

12/05/2003

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

RIGHT NUMBER: 25-7486

NAME AND ADDRESS: BUSCH AGRICULTURAL RESOURCES INC
PO BOX 51628
IDAHO FALLS ID 83405-1628

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.000 CFS
1,954.700 AFY

PRIORITY DATE: 02/01/1989

POINT OF DIVERSION:

T01N R37E S2 NWSE Within BONNEVILLE County

T01N R37E S2 SESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

6.000 CFS
1,954.70 AFY

Industrial use is for a malting plant facility.

PLACE OF USE: INDUSTRIAL Within BONNEVILLE County

T01N R37E S02

NESE

T01N R37E S02

NWSE

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

Water used under this right if discharged directly into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

PROFILED
SCANNED

SEP 24 2004

12/05/2003

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: 25-7486

BUSCH AGRICULTURAL RESOURCES INC
PO BOX 51628
IDAHO FALLS ID 83405-1628
Telephone Number: (208)522-5501

RECEIVED

SEP 14 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):

Address

2. Describe the changes you wish to make in the proposed recommendation:

5755 S. Yellowstone Hwy
Idaho Falls, ID
83402

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:

9-7-04

SIGNATURE:

Tim F. Jensen

Please print your name:

Tim F. Jensen

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

PROFILED

SCANNED

SEP 17 2004

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07486

Priority: February 1, 1989

Maximum Diversion Rate:

6.00 CFS

Maximum Diversion Volume:

1954.7 AF

This is to certify, that BUSCH AGRICULTURAL RESOURCES INC

C/O CLIFFORD MAHIN

ANHEUSER-BUSCH COS INC

ONE BUSCH PLACE

ST LOUIS MO 63118-1852

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 1, 1989; and has submitted Proof of Beneficial Use on July 29, 1991. An examination indicates that the works have a diversion capacity of 13.280 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>
INDUSTRIAL	1/01 to 12/31	6.00 CFS	1954.7 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE, Sec. 2, Township 01N, Range 37E
SESE, Sec. 2, Township 01N, Range 37E
BONNEVILLE County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

01N 37E 2

NESE

NWSE

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 covered by this right is limited to the amount which can actually be beneficially used. The maximum diversion is restricted to more accurately describe the use of water under the permit accepted standards of diversion and use.
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. Water used under this right if discharged directly into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Industrial use is for a malting plant facility.

SCANNED

SEP 24 2004

MICROFILMED

MAY 16 1995

PROFILED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07486

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 8th
day of May, 1995.

Acting for


R. Keith Higginson, Director



RECEIVED

MAY 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 21, 1998

BUSCH AGRICULTURAL RESOURCES INC
PO BOX 51628
IDAHO FALLS ID 83405

RE: CHANGE OF ADDRESS FOR ADJUDICATION CLAIM(S) A25-07485, A25-07486

Dear Sir:

On August 18, 1998, this office received a change of address for the above-referenced claims. Enclosed are copies of the above-referenced claims for your files.

Sincerely,

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

AUG 18 1998

CHANGE IN ADDRESS

Department of Water Resources
Eastern Region

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

[] Water Right Number(s): A25-07485 A25-07486

[] Old Mailing Address: Busch Agricultural Resources Inc.

One Busch Place

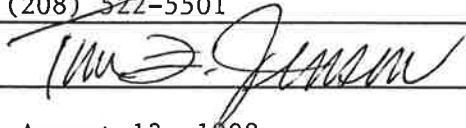
St. Louis, MO 63118-1852

[] New Mailing Address: Busch Agricultural Resources Inc.

