05/19/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2116

NAME AND ADDRESS: BASIC AMERICAN FOODS
434 S EMERSON MS CP 91
SHELLEY ID 83274

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.660 CFS
1,925.800 AFY

PRIORITY DATE: 04/15/1958

POINT OF DIVERSION:

T01N R37E S32 SENE Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL	01/01 12/31	2.660 CFS 1,925.80 AFY

Industrial use is for potato washing and processing

PLACE OF USE: INDUSTRIAL Within BINGHAM County

T01N R37E S32	SENE	T01N R37E S32	NESE

The place of industrial use includes land upon which wastewater may be applied for land application purposes to satisfy water quality requirements. Water diverted shall not be used for land application unless the water is first used in potato processing as authorized by this water right.

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: License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

SCANNED
FEB 2 4 2006

AMENDED DIRECTOR'S REPORT~~11/09/2005~~

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2116

NAME AND ADDRESS: BASIC AMERICAN FOODS
434 S EMERSON MS CP 91
SHELLEY ID 83274

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.660 CFS
1,925.80 AFY

Use of this right with 27-4019 is limited to a total combined annual diversion volume of 3373.7 AFY

PRIORITY DATE: 04/15/1958

POINT OF DIVERSION: T01N R37E S32 SWSENE Within BINGHAM County
T01N R37E S32 NWNESE Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL	01/01 12/31	2.660 CFS
		1,925.80 AFY

Industrial use is for potato ~~washing and~~ processing. The water diverted under this right for industrial purposes must first be used in association with potato processing and includes the treatment of process water with fresh water. After water is used for these industrial purposes it may be applied to land to satisfy federal or state water quality requirements.
~~Industrial use is for potato washing and processing.~~

PLACE OF USE: INDUSTRIAL Within BINGHAM County

T01N R37E S32 SENE T01N R37E S32 NESE

Place of use includes land upon which the process water may be applied for land application purposes to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is first used in potato processing as authorized by the water right. The industrial use of water under this right includes treatment of process water with fresh water.
~~The place of industrial use includes land upon which wastewater may be applied for land application purposes to satisfy water quality requirements. Water diverted shall~~

~~not be used for land application unless the water is first used in potato processing as authorized by this water right.~~

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 - License

~~Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.~~

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2116

NAME AND ADDRESS: BASIC AMERICAN FOODS
434 S EMERSON MS CP 91
SHELLEY ID 83274

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.660 CFS
1,925.80 AFY

PRIORITY DATE: 04/15/1958

POINT OF DIVERSION: T01N R37E S32 SENE Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL	01/01 12/31	2.660 CFS
		1,925.80 AFY

Industrial use is for potato washing and processing.

PLACE OF USE: INDUSTRIAL Within BINGHAM County

T01N R37E S32 SENE T01N R37E S32 NESE

The place of industrial use includes land upon which wastewater may be applied for land application purposes to satisfy water quality requirements. Water diverted shall not be used for land application unless the water is first used in potato processing as authorized by this water right.

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Subcase No.	Issue(s)	Resolution
27-4019	1) Quantity - Should include: use of this right with right 27-2116 is limited to a total combined annual diversion volume of no greater than 3373.7 AFY	
	2) Point of Diversion - Should include the point of diversion for 27-2116 as an alternate point of diversion. The point of diversion for 27-2116 should be corrected to show it is in the NESE, not SENE. See Affidavit of Robert Beal.	E-mail from Beeman dated 10/19/06 - Basic Americans GPS readings verify IDWR's legal descriptions are correct. We agree to have alternative points of diversion for 27-2116 & 27-4019.Alternative points of diversion still at issue.
	3) Purpose of Use - Should be: Industrial use is for potato processing. The water diverted under this right for industrial purposes must first be used in association with potato processing. After water is used for industrial purposes in assocation with potato processing, it may be applied to land to satisy water quality requirements.	Condition POU described below satisfy this objection?
	4) Place of use - Add place of use for 27-7411. Remark should read "the place of industrial use includes land upon which discharged process and operating water may be applied for land application purposes to satisfy water quality requirements.	Don & Ernie have agreed to the following language as a place of use condition: Place of use includes land upon which the process water may be applied for land application purposes to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is first used in potato processing as authorized by this water right. The industrial use of water under this right includes treatment of process water with fresh water. *Not certain whether agreement has been reached on the POU description. Ernie's call.*

SCANNED
JAN 0 3 2009

27-2116

- Basic American needs to file an amended claims - to add a second of p.o.d.

27-2116
27-4019

- T01N R37E S32 SENE. } CO3.
  S32 NESE.

- Amended claims will need to have a combined use remark for ~~acre-feet~~ volume.

SCANNED
JAN 0 3 2008

CAMPAD 22-139 100 sheets

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 27-02116**
	)	
	)	
Case 39576	)	**STANDARD FORM 4**
	)	
	)	**MOTION TO FILE**
	)	**AMENDED NOTICE OF CLAIM**

✔ I have read ***SRBA Administrative Order 1, Rules of Procedure*** (amended October 16, 1997).

My name is Basic American Foods

My address is: 415 Collins Road
Blackfoot, ID 83221

My phone number is (208) 785-8590

I am an attorney representing the above-listed claimant.

My name is Josephine P. Beeman

My address is Beeman & Associates, P.C.
409 West Jefferson Street
Boise, Idaho 83702

My phone number is (208) 331-0950 Fax: (208) 331-0954

SCANNED
JAN 0 3 2008

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an 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 water in the SRBA because:

Basic American Foods' water right 27-2116 has two points of diversion (wells) which were operating and interconnected prior to November 19, 1987. The amended claim corrects original SRBA claim 27-2116 which listed only 1 of the 2 points of diversion. The amended claim also provides a more accurate legal description of both points of diversion.

Basic American Foods' water right 27-4019 has the same two points of diversion (wells) as 27-2116 and requires a similar amendment which is also being filed today.

The correction of the points of diversion will also help resolve Basic American Food's objection regarding total combined annual diversion volumes for water rights 27-2116 and 27-4019.

Basic American is the only objector to 27-2116, and Basic American Foods and the Idaho Department of Water Resources (IDWR) have been in discussions to resolve Basic American Foods' objections to IDWR's recommendation for 27-2116. These amendments are a result of those discussions.

✔ I am providing legal and factual documentation to support my amended Notice of Claim.

Prior to the filing of the Director's Report for 27-2116, Basic American Foods provided the Affidavit of Robert Beal in Support of SRBA Claims 27-2116 and 27-4019 to confirm the two points of diversion and their interconnection prior to November 19, 1987. The Affidavit is attached to this motion. Subsequent investigation by Basic American Foods and IDWR established more accurate legal descriptions of the two points of diversion. These more recent legal descriptions are included in the Amended Notices of Claim for 27-2116 and 27-4019.

I have attached:

✔ An Amended Notice of Claim 27-02116.

☐ Payment of the following additional fees required by IDWR:

SCANNED
JAN 0 2 2008

VERIFICATION

State of Idaho)
) ss:
County of Ada)

Josephine P. Beeman, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for late claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

_____
Josephine P. Beeman
Attorney signing in representative capacity

Subscribed and sworn to before me on July _____, 2007.

_____
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 7-29-08

SCANNED
JAN 0 3 2008

CERTIFICATE OF MAILING

I certify that on July _____, 2007, I caused to be served 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Basic American Foods
415 Collins Road
Blackfoot, ID 83221

Josephine P. Beeman [7786]

SCANNED
2009

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2116

NAME AND ADDRESS: BASIC AMERICAN FOODS
434 S EMERSON MS CP 91
SHELLEY ID 83274

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.660 CFS
1,925.800 AFY

Right Nos. 27-4019 and 27-2116 are limited to a total combined annual diversion volume of 2975.6 AF.

PRIORITY DATE: 04/15/1958

POINT OF DIVERSION:

T01N R37E S32 SWSENE Within BINGHAM County

T01N R37E S32 NWNESE Within BINGHAM County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
INDUSTRIAL	01/01 12/31	2.660 CFS 1,925.80 AFY

Industrial use is for potato processing. The water diverted under this right for industrial purposes must first be used in association with potato processing and includes the treatment of process water with fresh water. After water is used for these industrial purposes it may be applied to land to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right that is capable of providing a full supply of water for irrigation.

PLACE OF USE: INDUSTRIAL in BINGHAM County

T01N R37E S32	SENE	T01N R37E S32	NESE

Place of use may also includes other lands upon which the process water may be applied for land application purposes to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right that is capable of providing a full supply of water for irrigation. Water diverted shall not be used for land application unless the water is first used in potato processing and treatment of process water as authorized by the water right. The industrial use of water under this right includes treatment of process water with fresh water.

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

CIVIL CASE NUMBER: 39576

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

Ident. Number **A27-02116**
Date Received _____
Receipt Number _____

AMENDED NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

1. Name of Claimant **Basic American Foods** Phone **(208) 785-8590**
   Mailing Address **415 Collins Road**
   Blackfoot, ID 83221

2. Date of Priority: **April 15, 1958**

3. Source of water supply: **Ground water**

4. Location of point of diversion: **Township 01N Range 37E Section 32 SWSENE County of Bingham**
   Additional points of diversion: **Township 01N Range 37E Section 32 NWNESE County of Bingham**

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. **Two Wells, approximately 150 feet deep, pump and pipelines.**

6. Water is claimed for the following purposes:

(both dates are inclusive)

For **Commercial** purposes from **01/01 to 12/31** amount **2.660 cfs**

7. Total quantity claimed: **2.660 cfs**

8. Total consumptive use claimed is **1277.5 acre feet per annum.**

9. Non-irrigation uses; describe fully: **Commercial use for the processing of potatoes**

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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	37E	32				C									C	C			
01S	37E	2					C			C	C		C	C					
		3					C	C	C	C	C	C							
		11					C	C	C	C	C	C							

Total number of acres irrigated _____

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

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

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.
A27-4019 and A27-7411

14. Remarks:
Water is used in washing, transporting, and processing potatoes. During the summer months this water is commingled with irrigation water from other sources to irrigate crops.

