

12/19/2003

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

RIGHT NUMBER: 25-4313  
NAME AND ADDRESS: OREGON SHORT LINE RAILROAD CO  
C/O UNION PACIFIC RAILROAD  
1416 DODGE ST  
OMAHA NE 68179  
  
UNION PACIFIC RAILROAD CO  
REAL ESTATE DEPT  
1800 FARNAM ST  
OMAHA NE 68102  
  
BALL BROTHERS PRODUCE  
C/O RONALD J BALL SR  
PO BOX 69  
LEWISVILLE ID 83431

SOURCE: GROUND WATER TRIBUTARY:  
QUANTITY: 0.110 CFS  
2.300 AFY

USE OF THIS RIGHT WITH RIGHT NO. 25-7412 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.45 CFS AND TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 2.3 AF.

PRIORITY DATE: 11/15/1942

POINT OF DIVERSION:

T04N R38E S5 SWSESE Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| COMMERCIAL            | 01/01 12/31          | 0.110 CFS<br>2.30 AFY |

PLACE OF USE: COMMERCIAL Within JEFFERSON County

T04N R38E S05 SWSE T04N R38E S05 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Statutory Claim

Commercial use is for potato processing.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 25-7412 IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE.

Water Right 25-4313

SCANNED  
OCT 01 2004  
1  
FILED

12/19/2003

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 25-4313

OREGON SHORT LINE RAILROAD CO  
C/O UNION PACIFIC RAILROAD  
1416 DODGE ST  
OMAHA NE 68179  
Telephone Number: (402)271-3728

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

BALL BROTHERS PRODUCE  
C/O RONALD J BALL SR  
PO BOX 69  
LEWISVILLE ID 83431  
Telephone Number: (208)754-4651

RECEIVED

SEP 22 2004

Department of Water Resources  
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 22 Sept 04 SIGNATURE: Carl M Ball  
Please print your name: Carl M. Ball

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

**PROFILED**

**SCANNED**

**SEP 24 2004**

**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 (under the "split" heading), 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split                    | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split                    |
|-----------------------|------------------------------|--------------------------|-----------------------|------------------------------|--------------------------|
|                       | <u>25-4313</u>               | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       | <u>25-7412</u>               | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                              | <input type="checkbox"/> |

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) is 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)

Ball Brothers Produce, Oregon Short Line Railroad Co.  
Union Pacific Railroad Co.

4. New Owner/Claimant(s)

Ball Brothers Produce, L.C.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 69

City, State and ZIP Code

Lewisville Idaho 83431

New Telephone Number

(208) 754-4651

5. Date you acquired the property

2001

done  
by  
EC  
9/22/04

SCANNED

OCT 01 2004

PROFILED

876-52

QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, successor in interest by merger to Union Pacific Railroad Company, a Utah corporation and Oregon Short Line Railroad Company ("Grantor") in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto BALL BROTHERS PRODUCE, L.C. ("Grantee") whose address is P. O. Box 69, Lewisville, Idaho 83431 and unto its successors and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate (hereinafter the "Property") situated in Lewisville, Jefferson County, State of Idaho, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantee and unto its successors and assigns.

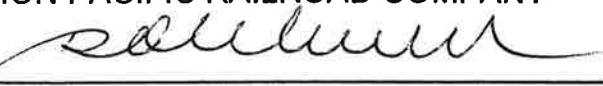
IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the 29<sup>th</sup> day of September, 2001.

Attest:

  
Assistant Secretary

(Seal)

UNION PACIFIC RAILROAD COMPANY

By 

Title:

Assistant Vice President **SCANNED**

OCT 01 2004

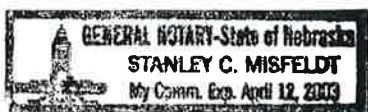
**PROFILED**

ACKNOWLEDGMENT

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

On this 20<sup>th</sup> day of September, 2001, before me, a Notary Public in and for said County and State, personally appeared R. D. Uhaish and M. E. Heenan who are the Assistant Vice President and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



(Seal)