P.O. Box 51628

Idaho Falls, ID 83405

[] Telephone Number: (208) 522-5501

[] Signature of Claimant: 

[] Date: August 13, 1998

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

NOVEMBER 5, 1993

MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701

RE: NOTICES OF CLAIMS A25-07485 AND A25-07486 FOR BUSCH
AGRICULTURAL RESOURCES

Dear Mr. Creamer:

Enclosed are two sets of copies of Notices of Claim A25-07485 and A25-07486. One set contains copies of the original claims as you submitted them in August, 1993. The other set contains computer generated copies. Also, as requested in the Notice of Appearance on the original claims, your name as Attorney has been data entered in the computer, but will not show up on the computer copy. Any future correspondence regarding these Notices of Claim will be mailed to you.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: copies of claims

MICROFILMED

APR 12 1994

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
KENNETH R. McCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
JUDSON B. MONTGOMERY
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
RAMONA L. SCHWEHR
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

RECEIVED

NOV 12 1993

Department of Water Resources
Eastern District Office

November 4, 1993

JAMES A. McCLURE
OF COUNSEL

DAVID E. MABE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

RECEIVED

NOV 04 1993

Department of Water Resources

Mr. David Shaw
Adjudication Bureau Chief
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83706

via HAND DELIVERY

Re: Busch Agricultural Resources, Inc.'s Notices of Claim to a Water Right
for Permit Nos. 25-07485 and 25-07486
GP&H File: 60-10

Dear Mr. Shaw:

I am enclosing a copy of Busch Agricultural Resources, Inc.'s Notices of Claim to the above-referenced water rights in the Snake River Basin Adjudication which were filed with the Department on August 25, 1993. Also enclosed is a copy of our canceled check dated August 25, 1993, in the sum of \$1,300.00 which covered the required claim filing fees, together with a copy of the Idaho Department of Water Resource's Receipt of the same date acknowledging the Department's receipt of the Notices of Claim and filing fees.

Please forward to me a conformed copy of the Notices of Claim.

Sincerely,

Michael C. Creamer

MCC/sr

Enclosures

cc: Sally Frazee, IDWR

MICROFILMED

APR 12 1994

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
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PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
CONLEY WARD
STEPHANIE C. WESTERMEIER

LAW OFFICES
GIVENS PURSLEY & HUNTLEY
SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

JAMES A. MCCLURE
OF COUNSEL

DAVID E. MASE
LEGISLATIVE SPECIALIST

TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

August 25, 1993

Mr. David Shaw
Adjudication Bureau Chief
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83706

via **HAND DELIVERY**

Re: Busch Agricultural Resources, Inc.'s Notices of Claim to a Water Right
for Permit Nos. 25-07485 and 25-07486
GP&H File: 60-10

Dear Mr. Shaw:

I am enclosing Busch Agricultural Resources, Inc.'s Notices of Claim to the above-referenced water rights for filing in the Snake River Basin Adjudication. Also enclosed is a check for \$1,300.00 to cover the required claim filing fee. These claims are for rights that currently are in the permit stage. A proposed license has been issued by the Department for our review.

Based on my recent telephone conversation with you, I understand that there will be no late-filing fee due for these claims because they are not subject to a mandatory filing requirement.

If you have any questions, please feel free to call.

Sincerely,



Michael C. Creamer

MCC/mc
Enclosure
cc: Jane Ferguson-Klamer
Cliff Mahin

60101SHAW.L01

MICROFILMED
APR 12 1994

LAW OFFICES
GIVENS PURSLEY & HUNTLEY
SUITE 200, PARK PLACE
277 NORTH 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

FIRST SECURITY BANK OF IDAHO
P.O. BOX 7069
BOISE, IDAHO 83730

92-6
1241

006821

AUG 25 RECD

DATE 8/25/93

PAY ONE THOUSAND THREE HUNDRED and no/100 DOLLARS DOLLARS \$ 1,300.00

TO THE ORDER OF

IDAHO DEPARTMENT OF
WATER RESOURCES

AUTHORIZED SIGNATURE

⑈006821⑈ ⑆124100064⑆003 01113 63⑈

⑈0000130000⑈

POOR ORIGINAL

Pay to the order of
STATE TREASURER
Dept of Water Resources

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

124100093
FIRST INTERSTATE
BANK OF
IDAHO, N.A. AG 25
9700 BETHEL CT
P.O. BOX 57 124100093
BOISE ID
83757-0490

26 AUG 93

AG '93 27

1241
00064

MICROFILMED
APR 12 1994

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

POOR ORIGINAL

Receipt No: C028433

Date: 8/25/1993
Time: 10:59:55

Received
From: GIVENS PURSLEY & HUNTLEY

Type of Payment	Program A cct		Amount
ADJUDICATION FILING FEE	41503	337 1155	1,300.00
Total			