15. Basis of Claim: **License**

If applicable provide IDWR Water Right Number **27-02116**
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature

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

Number of Attachments _____

I, **Bruce Wright**, do solemnly swear or affirm that I am the **Senior Project Manager – Environmental** of **Basic American Foods**, that I have signed the foregoing **Amended Notice of Claim to a Water Right** as the **Senior Project Manager – Environmental** of **Basic American Foods** and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Senior Project Manager – Environmental
Basic American Foods

Date: July _____, 2007

State of _____)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of July 2007.

SEAL

Notary Public _____
Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman, 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 _____

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (fax)

Date: July _____, 2007

Bird, Cindy

From: Williams, Ray
Sent: Tuesday, July 19, 2005 2:35 PM
To: Bird, Cindy
Subject: Basin 27

Hi, Cindy.

I received a call today from Jo Beeman's office wondering when the preliminary recommendations were going to be mailed out. I told them that I thought they went out in May. The ones that they had questions on were 27-2116, 27-4019, 27-7411 and 27-11243 (all related to Basic Food, I think). I'm guessing that the claimants already received copies, but just wanted to check first, just in case these ones might not yet be complete.

Thanks.

Ray

3 files attached
BP

27-2116
27-4019
27-7411
} MAILED 5/20/05

27-11243 } NOT ON NOE LOG

SCANNED
FEB 21 2006
PROFILED

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, ID 83702
Phone: (208) 331-0950
Fax: (208) 331-0954
jo.beeman@beemanlaw.com

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	)	
	)	**AFFIDAVIT OF MERLYN BROWNING**
Case No. 39576	)	**IN SUPPORT OF SRBA CLAIMS**
	)	**27-4019 AND 27-7411**

STATE OF IDAHO)
) ss:
COUNTY OF BINGHAM)

I, Merlyn Browning, after first being duly sworn upon oath, depose and state that:

(1) My name is Merlyn Browning. From 1958 through August 1996, I was a fulltime employee for the potato processing plant now owned and operated by Basic American Foods, Inc. in Shelley, Idaho. I was first employed by the R. T. French Company and then the Pillsbury Company. The Pillsbury Company owned the plant at the time of my retirement in 1996.

(2) From 1958 to 1974, I was the maintenance foreman and then the maintenance packaging foreman at the processing plant. In 1974, the plant stopped discharging its process water and operating water into the Snake River and added "spray fields" for the year-round land application of its process water and operating water. From 1974 to August 1996, I was the contract employee responsible for year-round operation of the "spray fields." My son Dave Browning assumed those responsibilities in August 1996 and is the current contract employee for the "spray fields."

(3) Due to my employment, I was familiar with the use and operation of the wells at the plant from 1958 through August 1996, the land application of the plant's process/operating water at the "spray fields" from 1974 through August 1996, and the use and operation of the well at the "spray fields" from its first use in the summer of 1984 through August 1996.

(4) The plant wells were commonly known as well #2 and well #3. Their location never changed and their use remained generally the same over time. A third well at the plant stopped operating about 40 years ago when the warehouse was built over its location.

(5) Well #2 and well #3 operated continuously, except for repairs and maintenance. They supplied water for the potato dehydration operations of the plant when the plant was in production. The actual production days in a year could vary depending upon growing conditions and market conditions. The plant was usually in production twenty-four hours a day from sometime in August to mid-July. This could range from at least 310 days to sometimes more than 330 days in some years.

(6) Well #2 and well #3 also supplied water year round at the plant for restrooms, steam heating, general cleaning, and air compressors. The air compressors required large quantities of water at all times and had their heaviest use during production shut down. Cleanup operations typically occurred for eight hours every two weeks. The wells also supplied water for landscaping. The water supplied to the restrooms exited the plant to the sewer system for the City of Shelley.

(7) This mode of operation occurred from 1958 through my retirement in August 1996.

(8) Water from the plant began to be land applied to the "spray fields" in 1974. The water from the plant was supplied year round to the "spray fields". Process water was supplied through out the days the plant was in production. When the plant was not in production, the

water from ongoing plant operations to the "spray fields" was about 200 gallons per minute. The land application occurred continuously from 1974 through my retirement in August 1996.

(9) The small well at the "spray fields" was drilled and began operation in the summer of 1984. It was near the location where the pipe from the plant connected to the irrigation lines for the land application system at the "spray fields". The use of this small well remained generally the same over time. Throughout the year, it was used to clean the line which carried the water from the plant and to purge the irrigation lines for the "spray fields". The purging was done once or twice a week. The well was also used to prime the canal pumps when canal water was mixed with water from the plant for land application during the growing season.

(10) This mode of operation occurred from the summer of 1984 through my retirement in August 1996.

(11) I am aware that the R. T. French Company filed a claim 27-4019 with the Idaho Department of Water Resources in 1979 that states the wells at the plant were used for commercial purposes from September 15 to July 1, although the wells were actually operated year round for the plant. Lynn Sirrine signed the claim and may have focused on the processing cycle that year. From my personal knowledge, I know that the wells at the plant, well #2 and well #3, operated year round since 1958. The "spray fields" were also in operation year round in 1979.

(12) I am aware that water right license 27-7411 for the small well at the "spray fields" states that the well was used March 15 to November 15, although the well was used year round. Frank Latta signed the water right application for the well and may have focused on land application during the growing season rather than the year-round land application of the plant's process water and operation water during the growing and nongrowing seasons. From my personal knowledge, I know that the well at the "spray fields" operated year round since 1984.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 29 day of March 2004.

MERLYN BROWNING

SUBSCRIBED AND SWORN before me on this 29 day of March 2004.

GAIL M. CHAMBERS NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires: 1-12-2010

Z:\1773\7\6161

RECEIVED APR - 5 2004 BY DB

27-2116

FAX COVER SHEET

May 10, 2005

TO: Cindy Bird
IDWR Soda Springs Office
Fax: 208-547-3939

FROM: Beeman & Associates, P.C.

FILE NO.: Basic American: license 27-2116 (and SRBA claim 27-2116) and SRBA claim 27-4019

MESSAGE: Following is a copy of the signed affidavit for Robert Beal. The hard copy will be mailed tomorrow. Thank you.

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 3

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 331-0950

ORIGINAL BY MAIL: YES __x__ NO _____

BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702
Phone: (208) 331-0950
Fax: (208) 331-0954
office@beemanlaw.com

RECEIVED
MAY 1 0 2005
By

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702
Phone: (208) 331-0950
Fax: (208) 331-0954
jo.beeman@beemanlaw.com

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	)	
	)	**AFFIDAVIT OF ROBERT BEAL**
Case No. 39576	)	**IN SUPPORT OF SRBA CLAIMS**
	)	**27-2116 AND 27-4019**

STATE OF IDAHO)
) ss:
COUNTY OF BINGHAM)

I, Robert Beal, after first being duly sworn upon oath, depose and state that:

(1) My name is Robert Beal. From 1962 to the present, I have been a fulltime employee for the potato processing plant now owned and operated by Basic American, Inc. in Shelley, Idaho. At present, I am the Maintenance Superintendant for the plant.

(2) Due to my length of employment at the Shelley facility, I am familiar with the plant, its systems, and its history. This includes the use and operation of the wells at the plant.

(3) There have been only three wells at the processing plant, as described in Merlyn Browning's affidavit. I have reviewed Mr. Browning's affidavit which was previously filed in support of SRBA claims 27-2116 and 27-4019. The continuously functioning plant wells are commonly known as well #2 and well #3. The third well at the plant was covered by the warehouse and has not been in use since the warehouse was built.

(4) The following information relates to the exact locations of well #2 and well #3

RECEIVED
MAY 10 2005
By

and the physical attributes and diversion capacities for each well.

(5) Well #2 is 16" in diameter and 150' in depth; it is equipped with a 60 horsepower pump and diverts 650 gallons per minute (1.45 cfs). It is located in the NE ¼ SE ¼ Section 32, T1N, and R37E.

(6) Well #3 is 20" in diameter and 243' in depth; it is equipped with a 100 horsepower pump and diverts 1000 gallons per minute (2.66 cfs). I am aware that SRBA claim 27-4019 states that there are three production wells all 150 feet deep; however, there are only two production wells and well #3 is 243 feet deep. After examining the map submitted with SRBA claim 27-4019 and the map submitted with SRBA claim 27-2116, well #3 appears to be both the well in claim 27-2116 and the most southeastern well on the map with claim 27-4019. To the best of my knowledge, well #3 is located in the NE ¼ SE ¼ Section 32, T1N, and R37E.

(7) Well #2 and Well #3 have always been interconnected.

(8) Water used in the restrooms is about 50,000 gallons per day throughout the year.

(9) Prior to November 19, 1987, the highest number of days of production in a year was 338.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 10 day of May 2005.

ROBERT BEAL

SUBSCRIBED AND SWORN before me on this 10 day of May 2005.

GAIL M. CHAMBERS NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at Rupert, Idaho
Commission Expires: 08-12-2010

RECEIVED
MAY 10 2005
By

Bird, Cindy

From: Bird, Cindy
Sent: Tuesday, April 19, 2005 12:41 PM
To: 'Jo Beeman'
Subject: RE: Basic American ground water rights for Shelley plant

REF: Mr Browning's affidavit.

Jo,
I did find a copy of the affidavit in 27-7411? He refers to well # 2 and # 3 as 27-4019 & 27-7411? Is well 2 & 3 for 27-4019 and 2116 or 7411? Can you please send me a map of the location of these three wells? How many wells are in operation? Mr. Browning's states that the third well was buried under a building over 40 years ago. Was a new well drilled?

thanks,
Cindy

-----Original Message-----
From: Jo Beeman [mailto:jo.beeman@beemanlaw.com]
Sent: Monday, April 18, 2005 10:16 PM
To: Cindy Bird (IDWR)
Cc: Joyce Angell (B&A); Jo Beeman ; 'B&A Office'
Subject: Basic American ground water rights for Shelley plant

Cindy,

Basic American wanted to check some matters regarding its Shelley plant SRBA claims: 27-7411, 27-4019 and 27-2116.