Stanley C Misfeldt  
Notary Public

SCANNED  
OCT 01 2004  
PROFILED

## EXHIBIT "A"

Commencing at the Southeast corner of Section 5; T4N; R38E; B.M.; Jefferson County, Idaho and running thence North  $90^{\circ} 00' 00''$  West (N  $90^{\circ} 00' 00''$  W) a distance of 1458.72 feet (1458.72') along the section line to the East Railroad right-of-way of the Union Pacific Railroad, Lewisville Branch said point being the TRUE POINT OF BEGINNING; thence North  $90^{\circ} 00' 00''$  East (N  $90^{\circ} 00' 00''$  E), a distance of 137.70 feet (137.70') along the section line; thence North  $0^{\circ} 09' 53''$  West (N  $0^{\circ} 09' 53''$  W), a distance of 383.08 feet (383.08') to the East Railroad right-of-way of the Union Pacific Railroad, Lewisville Branch; thence South  $19^{\circ} 37' 32''$  West (S  $19^{\circ} 37' 32''$  W), a distance of 406.70 feet (406.70') along said right-of-way to the POINT OF BEGINNING; said described tract containing 0.61 acre, more or less.

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OCT 01 2004

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**EXHIBIT "A"**

Commencing at the Southeast corner of Section 5; T4N; R38E; B.M.; Jefferson County, Idaho and running thence North 90°00'00" West (N 90° 00' 00" W) a distance of 1458.72 feet (1458.72') along the section line to the East Railroad right-of-way of the Union Pacific Railroad, Lewisville Branch said point being the TRUE POINT OF BEGINNING; thence North 90° 00' 00" East (N 90° 00' 00" E), a distance of 12.30 feet (12.30') along the section line; thence South 0° 00' 00" East (S 0° 00' 00" E), a distance of 343.50 feet (343.50'); thence North 90° 00' 00" West (N 90° 00' 00" W), a distance of 33.00 feet (33.00'); thence South 0° 00' 00" East (S 0° 00' 00" E), a distance of 19.50 feet (19.50'); thence South 88° 42' 51" West (S 88° 42' 51" W), a distance of 109.65 feet (109.65') to the East Railroad right-of-way of the Union Pacific Railroad, Lewisville Branch; thence North 19° 37' 32" East (N 19° 37' 32" E), a distance of 388.00 feet (388.00') along said right-of-way to the POINT OF BEGINNING; said described tract containing 0.63 acre, more or less.

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OCT 01 2004

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**UNION PACIFIC RAILROAD COMPANY**  
**Jefferson County, Idaho**

**EXHIBIT "A"**

A parcel of land in Section 8, Township 4 North, Range 38 East, Boise Meridian, Jefferson County, Idaho more particularly described as follows:

Commencing at the SE corner of Section 5, Township 4 North, Range 38 East, Boise Meridian and running thence North 90° 00' 00" West a distance of 1493.76 feet along the section line to the centerline of the Union Pacific Railroad Company, Lewisville Branch; thence South 19° 37' 32" West a distance of 149.0 feet along said centerline; thence North 70° 22' 28" West a distance of 33.0 feet to the west right of way line of the Union Pacific Railroad Company, Lewisville Branch said point being the True Point of Beginning; thence North 70° 22' 28" West a distance of 67.0 feet; thence South 19° 37' 32" West a distance of 514.90 feet; thence South 0° 28' 23" East a distance of 194.97 feet to the west right of way line of the Union Pacific Railroad Company, Lewisville Branch; thence North 19° 37' 32" East, a distance of 698.0 feet along said right of way to the Point of Beginning.

Excepting therefrom all that portion of the above described property that lies within Lot 3 of Block 14 as said Lots and Blocks are shown on the Lewisville Original Townsite Plat.

Containing 0.903 Acres more or less.

OFFICE OF REAL ESTATE  
OMAHA, NEBRASKA  
WRITTEN BY: JCO  
August 10, 2001  
876052.leg

SCANNED

OCT 01 2004

PROFILED

CERTIFICATION OF NON-FOREIGN STATUS

Under Section 1445(e) of the Internal Revenue Code, a corporation, partnership, trust, or estate must withhold tax with respect to certain transfers of property if a holder of an interest in the entity is a foreign person. To inform the transferee that no withholding is required with respect to UNION PACIFIC RAILROAD COMPANY's interest in it, the undersigned hereby certifies the following on behalf of UNION PACIFIC RAILROAD COMPANY (hereinafter the "COMPANY"):

1. The COMPANY is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. The COMPANY's U.S. employer identification number is 94-6001323; and
3. The COMPANY's office address is 1416 Dodge Street, Omaha, Nebraska 68179 and state of incorporation is Delaware.

The COMPANY agrees to inform the transferee if it becomes a foreign person at any time during the three year period immediately following the date of this notice.

The COMPANY understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of the COMPANY.