\$1,300.00

CHECK 6821

Region: STATE

Signature: R. McElrath

MICROFILMED

APR 12 1994

REFUND REQUEST

Hold Until To Fiscal 04-29-91 *af*

TO: Debbie Allen

THRU: Don Shaff

Approved *JS* 4-26-91 *af*

FROM: John Carlson

Approved *JNC* 4/25/91

RE: Payor

Givens, Pursley, Webb & Huntley and

Address

Busch Agricultural Resources, Inc.attn: Jim HansenPo Box 2720 Boise, ID 83701Claimant if NOT Payor Busch Agricultural Resources, Inc.Receipt # 2011892 Attached ☒Logged 09-26-90 *af*Amount \$ 1,300.00Claim Location AttachedW/R #(s) 25-07485 & 25-07486 Extension Filed? Y/N ☒ NACopy Attached? Y/N ☒ NARefund Generated By claimantLate Fees Paid? Y/N ☒ NANot Refunded as of 9-26-90 *af*On Receipt # Reason for Refund withdrawn - Dave Shaw told them not neces. to fileDate of Last Correspondence 9-27-89 Dave Shaw 10-3-89Data Base Modified? Y/N ☒ NA By Date REMARKS: Debbie Allen said it was okay to make payable to BOTH payor and claimant.25-07485 - Prior, date 2/1/89, + 25-07486 same priority, dateOK to refund.

Don:

Claims are lacking
PD: POU, we can obtain
from P. for date only.JNCBeing w/d, OKw/o POD, POU

09/20/90

MICROFILMED

NOV 07 1992



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

April 29, 1991

Jim Hansen
Givens, Pursley, Webb
& Huntley
P.O. Box 2720
Boise, ID 83701

RE: Snake River Basin Adjudication (SRBA)
Bonneville County - #25-07485 & #25-07486
Receipt #C011892, \$1,300.00

Dear Mr. Hansen:

Due to the fact your client has withdrawn the above claims, the refund process has been initiated with the State Auditor's Office. You should receive your check in the near future.

We have also enclosed Receipt #C011892 for your file.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:sf:ref:east
Enclosure:

Receipt #C011892

cc: Busch Agricultural Resources, Inc.,
to the attention of Clifford Mahin, P.E.

MICROFILMED

NOV 07 1992

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

4996
Date
05/01/91
Code
193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8831		REFUNDS PER D. SHAFF WR#25-07485/25-07486 RECEIPT #C011892 9/26/90 1300.00	1,300.00	
original claims here							
TOTAL						1,300.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor



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

April 29, 1991

Jim Hansen
Givens, Pursley, Webb
& Huntley
P.O. Box 2720
Boise, ID 83701

RECEIVED

MAY - 2 1991

Department of Water Resources
Eastern District Office

RE: Snake River Basin Adjudication (SRBA)
Bonneville County - #25-07485 & #25-07486
Receipt #C011892, \$1,300.00

Dear Mr. Hansen:

Due to the fact your client has withdrawn the above claims, the refund process has been initiated with the State Auditor's Office. You should receive your check in the near future.

We have also enclosed Receipt #C011892 for your file.

Sincerely,

John D. Carlson

John D. Carlson
Adjudication Supervisor

JDC:sf:ref:east

Enclosure:

Receipt #C011892

cc: Busch Agricultural Resources, Inc.,
to the attention of Clifford Mahin, P.E.