1. Does IDWR have all the necessary documents on the change in ownership to Basic American, Inc?
2. The plant wells should be listed as points of diversion for both 27-4019 and 27-2116 and the places of use should be the same.
3. The rate of diversion for 27-4019: An affidavit will be provided to confirm the rates of diversion for wells 2 and 3.
4. Diverted volume: Basic American will have a recommendation based on Merlyn Browning's affidavit (already on file) and the rates of diversion for wells 2 and 3. Should I just email that to you?
5. Is a field exam necessary?

Basic American should have the data to me for 27-4019 and the diverted volume this week. Thanks.
Jo

****

Josephine P. Beeman
Beeman & Associates, P.C.
Phone: 208-331-0950
Fax: 208-331-0954
jo.beeman@beemanlaw.com

CONFIDENTIALITY NOTICE: This transmission is intended only for the use of the individual(s) named as recipients. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the

Bird, Cindy

From: Bird, Cindy
Sent: Tuesday, April 19, 2005 11:25 AM
To: 'Jo Beeman'
Subject: RE: Basic American ground water rights for Shelley plant

Jo,

1. It does appear that we have the needed documents for the ownership change in the files.
2. Plant wells for 27-4019 & 27-2116. Are you saying that the two wells under the different rights should be both listed on both claims? The pod listed under 27-2116 does not agree with what Harold Jones found during his field exam. The licensing exam shows it in the NWSE. Was a new well drilled? If so when? Harold found one in the NESE and one in the SENE of section 32. Claim 27-2116 claimed the NWSE of section 32? Why is it different? If they need to claim both wells under both claims they will need to amend the claims.
3. The rate of diversion under 27-4019 has to be based on a 1957 rate not today's rate of diversion.
4. Diverted volume: I do not have a copy of Mr. Browning's affidavit in the claim file for 27-4019.
5. Harold Jones has already been out to the site. Unless we need to re-exam it shouldn't need a field exam.
6. Another issue that needs to be addressed. Under license 27-2116 the pou was licensed as NWSE of section 32. But in the A.J. claim it is much different. This is also similar for 27-4019. The SOU was changed from the statutory claim and the A.J. claim. As you know the Department needs documentation of when the change was made. Because a change like this requires a transfer and one was not filed. In order for us to recognized the change we need documentation that it occurred prior to commencement of the adjudication in 1987.

Jo, these recommendations have to go out in a couple weeks without the proper documents in the file the claims will be disallowed. You immediate attention to this matter is needed in order for a recommendation to be made for your clients.

Cindy

-----Original Message-----
From: Jo Beeman [mailto:jo.beeman@beemanlaw.com]
Sent: Monday, April 18, 2005 10:16 PM
To: Cindy Bird (IDWR)
Cc: Joyce Angell (B&A); Jo Beeman ; 'B&A Office'
Subject: Basic American ground water rights for Shelley plant

Cindy,

Basic American wanted to check some matters regarding its Shelley plant SRBA claims: 27-7411, 27-~~4019~~ and 27-2116.

1. Does IDWR have all the necessary documents on the change in ownership to Basic American, Inc?
2. The plant wells should be listed as points of diversion for both 27-4019 and 27-2116 and the places of use should be the same.
3. The rate of diversion for 27-4019: An affidavit will be provided to confirm the rates of diversion for wells 2 and 3.
4. Diverted volume: Basic American will have a recommendation based on Merlyn Browning's affidavit (already on file) and the rates of diversion for wells 2 and 3. Should I just email that to you?
5. Is a field exam necessary?

Basic American should have the data to me for 27-4019 and the diverted volume this week. Thanks.

Jo

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird FILE: 27-2116, 7411, 4019

RE: Ownership change

DATE: 4/1/04

NAME OF PARTY: Larry Sautter, Basic American Foods.

Noon: Larry called about coming by to drop off the affidavit and the signed ownership change form. I told him he didn't need to make a special trip to drop them off, he could mail them.

4-5-04 Received affidavit and ownership change from Claimant, but no warranty deed. Called claimant, left message on answering machine. PB

Bird, Cindy

From: Jo Beeman [jo.beeman@beemanlaw.com]
Sent: Wednesday, March 31, 2004 3:44 PM
To: 'Bird, Cindy'
Subject: RE: Basic American Foods (Shelley): SRBA claims 27-4019 and 27-7411

Thanks. That's exactly what I need to know. Jo

****

Josephine P. Beeman
Beeman & Associates, P.C.
Phone: 208-331-0950
Fax: 208-331-0954
jo.beeman@beemanlaw.com

-----Original Message-----
From: Bird, Cindy [mailto:CindyBird@idwr.state.id.us]
Sent: Wednesday, March 31, 2004 3:17 PM
To: 'Jo Beeman'
Subject: RE: Basic American Foods (Shelley): SRBA claims 27-4019 and 27-7411

Jo,
I have three claims filed in the SRBA by Pillsbury Company, 27-7411, 27-4019 and 27-2116. I'm assuming they are the water rights involved in the purchase. I still need something to confirm that. Yes I do need confirmation of the rates of diversion because 27-4019 is a statutory claim that must be verified and I can't verify it with the information I have.
Thanks,
Cindy

-----Original Message-----
From: Jo Beeman [mailto:jo.beeman@beemanlaw.com]
Sent: Wednesday, March 31, 2004 3:04 PM
To: 'Bird, Cindy'
Subject: RE: Basic American Foods (Shelley): SRBA claims 27-4019 and 27-7411

Cindy,
Thank you. I will check with Larry. Is there correspondence to BAF listing the water right elements for which you need factual confirmation? If not, could you let me know what you need? I am aware of the season of use issue. I have suggested that BAF provide information to assist with the determination of a diverted volume, but do you also need confirmation of the rates of diversion for the two wells at the plant?
Jo

****

Josephine P. Beeman
Beeman & Associates, P.C.
Phone: 208-331-0950
Fax: 208-331-0954
jo.beeman@beemanlaw.com

-----Original Message-----
From: Bird, Cindy [mailto:CindyBird@idwr.state.id.us]
Sent: Wednesday, March 31, 2004 12:12 PM
To: 'Jo Beeman'
Subject: RE: Basic American Foods (Shelley): SRBA claims 27-4019 and 27-7411

Jo,
You need to remind Larry that we also need the supporting documents required for an ownership change. He indicated that the warranty deed is about 30 pages long and would have to check with you on what documents could be released. Jo, you have worked with the Department long enough to know what documents we need for the ownership change. Could you send those as soon as possible?

I need the diversion information as soon as possible. I'll put a copy of this email in the file to note your response.
thanks Jo,
Cindy

-----Original Message-----
From: Jo Beeman [mailto:jo.beeman@beemanlaw.com]
Sent: Friday, March 26, 2004 9:47 PM
To: Cindy Bird (IDWR)
Subject: Basic American Foods (Shelley): SRBA claims 27-4019 and 27-7411

Cindy,

I have been working with Larry Sautter on the affidavit regarding year round use of the two wells at the plant (SRBA claim 27-4019) and the well at the spray fields (SRBA claim 27-7411) for Basic American Food's processing plant in Shelley.

Merlyn Browning should be able to sign the affidavit Monday or Tuesday when he returns to Shelley from Utah. It will be waiting for him in Larry's office and Larry will mail it directly to you in Soda Springs once it is signed and notarized.

Larry also wants you to know that Dan Hatch with Basic American Foods has signed the change in name forms and you will receive those shortly.

Finally, information about the plant's historical diverted volume is under review. Do you need that by March 31? Later?

I appreciate the assistance. You are welcome to call.
Jo

****

Josephine P. Beeman
Beeman & Associates, P.C.
Phone: 208-331-0950
Fax: 208-331-0954
jo.beeman@beemanlaw.com

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Notes

3/15/04 Spoke with Skip again on these wells. 27-2116, 27-4019 is used for processing potatoes year round

Skip asked Larry Sautter for the pumping reads on both 27-2116 & 27-4019 and Larry said he would need to talk to their attorney. CB. Remind Larry we still need the reads.

Notes

2/4/04 Please send an ownership change to Basic American Foods 357-1344
434 S. Emerson
Shelley, ID 83274
attn: Larry Sautter
on claims 27-2116, 27-7411 & 27-4019.
It looks like Skip gave them an ownership change on 1/16/04. Send them a reminder with a 2/27/04 deadline.

2-4-04 Email to Skip re well ID. BP

2-4-05 Letter to claimant re ownership change. BP

2/5/04 emailed Ernie to see if a layout is needed for the land application of the waste water. CB
Is POU required? Yes. per Allen Rubberry 2/5/04 CB

2/6/04 Larry called to say they are still working on the paperwork for the ownership change. He has a 4" binder that he is going thru and their accountants last day is Friday 2/6/04 CB.

2/12/04 The orginal license does not have a SOU for the commercial, so it could reasonably be 4/1 to 12/31.
The claimed POU is claimed under 1-38 Snake River Valley Irrigation Dist.

2/17/04 email from Ernie for land appling the water

Notes

CLAIM A27-02116

1/ Exam was done on 1-16-2004 with Larry Sautter, Environmental Superintendent for Basic American Foods.

2/ A change of ownership form was given to Mr. Sautter with instructions to send it to the Soda Springs office.

3/ No photos were allowed inside of the facilities as both wells were located inside of the processing plants no pictures were taken.

4/ This well is a Peerless 60 Hp Motor, SNUNJ703031 operating at 85psi. Existing DEQ GPS tag on. This tag # was E0007290.

5/ GPS data- 0651890 File # 007290
0254411 DEQ Tag # E0007290

GPS data taken outside building. Actual well location is 100' west of GPS location.

6/ Places of use clarification being worked on by Basic American Foods staff.

