

02/02/2006

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

RIGHT NUMBER: 22-10749

NAME AND ADDRESS: BENCH MARK POTATO CO
4799 SOUTH HIGHWAY 191
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/19/1940

POINT OF DIVERSION: T05N R39E S14 NWSWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

10/01 08/15

0.040 CFS

PLACE OF USE: DOMESTIC Within MADISON County

T05N R39E S14 SWSW

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

NOTES

Point of diversion is covered under the non-SRBA license ZZ-7534, which also covers the commercial use of this claim. Because of the very new priority date of license, recommending BU claim as domestic w/ 0.04 cfs instead of commercial to retain the older priority date. So in combination, Benchmark has a total of 0.2 cfs as originally claimed.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07534

Priority: October 28, 1996

Maximum Diversion Rate:
Maximum Diversion Volume:

0.16 CFS
3.4 AF

This is to certify, that BENCH MARK POTATO CO
4799 S HWY 191
REXBURG ID 83440

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 29, 1988; and
has submitted Proof of Beneficial Use on October 28, 1996. An examination indicates
that the works have a diversion capacity of 0.160 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.16 CFS	3.4 AF

LOCATION OF POINT(S) OF DIVERSION: SWSW, Sec. 14, Township 05N, Range 39E
MADISON County

PLACE OF USE: COMMERCIAL
TWN RGE SEC
05N 39E 14 SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for a potato packing plant.
6. Two points of diversion located in SWSW, S14, T5N, R39E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16TH
day of MAY, 1997.

MICROFILMED

MAY 20 1997


KARL J. DREHER, Director
Acting for

Water Right No(s). A22-10749

GPS data - 2673519
1397648

GPS File#
2210749

GPS DATA:

Tag # A0015980 Location: on well casing

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR Submerged 8" casing
Make: _____ Model: _____ Hp: 5hp
SN: _____

PUMP Submerged - depth approx 90'
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Met with Kent Sutton of Birch-Mark Potato. New
address is; 4799 South Highway 191
Rexburg, ID 83440 c/o Kent Sutton
I asked again for evidence of priority well is in front
of truck check-in door.

Field Exam Date: 11-18-05 Agent: D.W. Jones

A22-10749, Looking North



Gas
tag

2210749

05N39E14

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: A22-10749
Date Received: 8/05/1988
Receipt No: E001100
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-356-6416

1. Name: BENCH-MARK POTATO COMPANY
Address: 3047 SOUTH 2000 WEST
REXBURG, ID

83440

2. Date of Priority: SEP 19, 1940

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	39E	14	NW	SW	SW		MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO POTATO SORTING PLANT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	10/01	08/15	0.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
C/POTATO SORTING PLANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	39E	14	SW	SW		COMMER	

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
WATER IS USED FOR WASHING POTATOS, RESTROOM FACILITIES FOR WORKERS
CLAIMANTS HAVE ALSO FILED UNDER PERMIT # 22-7534 AS REQUESTED BY UNION PACIFIC RAILROAD, SINCE THE PROPERTY WHERE THE WELL IS LOCATED IS OWNED BY THE RAILROAD.

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 Sec _____ of
Title

Bench Mark Potato Co, that I have signed the foregoing
Organization
document in the space below as Sec _____ of
Title

Bench Mark Potato Co and that the statements contained in the
Organization
foregoing document are true and correct.

Allen Arnold
Signature of Authorized Agent

Sec Bench Mark Potato Co
Title and Organization

8-5-88

Date

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 5th day

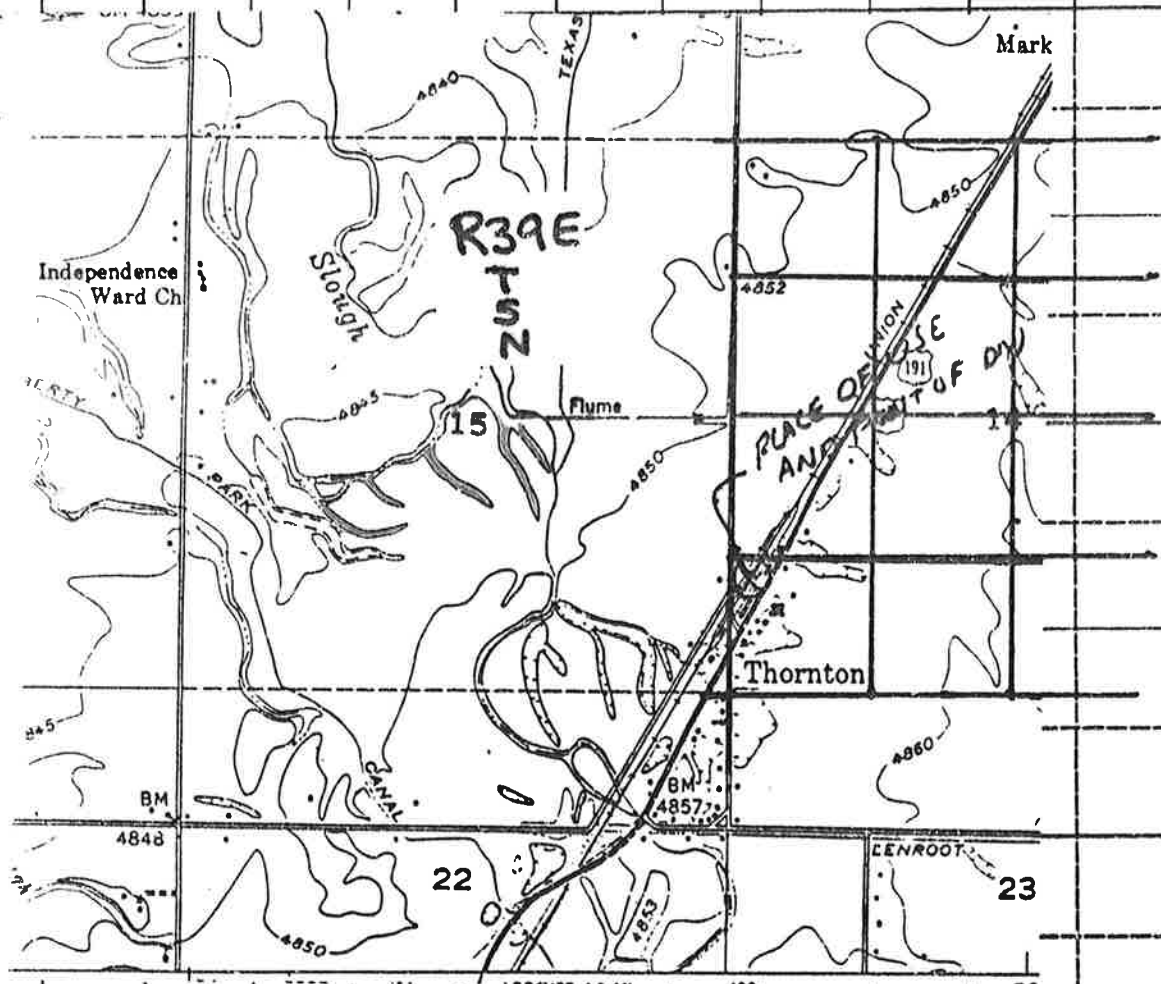
of Aug. 19 88

Gallum Wray
Notary Public

Residing at Idaho Falls

My Commission Expires 5/29/1991





2 inches equal 1 mile.

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.

Ken Arnold
 (Applicant)
 PART OWNER