MICROFILMED

NOV 07 1992

425-07485-86
C011892

LAW OFFICES

GIVENS, PURSLEY, WEBB & HUNTLEY

SUITE 200, PARK PLACE
277 NO. 6TH STREET
POST OFFICE BOX 2720
BOISE, IDAHO 83701

TELEPHONE
(208) 342-6571

OCT 06 1989

REBECCA W. ARNOLD
ELEANORE S. BAXENDALE*
CHRISTOPHER J. BEESON
JEFFREY C. FEREDAY
RAYMOND D. GIVENS
JAMES D. HANSEN
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
KENNETH R. MCCLURE
L. EDWARD MILLER
PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
JAY L. WEBB

LISTED ALPHABETICALLY
*ALSO ADMITTED IN OREGON

Department of Water Resources

TELECOPIER
(208) 343-9492
(208) 342-8920

October 3, 1989

Mr. Don Shaff
Adjudications Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Attention: Danni Smith

Re: Notice of Claims for Water Right Permit No.s 25-07485 and 25-07486

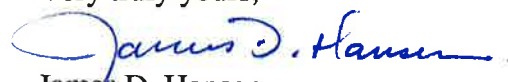
Dear Mr. Shaff:

This is to confirm the conversation I had with Ms. Danni Smith yesterday afternoon and to officially request the refund of the filing fee presented to the Department last Friday afternoon accompanying the filing for the two permits identified above. At the time of the filing, it was not clear whether the Department would require the filing of a Notice of Claim for these permits even though the permits were issued after the adjudication commencement order. Since the deadline for Bonneville County was upon us, and to ensure that the permits are processed with all other claimed water rights in the adjudication, the Notice of Claims were filed along with the necessary filing fee.

Yesterday, our client, Busch Agricultural Resources, Inc., received verification in a letter from Mr. David B. Shaw that a Notice of Claim filing on these two rights was not required. A copy of that letter dated September 27, 1989 is attached to this letter for your reference. We understand that the Department will still process these water rights in the adjudication without a Notice of Claim unless and until notification is given that such a filing (and any accompanying fee) is necessary. We respectfully request that such notice be given to BOTH this firm and Busch Agricultural Resources, Inc. Please retain the Notice of Claim forms filed on Friday as a Notice of Appearance of Counsel.

However, we hereby request a refund of the filing fee. If the check delivered to the Department from this firm last Friday has already been deposited, please write a check made payable to both this firm and Busch Agricultural Resources, Inc. and send it to us in the enclosed envelope. Thank you for your assistance in this matter. Please do not hesitate to contact us if you have any questions.

Very truly yours,


James D. Hansen

JDH:jb
Enclosure

cc: Mr. Clifford Mahin, P.E.

MICROFILMED

NOV 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720 -(208) 327-7900

RECEIVED
OCT 2 1989
ENVIRONMENTAL ENGRG.
DEPT.

CECIL D. ANDRUS

GOVERNOR

K. KEITH HIGGINSON

DIRECTOR

Busch Agricultural Resources Inc.
C/O Clifford Mahin, P.E.,
Anheuser-Busch Cos., Inc,
One Busch Place
St. Louis, MO 63118

Dear Sirs:

I am writing in regards to the approved Application for Permit Nos. 25-07485 and 25-07486, to appropriate water in Bonneville County, which was sent to you recently.

On November 19, 1987, the Fifth Judicial District Court issued a Commencement Order, which began a general adjudication of water rights from the Snake River Basin water system in Idaho. A general adjudication is a court case which will result in a decree determining all rights to water from the water system. Idaho Code §42-1409 requires all persons owning water rights within the Snake River Basin water system to file a Notice of Claim to a water right with the Idaho Department of Water Resources for each water right, with certain exceptions. Your Permit Nos. 25-07485 and 25-07486 is for the appropriation of water within the Snake River Basin water system, but applications for permits approved after entry of the Commencement Order is one of the exceptions to the requirement to file a Notice of Claim in the adjudication. You therefore may but are not required to file a Notice of Claim for your Permit Nos. 25-07485 and 25-07486 in the adjudication. The validity of the permit will not be affected if you choose not to file a Notice of Claim at this time.

The adjudication statute does authorize the director of IDWR to issue an order at a later date requiring persons with permits who file proof of beneficial use after entry of the Commencement Order to file a Notice of Claim in the adjudication. An order requiring you to file a Notice of Claim has not been issued, and you will be notified by mail if such an order is issued. For further information about the Snake River Basin Adjudication, you may call the Adjudication Hotline toll-free at 1-800-451-4129 (for callers in Idaho) or any of the offices of IDWR.

Sincerely,


David B. Shaw

Adjudications Bureau Chief

MICROFILMED

NOV 07 1987

SCANNED

AUG 0 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: **A25-07486**
Date Received: 11/ 5/1993
Receipt No: C028433
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BUSCH AGRICULTURAL RESOURCES INC. 314-577-9987
Address: ONE BUSCH PLACE
ST. LOUIS MO 63118-1852

2. Date of Priority: FEB 1, 1989

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	37E	2		NW	SE		BONNEVILLE
				SE	SE		BONNEVILLE

5. Description of diverting works:
PUMP TO HOLDING TANK FOR MALTING PROCESS; APPROX. 500' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	6.000		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) 1950.00 A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INDUSTRIAL, MALTING PROCESSING PLANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	37E	2	NE	SE		INDUST	
			NW	SE		INDUST	

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
A SMALL PORTION OF THIS RIGHT IS USED TO IRRIGATE LANDSCAPED
AREAS AROUND THE PLANT.

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.

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED

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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

A 16x16 grid map. The grid is composed of 16 columns and 16 rows of squares. Each square contains a crosshair symbol, consisting of a vertical line and a horizontal line intersecting at the center. In the center of the grid, there is a rectangular area that is white and contains the text "SEE ATTACHED MAP" in bold, black, uppercase letters. This central area is 4 squares wide and 4 squares high, spanning from the 6th column to the 9th column and from the 12th row to the 15th row. The surrounding squares are shaded light gray.

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Topographic map of the York School area in Idaho Falls, ID. The map shows the Snake River, Sunnyside, and various landmarks. Handwritten annotations include:

- ACCESS ROAD
- NW 1/4 of SE 1/4 of SECTION 2
- SE 1/4 of SE 1/4 of SECTION 2
- PLANT LOCATION York Sch
- T2N T1N
- 1" = 2000'
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IDAHO FALLS, ID

APR 12 1994

15. Basis of Claim (check one) ☒ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☒

Decree 25-7486

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

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 VICE PRESIDENT Title

of BUSCH AGRICULTURAL RESOURCES INC , that I have signed the foregoing
Organization

document in the space below as VICE PRESIDENT of BUSCH AGRI. RES. INC.
Title Organization

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

Signature of Authorized Agent Tom Tjoms

Title and Organization VICE PRESIDENT Date 8/24/93

BUSCH AGRICULTURAL RESOURCES INC.

☒ State of ~~Idaho~~ or Missouri)
City of St. Louis) SS.

Subscribed and sworn (or affirmed) before me this 24th day of August 19 93

SEAL

Notary Public Marilyn F. Brand

Residing at City of St. Louis

My Commission Expires 12-29-96

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Michael C. Creamer 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 Michael C. Creamer
Givens Pursley & Huntley

Address P. O. Box 2720, Boise, ID 83701

Date August 25, 1993

Last Name Busch Agri. Res., Incident Number 25-7486

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APR 12 1994

Copies White-State, Yellow-Claimant

AJ0749NP
No. A25-07486

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/21/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BUSCH AGRICULTURAL RESOURCES INC PO BOX 51628 IDAHO FALLS ID 83405 (208) 522-5501	02/01/1989	INDUSTRIAL	01-01 12-31	6.00 CFS	
TOTAL DIVERSION:					6.00 CFS	1950.00 AFA
CONSUMPTIVE USE:						60.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T01N R37E S02 NWSE SESE