2-4-04 File returned to Soda. BP

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Basic American Food					357-1344
Name connector: and ___, or ___, and/or ___						
Current Owner		434 S. Emerson				
Current Owner			Shelley,	ID	83274	

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 1-16-04 Time: _____

Directions to Property (If different from above) and/or update owner information:

Reviewer: CB Date: 2/4/04

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: 27-2116

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis _____

✓ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

license

Reviewer: CB

Date: 2/4/04

Priority Date Data Entry Form

1. Should this water use have been included in a later court decree of the water rights from this source? Yes (____) No (X)
If **Yes**, go to **2**
If **No**, go to **4**

2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes (____) No (____)
If **Yes**, go to **3a**
If **No**, go to **4**

3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes (____) No (____)
If **Yes**, consult the attorney assigned to the Basin. Go to **3b**
If **No**, go to **4**

3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes (____) No (____)
If **Yes**, go to **11**
If **No**, go to **4**

4. Is the basis of claim a decree or license? Yes (X) No (____)
If **Yes**, go to **5**
If **No**, go to **7**

5. Does the decree or license have a Priority Date? Yes (X) No (____)
If **Yes**, go to **6**
If **No**, Consult the attorney assigned to the Basin, go to **15**

6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No (____)
If **Yes**, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to **15**
If **No**, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to **15**

7. Is the basis of claim a Permit or Application? Yes (____) No (____)
If **Yes**, go to **10e**
If **No**, go to **8**

8. Is the basis of claim a posted notice? Yes (____) No (____)
If **Yes**, consult the attorney assigned to the Basin, go to **15**
If **No**, go to **9**

9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes (____) No (____)
If **Yes**, go to **11**
If **No**, go to **12**

10e. Will the license be issued prior to filing the Director's Report? Yes (____) No (____)
If **Yes**, recommend the Priority Date shown on the license, go to **15**
If **No**, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to **15**

11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes (____) No (____)
If **Yes**, go to **12**
If **No**, disallow with condition P01.

12. Does the claim file contain sufficient evidence of Priority Date? Yes (____) No (____)
If **Yes**, recommend the date supported by the evidence submitted, go to **15**
If **No**, Request additional evidence of Priority Date, go to **13**

13. Has additional evidence of priority date been submitted? Yes (____) No (____)
If **Yes**, recommend the date supported by the evidence submitted, go to **15**
If **No**, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to **14**

14. Can any portion of the claim be recommended as a valid water right? Yes (____) No (____)
If **Yes**, go to **15**
If **No**, disallow with condition P01.

15. Is the basis of claim coded correctly? license Yes (X) No (____)
If **Yes**, go to **16**
If **No**, Enter the appropriate basis of claim.

16. Is a Priority Date remark and/or condition required? Yes (____) No (X)
If **Yes**, Enter the appropriate basis of claim. Priority Date review is complete.
If **No**, Priority Date review is complete.

Priority Date

Claim No. 27-2116

IDWR Field Exam Form 04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number: 27-2116

Water Right Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: ____

Source: ____ Tributary: ____

Claimed Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: ____

Source: ____ Tributary: ____

Recommended Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: ____

Source: ____ Tributary: ____

X Use Claimed POD and Source as Recommended POD and Source

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
GPS Coordinates:			06	5189	0	025 4411	
GPS Coordinates:							
GPS Coordinates:							
GPS Coordinates:							
GPS Coordinates:							
GPS Coordinates:							
GPS Coordinates:							

File 7290.

Other rights from this POD? None

Document how the POD and Source were verified and/or Pump and Motor data:

License
field exam

Transfers Changing POD No

Reviewer: CB Date: 2/4/04

Point of Diversion and Source Data Entry Form

1. Is the basis of claim a Decree or License? Yes (X) No (___)

If **Yes**, go to **4**
If **No**, go to **2**

2. Is the basis of claim a Permit or Application? Yes (___) No (___)

If **Yes**, go to **3**
If **No**, go to **6**

3. Has the License been issued? Yes (___) No (___)

If **Yes**, go to **5**
If **No**, recommend the POD as shown on the Permit. Go to **10**

4. Does the parent right have a POD? Yes (X) No (___)

If **Yes**, go to **5**
If **No**, go to **6**

5. Can the claimed POD be verified using the water right file? Yes (X) No (___)

If **Yes**, recommend the POD as shown in the water right file. Go to **10**
If **No**, go to **6**

6. Is there evidence that there has been a change in the POD? Yes (___) No (___)

If **Yes**, go to **7**
If **No**, go to **9**

7. Can the change be verified as an accomplished transfer? Yes (___) No (___)

If **Yes**, add condition C03, go to **9**
If **No**, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to **8**

8. Was a transfer filed? Yes (___) No (___)

If **Yes**, recommend the POD as shown on the approved transfer. Go to **10**
If **No**, go to **9**

9. Does the file contain all of the necessary information to verify the POD? Yes (___) No (___)

If **Yes**, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to **10**
If **No**, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to **10**

10. Is a POD remark and/or condition required? Yes (___) No (X)

If **Yes**, enter the appropriate remark and/or condition. POD review is complete
If **No**, POD review is complete.

Point of Diversion **Claim No.** 27-2116

1. Is the basis of claim a Decree or License? Yes (X) No (___)
   If **Yes**, go to **4**
   If **No**, go to **2**

2. Is the basis of claim a Permit or Application? Yes (___) No (___)
   If **Yes**, go to **3**
   If **No**, go to **6**

3. Has the License been issued? Yes (___) No (___)
   If **Yes**, go to **5**
   If **No**, recommend the Source as shown on the Permit. Go to **11**

4. Does the parent right have a Source? Yes (X) No (___)
   If **Yes**, go to **5**
   If **No**, go to **7**

5. Can the claimed Source be verified using the water right file? Yes (X) No (___)
   If **Yes**, recommend the Source as shown in the water right file. Go to **11**
   If **No**, go to **7**

6. Is the basis of claim a Posted Notice? Yes (___) No (___)
   If **Yes**, consult the attorney assigned to the basin. Go to **7**
   If **No**, go to **7**

7. Is there evidence that there has been a change in the Source? Yes (___) No (___)
   If **Yes**, go to **8**
   If **No**, go to **10**

8. Can the change be verified as an accomplished transfer? Yes (___) No (___)
   If **Yes**, add condition C02, go to **10**
   If **No**, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to **9**

9. Did the claimant file a transfer? Yes (___) No (___)
   If **Yes**, recommend the Source as shown in the transfer. Go to **11**
   If **No**, go to **10**

10. Does the file contain all of the necessary information to verify the Source? Yes (___) No (___)
    If **Yes**, recommend the Source as it existed on 11-19-1987. Go to **11**
    If **No**, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to **11**

11. Is a Source remark and/or condition required? Yes (___) No (X)
    If **Yes**, enter the appropriate remark and/or condition. Source review is complete.
    If **No**, Source review is complete.

Source

Claim No. 27-2116

IDWR Field Exam Form

04/03/2002

Purpose of Use Data Entry Form

Claim Number: 27-2116

X Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

license
field exam

Transfers Changing Purpose of Use _____

Reviewer: CB

Date: 2/4/04

Purpose of Use Data Entry Form

1. Is the basis of claim a Decree or License? Yes (X) No (___)
   If **Yes**, go to **4**
   If **No**, go to **2**

2. Is the basis of claim a Permit or Application? Yes (___) No (___)
   If **Yes**, go to **3**
   If **No**, go to **6**

3. Has the License been issued? Yes (___) No (___)
   If **Yes**, go to **5**
   If **No**, recommend the Purpose(s) of Use as shown on the Permit. Go to **13**

4. Does the parent right have a Purpose of Use? Yes (X) No (___)
   If **Yes**, go to **5**
   If **No**, go to **6**

5. Can the claimed Purpose of Use be verified using the water right file? Yes (X) No (___)
   If **Yes**, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to **13**
   If **No**, go to **6**

6. Is there evidence that there has been a change in the Purpose of Use? Yes (___) No (___)
   If **Yes**, go to **7**
   If **No**, go to **11**

7. Can the change be verified as an accomplished transfer? Yes (___) No (___)
   If **Yes**, add condition C04, go to **11**
   If **No**, go to **8**

8. Does the change include an enlargement of the Purpose of Use? Yes (___) No (___)
   If **Yes**, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to **9**
   If **No**, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to **12**

9. Was an enlargement claim filed? Yes (___) No (___)
   If **Yes**, go to **11**
   If **No**, Notify claimant that an enlargement claim is necessary. Go to **10**

10. Did the claimant file an enlargement claim? Yes (___) No (___)
    If **Yes**, go to **11**
    If **No**, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to **13**

11. Does the file contain all of the necessary information to verify the Water Use? Yes (___) No (___)
    If **Yes**, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to **13**
    If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to **13**

12. Did the claimant file a transfer? Yes (___) No (___)
    If **Yes**, recommend the Purpose(s) of Use shown on the approved transfer. Go to **13**
    If **No**, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to **13**

13. Is a Purpose of Use remark and/or condition required? Yes (___) No (X)
    If **Yes**, enter the appropriate remark and/or condition. Purpose of Use review is complete.
    If **No**, purpose of Use review is complete.

