

12/19/2003

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

RIGHT NUMBER: 25-7412
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: 0.450 CFS
2.300 AFY

USE OF THIS RIGHT WITH RIGHT NO. 25-4313 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: 09/30/1986

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	0.450 CFS 2.30 AFY

PLACE OF USE: COMMERCIAL Within JEFFERSON County

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: License

Commercial use is for a potato processing plant.

The issuance of this right does not grant any right-of-way or easement
across the land of another.

RIGHT NO. 25-4313 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

PROFILED

Water Right 25-7412

SCANNED

1

SEP 24 2004

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: 25-7412

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:

X 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

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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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	25-4313				
	25-7412				

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

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SEP 24 2004

done by
EC
9/22/04

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07412

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JAN - 5 1994

Department of Water Resources
Eastern District Office

Priority: September 30, 1986

Maximum Diversion Rate:

0.45 CFS

Maximum Diversion Volume:

2.3 AF

This is to certify, that OREGON SHORT LINE RAILROAD CO
BALL BROTHERS PRODUCE
UNION PACIFIC RAILROAD

ID has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 8, 1986; and has submitted Proof of Beneficial Use on November 23, 1987. An examination indicates that the works have a diversion capacity of .460 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.45 CFS	2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 5, Township 04N, Range 38E
JEFFERSON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

04N 38E 5 SESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. Commercial use is for a potato processing plant.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23RD day of DECEMBER, 1993.

Acting for R. Keith Higginson, Director

MICROFILMED
APR 12 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

SCANNED

AUG 30 2001

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 30, 1994

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

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NOV 08 1994

SCANNED

AUG 2001

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NOV 14 1994

Department of Water Resources

Eastern District Office

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: **A25-07412**
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: BALL BROTHERS PRODUCE
Address: C/O RONALD J BALL SR
PO BOX 69
LEWISVILLE ID 83431-0000
OR
Name: UNION PACIFIC RAILROAD
Address: 1416 DODGE ST
OMAHA NE 68179
OR
Name: OREGON SHORT LINE RAILROAD CO
Address: C/O UNION PACIFIC RAILROAD
1416 DODGE ST
OMAHA NE 68179
2. Date of Priority: SEP 30, 1986
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 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	0.450		
7. Total Quantity Appropriated is:
0.450 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.

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

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:
25-4313

14. Remarks:
REINSTATED 4-20-1988.
SUBJECT TO BENEFICIAL USE FIELD EXAMINATION.

15. Basis of Claim: PERMIT

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.

Garrett J. Ball
Signature of Authorized Agent

Title and Organization

9/13/94
Date

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NOV 08 1996

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: A25-07412
Date Received: 10/27/1988
Receipt No: 6004203
Received By: ES

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: SEP 30, 1986

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:
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Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.450		

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

8. Total consumptive use is Acre Feet Per Annum.

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

A25-07412 Page 1 Date: 10/27/88

RECEIVED

NOV 30 1988

Department of Water Resources
Eastern District Office

A2507412



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NOV 07 1992

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:
25-4313

14. Remarks:
REINSTATED 4-20-1988.
SUBJECT TO BENEFIECIAL USE FIELD EXAMINATION.

15. Basis of Claim: PERMIT

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

Ball Bear Producer Title
Organization, that I have signed the foregoing

document in the space below as _____ of

Ball Bear Producer Title
Organization and that the statements contained in the
foregoing document are true and correct.

Donald J. Ball
Signature of Authorized Agent

Ball Bear Producer
Title and Organization

11-17-1988
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of November 19 88

Gary J. Walker
Notary Public



Residing at Moran

My Commission Expires June 16, 1992

State of Idaho)
County of JEFFERSON) SS.

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

Mary K. Squader
Notary Public

Seal

Residing at Lewisville, Idaho
My Commission Expires 6/27/96

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NOV 08 1994