

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: A63-05383
Date Received: ~~2/23/1990~~ 3-1-90
Receipt No:
Received By: W010221

RECEIVED
MAR 01 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OREGON SHORT LINE RAILROAD
Address: P.O. BOX 1060
HOMEDALE, ID 83628-0000
OR
Name: UNION PACIFIC RAILROAD CO.
Address: P.O. BOX 1060
HOMEDALE, ID 83628-0000
OR
Name: ALLENDALE PRODUCE CO. 208-337-3003
Address: P.O. BOX 1060
HOMEDALE, ID 83628-0000

2. Date of Priority: JAN 01, 1941

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	05W	24	NE	NE			CANYON

5. Description of diverting works:
WELL W/PUMP & PIPELINE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
FIRE PROTECTION	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/PACKING SHED, DRINKING & RESTROOMS.
A63-05383 Page 1

Date: 02/23/90

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	05W	24	NE	NE		DOMEST	
			NE	NE		FIRE	

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:
NONE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 Sec. of _____ Title

Allendale Produce Co., that I have signed the foregoing Organization document in the space below as Sec. of _____ Title

Allendale Produce Co. and that the statements contained in the Organization foregoing document are true and correct.

Kathy Miesner
Signature of Authorized Agent

Sec.
Title and Organization

Feb. 26, 1990
Date

State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of Feb. 19 90

Christina Mays
Notary Public

Seal

Residing at Apple Valley, Id

My Commission Expires 12-91

18

MICROFILMED
AUG 21 1992

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: 63-5383

UNION PACIFIC RAILROAD CO
REAL ESTATE DEPT
1800 FARNAM ST
OMAHA NE 68102
Telephone Number: (402)997-3600

OREGON SHORT LINE RAILROAD CO
PO BOX 1060
HOMEDALE ID 83628

ALLENDALDE PRODUCE CO
PO BOX 1060
HOMEDALE ID 83628
Telephone Number: (208)337-3003

RECEIVED

OCT 23 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: 10/19/2006

SIGNATURE: Kris Inouye

Please print your name: Kris Inouye

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

07/31/2006

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

RIGHT NUMBER: 63-5383

NAME AND ADDRESS: UNION PACIFIC RAILROAD CO
REAL ESTATE DEPT
1800 FARNAM ST
OMAHA NE 68102

OREGON SHORT LINE RAILROAD CO
PO BOX 1060
HOMEDALE ID 83628

ALLENDALDE PRODUCE CO
PO BOX 1060
HOMEDALE ID 83628

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
0.250 AFY

PRIORITY DATE: 01/01/1941

POINT OF DIVERSION:

T04N R05W S24 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS 0.25 AFY

Domestic use is in a produce packing shed and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE: DOMESTIC Within CANYON County

T04N R05W S24 NENE

FIRE PROTECTION Within CANYON County

T04N R05W S24 NENE

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO: a portion of R3711201000.

Idaho Department of Water Resources

T04N, R05W, SEC 24

Claim No: 63-5383

Prepared By: Kimberly Brown

Date: July 31, 2006



Place of Use



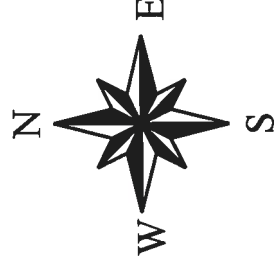
Section Lines



1/4 1/4



Point of Diversion



0 0.03 Miles



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5383

WATER RIGHT NUMBER: 63-5383 ✓

2005 Canyon Co. Tax lot -

Owner TypeName and Address

Current Owner

UNION PACIFIC RAILROAD CO ✓
REAL ESTATE DEPT
1800 FARNAM ST
OMAHA, NE 68102
(402)997-3600

Current Owner

OREGON SHORT LINE RAILROAD CO ✓
PO BOX 1060
HOMEDALE, ID 83628

Current Owner

ALLENDALE PRODUCE CO ✓
PO BOX 1060
HOMEDALE, ID 83628
(208)337-3003Current Owner:Allendale Produce Co.
P.O. Box 1060
Homedale 83628

Priority Date: 01/01/1941 ✓

Basis:

~~Statutory Claim~~

Beneficial Use

Status:

Active

Property Address:24241 Peckham Rd.
Wilder 8SourceTributary

GROUND WATER ✓

Beneficial Use

From To

Diversion Rate ✓Annual Volume

FIRE PROTECTION ✓

1/01 to 12/31 ✓

0.040 CFS ✓

DOMESTIC ✓

1/01 to 12/31 ✓

0.040 CFS ✓

0.25 AFA

Total Diversion:

0.080 CFS ✓

0.25 AFA

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4 ✓

Sec. 24, Twp 04N, Rge 05W, B.M. ✓

CANYON County ✓

Place of Use

FIRE PROTECTION ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	05W	24	X				

DOMESTIC ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	05W	24	X				

ADD X01 - Domestic use is in a produce packing shed & does not include irrigation of lawn & garden.