Purpose of Use **Claim No.** 27-2116

IDWR Field Exam Form 04/03/2002

Place Of Use Data Entry Form

Claim Number: 27-2116

X Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

field exam
1987 NAPP photography

Transfers Changing POU _____

Reviewer: CB

Date: 2/5/04

Place Of Use Data Entry Form

1. Is the basis of claim a Decree or License? Yes (X) No (___)
   If **Yes**, go to **2a**
   If **No**, go to **2b**

2a. Is a POU required? Yes (X) No (___)
   If **Yes**, go to **5**
   If **No**, go to **14**

2b. Is a POU required? Yes (___) No (___)
   If **Yes**, go to **3**
   If **No**, go to **14**

3. Is the basis of claim a Permit or Application? Yes (___) No (___)
   If **Yes**, go to **4**
   If **No**, go to **7**

4. Has the License been issued? Yes (___) No (___)
   If **Yes**, go to **6**
   If **No**, recommend the POU as shown on the Permit. Go to **14**

5. Does the parent right have a POU? Yes (X) No (___)
   If **Yes**, go to **6**
   If **No**, go to **7**

6. Can the claimed POU be verified using the water right file? Yes (___) No (X)
   If **Yes**, recommend the POU as shown in the water right file. Go to **14**
   If **No**, go to **7**

7. Is there evidence that there has been a change in the POU? Yes (X) No (___)
   If **Yes**, go to **8**
   If **No**, go to **13**

8. Can the change be verified as an accomplished transfer? Yes (X) No (___)
   If **Yes**, add condition C05, go to **13**
   If **No**, go to **9**

9. Does the change include an enlargement of the POU? Yes (___) No (___)
   If **Yes**, describe the evidence that supports that there has been an enlargement in the POU. Go to **10**
   If **No**, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to **12**

10. Was an enlargement claim filed? Yes (___) No (___)
   If **Yes**, go to **13**
   If **No**, notify claimant that an enlargement claim is necessary. Go to **11**

11. Did the claimant file an enlargement claim? Yes (___) No (___)
   If **Yes**, go to **13**
   If **No**, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to **13**

12. Was a transfer filed? Yes (___) No (___)
   If **Yes**, recommend the POU as shown on the approved transfer. Go to **14**
   If **No**, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to **13**

13. Does the file contain all of the necessary information to verify the POU? Yes (X) No (___)
   If **Yes**, go to **14**
   If **No**, collect the necessary information. Conduct field exam if necessary. Go to **14**

14. Is a POU remark and/or condition required? Yes (___) No (___)
   If **Yes**, enter the appropriate remark and/ or condition. POU review is complete.
   If **No**, POU review is complete.

Place of Use **Claim No.** 27-2116

IDWR Field Exam Form

04/03/2002

Period of Use and Quantity Data Entry Form

Claim Number: 27-2116

X Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water 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

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

license

no SOU defined in the licenses.

Reviewer: CB.

Date: 2/5/04

Period of Use and Quantity Data Entry Form

1. Is the basis of claim a Decree or License? Yes (X) No (___)
   If **Yes**, go to **4**
   If **No**, go to **2**

2. Is the basis of claim a Permit or Application? Yes (___) No (___)
   If **Yes**, go to **3**
   If **No**, go to **6**

3. Has the License been issued? Yes (___) No (___)
   If **Yes**, go to **5**
   If **No**, recommend the Period of Use as shown on the Permit. Go to **18**

4. Does the parent right have a Period of Use? Yes (___) No (X)
   If **Yes**, go to **5**
   If **No**, go to **6**

5. Can the claimed Period of Use be verified using the water right file? Yes (___) No (___)
   If **Yes**, go to **14**
   If **No**, go to **6**

6. Is there evidence that there has been a change in the Period of Use? Yes (___) No (X)
   If **Yes**, go to **7**
   If **No**, go to **12**

7. Does the change include an enlargement in the Period of Use? Yes (___) No (___)
   If **Yes**, go to **9**
   If **No**, go to **8**

8. Can the change be recommended as an accomplished transfer? Yes (___) No (___)
   If **Yes**, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to **12**
   If **No**, notify claimant that a transfer is necessary. Go to **11**

9. Was an enlargement claim filed? Yes (___) No (___)
   If **Yes**, go to **12**
   If **No**, notify claimant that an enlargement claim is necessary. Go to **10**

10. Did the claimant file an enlargement claim? Yes (___) No (___)
    If **Yes**, go to **12**
    If **No**, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to **12**

11. Was a transfer filed? Yes (___) No (___)
    If **Yes**, go to **14**
    If **No**, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to **12**

12. Does the file contain all of the necessary information to verify the Period of Use? Yes (X) No (___)
    If **Yes**, go to **13**
    If **No**, collect the necessary information. Conduct field exam if necessary. Go to **13**

13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined? Yes (___) No (X)
    If **Yes**, go to **14**
    If **No**, go to **15**

14. Is irrigation claimed as a purpose of use? Yes (___) No (___)
    If **Yes**, go to **16**
    If **No**, recommend the Period of Use of the parent right. Go to **18**

15. Is irrigation claimed as a purpose of use? Yes (___) No (X)
    If **Yes**, recommend the "standard" Period of Use for the location of the POU. Go to **18**
    If **No**, the Period of Use is usually recommended as claimed. Go to **18**

16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? Yes (___) No (___)
    If **Yes**, go to **17**
    If **No**, recommend the Period of Use of the parent right. Go to **18**

17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use? Yes (___) No (___)
    If **Yes**, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to **18**
    If **No**, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to **18**

18. Is a Period of Use remark and/or condition required? Yes (___) No (X)
    If **Yes**, enter the appropriate remark and/or condition. Period of Use review is complete.
    If **No**, Period of Use review is complete.

Period of Use **Claim No.** 27 - 2116

1. Is the basis of claim a Decree or License? Yes (X) No (___)
   If **Yes**, go to **4**
   If **No**, go to **2**

2. Is the basis of claim a Permit or Application? Yes (___) No (___)
   If **Yes**, go to **3**
   If **No**, go to **6**

3. Has the License been issued? Yes (___) No (___)
   If **Yes**, go to **5**
   If No, recommend the Quantity shown on the Permit. Go to **11**

4. Does the parent right have a diversion rate and/or volume? Yes (X) No (___)
   If **Yes**, go to **5**
   If **No**, go to **7**

5. Can the claimed diversion rate and/or volume be verified using the water right file? Yes (X) No (___)
   If **Yes**, go to **8**
   If **No**, go to **7**

6. Is the basis of claim a posted notice? Yes (___) No (___)
   If **Yes**, consult the attorney assigned to the Basin. Go to **7**
   If **No**, go to **7**

7. Is a flow measurement required? Yes (___) No (___)
   If **Yes**, attach all related measurement documents. Describe the flow measurement that was made. Go to **9**
   If No, describe why a flow measurement is not required. Go to **9**

8. Does the parent right have an annual diversion volume limit? Yes (___) No (X)
   If **Yes**, go to **10**
   If **No**, go to **9**

9. Is the source Ground Water and does the purpose of use require a diversion volume limit? Yes (___) No (X)
   If **Yes**, go to **10**
   If **No**, go to **11**

10. Is irrigation a purpose of use? Yes (___) No (___)
    If **Yes**, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to **12**
    If **No**, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to **12**

11. Has a diversion volume limit for this water use been established by a decree, license or transfer? Yes (___) No (X)
    If **Yes**, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to **12**
    If **No**, go to **12**

12. Is a Quantity remark and/or condition required? Yes (___) No (X)
    If **Yes**, enter the appropriate remark and/or condition. Quantity review is complete.
    If **No**, quantity review is complete.

Quantity **Claim No.** 27 - 2116

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice? Yes (X) No (___)

If **Yes**, go to **2**
If **No**, go to **3**

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? Yes (___) No (X)

If **Yes**, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to **4**
If **No**, status will be set as Active. Go to **5**

3. Is the water being used for all of the purposes claimed and to the extent claimed? Yes (___) No (___)

If **Yes**, status will be set as Active. Go to **5**
If **No**, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to **4**

4. Is any portion of the claim being recommended? Yes (___) No (___)

If **Yes**, status will be set as Active. Go to **5**
If **No**, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to **5**

5. Does this right have any combined used limits with other rights? Yes (___) No (X)

If **Yes**, go to **6**
If **No**, go to **6**

6. Is an additional remark and/or condition required? Yes (X) No (___)

If **Yes**, enter the appropriate remark and/or condition. Go to **7**
If **No**, go to **7**

7. Would you like to view the recommended right? Yes (X) No (___)

If **Yes**, go to **8**
If **No**, the review is incomplete. The recommendation must be viewed to complete the review.

8. Is this a "split" or "combined" right? Yes (___) No (X)

If **Yes**, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to **9**
If **No**, go to **9**

9. Do you have documents you would like to attach or link to the file? Yes (___) No (X)

If **Yes**, go to PowerDOCS and profile the documents. Go to **10**
If **No**, go to **10**

10. Would you like to set the verification date? Yes (X) No (___)

If **Yes**, the review is complete.
If **No**, the review is incomplete. The recommendation must be verified to complete the review.

Summary

Claim No. 27 - 2116

Claim No.: _____

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18
C05
WD8 Pou - Rem The place of commercial use includes land upon which wastewater may be applied for land application purposes to satisfy water quality requirements. Water diverted shall not be used for land application unless the water is first used in potato processing as authorized by this water right.

Split or Combined Right Analysis:

no

Attached Field Notes or Other Documents:

no yes.

Claim No.: 27-2116 Reviewer CB Date 2/5/04

Bird, Cindy

From: Carlsen, Ernie
Sent: Friday, February 13, 2004 12:51 PM
To: Bird, Cindy
Cc: McHugh, Candice; Shaff, Don
Subject: RE: Basic American Foods (Pillsbury Co.)

Cindy
I spoke with Skip and Don S. about the three rights claimed by Basic American Foods. Skip indicated the land application was a pre-1987 practice so the recommendations can include C05 and show the QQs where land application occurs. He indicated the map illustrates the QQs to be identified as the place of use.

From the conversation between Don and I, we came up with two conditions listed below. The first condition is for 27-7411 and is actually on license but does not show up in the data base.

Water used under this right is for cleaning the distribution system used to discharge plant wastewater. Plant wastewater is co-mingled with fresh water and is used for land application.

Use the following remark for 27-4019 and 27-2116. This remark is a modified WD8. Don said to leave it as a place of use remark.
The place of commercial use includes land upon which wastewater may be applied for land application purposes to satisfy water quality requirements. Water diverted shall not be used for land application unless the water is first used in potato processing as authorized by this water right.

Since the rights do not provide for using ground water to irrigate I suggest not including any reference to irrigation use.
I hope this helps. Let me know if you still have questions.
Ernie

-----Original Message-----
From: Bird, Cindy
Sent: Friday, February 13, 2004 10:10 AM
To: McHugh, Candice
Cc: Carlsen, Ernie
Subject: Basic American Foods (Pillsbury Co.)

good morning Candice,

I have 3 claims for Pillsbury Co. now owned by Basic American Foods that uses the water to process potatoes then uses the wastewater with there canal water to land apply the water. I don't find an appropriate remark or condition to fit this application. Would you please create an appropriate condition with the correct wording to work in this application?

Claim numbers 27-4019, 27-7411 and 27-2116.
Thanks you,
Cindy

To: powder1@ida.net

Cc: cbird@idwr.state.id.us

Subject: Pillsbury

Hi Skip,
We received today via certified snail mail the Pillsbury files. When Cindy was reviewing them, it is not clear the location of Wells 2 and 3.
Well #2 is identified as a 16" well drilled October 1956 for French Company. It is apparently 150 feet deep.
Well #3 is identified as a 20" well drilled April 1958 for French Company. It is apparently 243 feet deep.
All 3 of their claims describe the diverting works as a "well, 150' deep, pump, pipelines".
So pick a claim, any of the following, 27-2116, 27-4019, or 27-7411. Then pick a well, any well, just so it is #2 or #3, to come up with a match. Is one well service 2 claims?
So many questions, no answers at this end. Your turn.
Barbara :-}

PS Please write to Cindy, I might not get your quick response. :-}

A27-02116

GPS Location.
Well is 100' west, inside buildings Complex

HOWARD F. ANDREW
Phone 523-2544

ANDREW WELL DRILLING

VERL J. ANDREW
Phone 522-2823

Contractors

Phone 522-2794

Pump and Well Drilling Equipment Installed

1268 E. 17th St. — Idaho Falls, Idaho 83401

PURE DRINKING WATER IS THE ESSENCE OF LIFE, LET US DRILL YOUR WELL, AND YOU WILL BE SATISFIED.

Well # 3 7290

Well log for 20" Well drilled April 1958 for French Company

FROM	TO	FORMATION
0	3	clay
3	5	gravel
5	15	sand & gravel
15	20	cemented gravel
20	50	hard cemented gravel
50	58	boulders & hard gravel
58	70	large boulders
70	80	broken lave
80	85	firm gray lava
85	90	sand & gravel
90	100	cemented gravel
100	105	gravel & water
105	110	broken lava
110	115	cinders & black cinder sand
115	117	cinders & good water
117	120	cinders
120	123	firm lava
123	131	firm lava
131	145	broken lava & water & sand
145	152	firm black lava
152	162	broken lava
162	173	firm lava
173	177	hard rock
177	185	cinders & some black cinder sand
185	195	broken lava
195	221	firm lava
221	230	broken lava & cinders water & some sandy silt
230	243	clay gummie
243		pea gravel & sand at 243'

Water Level 92'
81' 20" Well casing
15' 18" Well casing
165' 16" Well Casing

1000 GPM

State of Idaho
DEPARTMENT OF WATER RESOURCES
15 West Center Street, Soda Springs, ID 83276
Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

4 February 2004

COPY

Larry Sautter
Basic American Foods
434 South Emerson
Shelley, ID 83274

Re: Snake River Basin Adjudication (SRBA)
Claim 27-2116, 27-4019, 27-7411

Subject: OWNERSHIP CHANGE REMINDER

Response Date: 27 February 2004

Dear Claimant(s):

On January 16 Howard Jones visited with you concerning your company's water claims. He left with you an Ownership Change form. Todate we have not received the signed form. We are unable to complete the recommendation to the Court without a signed Ownership Change in our files.

Please feel free to call me at 547-3993 if you have any questions.

Respectfully,

Cindy E. Bird/bp

Cindy E. Bird
Adjudication Bureau

CEB/bjp
Enclosures:

orm 42-248/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A27-02116	N			
	A27-04019	N			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE.** See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): The Pillsbury Company
434 S. Emerson Shelley, ID 83274

4. New Owner/Claimant(s): Basic American Foods
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: 434 So. Emerson

City, State and ZIP Code: Shelley, Id 83274

New Telephone Number: (208) 357-3402

5. Date you acquired the property: Jan. 1, 1999

RECEIVED
APR - 5 2004
By DB

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/19/2005

WATER RIGHT NO. 27-11243

Owner Type	Name and Address
Current Owner	THE PILLSBURY CO INC 434 S EMERSON ST SHELLEY, ID 83274 (208)357-3402

Priority Date: 12/31/1946
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNW	Sec. 11	Township 01S	Range 37E	BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: DOMESTIC BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres

01S	37E	11		NW¼NW												

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.		RP 0504800

Dates:
Licensed Date:
Decreed Date: 04/23/1999
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

SCANNED
JUL 16 2001

4/11/1989 SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME PILLSBURY CLAIMANT NO. A27-02116

DATE RECEIVED 9/26/89 CK # AMOUNT $

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	X		*
2. Is a priority date entered?	X		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	X		*
3. (a) Is a source entered?	X		*
X (b) Is a tributary to entered? (if required) N/A X			
4. Is the legal description of the p.d. sufficient?	X		*
5. Is there a description of the diverting works?	X		
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.	X		*
Is the period of use included?	X		
Is a quantity claimed for each use?	X		*
7. Is a total quantity claimed entered?	X		
X 8. If required is a consumptive use entered? N/A	?		
X Is the consumptive use correct? N/A	?		
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. N/A	X		*
10. Is (are) the place(s) of use and purpose(s) indicated?	X		*
11. Is (are) the county(ies) entered?	X		
12. Is the ownership of p.u. checked?	X		
X 13. Are other water rights listed or "none" indicated?	X		
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.) N/A	X		
15. Is the basis of the claim indicated?	X		
X 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X			
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	X		*
18. Has the claim been signed, sealed, and dated by a notary?	X		*
19. Was this claim filed on time, or was an extension granted?	X		*
20. Is the fee enclosed correct? Exempt	X		*
X 21. If this claim is based on an existing water right, has the identification number been entered? N/A	X		
22. Should this claim be data entered?	X		

Claim checked by: TO Date: 9/27/89

Claim must be returned to claimant: (Yes) X (No)

Claimant must be notified of modifications: (Yes) X (No)

Receipt Prepared by: Date:

Claim data entered by: Date: Checked by: Date:

Sent to claimant by: Date:

Comments:

E010809

NOV 12 1992

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P. O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARRY L. GOINS
LARY S. LARSON
STEPHEN R. MAY
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN

SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

September 26, 1989

Mr. Ernest Carlsen
Adjudication Supervisor
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Re: The Pillsbury Company, Inc.

Dear Mr. Carlsen:

You will find that we are returning to the Department four Notices of Claim to a Water Right which have now been modified based on your letter to us dated September 6, 1989.

The principal change relates to a characterization of the proposed use of the waters claimed. As you will see, our client has determined to claim an incidental use only for irrigation while the principal use relates to the commercial operations of The Pillsbury Company other than the one claimed for domestic use.

Also, based on your letter to us the filing fees have been recalculated with $25.00 representing the fee for the domestic notice, $50.00 each for the three commercial claims, plus $705.00 for the commercial claims at $100.00 per cfs. The total is therefore $880.00.

Should you have any questions concerning the conditions of this letter or the enclosed claims please let us hear from you. If not, we shall simply look forward to return of the client's copies of the enclosed documents indicating the same have been filed.

Thank you for your cooperation in this matter.

Very truly yours,

C. Timothy Hopkins

CTH/lc
Encl.
cc: Mr. Frank Latta

MICROFILMED
NOV 12 1992

State of Ida
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: September 6, 1989

Hopkins, French, Crockett, Springer & Hoopes
Attn: C. Timothy Hopkins
P.O. Box 51219
Idaho Falls, ID 83405-1219

RE: Pillsbury Co. Water Right Claims

Dear Mr. Hopkins:

The Idaho Department of Water Resources (IDWR) is returning your check #10340 ($686.00) and The Pillsbury Company's Notices 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 notices.

Please correct the items identified below and return the forms to the IDWR within 30 days of the date of this letter. Failure to return the corrected notices within the 30-day period may result in an assessment of an additional late-fee.

Domestic Notice of Claim

- Item #2: The day and month water was first used for the house must be entered. If you do not know the precise date, you must estimate the day and month, or apply the last day of the year, i.e. December 31, 1946.

- Items #6 and #7: The amount claimed for the household must be entered. The amount guideline for one house with up to 1/2-acre of lawn and garden irrigation is 0.04 cfs.

Commercial/Irrigation Notices of Claim

- Item #10: The place of use for commercial purposes should be denoted by using a "C" in the appropriate 1/4 of 1/4 section-boxes. If you are also claiming irrigation purposes separately, you must enter the number of irrigated acres within each of the claimed 1/4 of 1/4 section-boxes (40-acre tracts).

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NOV 12 1992

Note: On the notices for Water Right Licenses 27-7411 and G-27323/27-2116, it appears the water used in the processing plant is also being claimed for irrigation use. However, the licenses do not reflect the use of water for irrigation. If the practice is to discharge plant effluent through a sprinkler system, application of the water to the land would be considered an incidental use to the commercial use. This incidental use could be described in "Remarks" (Item #14), instead of being claimed as a separate purpose in Item #6, with the 1/4 of 1/4 section-boxes where the water is applied marked with a "C" in Item #10.

If you claim the irrigation as a separate purpose, rather than an incidental use, the irrigation on each claim must coincide with acres irrigated during the claimed priority date. For example, only 20 acres of irrigation are listed for the priority date of 7/1/1957 on Claim to a Water Right 27-4019. Please refer to the enclosed copies of the Water Right Claim and Licenses.

Insufficient Fee

The filing fee for each Notice of Claim for commercial and/or irrigation purposes is $50.00, plus $100.00 per cfs claimed for commercial purposes, plus $1.00 per each irrigated acre listed in Item #10 (The acreage fee only must be paid once, i.e. $511.00). There is no fee for the irrigated acreage if it is listed as an incidental use. The filing fee for the Domestic Notice of Claim is $25.00. The total filing fee for all four claims, as previously submitted, is $1,191.00.

If you have any questions, please call Tony Olenichak, Water Rights Agent, at (208)-525-7161.

Sincerely,

Tony Olenichak
for Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

Enclosure

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NOV 12 1992

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
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SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

August 31, 1989

State of Idaho
Department of Water REsources
150 Shoup Avenue
Idaho Falls, ID 83401

Re: The Pillsbury Company, Inc.--Claims to Water Rights--(Bingham County)

Gentlemen:

You will find that I have enclosed the action of the Director of the Department of Water Resources extending The Pillsbury's time to file its notices of claims to water rights until August 31, 1989. You will find that we have enclosed four notices prepared for our client. You will also find that we have enclosed our check in the amount of $686.00 made payable to the Department as and for the applicable fees.

Thank you for your assistance in filing these claims. Should you have any questions concerning the same we ask that we be contacted directly as counsel for The Pillsbury Company, Inc.

Very truly yours,

C. Timothy Hopkins

CTH/lc
Encl.
cc: Mr. Frank Latta

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NOV 12 1992

Form 42-1409(10)-1
5/88

Date Received _____

RECEIVED
MAY 25 1989
Department of Water Resources

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

THE PILLSBURY COMPANY
Name of Claimant

434 South Emerson
Post Office Address

Shelley, Idaho 83274
City, State, Zip Code

Bingham
County(s) where Place of Use is located

May 25, 1989
Date Claim Originally Due

See attachment.
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

See attachment.

Claimant requests an extension to August 31, 1989.

_____
Signature Attorney

_____
Title

==========

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted _____ denied,
and the filing deadline extended to 8/31, 1989.

Signed this 29 day of May, 1989.

_____
Director or his designated agent

DAVID B. SHAW

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NOV 12 1992

State of Idaho
License and Certificate of Water Right

Water License No. G-27323 Amount 2.66 c.f.s.

Water District No. Priority April 15, 1958

THIS IS TO CERTIFY that THE R. T. FRENCH COMPANY

of Shelley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 15, 19 58; that Permit No. G-27323 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.66 second feet, was issued thereunder on September 29, 1964, showing that said works were completed on the 19th day of April, 1963; and that on the 19th day of April, 19 63,

THE R. T. FRENCH COMPANY

of Shelley, 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, a tributary of subterranean flow, for the purpose of potato washing and processing, under Use Permit No. G-27323 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 13 of Licenses at page 8007, on the29 day of September, 19 64;

The right hereby confirmed dates from April 15, 19 58;

The Point of Diversion is located

in the NW¼ SE ¼, Sec. 32, Tp. 1 N, R. 37 E., B. MBingham 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 2.66 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N.	37 E	32	NW¼ SE¼ - potato washing and processing		

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 29th day of September, 19 64.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

27 2116

MAR 3114

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

The R. T. French Company
Applicant.

By /s/ Don Casler *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. April 15, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27323

Recorded in Book 96 Page 27323 Approved April 18, 1958

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 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 October 18, 1960

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before April 18, 196;

Witness my hand this 18th day of April, 1958

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and JAS. H. YOUNG, 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 18th day of April, 19 58

Countersigned:

(SEAL)

By /s/ JAS. H. YOUNG
Secretary of State.

STATE OF IDAHO

By /s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼ NE¼ NW¼ SW¼ SE¼	NW¼ NE¼ NW¼ SW¼ SE¼	SW¼ NE¼ NW¼ SW¼ SE¼	SE¼ NE¼ NW¼ SW¼ SE¼	Totals

Permit No. G-27323
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that THE R. T. FRENCH COMPANY of Shelley, County of Bingham, and State of Idaho, the holder of Permit No. G-27323, issued upon Application No. G-35252, bearing date of priority of April 15, 1958, authorizing the diversion of 3.33 second feet of waters of a well, County of Bingham, State of Idaho, for potato washing and processing 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 2.66 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NW¼SE¼, Sec. 32, T. 1 N., R. 37 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

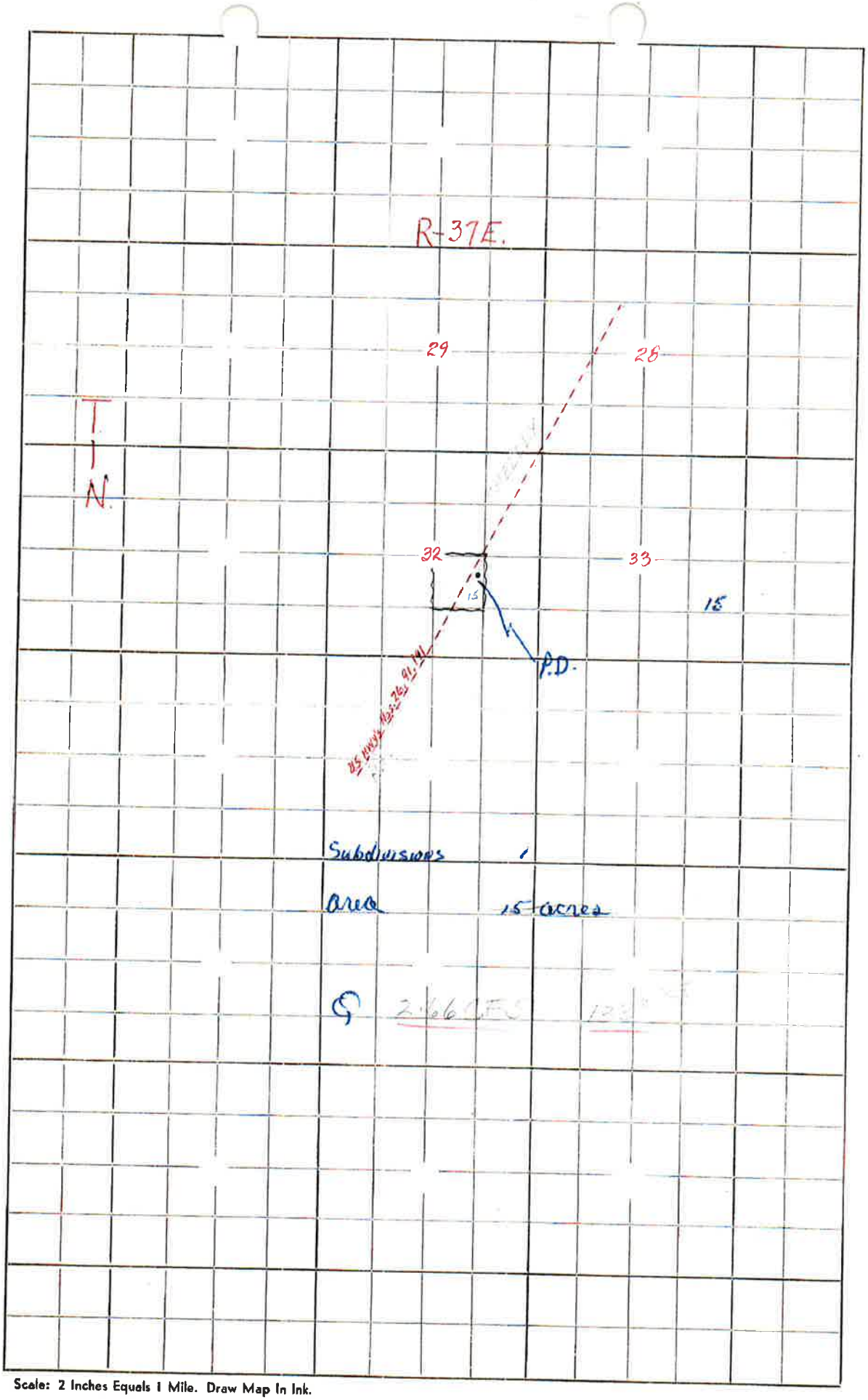
potato washing and processing in NW¼SE¼, Sec. 32, T. 1 N., R. 37 E., B. M.

Witness my hand this 29th day of September, A. D. 1964.

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer

Proof of Completion of Works Made: April 19, 1963

LICENSE ISSUED FOR 2.66 SEC. FT.
LICENSE PAGE NO. 8007



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

2732.3

FORM 5 20—PEERLESS PUMP DIVISION—PU... ESTIMATE SHEET

THIS SPACE FOR ENG. DEPT. USE

May 12, 1958

SHIP TO	Andrew Well Drilling Contractors 1360 E. 17th Street Idaho Falls, Idaho
PPD / COLL	
VIA	
MARKS	
SOLD TO	R. T. French Company Shelley, Idaho

TERMS	
INVOICE NO.	
PROD. CODE	
DLR. CODE	
TERRITORY	
DATE ENTERED	
DATE SCHEDULED	
CUSTOMER ORDER	
INV. REQD.	
P/L REQD.	
ENTERED AT ORDER DESK (DATE)	

ENGINEERING DATA

IMPELLER	T—
MATERIAL	
CURVE NO.	2
SHEET NO.	
TRIM	Yes
DIAMETER	2812278
G.P.M.	1200
R.P.M.	1760

	HEAD	EFF.	B.H.P.
LAB.			100
LOSSES	8		
FIELD	270' ≅ 118 psi		
WRITTEN BY		VAR. DIA. 94 psi	

PUMP NO.	PEERLESS	MOTOR OR GEARTURBO SERIAL NO.	Quantity	FIGURING	COLUMNS	LIST PRICE	DISCOUNT	NET PRICE
HEAD	12	D PUMP	1			$540.00		
MOTOR	100 HP	1800 RPM 440 V 3 PH 60 CYC incement	1					$2809.00
GEAR DR.		RATIO						
DISCHARGE	IN.	STD. OD FT.						
COLUMN	IN.	STD. OD WITH water lube IN. TUBE AND 1½ IN. SHAFT FT.	140			2254.00		
BOWLS	12 MA	6 STAGES WITH ENAM IMPELLER				1200.00		
SUCTION	IN.	STD. OD FT.						
STRAINER	1 IN.	STD. OD CONE TYPE				44.00		
AIRLINE	1/4 IN.	GALVANIZED COPPER FT.						
ALTITUDE GAUGE & FITTINGS		SET				$4038.00	235%	$3089.00
PRELUBRICATION TANK & FITTINGS		SET						
								$5898.00
UNIVERSAL JOINT - SIZE		Add for non reverse ratchet on motor						123.00
GEAR DR. FLANGE BORE		IN. KEYWAY X						
ENGINE FLANGE BORE		IN. KEYWAY X						
1- set electric control 440 volt to include ~~200 amp H.D. safety~~ ~~[illegible]~~, 3 P. W. starter, E. O. A. station, Phase reversal relay. and time delay relay.						Less Safety Switch 161.		~~[illegible]~~ 679.00
SPECIAL INSTRUCTIONS								
Pump setting 150'								$ 225.00
					Total			$ ~~7046.00~~ 6495.00

INFORMATION FOR ENGINEERING DEPT.