Title: Assistant Vice President

Date: 9/20/2001

SCANNED  
OCT 01 2004  
PROFILED

25-7412 + 25-4313

FROM WMIS:

H0008717 TAG ON WELL CASING

N 290703.00

E 660515.50

P/D

On 10/30/2000 I measured 121 GPM (0.27 cfs) during a GMR calibration exam.

For Curve, recommend 4313 w/ an accomplished change in P/D (C03)

Recommend left chain w/ combined use limited to 0.45 cfs and 2.3 HF.

9/18/2003  
E0007458  
N 290665  
E 660589

055 P/D

$$Q = (3)(8.814)(0.7) = 0.25 \text{ cfs}$$

$$(2.31 \times 30) + 5$$

PROFILED

OCT 01 2004

SCANNED



9/19/2003

Ball Brothers Produce well

E0007458

**PROFILED**  
SCANNED

OCT 01 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

STAMPED  
JUL 30 2001

August 30, 1994

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR  
**RECEIVED**  
SEP 02 1994  
Department of Water Resources  
Eastern District Office

RONALD J BALL SR  
BALL BROTHERS PRODUCE  
PO BOX 69  
LEWISVILLE ID 83431

RE: Snake River Basin Adjudication (SRBA)  
Jefferson County - Notices of Claim #A25-04313 and  
A25-07412

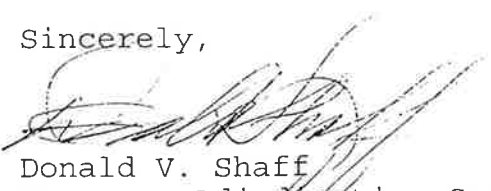
Dear Mr. Ball:

During the course of our work, we noticed a discrepancy in the two notices of claim referenced above which you filed for your property in Jefferson County. Although both of these claims show Oregon Short Line Railroad and Union Pacific Railroad as co-claimants with you, the difficulty with the records now is the railroad companies have no mailing address.

The simplest way to correct our records is for you to file amended claims. Enclosed is a copy of a proposed amended Notice of Claim for each right referenced above. Presuming this solution and format meets your approval, please sign both Notices of Claim in front of a Notary Public and return them to this office as soon as possible.

If you have any questions, please contact me.

Sincerely,

  
Donald V. Shaff  
Manager, Adjudication Section

DVS:ss:state:region:tf  
Enclosures:

Amended Notices of Claim A25-04313 and A25-07412

**MICROFILMED**  
NOV 8 1994



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

August 30, 1994

RONALD J BALL SR  
BALL BROTHERS PRODUCE  
PO BOX 69  
LEWISVILLE ID 83431

RE: Snake River Basin Adjudication (SRBA)  
Jefferson County - Notices of Claim #A25-04313 and  
A25-07412

Dear Mr. Ball:

During the course of our work, we noticed a discrepancy in the two notices of claim referenced above which you filed for your property in Jefferson County. Although both of these claims show Oregon Short Line Railroad and Union Pacific Railroad as co-claimants with you, the difficulty with the records now is the railroad companies have no mailing address.

The simplest way to correct our records is for you to file amended claims. Enclosed is a copy of a proposed amended Notice of Claim for each right referenced above. Presuming this solution and format meets your approval, please sign both Notices of Claim in front of a Notary Public and return them to this office as soon as possible.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff  
Manager, Adjudication Section

DVS:ss:state:region:tf  
Enclosures:

Amended Notices of Claim A25-04313 and A25-07412

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NOV 11 1994

**Ball Bros.**  
Our Brand  
**Potatoes**

PHONE 754-4652 — 754-4651

POTATOES — SHEEP — LAMBS  
LEWISVILLE, IDAHO

JUNE 3, 1991

MR. ERNEST CARLSEN:

This letter is submitted as evidence of Water Right #A25-04313.

About the middle of November in 1942, BALL BROTHERS, a partnership, began its potato shipping operation. The diversion source for water used in the washing and fluming of potatoes was located adjacent to our rail shipping facility. Two 18-20 ft. sandpoint wells with 1½ horse power electric motors were used to pump groundwater.

In 1962, a fire destroyed the entire facility and all records to that point. By 1963 a new concrete facility had been constructed utilizing the already existing water delivery system. In 1987, as evidenced by Water Right License #25-07412, a 200 ft. deep well was drilled to replace the old dual sandpoint system.

Diversion of water has been continuous since 1942. The original sandpoints are available for inspection.

Of the original three brother partnership, I am the sole remaining partner.