ADD N10 - domestic use

Parcel No: a portion of R3711201000. (1.3-1.34A)

Field Exam Date 7.31.06

(in-office review)

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 \$54.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in S24
- ☒ 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 complete

Claim No(s) A63-5383

Owner: Allendale Produce Co. Phone No. 337-3003

Current Address: P.O. Box 1060, Homedale 83628

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A – in-office verification

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: 01/01/1941

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

* Affidavit submitted by Tony Miyasako on 7/24/06.

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?

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

Description of diverting works

Well with pump and pipeline.**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

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

DOMESTIC VOLUME CALCULATIONS -**WATER USES**

$$\frac{35 \text{ employees} \times 15 \text{ gal/day} \times 154 \text{ days/yr.}}{325,850} = 0.248$$

= 0.25 AFA☐ No change☐ Different UsesUse Domestic From _____ To _____ Amount _____ CFS 0.25 AFA

(V.)

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

$$0.04 \text{ cfs} \times 154 \text{ days/yr.} \times 1.9835 = 12.2 \text{ AFA}$$

TOTAL VOLUME - Groundwater only☒ Incomplete on claim, the total is, Amount _____ CFS 0.25 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:**Domestic use is for a ^{produce} packing shed.☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:Parcel No: a portion of R3711201000².

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: #63-8164

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

no overlap

Delivery System Narrative: Pipeline to place of use.

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

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 7-31-06 (in-office review)

FIELD EXAMINER: Kimberly Brown

TABLE 1 (cont.)

Type of EstablishmentGallons per day

Restaurants:

With toilet facilities (per patron)	7-10
Without toilet facilities (per patron)	2½-3
With bars and cocktail lounge (additional quantity per patron)	2

*accounts for
kitchen facilities*

Schools:

Boarding (per pupil)	75-100
Day with cafeteria, gym and showers (per pupil)	25
Day with cafeteria but no gym or showers (per pupil)	20
Day without cafeteria, gym or showers (per pupil)	15

Service stations (per vehicle)

10

Stores (per restroom)

400

Swimming pools (per swimmer)

10

Theatres:

Drive in (per car space)	5
Movie (per auditorium seat)	5

Workers:

Construction (per person per shift)	50
Day (school or offices per person per shift)	15



used for domestic use
volume calculation

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5383

01/26/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
8164	Claim	04N	05W	24	NE	NE		MUNICIPAL		CITY OF WILDER
~~5383~~	~~Claim~~	~~04N~~	~~05W~~	~~24~~	~~NE~~	~~NE~~		~~DOMESTIC~~		~~UNION PACIFIC RAILROAD CO~~
~~5383~~	~~Water Right~~	~~04N~~	~~05W~~	~~24~~	~~NE~~	~~NE~~		~~DOMESTIC~~		~~OREGON SHORT LINE RAILROAD CC~~
~~5383~~	~~Claim~~	~~04N~~	~~05W~~	~~24~~	~~NE~~	~~NE~~		~~FIRE PROTECTION~~		~~UNION PACIFIC RAILROAD CO~~

no overlap

Receipt Details for ID W010221

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/2/1990 10:29:52 AM	3/2/1990	Western	\$54.00	Check
Payer	ALLENDAL PRODUCE COMPANY			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2756			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$54.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	5383		\$54.00	Claim

Print Report



RECEIVED

JUL 24 2006

WATER RESOURCES
WESTERN REGION

July 20, 2006

Kimberly Brown
Dept of Water Resources
Boise, ID

Re: A63-5383

Hello Kimberly:

Please find enclosed an affidavit from Tony Miyasako and the domestic use volume questionnaire you sent to us. If there is any further information you require, please do not hesitate to get in touch with us. We are here from 8-12 daily.

With regard,

A handwritten signature in cursive script that reads 'Chris Miyasako'. The signature is fluid and matches the printed name below it.

Chris Miyasako
Allendale Produce Co.

RECEIVED

JUL 24 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

A63-5383)
)
)
)

State of Idaho)

County of Canyon)

AFFIDAVIT

Jonny Miyasaka

deposes and says: He has lived in this area his
entire life, 80 years, and has personal
knowledge the well was drilled in the
early 1940's by a Mr. Peckham for use as
a lettuce packing shed. The well is
currently being used by an onion packing
shed for the purpose of drinking, sink
and rest rooms.

