

03/22/2004

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

RIGHT NUMBER: 25-12778
NAME AND ADDRESS: LAND O LAKES INC
C/O BRAD COLLING
2290 IONA RD
IDAHO FALLS ID 83403
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 2,500 gallons per day.
PRIORITY DATE: 06/01/1949
POINT OF DIVERSION:
T02N R38E S9 NENWNE Within BONNEVILLE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T02N R38E S09 NWNE

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

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

SCANNED

Water Right 25-12778

1

AUG 18 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 21, 2005

RE: Water Rights in Reporting Area 14, Basin 25
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right claim(s) in Basin 25 for part of the Upper Snake River drainage basin. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have until June 22, 2005, in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Blackfoot, Idaho Falls, Rigby, and Soda Springs, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed early next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

PROFILED

SCANNED
MAR 02 2005

25-12778

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

RIGHT NUMBER: 25-12778
NAME AND ADDRESS: LAND O LAKES INC
C/O BRAD COLLING
2290 IONA RD
IDAHO FALLS ID 83403

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 2,500 gallons per day.

PRIORITY DATE: 06/01/1949

POINT OF
DIVERSION: T02N R38E S9 NENWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T02N R38E S09 NWNE

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

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED
MAR 02 2005

PROFILED

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098



NO MAIL
RECEIPT

LAND O LAKES INC
C/O BRAD COLLING
2290 IONA RD
IDAHO FALLS ID 83403

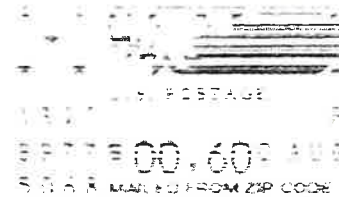
PROFILED

SCANNED
MAR 02 2005

87721-52

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED



NOE

25-12778

new owner

Everett Acon

3196 N y'stine Hwy

IF 83401

re-sent

jc

9/14/04

NO MAIL
RECEPTACLE

LAND O LAKES INC
C/O BRAD COLLING
2290 IONA RD
IDAHO FALLS ID 83403



PROFILED

SCANNED
SEP 17 2004

Wrong #



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EVERETT ACOR
3196 N YELLOWSTONE HWY
IDAHO FALLS ID 83401

RE: CHANGE IN OWNERSHIP FOR 25-12778

Dear Mr. Acor:

It has come to our attention that you may have recently purchased a tract of land in Bonneville County. The property to which I am referring was most recently owned by Land O' Lakes. The legal description is as follows:

T02N, R38E, S9, NWNE

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

SCANNED
AUG 18 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CENEX
5500 CENEX DR
INVER GROVE HEIGHTS MN 55077

*"Land O Lakes"
fed store*

RE: CHANGE IN OWNERSHIP FOR 25-12778

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in Bonneville County. The property to which I am referring was most recently owned by Land O Lakes Inc. The legal description is as follows:

T02N, R38E, S09, NWNE

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 5257161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

Field Exam Summary A25-12778

Bryce Contor

Water Resources Field Services

January 31, 2004**General Comments**

This water right was originally developed for a feed store. Now there are three businesses on the property that rely on the well. These are an equipment salvage yard, a small boat shop, and a sign shop.

There is no evidence of priority in the file and the owner is unsure whether he will be able to get any evidence. None of the businesses have very many employees nor use much water. The owner believes the feed business didn't use much water either. A little may have been used in steam rolling of grain but other than that it would just have been for restrooms and a drinking fountain.

If no evidence of priority is presented I propose recommending as a non-residential de minimus domestic with N11 and 2,500 gallons/day remarks.