BALL BROTHERS PRODUCE

*Ronald J. Ball*  
RONALD J. BALL

MICROFILMED

NOV 10 1992

RECEIVED

JUN 5 1991

Department of Water Resources  
Eastern District Office

Notary: *Marley B. Bump*  
Residing at: *Lewistown, Id 83413*  
My commission expires: *June 11, 1993*

4313

May 6, 1991

BALL BROTHERS PRODUCE  
C/O RONALD J BALL SR  
PO BOX 69  
LEWISVILLE ID 83431

RE: **Evidence of Priority**

Dear Mr. Ball:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED  
NOV 10 1992

Ball Brothers Produce  
C/O Ronald J Ball Sr

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen  
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"  
Proof Report

A25-04313  
BALL BROTHERS PRODUCE  
C/O RONALD J. BALL, SR.  
P.O. BOX 69  
LEWISVILLE ID 83431-00

MICROFILMED  
NOV 10 1992

SCANNED

JUL 7 2001

RECEIVED

NOV 14 1994

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

Department of Water Resources  
Eastern District Office

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: A25-04313  
Date Received: 11/18/1988  
Receipt No: E004203  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: OREGON SHORT LINE RAILROAD CO 402-271-3728  
Address: C/O UNION PACIFIC RAILROAD  
1416 DODGE ST  
OMAHA NE 68179  
OR  
Name: BALL BROTHERS PRODUCE 208-754-4651  
Address: C/O RONALD J BALL SR  
PO BOX 69  
LEWISVILLE ID 83431-0000  
OR  
Name: UNION PACIFIC RAILROAD 402-271-3728  
Address: 1416 DODGE ST  
OMAHA NE 68179

2. Date of Priority: NOV 15, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

|          |       |         |        |        |     |     |           |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
| 04N      | 38E   | 5       | SW     | SE     | SE  |     | JEFFERSON |

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

6. Water is used for the following purposes:

|            |       |       |       |      |        |
|------------|-------|-------|-------|------|--------|
| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
| COMMERCIAL | 01/01 | 12/31 | 0.110 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

MICROFILMED

9. Non-irrigation uses:

WATER USED FOR WASHING POTATOES, AND CULINARY AND BATHROOM USE.

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 04N      | 38E   | 5       | SE SE      |     | COMMER |       |

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:  
25-07412

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_ Title

\_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_ Title

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

Thomas J. Ball  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

9/13/94  
Date

MICROFILMED

NOV 8 1994

State of Idaho )  
County of JEFFERSON ) SS.

Subscribed and sworn (or affirmed) before me this 13<sup>th</sup> day  
of September 19 94

Seal

Mary K. Linder  
Notary Public

Residing at Lewisville, Idaho

My Commission Expires 6/27/96

MICROFILMED

NOV 07 1994

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: A25-04313  
Date Received: 10/27/1988  
Receipt No: 6004203  
Received By: *En*

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: OREGON SHORT LINE RAILROAD CO.  
Address: N/A, ID N/A

OR  
Name: BALL BROTHERS PRODUCE  
Address: C/O RONALD J. BALL, SR.  
P.O. BOX 69  
LEWISVILLE, ID 83431-0000

OR  
Name: UNION PACIFIC RAILROAD  
Address: N/A, ID N/A

2. Date of Priority: NOV 15, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 04N      | 38E   | 5       | SW     | SE     | SE  |     | JEFFERSON |

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

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.110  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
WATER USED FOR WASHING POTATOES, AND CULINARY AND BATHROOM USE.  
A25-04313 Page 1 Date: 10/27/88

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Department of Water Resources  
Eastern District Office  
208-754-4651

A2504313



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10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 04N      | 38E   | 5       | SE SE      |     | COMMER |       |

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:  
25-07412

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am Manager of Ball Bros. Produce, that I have signed the foregoing document in the space below as Manager of Ball Bros. Produce and that the statements contained in the foregoing document are true and correct. x

Ronald J. Ball  
Signature of Authorized Agent

Ball Bros. Produce  
Title and Organization

Nov 17 1988  
Date

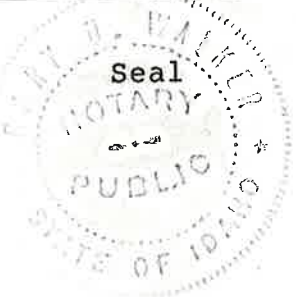
State of Idaho )  
County of Jefferson ) SS.

Subscribed and sworn (or affirmed) before me this 19<sup>th</sup> day of November 1988

Gary S. Walker  
Notary Public

Residing at Mesa

My Commission Expires June 16, 1992



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