

10/14/2010

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

RIGHT NUMBER: 1-10571

NAME AND ADDRESS: IDAHOAN FOODS LLC
PO BOX 130
LEWISVILLE ID 83431-0130

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed.

QUANTITY: 0.230 CFS

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION:
T04N R38E S2 SWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.230 CFS

PLACE OF USE: IRRIGATION in JEFFERSON County

T04N R38E S02 Lot 2 NWNE	40.00	T04N R38E S02 SWNE	19.00
T04N R38E S02 Lot 3 NENW	32.00	T04N R38E S02 Lot 4 NWNW	6.00
T05N R38E S35 SESW	11.00	T05N R38E S35 SWSE	37.00

145 ACRES TOTAL

This right is limited to the irrigation of 102.6 acres within the place of use described above in a single irrigation season.

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

Water is delivered through Fresh Pac Pump.

DISTRICT 1 PUMP INVENTORY

DATE: October 20, 1977
PUMP OWNERS NAME:
COMMON NAME OF PUMP: Fresh Pac pump
WATER SOURCE: Dry bed
LOCATION: T. 5N, R. 38E, Sec. 2, SW¼ NE¼

Water Use: waste water dilution/irrigation

River Control: None - sump in dry bed.

Pump description: Layne and Bowler turbine pump. Pump discharges through 16" pipe - open system to a sump. Excess water flows back to stream.

Head: 8 ft.

Power Source: electric
horsepower: 10
lockable?: no, lock valve could be added.
size: 16"

Pump discharge to: sump - water picked up by two 20 hp pumps.
valve: yes, Butterfly valve in line and Gate valve in river return.

Measuring device:

Access: road

Control by WM: No

See photo.

Inspector
LOREN HOLMES

FROM: H.W. JONES
TO: TRANSF. # 3853
ELLIS-BRAMWELL DITCH

ON JUNE 10, 1993 I DID AN ONSITE EXAM OF WATER RT./CLAIM A01-00286. THE P.D. IS A PUMP IN THE SNAKE RIVER, DRY BED THAT PUMPS THROUGH A MAINLINE TO A PARSHALL FLUME-SCREEN TO A MIXING SHED WHERE POTATO WASTE IS ADDED AND REPUMPED ON TO ADJACENT FIELDS. THE FIELDS ARE FLOODED FROM STANDPIPES CONNECTED TO MAINLINES FROM THE SHED.

I FOUND THAT THE ACREAGE SHOWN UNDER THE ASCS PHOTO TOTALS 145 RATHER THAN THE 156 ACRES CLAIMED. ALL THE ACRES ARE IRRIGATED BY THE FRESH-PAK POTATO COMP. TO RECYCLE POTATO WASTE.

THE THEORETICAL FOR THE 10 HP PUMP SHOWS 2.00 CFS IS FEASIBLE AND WD 01 RECORDS SHOW THE SUBMITTED PUMP CARDS ARE FOR 1000 GPM.

I WOULD RECOMMEND APPROVAL OF THIS TRANSFER WITH THE FOLLOWING CONDITIONS;

A/ ACRES SHOULD BE CHANGED TO REFLECT THE FIELD EXAM FINDINGS.

B/ APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR ADJUDICATION REVIEW OF THIS RIGHT IN THE SRBA.

C/ Use of water under this permit is subject to control of the Water Master of WD 01

MICROFILMED

APR 08 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4

COUNTY DIVERSION NAME

NO CHANGE

SOURCE: SNAKE RIVER, DRY BED TRIB: SNAKE RIVER

REVIEWED BY:

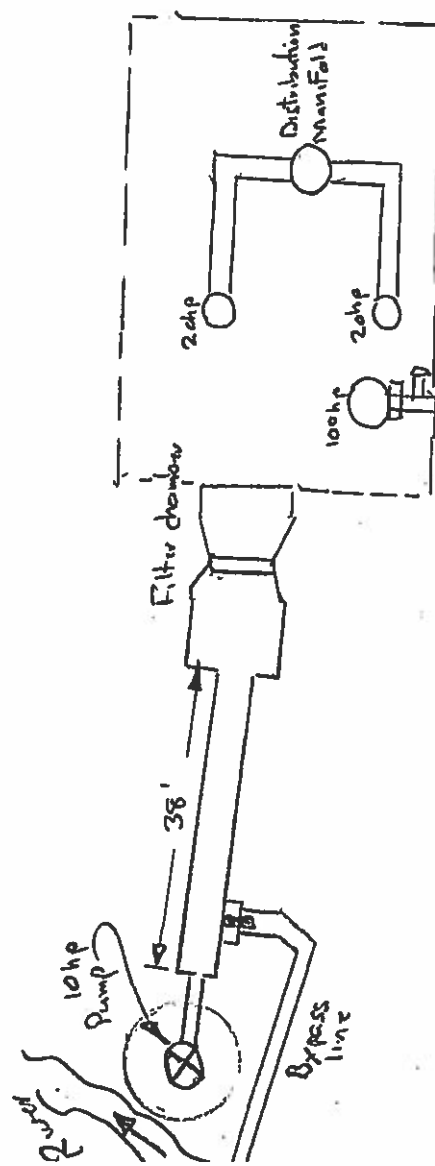
DATE:

SYSTEM DESCRIPTION:

10 hp GE Motor (SN FJ360478) with vertical pump in stilling well approx 6' above Snake River, Dry Bed.

Pumped into 12" ID (?) line to Filter chamber & into mixing pit with shed over it.

Inside shed, potato waste is mixed with River water & distributed by 3 pumps. One is a 100 hp Highthrust and there are (2), 20 hp US Electric units. At least 3 different lines leave the shed to irrigate the surrounding fields. Waste & water mix is delivered to rows & flood irrigated.



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APR 08 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Theoretical

, SEE ATTACHED CALCULATIONS.

$$10hp \times 8.814 \times .8 = 2.09fs$$

$$6'1ft + (2.308 \times 12psi) = 2.09fs$$

C. ARE OTHER WATER RIGHTS USED? Y() N(X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. VOL.	DIV. VOL./ACRE
A01-00286A	SNAKE RIVER, DRY BED	ELI IS-BEAMWELL DITCH C/O JERRY	2.000		0.012
A01-00109G	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	38.520		0.002
A01-00110E	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	58.970		0.003
A01-00111E	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	58.960		0.003
A01-00112E	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	58.980		0.003
A01-00113E	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	70.770		0.004
A01-00114C	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	58.970		0.003
A01-00115S	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	39.360		0.002
A01-0013B	SNAKE RIVER, DRY BED	NORTH RIGBY IRRIGATION & CANAL	50.000		0.041
A01-00238	SNAKE RIVER, DRY BED	NORTH RIGBY IRRIGATION & CANAL	30.000		0.024
A01-00317	SNAKE RIVER, DRY BED	LUNG ISLAND IRRIGATION CO.	35.000		0.002

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A01-04021	GROUNDWATER RECHARGE	NORTH RIGBY IRRIGATION & CANAL FROM	11-02 TO 12-31	13.000 CFS	
A01-04021	STOCKWATER	NORTH RIGBY IRRIGATION & CANAL FROM	11-02 TO 12-31	1230 CFS	

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APR 08 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 7, 2010

JERRY RIGBY
RIGBY ANDRUS & MOELLER CHARTERED
PO BOX 250
REXBURG ID 83440

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right No. 1-10571

Dear Jerry:

The Notice of Claim you filed on behalf of your client, Idahoan Foods, LLC, has been received from the SRBA Court. I have enclosed Receipt No. C091163 for the filing fees you paid. Please retain the receipt for your records.

The Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:I
Enclosure

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

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

CIVIL CASE NUMBER: 39576

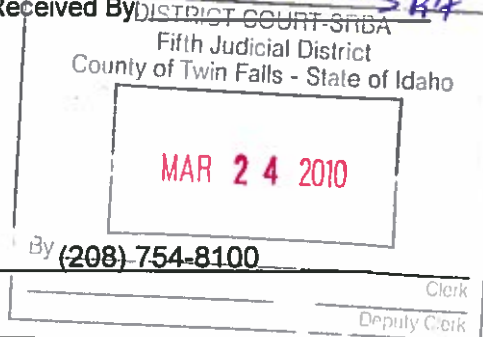
Ident. Number 01-10571

Date Received: 6-17-2010

Receipt Number: CO91163 \$100-

Received By: SRBA

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW



1. Name of Claimant(s) Idahoan Foods, LLC Phone (208) 754-8100
Mailing Address PO Box 130, Lewisville, ID Zip 83431
2. Date of Priority (Only (1) per claim) April 1, 1970
3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River
4. a. Location of existing point of diversion is: Township 4N Range 38E Section 2,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, County of Jefferson
Additional points of diversion if any: _____
If Available, GPS Coordinates: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4
of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4
of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Pump, known as the Fresh Pak pump, located on the Dry Bed. Water is pumped from the Dry Bed to a sprinkler system.

SCANNED

JUN 21 2010

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

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

For purposes from to amount or

For purposes from to amount or

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

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

9. Description of place of use:

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

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

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

Total number of acres irrigated 145

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

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

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

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

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

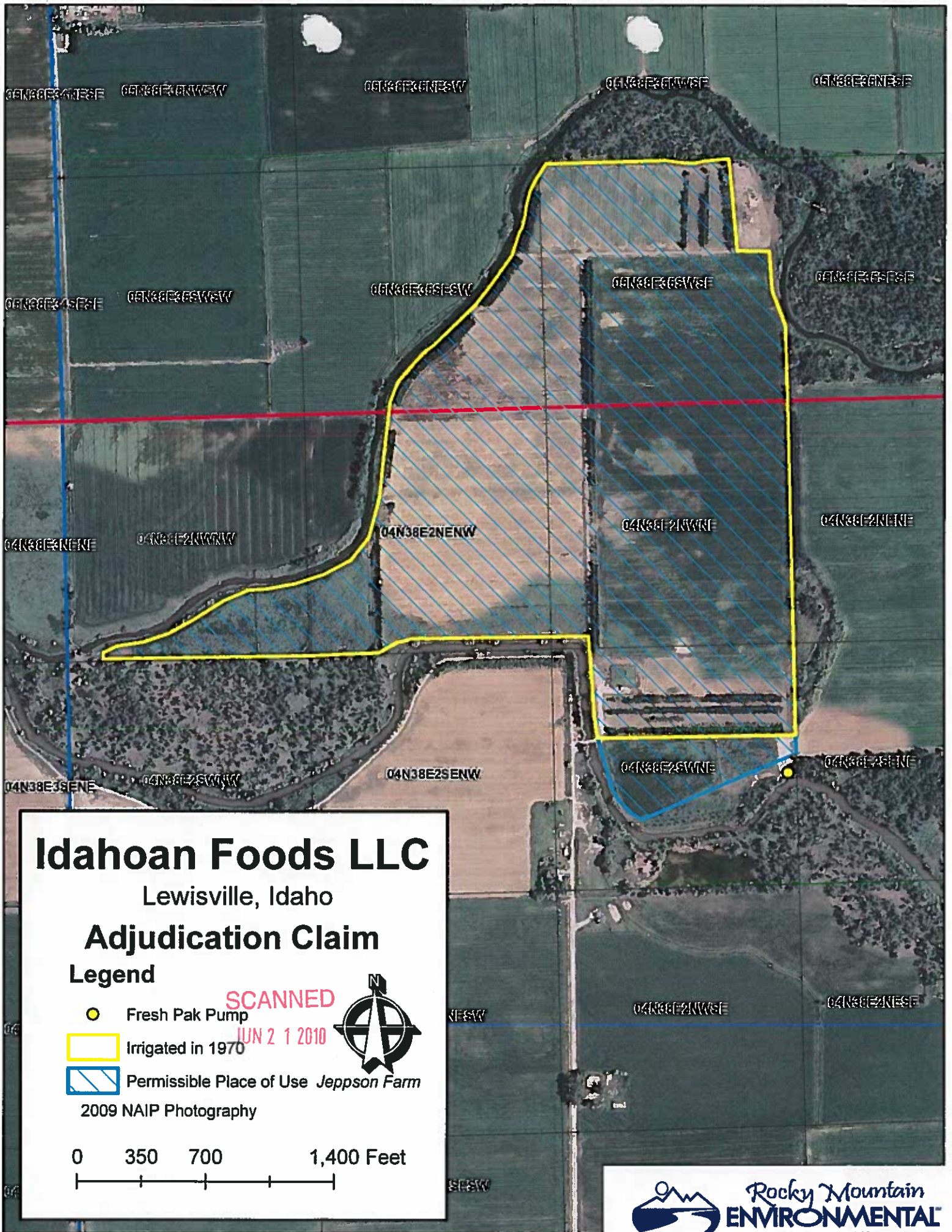
or None ()

13. Remarks:

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

Last Name Idahoan Foods Ident. Number 01-10571

SCANNED
JUN 21 2010



Idahoan Foods LLC

Lewisville, Idaho

Adjudication Claim

Legend



Fresh Pak Pump



Irrigated in 1970



Permissible Place of Use Jeppson Farm

2009 NAIP Photography

SCANNED
JUN 2 1 2010



0 350 700 1,400 Feet



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

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

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

15. Signature(s)

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

Number of Attachments _____

For Individuals: I/we do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am VP Operations of _____ (Title)

Idahoan Foods LLC _____, that I have signed the foregoing document in the space below as _____ (Organization)

VP Operations _____ of Idahoan Foods LLC _____ and that the statements contained _____ (Title) (Organization)

in the foregoing document are true and correct.

Signature of Authorized Agent Sam Huffer _____

Title and Organization VP Operations Idahoan Foods LLC Date 2/12/2010 _____

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

SCANNED

JUN 2 1 2010

Last Name Idahoan Foods Ident. Number 01-10571

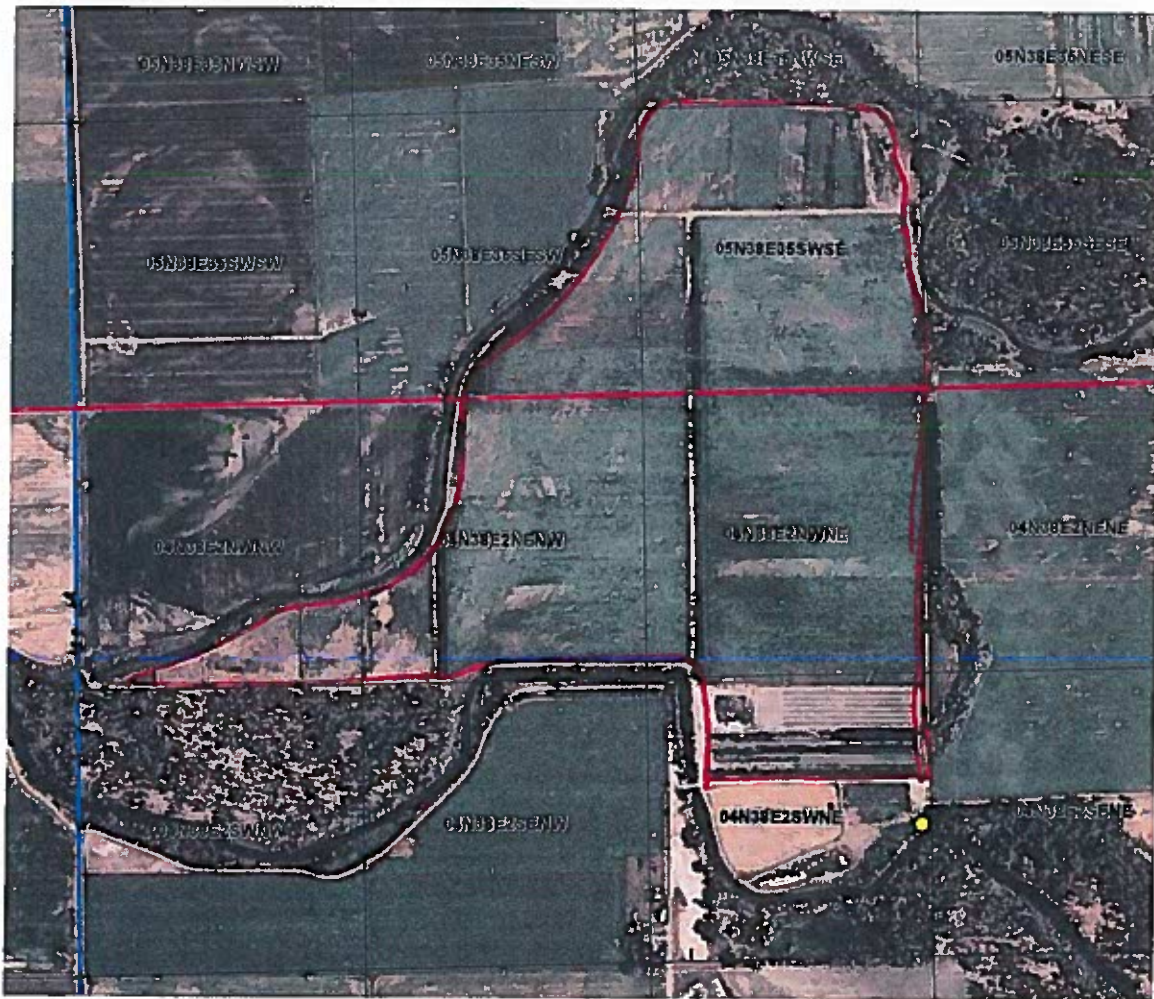
Affidavit of Gene Christiansen

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

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

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

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



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JUN 21 2010

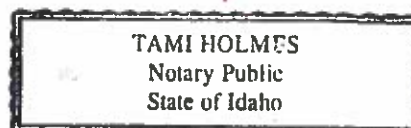
Be it known that the undersigned, being duly sworn, deposes and says that the matters and facts herein are true to the best of the affiant's knowledge.

Gene A. Christiansen
Gene Christiansen

State of Idaho)
County of Jefferson)

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

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



SCANNED
JUN 21 2010

RECEIVED
JUN 17 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 16 2010	
By _____	Clerk _____
By _____	Clerk _____

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

In Re SRBA

Subcase: 01-10571

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On March 24, 2010, Idahoan Foods LLC, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 15, 2010. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

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

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

IT IS SO ORDERED.

Dated: June 16, 2010.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
JUN 21 2010

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on June 16, 2010, with sufficient first-class postage to the following:

IDAHOAN FOODS LLC

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

SCANNED

JUN 21 2010

ORDER

Page 1 6/16/10

FILE COPY FOR 00474

Deputy Clerk



RECEIVED

MAR 25 2010

DEPARTMENT OF
WATER RESOURCES

324

Hearing: 6-15-2010

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

In Re SRBA

*Fees OK - Variable fee
Paid under 1-286A*

Subcase: *01-10571*

Case 39576

claim is complete.

STANDARD FORM 4

MOTION TO FILE

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Idahoan Foods, LLC

My address is: P.O. Box 130, Lewisville, ID 83431

My phone number is: (208)754-8100

I am an attorney representing Idahoan Foods, LLC

My name is Jerry R. Rigby

My address is: 25 North 2nd East, P.O. Box 250, Rexburg, Idaho 83440

My phone number is: (208) 356-3633

SCANNED

MAR 25 2010

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

X I did not file a Notice of Claim to the use of the water in the SRBA because:

The claimed place of use is located between two canal companies and it also has some private rights with irrigation as the purpose of use. Due to the need to fully determine what water rights Claimant has, Claimant recently hired a consultant which reviewed all of the rights associated with the lands of Claimant. The consultant has only recently determined that the claimed water right, which has been beneficially applied, was not included within the present canal companies or other private rights. Therefore, it has become necessary to file this late beneficial use claim to acquire what has historically been diverted upon the lands of Claimant.

- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of claim for domestic or stock watering use.
- ☐ I am providing legal and factual documentation for my claimed use of water. You must described these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- X A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
- X A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$100.00 (acre fee may have previously been paid under 01-286A).

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on: Tuesday, June 15, 2010 at 1:30 p.m.
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

SCANNED
MAR 25 2010

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

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

 - ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.
-

I have attached:

- ☐ An Amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

Fees have been paid when the claims were originally filed.

SCANNED
MAR 25 2010

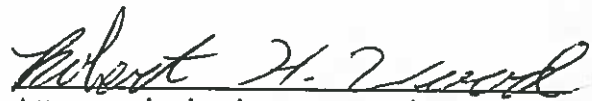
VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

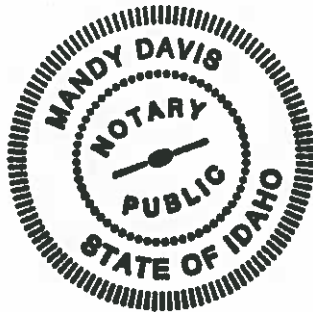
Jerry R. Rigby, being first duly sworn, upon oath, deposes and says:

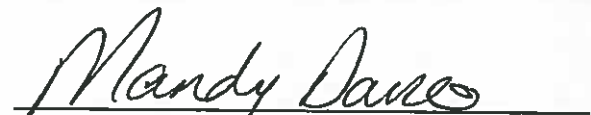
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion


Attorney signing in representative capacity.

Subscribed and sworn to before me on this 23rd day of March, 2010.




Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 06/24/2011

SCANNED
MAR 25 2010

CERTIFICATE OF MAILING

I certify that on March 23, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to

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

2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties in that subcase.


Signature of person or attorney mailing the form

SCANNED

MAR 25 2010

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 01-10571

Date Received: _____

Receipt Number: _____

Received By: _____

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

1. Name of Claimant(s) Idahoan Foods, LLC Phone (208) 754-8100
Mailing Address PO Box 130, Lewisville, ID Zip 83431
2. Date of Priority (Only (1) per claim) April 1, 1970
3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River
4. a. Location of existing point of diversion is: Township 4N Range 38E Section 2,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, County of Jefferson
Additional points of diversion if any: _____
If Available, GPS Coordinates: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4
of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4
of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Pump known as the Fresh Pak pump, located on the Dry Bed. Water is pumped from the Dry Bed to a sprinkler system.

SCANNED

MAR 25 2010

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

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

For purposes from to amount or

For purposes from to amount or

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

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

9. Description of place of use:

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

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

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

Total number of acres irrigated 145

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

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

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

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

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

 or None ()

SCANNED

MAR 25 2010

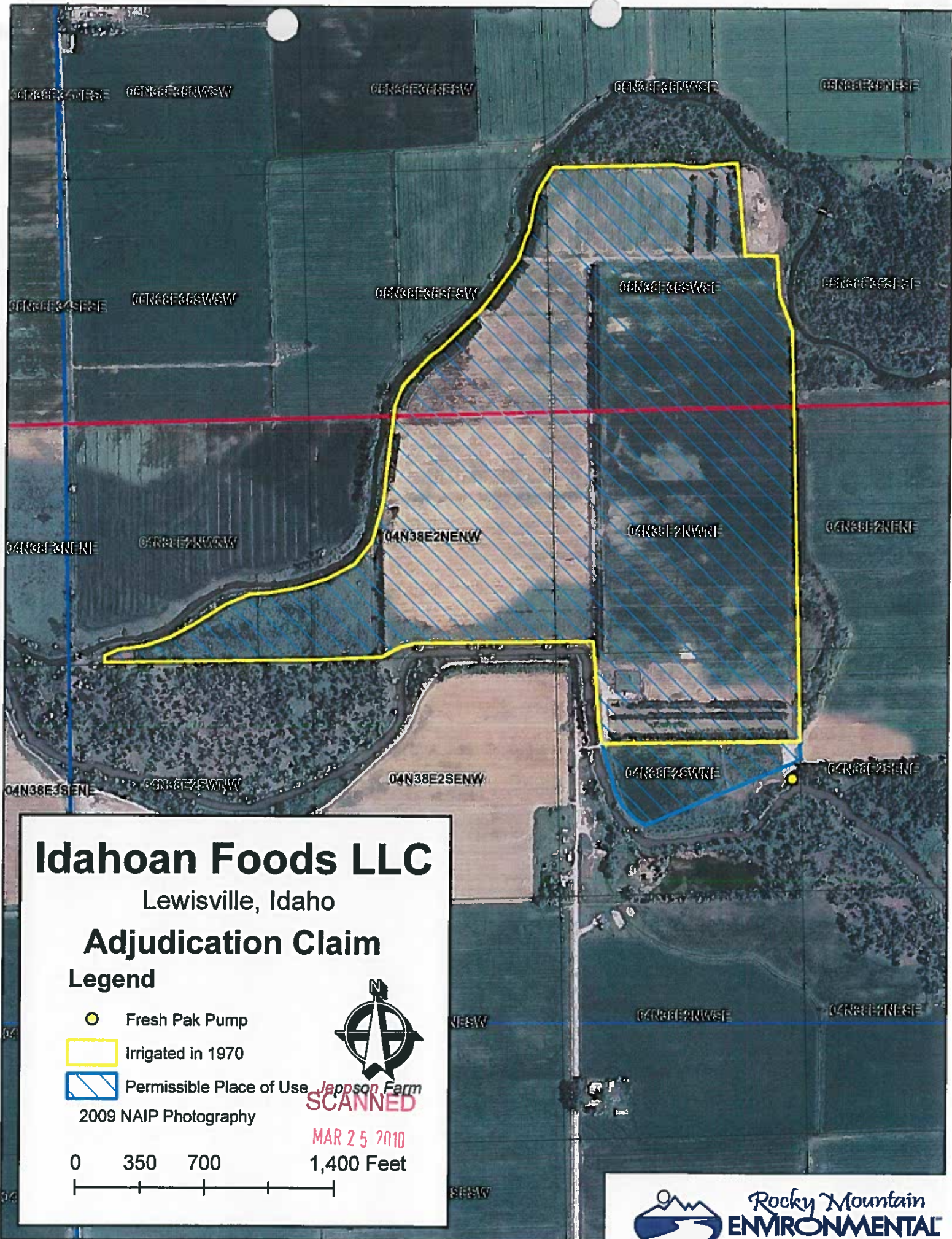
13. Remarks:

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

Last Name Idahoan Foods Ident. Number 01-10571

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MAR 25 2010



Idahoan Foods LLC

Lewisville, Idaho

Adjudication Claim

Legend

● Fresh Pak Pump

■ Irrigated in 1970

▨ Permissible Place of Use

2009 NAIP Photography



Jeppson Farm
SCANNED

MAR 25 2010

0 350 700 1,400 Feet



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

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

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

15. Signature(s)

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

Number of Attachments _____

For Individuals: I/we do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am VP Operations of _____
(Title)

Idahoan Foods LLC _____, that I have signed the foregoing document in the space below as
(Organization)

VP Operations of Idahoan Foods LLC and that the statements contained
(Title) (Organization)

in the foregoing document are true and correct.

Signature of Authorized Agent Sam Huffman

Title and Organization VP Operations Idahoan Foods LLC Date 2/12/2010

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Idahoan Foods Ident. Number 01-10571

SCANNED

MAR 25 2010

Affidavit of Gene Christiansen

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

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

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

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



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

Gene P. Christiansen
Gene Christiansen

State of Idaho)
)
County of Jefferson)

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

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