COMMISSIONS % ON $ TO

% ON $ TO

COMM. NET

Howard Andrew 27323

State of Idaho
License and Certificate of Water Right

Water License No. G-27323 27-2116 Amount 2.66 c.f.s.

Water District No. Priority April 15, 1958

THIS IS TO CERTIFY that THE R. T. FRENCH COMPANY

of Shelley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 15, 1958; that Permit No. G-27323 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.66 second feet, was issued thereunder on September 29, 1964, showing that said works were completed on the 19th day of April, 1963; and that on the 19th day of April, 1963,

THE R. T. FRENCH COMPANY

of Shelley, 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, a tributary of subterranean flow, for the purpose of potato washing and processing, under Use Permit No. G-27323 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 13 of Licenses at page 800, on the 29 day of September, 19 64;

The right hereby confirmed dates from April 15, 19 58;

The Point of Diversion is located

in the NW¼ SE ¼, Sec. 32, Tp. 1 N, R. 37 E., B. M. Bingham 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 2.66 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N.	37 E	32	NW¼ SE¼	potato washing and processing	

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 29th day of September, 19 64.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

27-2116

BR 3275

SCANNED

JUL 16 2001

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: A27-02116
Date Received: 9/26/1989
Receipt No: E010809
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE PILLSBURY COMPANY, INC. 208-357-3402
   Address: 434 S. EMERSON
   SHELLEY, ID 83274

2. Date of Priority: APR 15, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01N	37E	32	NW SE		BINGHAM

5. Description of diverting works:
   WELL, APPROX. 150' DEEP, 100 HP U.S. MOTOR AND PEERLESS PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	2.660		

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

8. Total consumptive use is 1277.5 Acre Feet Per Annum.

9. Non-irrigation uses:
   COMMERCIAL USE FOR PROCESSING OF POTATOES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	37E	32	SE NE		COMMER	
			NE SE		COMMER	
			NW SE		COMMER	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
01S	37E	2	NE	NW		COMMER	
			SE	NW		COMMER	
			NE	SW		COMMER	
			SW	SW		COMMER	
			SE	SW		COMMER	
		3	NE	NW		COMMER	
			NW	NW		COMMER	
			SW	NW		COMMER	
			SE	NW		COMMER	
			NE	SW		COMMER	
			NW	SW		COMMER	
		11	NE	NW		COMMER	
			NW	NW		COMMER	
			SW	NW		COMMER	
			SE	NW		COMMER	
			NE	SW		COMMER	
			NW	SW		COMMER	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-04019/07411.

14. Remarks:
WATER USED IN WASHING, TRANSPORTING AND PROCESSING POTATOES. DURING SUMMER MONTHS THIS WATER IS COMINGLED WITH IRRIGATION WATER FROM OTHER SOURCES TO IRRIGATE CROPS.

15. Basis of Claim: LICENSE

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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)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 12 1992

Form No. 42-1409 (2) a 1/88

NO LATE FILE RECEIVED
BY 10/10/89

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 A 27-02116
Date Received 9-26-89
Receipt Number 6010809
SV

A2702116

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) The Pillsbury Company, Inc. Phone (208) 357-3402

   Mailing Address 434 South Emerson, Shelley, ID Zip 83274

2. Date of Priority (Only one (1) per claim) April 15, 1958

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

4. a. Location of existing point of diversion is: Township 1 N Range 37 E. Section 32,
   NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, E. B.M., County of Bingham

   Additional points of diversion if any: _____

   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. A 100 H.P. U.S. motor and Peerless pump move water from a well approximately 150 feet deep through a check valve and check gate to pipelines which transport the water to the processing plant and to cooling condensors for refrigeration.

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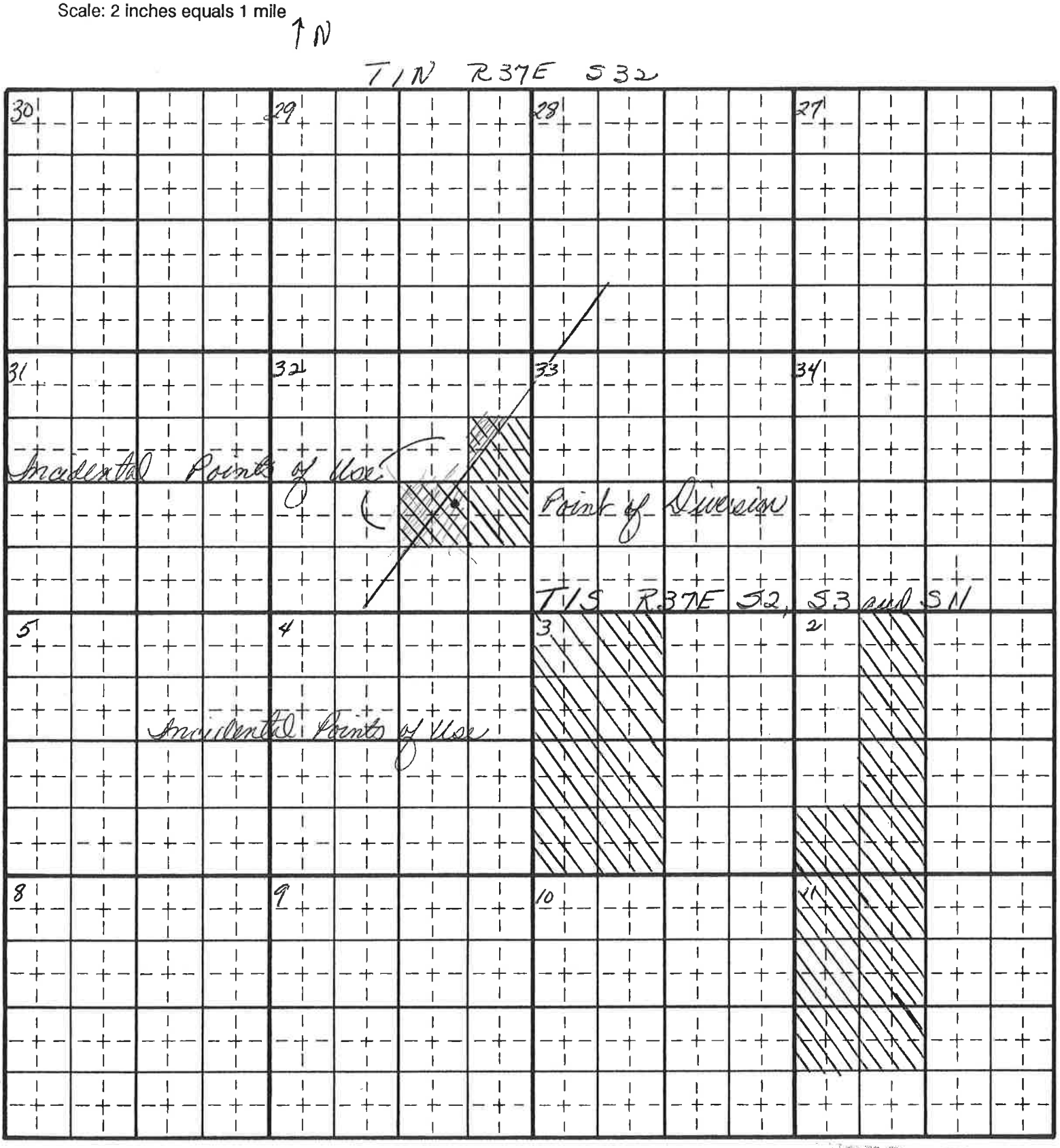
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name _____ Ident No. _____ *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 2.66	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		

7. Total quantity claimed (a) 2.66 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1277.5 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 use--washing, transportation and processing potatoes in The Pillsbury Company, Inc., located at Shelley, Idaho.

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	
1N	37E	32				C									C	C			
1S	37E	2					C			C	C		C	C					
1S	37E	11					C	C	C	C	C	C							
1S	37E	3					C	C	C	C	C	C							

Total number of acres irrigated _____

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

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.
A portion of License No. 27-7411 and Claim No. 27-4019 water is used in the same locations for the same purposes. or None ( )

14. Remarks:
The License - G-27323-establishing this right was originally issued in the name of The R.T. French Company, Inc., which sold the potato processing right, to The Pillsbury Company, Inc., on or about July 29, 1985. This water is used initially for the commercial purpose indicated. It is subsequently, and incidentally, used to transport effluent from the plant to farm locations owned by The Pillsbury Company, Inc., where it is commingled with irrigation water from other sources and applied to crops.

NOV 1 2 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License x Permit _____
Decree _____
If applicable provide IDWR Water Right Number G-27323
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 x 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 Engineering Manager (Title) of The Pillsbury Company, Inc. (Organization), that I have signed the foregoing document in the space below as Engineering Manager (Title) of The Pillsbury Company, Inc. (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Francis A. Latta, Engineering Manager

Title and Organization The Pillsbury Company, Inc. Date 8/30/89

State of Idaho/or _____)
) SS.
County of Bonneville)

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

SEAL

Notary Public C. Timothy Hopkins

Residing at Idaho Falls, Idaho

My Commission Expires 4/1/91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, C. Timothy Hopkins 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 C. Timothy Hopkins

Hopkins, French, Crockett, Springer & Hoopes
Address P. O. Box 51219, Idaho Falls, ID 83405-1219

Date August 31, 1989

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant