enclose three notices for publication once a week for four weeks prior to October 22, 1954, commencing with your next issue.

The cost of publication is to be paid by the Dairymen's Co-operative Creamery of Boise Valley, Caldwell, Idaho, to whom please send affidavit of publication when completed, together with statement of costs.

Please acknowledge receipt of these notices and furnish this Department with a copy of your first issue containing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

G-25087
G-25088
G-25089

Form 36

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at ten A.M., on the 22nd
day of October, 1954, at Caldwell, County of
Canyon State of Idaho, before ROBERT L. ALEXANDERSON, Notary Public
proof will be submitted of the completion of works for the diversion of 1000 gallons
per minute
~~/ from a well in the NE 1/4 of Section 22, Township 4 North, Range 3 West B.M.~~
of subterranean waters of the State of Idaho, /
and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. C-25089 heretofore issued by the Department
of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation
holding said permit are Dairyman's Co-Operative Creamery of Boise Valley,
Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of conveying
to the place of use, in accordance with the plans accompanying the application for
such permit, is 1000 gallons per minute.
1000 gallons per / ~~xxxxxx~~

3. The use to which said water has been applied is industrial and
domestic purposes, and the amount applied to beneficial use is
1000 gallons per minute.
1000 gallons per / ~~xxxxxx~~

4. The place where said water is used is The N.W. 1/4 of the S.W. 1/4
and the N.E. 1/4 of the S.W. 1/4 of .Section 22, Township 4 North, Range
3 West of the Boise Meridian in Canyon County, Idaho.

5. The date of priority which said user is prepared to establish is
December 15, 1952. July 29, 1954.

, Township 4 North, Range 3 West B.M.
MARK R. RUBIN

State Reclamation Engineer

25089

✓
September 18, 1954

RE: Permits Nos. G-25087, G-25088, G-25089

Messrs. Alexanderson & Davis
Harrison Building
Caldwell, Idaho

ATTENTION: Mr. Robert L. Alexanderson

Dear Mr. Alexanderson:

We have your letter of September 17 enclosing notices for proof of completion of work and beneficial use on the above numbered Permits of the Dairymen's Co-Operative Creamery of Boise Valley.

These notices are in proper form except that we have had to change the priority date to July 29, 1954, the date the applications were filed in this department and is the earliest date that can be claimed under the Permits although if necessary or desired, an earlier priority might be assumed under the District Court.

We have sent copies of these notices to the Caldwell News Tribune with instructions to publish once a week for four weeks prior to October 22, and to send affidavits of publication together with statements of costs to the applicant.

Meanwhile, we enclose the necessary forms of deposition to be used in making these proofs consisting of one for the Permit Holder and one for each of two disinterested witnesses, for each Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

B 25087
2
H 25088
2
H 25089

September 30, 1954

RE: Permits Nos. G-25087, G-25088, G-25089

Caldwell News Tribune
Caldwell
Idaho

Gentlemen:

On September 21, you acknowledged receipt of three notices for the Dairymen's CO-Operative Creamery of Boise Valley, which you stated would start publication September 25.

To date we have not received a copy of your paper containing these notices and we would appreciate having same in order that we may check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Ashll

J 25087

2
H 25088

t
J 25089

CALDWELL, ALEXANDERSON & DAVIS

LAWYERS

HARMON BUILDING

CALDWELL, IDAHO

HUGH N. CALDWELL, ATTORNEY
ROBERT L. ALEXANDERSON
WAYNE E. DAVIS

October 23, 1954

RECEIVED
OCT 25 1954
Department of Reclamation

Mr. Mark R. Kulp
Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Dear Sir:

Re: Permits G-25087; G-25088; G-25089

Pursuant to the instructions contained in your letter of September 8, 1954, concerning the above Permits, we enclose herewith the following:

Deposition of Holder;
Deposition of two witnesses; and
Affidavit of Publication for each Permit.

When the enclosures have been review by your office and approved, please advise us of such action and whether any further action need be taken on these Permits at this time.

I assume that an inspection will be made of these works by an engineer of your office before the final Permit is issued.

Very truly yours,

ALEXANDERSON & DAVIS

Robert L. Alexander
By ROBERT L. ALEXANDERSON

RLA/m
Encs. 12

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-25089

Proof of Application of Water to Beneficial Use

Deposition of Holder *and Completion of Works*

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. C. M. Carlson, 1509 Arlington Avenue, Caldwell, Idaho; Occupation -
Manager, Dairymen's Co-operative Creamery of Boise Valley.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (If a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Dairymen's Co-operative Creamery of Boise Valley, Caldwell, Idaho,
Manager, has authority from Board of Directors.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. G-25089 dated July 29, 1954, date of priority - July 29, 1954.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Surface well located in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 22-4-3 WBM, Canyon
Country, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Well with water piped to industrial plant, well is 20 inches in
diameter and 90 feet in depth. Pump is used and has been measured
by actual measurement and by pump rating.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for industrial and domestic purposes in plant of
applicant located on NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 22-4-3 WBM.

Boise

Ques. 7. If for other than irrigation purposes state how applied, amount of horse power generated, etc

Ans. No power generated by water.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Not applicable.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued please state how ownership was acquired by present holder.

Ans. Not applicable.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Above well was completed on December 15, 1950 and 1000 gallons per minute has been used continuously since December 15, 1950.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Applicant has also been using water from other wells represented by Permit Nos. G-25087 and G-25088.

(Sign)

C. M. Carlson

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Caldwell, County of Canyon, State of Idaho, on this 22nd day of October, A. D. 1954.

Robert L. Anderson

My commission expires 5-30-58.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-25089

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. E. H. Millsap; age -57; residing at Indiana and L Streets,
Caldwell, Idaho; occupation - Office manager.

Ques. 2. Are you acquainted with Dairymen's Cooperative Creamery, the holder of Permit No. G-25088 ? How long have you known him and where does he reside?

Ans. Applicant has been in existence since 1925 and its principal
place of business is Caldwell, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-25088, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Surface well located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 22-4-3, WBM,
Canyon County, Idaho; Water is pumped and conveyed by pipeline
to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1000 gallons per minute and water has been used continuously.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 1000 gallons per minute by actual measurement and by pump rating.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-25089

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation, and postoffice address.

Ans. M. L. Parrott; age - 52; residing at 223 Mead Street,
Caldwell, Idaho; occupation - Plant Superintendent.

Ques. 2. Are you acquainted with Dairymen's Cooperative Creamery, the holder of Permit No. G-25089? How long have you known him and where does he reside?

Ans. Applicant has been in existence since 1925 and its principal
place of business is Caldwell, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-25089, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Surface well located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 22-4-3, WBM
Canyon County, Idaho; Water is pumped and conveyed by
pipeline to place of use.

Ques. 5. How many second feet of water or you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1000 gallons per minute and water has been used continuously.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 1000 gallons per minute by actual measurement and by pump rating.

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for domestic and industrial purposes in plant
of applicant.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Water is not used for irrigation, but is used for domestic
and industrial purposes.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not applicable.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. 1000 gallons per minute and water has been used continuously
since December 15, 1950.

(Signed) Mr. Carrott

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Caldwell
County of Canyon State of Idaho, on this 22nd day of October,
A. D. 1954.

Edna S. ...
Notary Public.

My commission expires 5-30-58.

1954

Affidavit of Publication

STATE OF IDAHO.

County of Canyon

ss.

Virgil Grey

, being first duly sworn, deposes and says:

That he is the *owner* of CALDWELL NEWS-TRIBUNE, INC., publisher of The Caldwell News-Tribune, a daily newspaper published at Caldwell, Idaho, within the meaning of Chapter 154 of the 1933 Session Laws of Idaho; published six consecutive days a week except legal holidays. And that the publisher of said The Caldwell News-Tribune, a daily newspaper, has all the time the 5th day of July, 1933 and in each issue thereof, at the head of the editorial column of said newspaper, the day of the week to-wit: Saturday, on which legal notice required by law or by order of any competent jurisdiction to be published weekly, will be published; that the said paper is in general circulation in Canyon County, Idaho, and has been for a period of several weeks preceding the first publication of this advertisement, which is attached hereto, and by reference thereto made a part of this affidavit, and was published in the regular

NOTICE OF PROGRESS OF COMPLETION OF WORK AND APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at ten a.m. on the 22nd day of October, 1934, at Caldwell, County of Canyon, State of Idaho, before Robert L. Alexanderson, Notary Public proof will be submitted of the completion of works for the diversion of 1000 gallons per minute of subterranean waters of the State of Idaho, from a well in the NE 1/4 SW 1/4, Section 22, Township 4 North, Range 3 West B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-25089 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Dairy Men's Co-Operative Creamery of Boise Valley, Caldwell, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 1000 gallons per minute.

3. The use to which said water has been applied is industrial and domestic purposes, and the amount applied to beneficial use is 1000 gallons per minute.

4. The place where said water is used is the N.W. 1/4 of the S.W. 1/4 of Section 22, Township 4 North, Range 3 West of the Boise Meridian in Canyon County, Idaho.

5. The date of priority which said user is prepared to establish is July 29, 1914.

MARK E. KULP
State Reclamation Engineer
No. 548—Sub. 22 Oct 22 1934

NOTICE OF ELECTION

State day issue of The Caldwell News-Tribune for 4 consecutive weeks

beginning with the issue of *Sept 25*

1934 and ending with the issue of *Oct*

16, 1934

Virgil Grey
Subscribed and sworn to before me this 16

day of *October*, 1934

H. G. MacKinnon

Notary Public for Idaho
Residing at Caldwell, Idaho

25089

October 26, 1954

RE: Permits Nos. G-25087, G-25088, G-25089

Messrs. Alexanderson & Davis
Harmon Building
Caldwell, Idaho

ATTENTION: Mr. Robert L. Alexanderson

Dear Mr. Alexanderson:

We acknowledge receipt of your letter of October 23 enclosing depositions of the Permit Holder and two witnesses, also affidavit of publication in the Caldwell News Tribune, all in proof of Completion of Works and Beneficial Use on the above numbered Permits in the name of the Dairymen's Co-operative Creamery of Boise Valley.

This completes the proof but before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made but our field engineer will try and contact Mr. Carlson at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Ashli
cc: Dairymen's Co-operative Creamery of Boise Valley
Caldwell
Idaho

100087
100088
100089

March 3, 1955

RE: Permits Nos. G-25087, G-25088, & G-25089

Dairymen's Co-Operative Creamery of Boise Valley
Caldwell
Idaho

ATTENTION: Mr. C. H. Carlson, Manager

Dear Mr. Carlson:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on the above numbered Permits.

Certificate of Completion of Works and License can be issued on Permit No. G-25087 for .89 cubic foot per second or 100 gallons per minute from your well in the NW $\frac{1}{4}$ Section 22, Township 4 North, Range 3 West B.M.

Certificate of Completion of Works and License can be issued on Permit No. G-25088 for 2.11 second feet or 950 gallons per minute from your Well # 2 in the same subdivision.

Certificate of Completion of Works and License can be issued on Permit No. G-25089 for 2.22 second feet or 1000 gallons per minute from your well in the NE $\frac{1}{4}$ Section 22, Township 4 North, Range 3 West, B.M.

The statutory fees amount to \$10.00 on each Permit, being \$5.00 for Completion of Works and \$5.00 License fee, or a total of \$30.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

G25087
G25088
G25089

March 16, 1955

RE: Permits Nos. G-25087, G-25088, G-25089

Mr. C. M. Carlson, Manager
Dairyman's Co-Operative Grocery of Boise, Valley
Box 171
Caldwell, Idaho

Dear Mr. Carlson:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. G-25087, confirming your right to the use of .89 second foot of water from a well in the NE $\frac{1}{4}$ Section 22, Township 4 North, Range 3 West B.M. for industrial and domestic use on the NE $\frac{1}{4}$ of said Section.

Also Certificate of Completion of Works and License and Certificate of Water Right issued under Permit No. G-25088 confirming your right to the use of 2.11 second feet of water from your other well in the NW $\frac{1}{4}$ Section 22, Township 4 North, Range 3 West B.M. for industrial and domestic use at the same place.

Also Certificate of Completion of Works and License and Certificate of Water Right issued under Permit No. G-25089 confirming your right to the use of 2.22 second feet of water from your well in the NE $\frac{1}{4}$ Section 22, Township 4 North, Range 3 West B.M. for industrial and domestic use at the same place.

We also enclose departmental receipt No. G-1050 for the \$30.00 completion of works and beneficial use proof fees on these three Permits.

Very truly yours,

MARK R. WILF
State Reclamation Engineer
By

Chief Clerk

Ashll
Enc.

G25089

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