BONNEVILLE County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
01N	37E	2	:					:					:					:	I	I			:	

POU County: BONNEVILLE

Non-Irrigation Uses: INDUSTRIAL, MALTING PROCESSING PLANT

Other Rights: NONE

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 026 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- 01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 06A - In the event that water used under this right should be discharged into a natural channel, settling ponds will be required which are capable of reducing the silt load to such a level that the quality of the water would not be impaired for other beneficial uses.
- 09E - Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality

AJ0749NP
No. A25-07486

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/21/98
PAGE: 2

Conditions of Approval:
- Standards.

Remarks: GEN A SMALL PORTION OF THIS RIGHT IS USED TO IRRIGATE LANDSCAPED
AREAS AROUND THE PLANT.
CHANGED ADDRESS PER REQUEST/JH/8-21-98

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

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

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

CIVIL CASE NUMBER: 39356

Ident. Number 25-7486

Date Received

Receipt Number C011892

WITHDRAWN NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
SEP 29 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Busch Agricultural Resources, Inc. Phone (314) 577-4424
c/o Clifford Mahin, Anheuser-Busch Co.'s, Inc.
Mailing Address One Busch Plaza, St. Louis, MO Zip 63118

2. Date of Priority (Only one (1) per claim) groundwater

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

4. a. Location of existing point of diversion is: Township 1N. Range 37E. Section 2,
NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bonneville

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.

22 inch well with pump, to a depth of approximately 500 feet.

A2507486



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For industrial purposes from Jan. 1 to Dec. 31 amount 6.0 or 1950
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.0 (cfs) and/or (b) 1950 (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Industrial use in a barley malting plant to process approximately 16 million bushels of barley annually.

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.	2													I	I			

Total number of acres irrigated _____

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

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.
XX 25-7485 or None ()

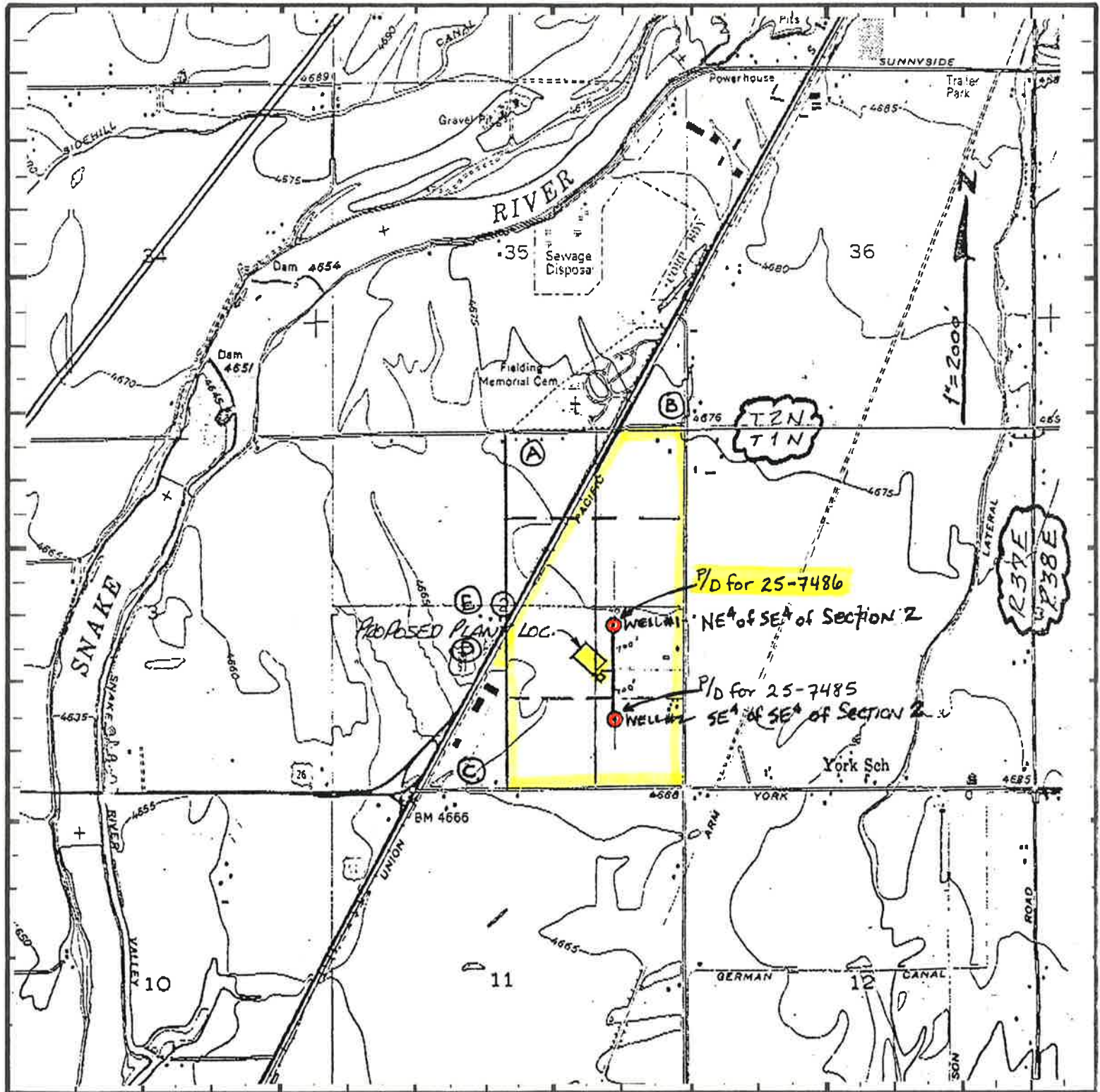
14. Remarks:
There are three surface irrigation water rights appurtenant to the applicant's property. Snake River Valley Irrigation District Water Right No.s 01-00171A and 01-00172A and Idaho Irrigation District Water Right No. 01-00312.
A small portion of this water right and 25-7485 will be/is used to irrigate approximately 8 acres of lawn and landscape around the plant.

Last Name Busch Agri, Resources, Inc. Ident No. 25-7486

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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



MICROFILMED

NOV 07 1982

Last Name Busch Agri. Resources Ident No. 25-7486
Inc.

Copies: White-State, Yellow-Claimant

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

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

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

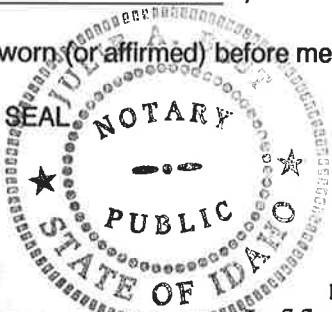
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Attorney-in-Fact
Title
of _____ Busch Agricultural Resources, Inc. _____, that I have signed the foregoing
Organization
document in the space below as _____ Attorney-in-Fact _____ of _____ Busch Agricultural Resources, Inc.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James D. Hansen
Title and Organization _____ Busch Agricultural Resources, Inc. Date 9-29-89

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

Subscribed and sworn (or affirmed) before me this 29th day of Sept 19 89
Notary Public Julie Best
Residing at Boise, Idaho
My Commission Expires 4-21-95



17. Notice of Appearance: Please Print Name Jeffrey C. Fereday
Notice is hereby given that we, & James D. Hansen 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 James D. Hansen
Address Givens, Pursley, Webb & Huntley
277 N. 6th Street, P. O. Box 2720, Boise, ID 83701
Date 9-29-89

MICROFILMED
NOV 07 1992

Last Name Busch Agri. Resources Ident. Number 25-7486
Inc.

Copies White-State, Yellow-Claimant