Jonny Miyasaka
(Signature)

RECEIVED

JUL 24 2006

WATER RESOURCES
WESTERN REGION

DOMESTIC USE VOLUME

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report #63-5383**.

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)

packing shed for onions

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

lavatory facilities

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

5 toilets
4 sinks

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

35 seasonal employees

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

8 1/2 hrs per day

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

5 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.

Approx Sept 15 to Feb 15 or 5 months

**** 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 domestic purposes explained above:**

Additional information you feel may be pertinent:

Chris Miyasaka
Your name

208-337-4025
Business telephone number

Please return to:

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

↑ Please indicate where the drug union packing shed is located on this aerial photo. Also, indicate where the well is located and return this with your evidence. Thank you-

NENE

#63-5383
2004 NAPP

poly bagged

unmarked item *

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-5383
Evidence of Priority and Domestic Use Volume questionnaire**

July 13, 2006 @ 12:07 p.m.

I called #337-3003 and, since their off-season hours are 8:00 – 12:00 p.m., I left a message with a request to return my call. Chris Miyasako, an employee of Allendale Produce, called back at 1:13 p.m. When I asked Ms. Miyasako about the specifics of their domestic use, she said that there are three restrooms, that they are open 5 days a week, 8 hours per day, and use the packing shed from mid-September until the end of February; but she was not sure how many workers were seasonally employed. Therefore, she suggested that I call Cari, the manager of the packing shed: (shed) #482-6221/(cell) #880-0977. I called #482-6221 and left a message for Cari and then called his cell phone number, but caught him on the golf course. Cari said that he would call me back tomorrow.

July 18, 2006 @11:54 p.m.

Cari called and after speaking to him about evidence of priority, he had no personal knowledge of the claimed 1941 priority date and asked me to call one of the Allendale “officers.” I suggested that **he** have one of the officers contact me regarding their knowledge of the well and its priority date. Then I explained that he would be receiving a *Domestic Use Volume* questionnaire at P.O. Box 1060 in the mail and that, as the manager of the packing shed, it would probably be best for him to fill it out; instead of one of the officers.

At 12:10 p.m., Dan Miyasako (cell #724-2225), an officer of Allendale Produce, called regarding evidence of priority. He said that the onion packing shed used to be a lettuce packing shed, that they purchased the property in 1965 – 67, and that his dad was “around there” in the 1940s and could fill-out an affidavit.

July 19, 2006

Chris Miyasako called and said that one of the owners of Allendale is 81 years old and she thinks he would be a good candidate to fill-out an affidavit. She also informed me that she received the evidence of priority/*Domestic Use Volume* packet of information and will utilize the blank affidavit form. I briefly explained the *Domestic Use Volume* questionnaire and the 2006 NAPP image for her draw the location of the packing shed and the well. She said she would get everything back to me within the next few days.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 17, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ALLENDALDE PRODUCE CO
PO BOX 1060
HOMEDALE ID 83628

*(+) sent a
2004
NAPP
for ROW/pob
locations*

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-5383

Dear Claimants,

In the past, you 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. You 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 July 31, 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 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-5383

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 17, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

ALLENDALE PRODUCE CO
PO BOX 1060
HOMEDALE ID 83628

RE: Domestic use for Snake River Basin Adjudication claims 63-5383

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 Domestic Use Volume sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office by July 31, 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
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that ALLEDALE PRODUCE COMPANY & OREGON SHORT LINE RAILROAD & UNION
(Name of Claimant) PACIFIC RAILROAD CO
PO BOX 1060 HOMEDALE, IDAHO 83628 Telephone No. (208) 337-3003
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) XXXXXX 1941

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

GROUND WATER tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs. af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04</u>	Use <u>DOMESTIC</u>	Period of Use From <u>JAN. 1</u>	To <u>DEC. 31</u>
Quantity	<u>.04</u>	Use <u>FIRE PROTECTION</u>	Period of Use From <u>JAN. 1</u>	To <u>DEC. 31</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

- (4) .08 TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
 N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24 Twp. 4N Rge. 5W B.M., County of CANYON
 Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. WELL WATER FOR DOMESTIC USE.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location. ~~XXXX~~

[illegible]