Ownership

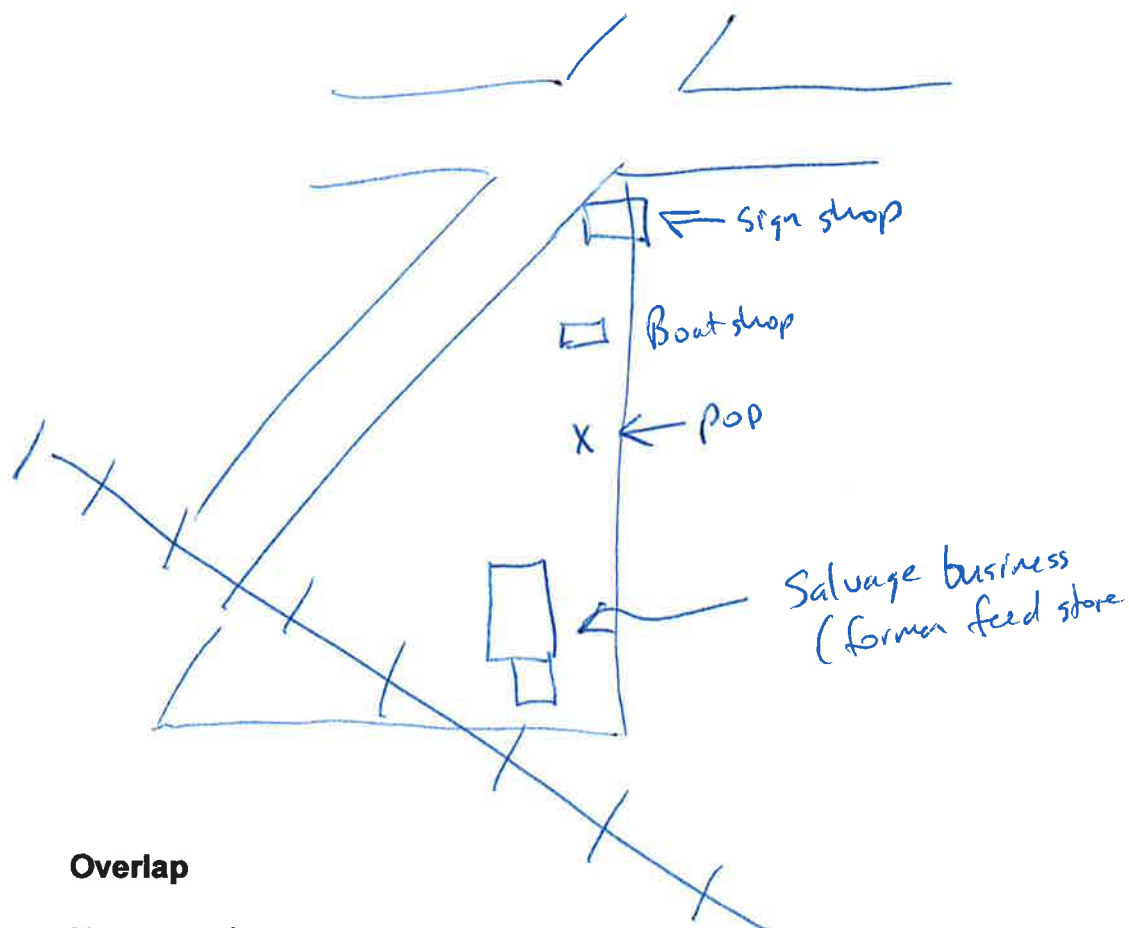
The new owners are Everett Acor Jr. and Ruth Acor. The business address is 3196 N Yellowstone, Idaho Falls, 83401. The phone is 524-5138. The owner plans to send in a notice of change of ownership.

POD

The GPS location of a power pole near the well is waypoint 4, 662,620 E 271,336 N IDTM. The owner pointed out the window at the power pole during our interview and said the well was "right there." After leaving the office I went out and took the GPS reading, but between the snow and salvage items stacked around I didn't actually find the well.

POU

The claim sketch is correct. Below is a more detailed sketch:



Overlap

None noted.

Conflict

None noted.

Priority

No evidence presented.

Quantity

I propose 0.04 cfs, 2,500 gallons per day, 2.8 acre feet/year.

Water Use

Non-residential de minimus domestic if no evidence of priority is presented. If evidence is presented, commercial.

List of Photos

A25-12778_1.jpg	Equipment salvage business.
A25-12778_2.jpg	Boat shop.
A25-12778_3.jpg	Sign shop. Boat shop is behind the pickup on the right side.
A25-12778_4.jpg	Power pole near the well. The red steel post amid the white barrels to the left of the pole may mark the well but I didn't find it.
A25-12778_Field_Notes.jpg	Field notes.


Bryce A. Contor


Date

A25-12778 Preview / Contact log

1/16/04 - Preview

- 1) Δ ownerships
- 2) Evidence of Priority

1/16/04 524-5138 12:35 -

Boat shop / sign shop also use the well -
Monday AM should be around -

→ If no evidence of priority consider separate claim / WR for each entity / owner

Field
exam
handbook

{ 1.3 gpm / fixture
15 gal / day / day worker
400 gal / day / customer restroom.

1/19/03 - Field insp w/ Mr Acor.

→ Three small business, just a few employees.
2500 gpd would be OK. Claimant provided
w/ separate claims, EOP pamphlet

→ New Owner / Address

~~Circle A Enterprises~~ Bud + Everett Acor Jr.

Ruth Acor

3196 N Yellowstone

Idaho Falls

83401

→ See Notebook

524-5138

August 18, 2003

Everett Acor
3196 N Yellowstone Hwy
Idaho Falls, ID 83403

Re: Water Right Adjudication Claim(s) A25-12778

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

This is for the old Land O' Lakes feed mill and store. To help IDWR make a favorable recommendation, it will be important for me to put some evidence of priority into the file. It also will be helpful to have a copy of the deed or sale contract, to document your ownership.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

SCANNED

MAY 2 1991

May 2, 1991

Land O' Lakes, Inc.
C/O Brad Colling
2290 Iona Road
Idaho Falls, ID 83403

RE: **Evidence of Priority**

Dear Mr. Colling:

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 3, 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 11 1992

Land O' Lakes, Inc.
C/O Brad Colling

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

A25-12778
LAND O' LAKES, INC.
C/O BRAD COLLING
2290 IONA ROAD
IDAHO FALLS ID 83403

MICROFILMED

NOV 11 1992

SCANNED
AUG 03 2001

54

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: A25-12778
Date Received: 8/24/1989 9-06-89
Receipt No: E010142
Received By: EBL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAND O' LAKES, INC.
Address: C/O BRAD COLLING
2290 IONA ROAD
IDAHO FALLS, ID

208-522-4727

83403

2. Date of Priority: JUN 01, 1949

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	38E	9	NE	NW	NE		BONNEVILLE

5. Description of diverting works:

WELL W/ SUBMERSIBLE PUMP. PIPELINE INTO FARM SUPPLY STORE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

COMMERCIAL-WATER USED IN RESTROOMS, BREAKROOM, EQUIPMENT WASHING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	38E	9	NW	NE		COMMER	

11. Place of use in counties: BONNEVILLE

A25-12778

Page 1

Date: 08/24/89

A2512778



MICROFILMED

NOV 11 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:
BUSINESS KNOWN AS "LAND O' LAKES FEED STORE".

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Manager of
Title

Land O' Lakes Inc., that I have signed the foregoing
Organization

document in the space below as Manager of
Title

Land O' Lakes Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

David Colling
Signature of Authorized Agent

Manager Land O' Lakes
Title and Organization

8-24-89
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of August 19 89

E. J. [Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994

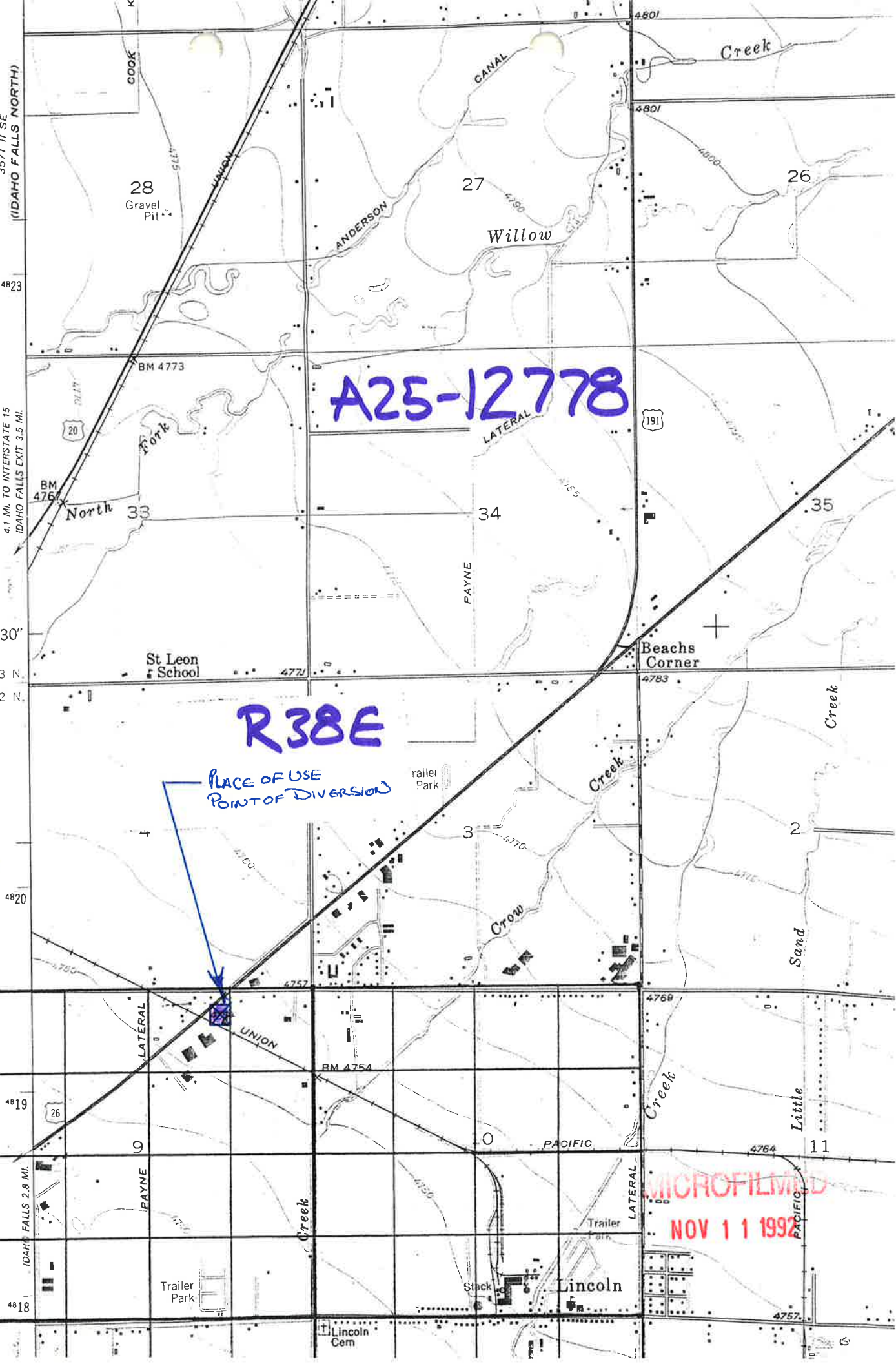
3571 II SE
(IDAHO FALLS NORTH)

4.1 MI TO INTERSTATE 15
IDAHO FALLS EXIT 3.5 MI

32'30"
T. 3 N.
T. 2 N.

T 3 N

T 2 N



MICROFILMED
NOV 11 1992