

02/02/2006

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

RIGHT NUMBER: 22-12330

NAME AND ADDRESS: AGRITECH CORP
630 S YELLOWSTONE
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

PRIORITY DATE: 07/01/1961

POINT OF DIVERSION:
T06N R39E S25 SWSESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.040 CFS
PLACE OF USE:	<u>DOMESTIC Within MADISON County</u>		
	T06N R39E S25 SESE		

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
Use: Commercial office building



Well

A22-12330 pou / pod

Bac

02/02/2005

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:

Water right number: 22-12330

AGRITECH CORP

630 S YELLOWSTONE

REXBURG ID 83440

Telephone Number: (208)356-5120

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:

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

DATE:

10-16-05

SIGNATURE:

Bruce D. Nyberg

Please print your name:

Bruce D. Nyberg

Pres. Agritech Corporation

IDWR Regional Office,

SCANNED
SEP 26 2005

RECEIVED
OCT 24 2005
Department of Water Resources
Eastern Region

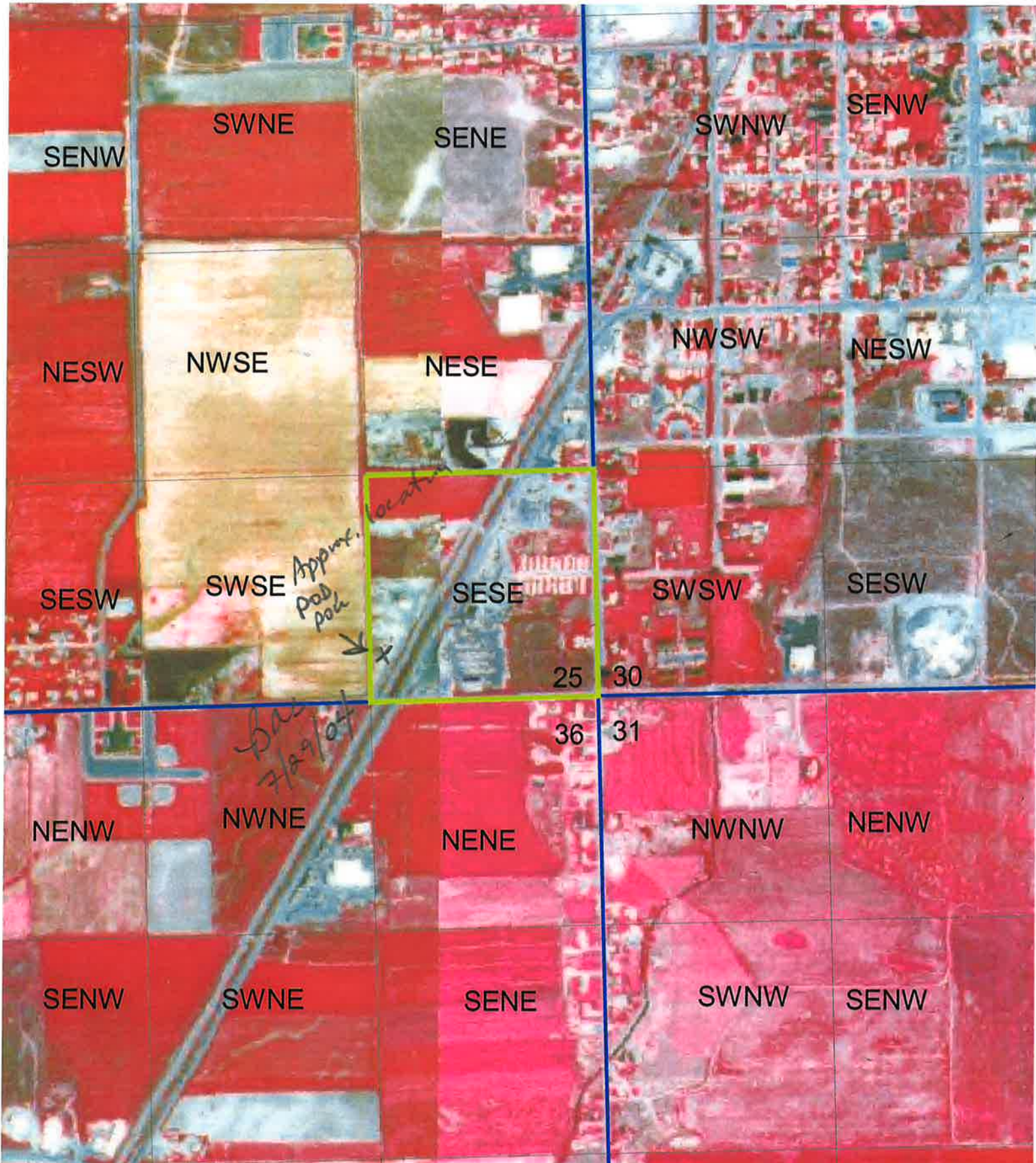
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*LWT
10/24*

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22-12330

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CHANGE MY ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number (s): A22-12330

[] Old Mailing Address: P.O. Box 813
Rexburg ID 83440

[] New Mailing Address: 630 S Yellowstone
Rexburg ID 83440

New Telephone Number: (208) 356-5120

[] Signature of Claimant: Stephanie Westover

Date: 7/29/04

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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Claim No. 22-12330

Document Checklist

- ☐ Copy License/Decree _____
- ☐ Copy Transfer _____
- ☐ Copy Licensing Field Exam _____
- ☒ Check if Ownership/Address Change is Required
- ☐ Generate, mail and file "Evidence of Priority" letter
- ☒ Generate Arcview Map

7/13/04 Courthouse parcel 06n39e25-930lp -
parcel didn't convey on search-
west across highway fr. Anderson Bar
lumber - stops by

7/29/04 Correct Mailing Address is:
Agri-tech Corporation
630 S. Yellowstone Hwy 83440
356-5120

Visited w/ Bruce Nyborg. Bruce is not sure he can
get priority evidence. I suggested as an
alternative it could be recommended as
demonstrations.

3 restrooms, 1 water cooler, pressure washer,
10 employees.

1 photo, well is painted yellow @ right side. Photo looking west

GPS Waypoint 9 2676756 E 1403678 N

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Contacts Data Entry Form

Claim Number: A22-12330

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Agritech Phone No.: 356 5120

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

- 1) A address form given to Jen 8/2/04
- 2) Owner will try to get evidence of priority
- 3) If no evidence of priority, de minimus will be adequate for this water use.
- 4) 1 Photo looking West at business, well is painted yellow, at right (North) side of photo.

Reviewer: _____ Date: _____

PRO

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Water Right No(s). A22-12330

GPS DATA:

Tag # _____ Location: Waypoint 9 2676756E
1403698N IDTM83
BAC 7/3/04

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

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Season of Use and Quantity Data Entry Form

Claim Number: A22-12330Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Commercial	1/1	12/31	0.04	1.7

Overall Diversion Rate 0.04Overall Diversion Volume 1.7Document how the Period of Use and/or Diversion Rate were verified:

Per owner there are 3 restrooms, 1 water cooler, 1 pressure washer.
 Per field examination hand hose 7 fixtures @ $1.1 \times 7 \approx 8 \text{ GPM}$
 (table 14) + 3 GPM for pressure washer @ $11 \text{ GPM} \approx 0.025 \text{ cfs}$.

Volume: (Table 3) Stores (per toilet room) $400 \text{ gal} \times 3 = 1200 \text{ gal}$.
 Day workers $10 \times 15 \text{ gal/day/shift} \approx 150 \text{ gal}$.
 pressure washer $3 \text{ gpm} \times 60 \text{ min/hr} \times 4 \text{ hrs} \approx 720$

Total = $2070 \text{ gal/day} \times 5 \text{ days} \times 52 \text{ weeks} \approx 538,200 \text{ gal}$
 $\approx 1.65 \text{ acc feet/yr}$

Note this is within non-residential de minimus if
 no evidence of priority is found.

Reviewer: _____

Date: _____

PROFIT

Bac 7/31/04

FEB 11 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: December 1, 1988

Agritech Corporation
P.O. Box 813
Rexburg, ID 83440

RE: Water Right Claim Returned

Dear Sir:

The Idaho Department of Water Resources (IDWR) is returning your check #1603 and Notice of Claim to Water Rights because of insufficient information and fees. All items on the claim form must be correctly completed and fees submitted before the IDWR can process the claim.

Please complete or correct the claim form items identified below and return the form to the IDWR if you wish to enter your water right claim into the Snake River Basin Adjudication.

- Item #6: If you irrigate more than 1/2 acre of lawn, you must include "irrigation" purposes. The irrigation season is April 1 to November 1 and the standard amount is 0.02 cfs per irrigated acre (0.03 cfs per acre if total is less than 5 acres).
- Item #8: The consumptive use for irrigation is 2.5 acre feet per annum multiplied by the total acres.
- Item #9: Please describe the non-irrigation uses more specifically (in Item #14 if additional space is needed). For example: number of restrooms, acres irrigated, washing equipment, etc.
- Item #10: Indicate number of acres irrigated in the appropriate 1/4 of 1/4 Section, Township, and Range, if greater than 1/2 acre.

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NOV 06 1992

- Insufficient Fee: The filing deadline for Madison County was August 25, 1988. The claim was postmarked Aug. 29, 1988. A \$50.00 late-fee is assessed to each claim submitted after the deadline in addition to the regular fee. The regular fee is \$50.00, plus a variable fee of \$1.00 per irrigated acre and \$100.00 per cfs claimed for commercial purposes. Note: The variable fee will change from the claim originally submitted if Item #6 is modified. Please return the filing fee plus the late fee with the corrected claim.

If you have any questions or need assistance completing the form, please call the IDWR at (208)-525-7161.

Sincerely,



Tony Olenichak
Water Rights Agent, SR

Enclosure

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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: A22-12330
Date Received: 8/30/1988
Receipt No: E005145
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AGRITECH CORPORATION 208-356-5120
Address: P.O. BOX 813
REXBURG, ID 83440

2. Date of Priority: JUL 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	25	SW	SE	SE		MADISON

5. Description of diverting works:
6" CASED WELL, 60 ' DEEP; 1-1/2 HP SUBMERSIBLE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.100		2.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL OFFICE, MAINTENANCE, LAWNS, ETC

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	25	SE	SE		COMMER	

11. Place of use in counties: MADISON

A22-12330

Page 1

Date: 12/28/88

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A2212330



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

13. Other Water Rights Used:
NONE

14. Remarks:
CONSUMPTIVE USE; 3 EA. BATHROOMS, 2 EA. WATER COOLERS.
1EA. PRESSURE WASHER INFREQUENTLY USED AT 3 GPM. NOT WATERING
MORE THAN 1/2 ACRE OF LAWN.

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39356

Ident. Number A22-12330Date Received 8/30/88Receipt Number E005145

RECEIVED

DEC 9 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 30 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) AGRITECH CORPORATION Phone (208) 356-5120
Mailing Address P.O. BOX 813, REXBURG, IDAHO Zip 83440

2. Date of Priority (Only one (1) per claim) JULY 1, 1961

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township T6N Range R39E Section 25,
SW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of MADISON

Additional points of diversion if any: NONE

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. 6" CASED WELL, 60 FEET DEEP.

1-1/2 HP SUBMERSIBLE PUMP

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Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For COMMERCIAL purposes from JAN. 1 to DEC 31 amount .10 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) COMMERCIAL OFFICE, MAINTENANCE, LAWNS, ETC.

10. 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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	39E	25																C	

Total number of acres irrigated _____

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: CONSUMPTIVE USE: 3 EA. BATHROOMS, 2 EA. WATER COOLERS,
1 EA. PRESSURE WASHER INFREQUENTLY USED AT 3 GPM.
WE ARE NOT PRESENTLY WATERING MORE THEN 1/2 ACRE OF LAWN.

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Last Name AGRITECH CORPORATION Ident No. _____

Copies: White -State, Yellow-Claimant

PRO

Scale: 2 inches equals 1 mile

R39E

R40E

[illegible]

FEB 11 2005

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Last Name AGRITECH CORPORATION

Ident No.

PRO

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm 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 that I am _____ SECRETARY, TREASURER
Title

of _____ AGRITECH CORPORATION _____, that I have signed the foregoing
Organization

document in the space below as _____ SECRETARY, TREASURER _____ of _____ AGRITECH CORPORATION _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ SECRETARY, TREASURER, AGRITECH CORPORATION Date 8/20/88

State of Idaho/or Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 29 day of Aug 19 88

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

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 _____

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FEB 11 2005

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Last Name _____ AGRITECH CORPORATION Ident. Number _____

Copies White-State, Yellow-Claimant

DATE RECEIVED 8/30/88 CK AMOUNT \$

	YES	NO
Is the name and address complete with zip code?	☒	☐
Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
(a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☐ N/A	☐
Is the legal description of the p.d. sufficient?	☒	☐
Is there a description of the diverting works?	☒	☐
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.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
Is a total quantity claimed entered?	☒	☐
If required is a consumptive use entered?	☐ N/A	☐
Is the consumptive use correct?	☐ N/A	☐
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, each household must file a separate claim. See Adjudication Memo # 4.	☒	☐
Is (are) the place(s) of use entered?	☒	☐
Is (are) the county(ies) entered?	☒	☐
Is the ownership of p.u. checked?	☒	☐
Are other water rights listed or "none" indicated?	☒	☐
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.)	☒ N/A	☐
Is the basis of the claim checked?	☒	☐
Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☐ N/A	☐
Should this claim be receipted and data entered?	☒	☐

Claim checked by: TO

Comments: Rest marked AUG 29 (81)

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FO005145