No. of acres _____

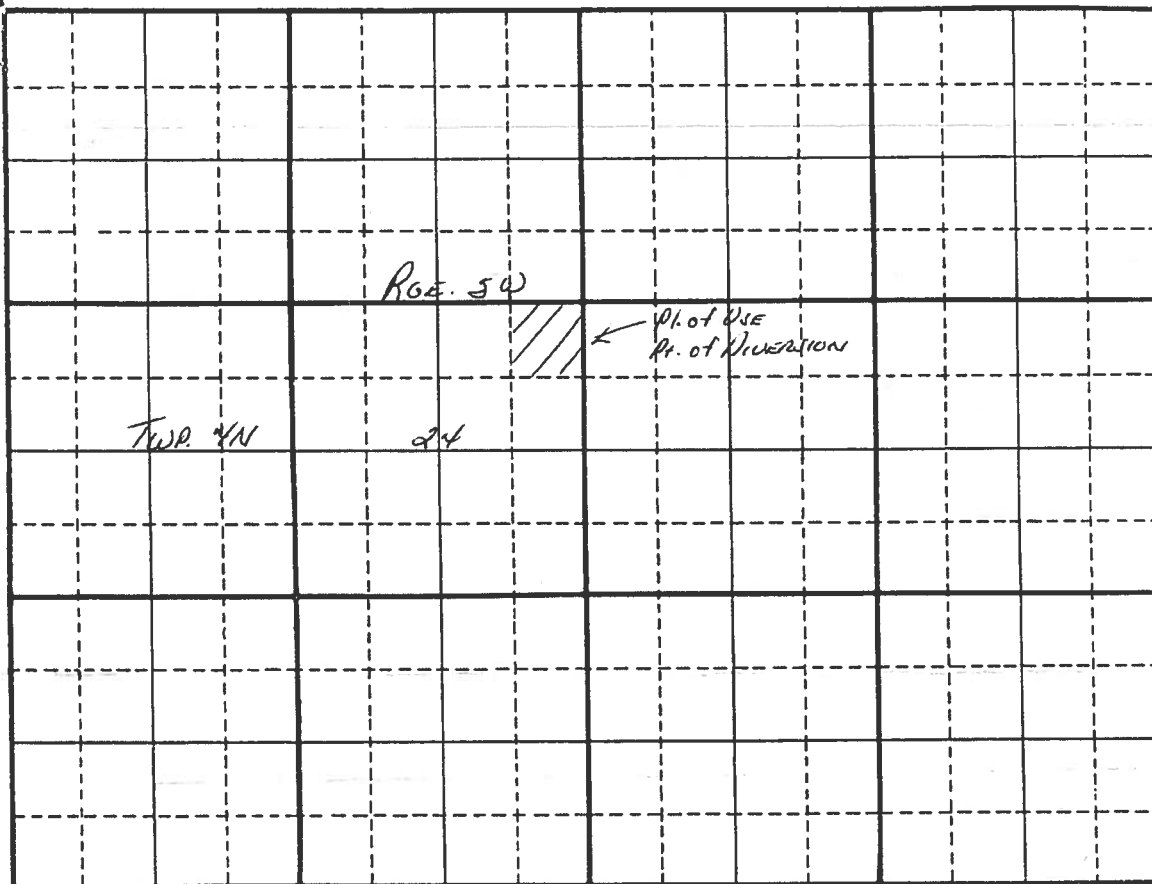
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

THIS IS A DRY ONION PACKING SHED AND THE WATER IS FOR DRINKING AND RESTROOM FACILITIES AS WELL AS FOR FIRE PROTECTION.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Camille) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 10th day of September, 1985.

Long M. Mendenhall
(Claimant) DOORKEEPER
ALLENDALE PRODUCE CO.

Leta M. Chaffey
Notary Public
Residing at Hamlet

My commission expires 3/1/88

FOR DEPARTMENT USE ONLY
Received by mm Date 9-11-85 Exception filed by: _____ Date _____
Prelim. check by js Date 5-29-86
200.00 fee received by js Date 5/20/86
Published in Press-Tribune
Dates 6/19 & 6/26/86

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5383

WATER RIGHT NUMBER: 63-5383

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OREGON SHORT LINE RAILROAD CO PO BOX 1060 HOMEDALE, ID 83628
Current Owner	UNION PACIFIC RAILROAD CO REAL ESTATE DEPT 1800 FARNAM ST OMAHA, NE 68102 (402)997-3600
Current Owner	ALLENDALE PRODUCE CO PO BOX 1060 HOMEDALE, ID 83628 (208)337-3003

Priority Date: 01/01/1941

Basis: Statutory Claim

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>
FIRE PROTECTION	1/01 to 12/31	0.040 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 24, Twp 04N, Rge 05W, B.M.
CANYON County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	05W	24	X																

FIRE PROTECTION same as DOMESTICConditions of Approval:Remarks: