

05/19/2005

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

RIGHT NUMBER: 27-4019

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS
1,447.900 AFY

PRIORITY DATE: 07/01/1957

POINT OF DIVERSION:

T01N R37E S32 NWNESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

2.000 CFS
1,447.90 AFY

Industrial use is for potato washing and processing

PLACE OF USE: INDUSTRIAL Within BINGHAM County

T01N R37E S32

SENE

T01N R37E S32

NESE

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

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

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

EXPLANATORY MATERIAL: Beneficial Use

SCANNED

APR 17 2006

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4019

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.450 CFS
1,049.800 AFY

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

PRIORITY DATE: 07/01/1957

POINT OF DIVERSION:

T01N R37E S32 SWSENE Within BINGHAM County

T01N R37E S32 NWNENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	1.450 CFS 1,049.80 AFY

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

PLACE OF USE: INDUSTRIAL in BINGHAM County

T01N R37E S32 SENE T01N R37E S32 NESE

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

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

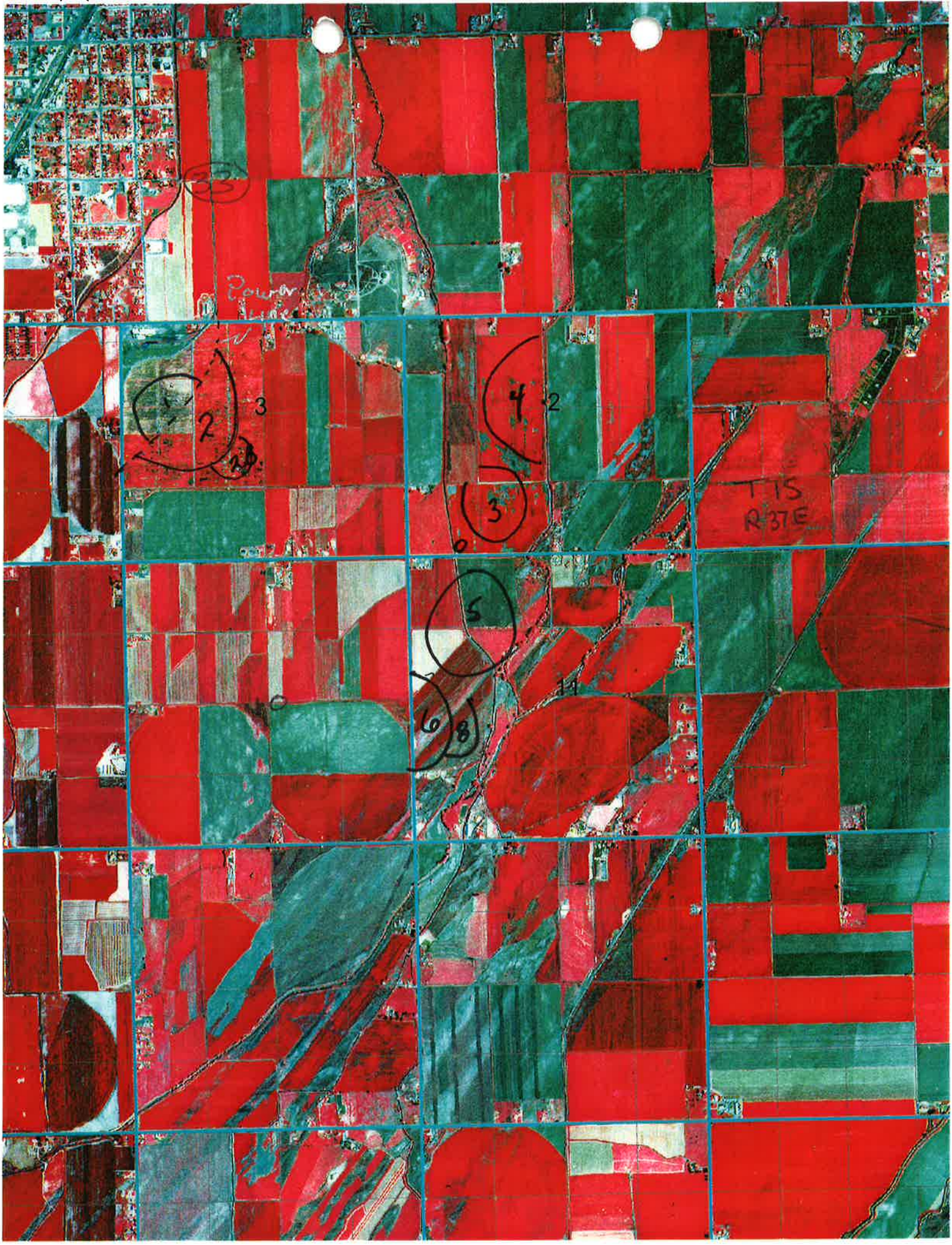
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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





1

Power Line

20
2

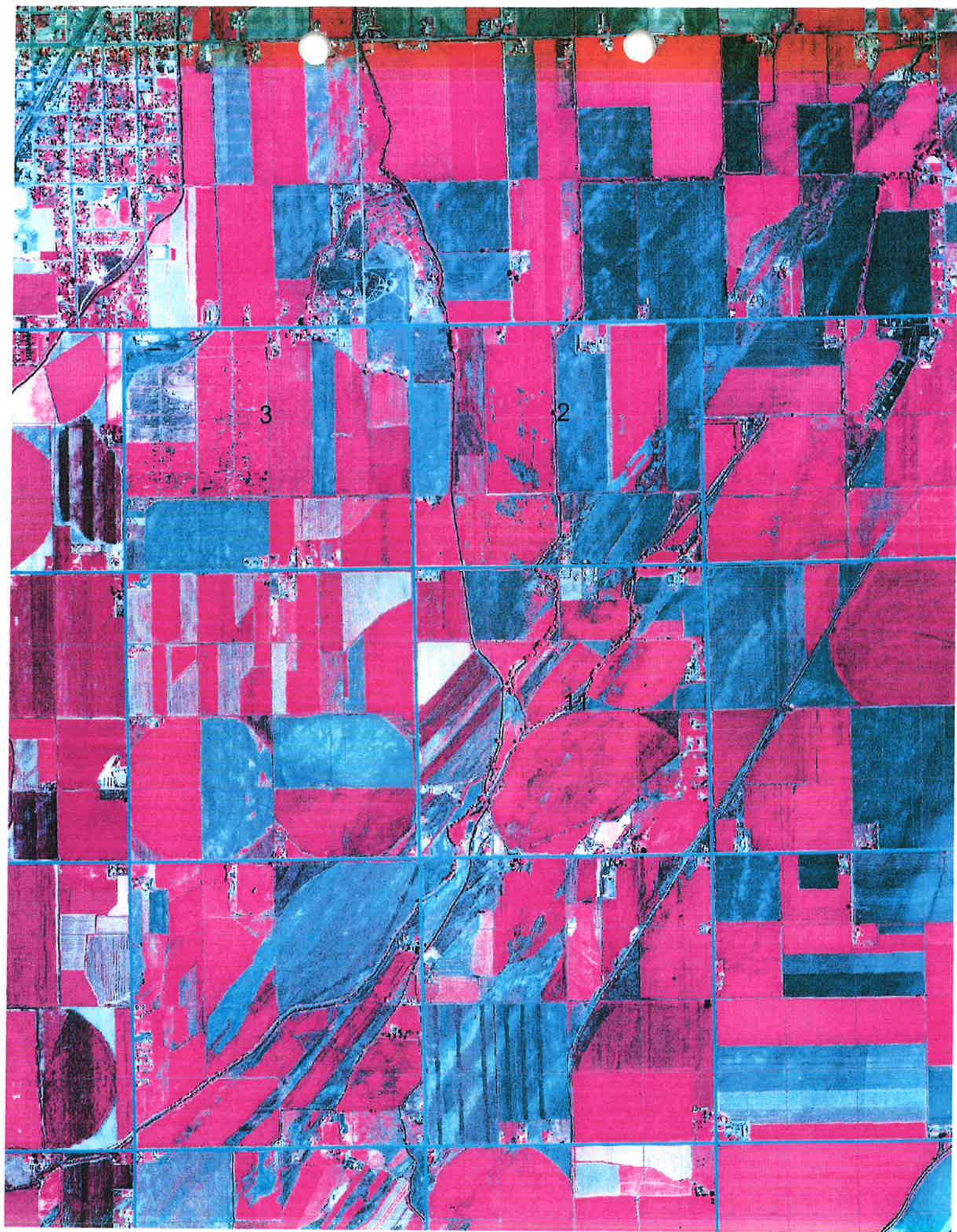
4

3

TIS
R37E

5

6 8



What Right?

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should include, "Use of this right with right 27-4019 is limited to a total combined annual diversion volume of (no greater than 3373.7 AFY)."
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should include the point of diversion for 27-4019 as an alternate point of diversion. The point of diversion for 27-2116 should be corrected to show it is in the NESE, not SENE. See Affidavit of Robert Beal in SRBA file at IDWR.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be "Industrial use is for potato processing. The water diverted under this right for industrial purposes must first be used in association with potato processing. After water is used for industrial purposes in association with potato processing, it may be applied to land to satisfy water quality requirements."
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Add place of use for 27-7411. Remark should read: "the place of industrial use includes land upon which discharged process and operating water may be applied for land application purposes to satisfy water quality requirements."
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION(S):

Notes

8-16-2007 - Quantity - Affidavit of Robert Bral,
paragraph 5 states well #2 produced 1.45 cfs.

$$1.45 \times 1.9835 \times 365 = \underline{\underline{1049.77 \text{ AFY.}}}$$

P.O.D. Legals on amended pods is good.

Q - No combined volume limit because AFYs
are additive. -

P.O.D & Purpose of Use - remark is combination of
similar remark for Lomb Weston & agreed to
language between Jo & ADWR.

4/19/05.

Notes

27-2116. & 27-4019. phone discussion w/Amie.

Purpose: industrial
well under 2116

May 1958- well drilled. Sept 1958 first
operated -

B.U. claim - 1" per acre for 20 acres. for irrigation
20 acre exp. plat.

Under the affidavit in file.

Another well 800 gpm - ? Which well.

Need evidence of flow rate on 27-4019

Does the pod under 27-2116 still exist?

Is that the well with the building on it?

Was a new well dug?

-10 May 2005 -

Tom Hepworth

DEQ Poky Regional Office

236-6160

wastewater land application.

PROFILED

Q- original claim represents that 2.00 cfs was
diverted. Theoretical calculations indicate this Q
is reasonable. While 4.0 cfs. is excessive for
NP, PSI & dynamic head.

SCANNED
APR 17 2006

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = 100

Eff = Efficiency = .60 (Usually 70%)

Lift: (Static Level + Assumed Drawdown)

Static Water Level = _____ ft.

Assumed Drawdown = + _____ ft.

Lift = 80

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 80 psi

$$Q_{cfs} = \left[\frac{100}{Hp} \times 8.814 \times \frac{.60}{Eff} \right] \div \left[\frac{80}{Lift} + \left(\frac{80}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{528.84}{ } \right] \div \left[\frac{264.64}{ } \right]$$

$$Q_{cfs} = \underline{2.00} \text{ cfs}$$

Bird, Cindy

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

Cindy,

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

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

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

Jo

Josephine P. Beeman
 Beeman & Associates, P.C.
 Phone: 208-331-0950
 Fax: 208-331-0954

jo.beeman@beemanlaw.com

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4/19/2005

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

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2603.

used changed - 2/16

We could recommend Both P&D's under license.

Industrial - Changes as a matter of conformity.
 no actual change in use.

POU. - list 22 claimed.

4/19/2005

Notes

4/16/04 - received documents from Basic
American Foods. 4/5/04 - Documents
needs review. CB

4

Notes

2/13/04 Need to draft a letter for the change in SOU on 27-4019 & 7411.

2/17/04 mailed letter on 27-4019 & 7411 requesting information when the SOU changed. If the SOU has changed then an enlargement claim is needed.

2/12/04 also, I received an email from Eric outlining Cond/Remark Code needed on these rights.

3/15/04 Spoke with Larry Santter, from Basic American Foods. He's been with the Company about 18 months. He doesn't know when the SOU changed. CB Larry will call 3/16/04 for an appointment to see if I have to serve on jury duty.

Ship called back and he had asked them for their pumping records and he said he would have to talk to their attorney first.

MIND LARRY WE STILL NEED the Records!

4-5-04 Received affidavit and ownership change from claimant, but no warranty deed. PB

4-5-04 Claimant returned phone call, another package went out last Friday, with legal description info. PB

Bird, Cindy

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

Cindy

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

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

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

Use the following remark for 27-4019 and 27-2116. This remark is a modified WD8. Don said to leave it as a place of use remark.

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

Since the rights do not provide for using ground water to irrigate I suggest not including any reference to irrigation use.

I hope this helps. Let me know if you still have questions.

Ernie

-----Original Message-----

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

good morning Candice,

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

Claim numbers 27-4019, 27-7411 and 27-2116.

Thanks you,
Cindy

Notes

2-4-04 File returned to Soda. BT

2-4-04 Email to Skip re weed ID. BV

2-4-04 Letter to Clamont re ownership change. BT

2/5/04 emailed Ernie to find out if a payout is needed for the land application of the waste water. CB

2/6/04 Larry called to say that he's still working on getting the paperwork together for the ownership change.

2/12/04 Pou under this claim is claimed under 38 for Snake River Valley Irrigation District.

SOU in statutory claim for commercial is 9/15 to 7/1.

1. Change in SOU?

2. Statutory claim - claimed 20 cts Commercial
4/1 to 9/15 20 cts Irrigation.

Pou changed: Increased QQ's but they are listed under Snake River Valley Irrigation District.

2/13/04 emailed Cardini to ask her to create an appropriate Remark/Cond for the land application of the wastewater. CB Copied Ernie Carlson.

Notes

Claim A27-04019 (continued)

8/ Pump theoretical:

$$\text{cfs} = \frac{100\text{hp} \times 8.81 \times 70\% \text{ eff}}{90' \text{ water head} + (2.31 \times 80 \text{ psi})}$$

(estimated)
(Dynamic head)

$$\text{cfs} = \frac{616.7}{274.8} = \underline{\underline{2.24 \text{ cfs}}}$$

* Theoretical does not support claim of 4.00 cfs

9/ Additional P.O.U. 1/4 of 1/4 for land application possibly addressed in Memorandum #61 (included).

A transfer is generally required but could this not be considered an accomplished transfer since verbal testimony implies this ground was used to spread waste water prior to 1987.

In addition these P.O.U.'s are irrigated with Snake River Valley Irrig. District water. See claim 1-38 included. The waste water is mixed with this water & land applied. This holds true for Claim A27-02116.

Notes

Claim A27-04019

- 1/ Exam done on 1-15-2004 with Larry Sautter, Environmental Superintendent for Basic American Foods.
- 2/ A change of ownership for instructions were given to Mr. Sautter.
- 3/ There is only one well on this particular system. The priority date claimed of July 1, 1957 is supported by attached well log for R.T. French company.
- 4/ This system has a 100hp U.S. Motor pump, SN 1154804, operating at 80 psi. CFS quantification has been requested from the company (Basic Am. Foods)
- 5/ Company staff are working on place of use questions.
- 6/ GPS data - 0651786 File # 007291
0254307 DEQ tag # E0007291
- 7/ No photos allowed of well as it is inside process building.

BASIC AMERICAN FOODS

LARRY SAUTTER

Environmental Superintendent
lsautter@baf.com

434 South Emerson
Shelley, ID 83274
208.357.1344
Cell 208.317.8344
Fax 208.357.3586

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Basic	American Foods				208-357-1344
Name connector: and						
Current Owner		434 S. Emerson				
Current Owner		Shelley, ID	83274			

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 1-15-2004 Time: _____

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

7/4/04 Requested ownership change CB
Skip also left an ownership change form
with Larry Sautter on 1-15-04

2/5/04 Harold Jones called and said they had
either referred it to their accountant or lawyer
to handle.

2/

Reviewer: CB Date: 2/5/06

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: 27-4019

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

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

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

well log
field exam

Reviewer: _____

CB

Date: _____

2/3/04

Priority Date Data Entry Form

Priority DateClaim No. 27-4019

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☐ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☐ No ☒
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☐ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☐ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☒
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☒
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☒
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☒ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim. **B. U.**
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Priority Date

Point of Diversion and Source Data Entry Form

Claim Number: 27-4019

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
					Bingham	G.W.
GPS Coordinates: <u>0651786</u>					<u>0254307</u>	
GPS Coordinates: _____					_____	
GPS Coordinates: _____					_____	
GPS Coordinates: _____					_____	
GPS Coordinates: _____					_____	
GPS Coordinates: _____					_____	
GPS Coordinates: _____					_____	

Other rights from this POD? No

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

field exam
link GPS file #007291

Transfers Changing POD noReviewer: CBDate: 2/5/04

Point of Diversion and Source Data Entry Form

Point of Diversion

Claim No. 27 - 4019

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes () No (☒)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes () No (☒)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

Yes () No ()

4. Does the parent right have a POD?

If Yes, go to 5

If No, go to 6

Yes () No ()

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

Yes () No ()

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7

If No, go to 9

Yes () No (☒)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes () No ()

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

Yes () No ()

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (☒) No ()

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Yes () No (☒)

Point of Diversion

Source

Claim No. 27-4019

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes () No (X)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes () No (X)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Source as shown on the Permit. Go to 11

Yes () No ()

4. Does the parent right have a Source?

If Yes, go to 5

If No, go to 7

Yes () No ()

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11

If No, go to 7

Yes () No ()

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7

If No, go to 7

Yes () No (X)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8

If No, go to 10

Yes () No (X)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10

If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes () No ()

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11

If No, go to 10

Yes () No ()

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11

If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (X) No ()

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.

If No, Source review is complete.

Yes () No (X)

Source

Purpose of Use Data Entry Form

Claim Number: 27-4019☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

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

Claimed Purpose of Use

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

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
<u>commercial</u>				

Document how the Purpose of Use was verified:

field exam

Transfers Changing Purpose of Use noReviewer: CBDate: 2/5/04

Purpose of Use Data Entry Form

Purpose of Use

Claim No. 27-4019

1. Is the basis of claim a Decree or License?

Yes () No (X)

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

2. Is the basis of claim a Permit or Application?

Yes () No (X)

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

3. Has the License been issued?

Yes () No ()

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

4. Does the parent right have a Purpose of Use?

Yes () No ()

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

5. Can the claimed Purpose of Use be verified using the water right file?

Yes () No ()

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

6. Is there evidence that there has been a change in the Purpose of Use?

Yes (X) No (X)

If Yes, go to 7
If No, go to 11

7. Can the change be verified as an accomplished transfer?

Yes (X) No ()

If Yes, add condition C04, go to 11
If No, go to 8

8. Does the change include an enlargement of the Purpose of Use?

Yes () No ()

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

9. Was an enlargement claim filed?

Yes () No ()

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

10. Did the claimant file an enlargement claim?

Yes () No ()

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

11. Does the file contain all of the necessary information to verify the Water Use?

Yes (X) No ()

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

12. Did the claimant file a transfer?

Yes () No ()

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

13. Is a Purpose of Use remark and/or condition required?

Yes () No (X)

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Purpose of Use

Period of Use and Quantity Data Entry FormClaim Number: 27-4019☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Commercial	1/1	12/31	2.24	

Overall Diversion Rate 2.24 Overall Diversion Volume _____

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

field exam

Reviewer: CBDate: 2/5/04**Period of Use and Quantity Data Entry Form**

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.

Yes () No (X)

Yes () No (X)

Yes () No ()

Yes () No ()

Yes () No ()

Yes () No (X)

Yes () No ()

Yes () No ()

Yes () No ()

Yes () No ()

Yes () No ()

Yes (X) No ()

Yes () No (X)

Yes () No ()

Yes () No (X)

Yes () No ()

Yes () No ()

Yes () No (X)

Period of Use

Quantity

Claim No. 27 - 4019

1. Is the basis of claim a Decree or License? Yes ☐ No ☒
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes ☐ No ☒
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes ☐ No ☐
If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11
4. Does the parent right have a diversion rate and/or volume? Yes ☐ No ☐
If Yes, go to 5
If No, go to 7
5. Can the claimed diversion rate and/or volume be verified using the water right file? Yes ☐ No ☐
If Yes, go to 8
If No, go to 7
6. Is the basis of claim a posted notice? Yes ☐ No ☒
If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7
7. Is a flow measurement required? Yes ☒ No ☐
use theoretical because of well location
If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9
8. Does the parent right have an annual diversion volume limit? Yes ☐ No ☐
If Yes, go to 10
If No, go to 9
9. Is the source Ground Water and does the purpose of use require a diversion volume limit? Yes ☐ No ☒
If Yes, go to 10
If No, go to 11
10. Is irrigation a purpose of use? Yes ☐ No ☐
If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
11. Has a diversion volume limit for this water use been established by a decree, license or transfer? Yes ☐ No ☒
If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12
12. Is a Quantity remark and/or condition required? Yes ☐ No ☒
If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Quantity

Summary

Claim No. 27-4019

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?
If Yes, go to 2
If No, go to 3
Yes ☐ No ☒
2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5
Yes ☐ No ☐
3. Is the water being used for all of the purposes claimed and to the extent claimed?
If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4
Yes ☒ No ☐
4. Is any portion of the claim being recommended?
If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5
Yes ☐ No ☐
5. Is an additional remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Go to 6
If No, go to 6
Yes ☒ No ☐
6. Would you like to view the recommended right?
If Yes, go to 7
If No, the review is incomplete. The recommendation must be viewed to complete the review.
Yes ☒ No ☐
7. Is this a "split" or "combined" right?
If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8
If No, go to 8
Yes ☐ No ☒
8. Do you have documents you would like to attach or link to the file?
If Yes, go to PowerDOCS and profile the documents. Go to 9
If No, go to 9
Yes ☐ No ☒
9. Would you like to set the verification date?
If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.
Yes ☒ No ☐

Summary

Summary Data Entry Form

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

C18

C04

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

Split or Combined Right Analysis:

No

Attached Field Notes or Other Documents:

Claim No.:

27-4019

Reviewer

CB

Date

2/5/04

27-4019

FAX COVER SHEET

May 10, 2005

TO: Cindy Bird
IDWR Soda Springs Office

Fax: 208-547-3939

FROM: Beeman & Associates, P.C.

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

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

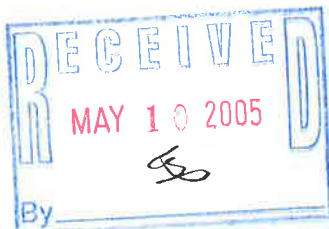
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ORIGINAL BY MAIL: YES ☒ NO ☐

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



Josephine P. Beeman #1806
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 409 West Jefferson Street
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 Phone: (208) 331-0950
 Fax: (208) 331-0954
jo.beeman@beemanlaw.com

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

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

STATE OF IDAHO)
) ss:
 COUNTY OF BINGHAM)

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

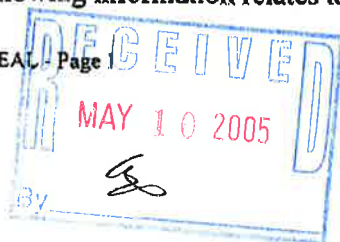
(1) My name is Robert Beal. From 1962 to the present, I have been a fulltime employee for the potato processing plant now owned and operated by Basic American, Inc. in Shelley, Idaho. At present, I am the Maintenance Superintendant for the plant.

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

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

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

AFFIDAVIT OF ROBERT BEAL - Page 1



and the physical attributes and diversion capacities for each well.

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

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

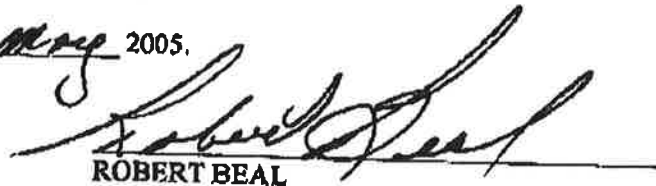
(7) Well #2 and Well #3 have always been interconnected.

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

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

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 10 day of May 2005.

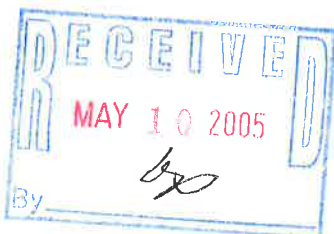

ROBERT BEAL

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




Notary Public for Idaho
Residing at Reidway, Idaho
Commission Expires: 01-12-2010

AFFIDAVIT OF ROBERT BEAL - Page 2



Bird, Cindy

From: Jo Beeman [jo.beeman@beemanlaw.com]
Sent: Sunday, May 08, 2005 6:27 AM
To: Cindy Bird (IDWR)
Cc: Bruce Wright; Joyce Angell (B&A); Jo Beeman ; 'B&A Office'
Subject: Basic American Shelley plant SRBA claims 27-4019 and 27-2116

*forwarded to Enie
5/9/05
10:22 AM.*

Cindy,

I attach a draft affidavit of Robert Beal (who has worked at the Shelley facility since 1962) as well as a pdf file of the Merlyn Browning affidavit which you already have. Basic American is reviewing the affidavit, and since I will be out of town this next week, my office will coordinate with Basic American to provide a signed, notarized final affidavit to you.

Mr. Beal's affidavit establishes the location and physical characteristics of the two production wells, and in the process clarifies that well #2 is associated with license 27-2116 (and SRBA claim 27-2116) and well #3 is associated with SRBA claim 27-4019; however, the wells are interconnected and should be alternate points of diversion for 27-2116 and 27-4019. Mr. Beal's affidavit states that both wells are in the NESE of Section 32, T1N, R37E, after reviewing the maps in the SRBA and IDWR files. If IDWR has more accurate aerial photos, I have suggested that Basic American check those to confirm the legal description for the wells. Mr. Beal's affidavit also confirms that prior to November 19, 2005, the plant's highest number of production days in a year was 338.

In order to establish historic diverted volume, Basic American would use 338 days of production and 27 days of non-production. Mr. Beal's affidavit provides a figure of 50,000 GPD for bathroom use throughout the year; this exits the plant to the sewer system for the City of Shelley. Mr. Browning's affidavit establishes that on nonproduction days, the flow from the plant's water use was about 200 gpm. Mr. Browning's affidavit also establishes that the wells operated 24 hours a day during production, and Mr. Beal's affidavit establishes that the wells divert 650 gpm and 1000 gpm, respectively. The total maximum historic annual diverted volume is in the range of 2195 AF or 715 mgd.

I realize you are in the final stages of preparing the preliminary proposed recommendations for basin 27. We appreciate your including this information in the SRBA files for the Shelley plant.

Jo

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

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5/9/2005

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jo.beeman@beemanlaw.com

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

In Re SRBA)

Case No. 39576)

**AFFIDAVIT OF MERLYN BROWNING
IN SUPPORT OF SRBA CLAIMS
27-4019 AND 27-7411**

STATE OF IDAHO)

COUNTY OF BINGHAM)

) ss:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this ^{MB} ~~8~~-29 day of March 2004.

Merlyn Browning
MERLYN BROWNING

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



Gail M. Chambers
Notary Public for Idaho
Residing at Refugio, Idaho
Commission Expires: 11-12-2010

Z:\1773\76161



Bird, Cindy

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

Cindy,

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

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

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

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

I appreciate the assistance. You are welcome to call.

Jo

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

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3/31/2004

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Fax: (208) 331-0954
jo.beeman@beemanlaw.com

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

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

STATE OF IDAHO	)	
	) ss:	DRAFT
COUNTY OF BINGHAM	)	

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

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

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

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

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

and the physical attributes and diversion capacities for each well.

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

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

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

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

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

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this _____ day of _____ 2005.

ROBERT BEAL

SUBSCRIBED AND SWORN before me on this _____ day of _____ 2005.

Notary Public for Idaho
Residing at _____, Idaho
Commission Expires: _____

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

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

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

STATE OF IDAHO	)
	) ss:
COUNTY OF BINGHAM	)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this _____ day of March 2004.

MERLYN BROWNING

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

Notary Public for Idaho
Residing at _____, Idaho
Commission Expires: _____

ZA1773\76161

BASIC AMERICAN FOODS

434 South Emerson
Shelley, ID 83274
208.357.3402

April 2, 2004

Ms. Cindy Bird
Idaho Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

Dear Ms. Bird:

Subject: Snake River Basin Adjudication
Claim 27-4019 & 27-7411

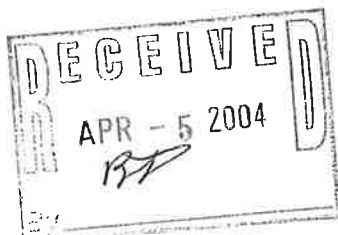
Please find enclosed the legal descriptions as requested on the Notice of Change in Water Right Ownership. The signed form was previously mailed to you.

If there are any further questions, please don't hesitate to contact me at 357-1344.

Respectfully,



Larry Sautter
Environmental Manager Shelley Plant





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

4 February 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

COPY

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

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

Subject: OWNERSHIP CHANGE REMINDER

Response Date: 27 February 2004

Dear Claimant(s):

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

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

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/bjp
Enclosures:

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.

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

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

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

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

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

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

OR

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

3. Name and Address of Former
Owner/Claimant(s)

The Pillsbury Company
434 S. Emerson Shelley, ID 83274

4. New Owner/Claimant(s)

Basic American Foods

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

New Mailing Address

434 So. Emerson

City, State and ZIP Code

Shelley, Id 83274

New Telephone Number

208. 357-3402

5. Date you acquired the property

Jan. 1, 1999



If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Signature]
V.P. OPERATIONS

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

ASSET PURCHASE AGREEMENT

ASSET PURCHASE AGREEMENT, dated as of December __, 1998, by and between BASIC AMERICAN, INC., a Delaware corporation ("Buyer"), and THE PILLSBURY COMPANY, a Delaware corporation ("Seller").

RECITALS

WHEREAS, Seller carries on the business of processing, warehousing and distributing dehydrated potato products from its facilities at Shelley, Idaho [and Idaho Falls, Idaho], consisting specifically of (i) the industrial dehydrated potato business, pursuant to which Seller purchases raw potato products and processes the same into dehydrated products, which are then stored and distributed to third parties for further processing by the third party into consumer products such as potato chips or soups (the "Industrial Potato Business"); (ii) the food service dehydrated potato business, pursuant to which Seller purchases raw potato products and processes the same into dehydrated products, which are then stored, packaged and distributed to third parties such as restaurants and food suppliers (the "Food Service Potato Business"); and (iii) the retail dehydrated potato business, pursuant to which Seller purchases raw potato products and processes the same into dehydrated products, which are then stored, packaged and distributed for sale to retail customers (the "Retail Potato Business") (the Industrial Potato Business, Food Service Potato Business and Retail Potato Business being collectively referred to herein as the "Business"); and

WHEREAS, Seller desires to sell and Buyer desires to purchase certain of the operating assets of Seller utilized in the Business on the terms and subject to the conditions of this Agreement.

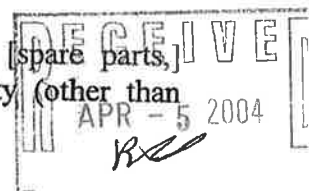
NOW, THEREFORE, in consideration of the premises and of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1. PURCHASE AND SALE OF ASSETS.

1.1 **Generally.** On the terms and subject to the conditions of this Agreement, Seller agrees to sell, transfer, convey and deliver to Buyer, and Buyer agrees to purchase from Seller, on and as of the Closing Date (as defined in Section 4 hereof), the following property and assets of Seller (collectively, the "Assets"):

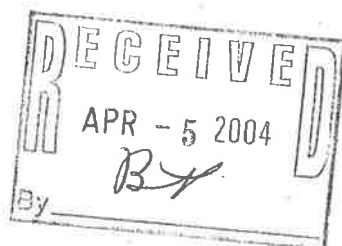
(a) The real property described in **Schedule 1.1(a)** hereto (the "Real Estate") and all easements, rights of way and other rights, interests and appurtenances of Seller therein or thereunder pertaining, including, without limitation, all water and minerals rights owned by the Seller and used in connection with the Business (including all surface and subsurface waters and riparian rights owned by Seller) together with all buildings, structures, installations, fixtures and other improvements situated on such Real Estate (collectively, the "Facilities");

(b) All machinery, equipment, tools, motor vehicles, [spare parts,] tools, accessories, furniture, and other miscellaneous tangible personal property (other than



Schedule 1.1(a) Real Estate

See attached legal descriptions.



LEGAL DESCRIPTION

TRACT A:

Lot 7 in Block 28 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof; TOGETHER WITH that portion of Vacated Elm Street between Blocks 28 and 29 of said City of Shelley from the Westerly line of the intersection of Elm Street and South Emerson and running thence Westerly to the Railroad right-of-way line.

TRACT B:

All of Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof, EXCEPT fractional Lot 9; TOGETHER WITH that portion of Vacated Alley lying between Lots 2, 3, 4, 5, 6, 7 and 8 in said Block 29.

TRACT C:

A portion of the SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E. B. M., Bingham County, Idaho, described as: Beginning at a point which is W. 728.5 feet along the East-West centerline from the EX of said Section 32, and running thence S. 393.3 feet; thence E. 408.4 feet; thence S. 926.7 feet; thence W. 1299.9 feet; thence N. 551 feet; thence W. 100 feet to the railroad right-of-way; thence N. 30°00'00" E. along said right-of-way to its intersection with the E. line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32; thence N. to the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32; thence E. along said North line (East-West centerline) 591.5 feet, to the point of beginning, EXCEPTING THEREFROM Railroad right-of-way; ALSO EXCEPTING a strip 1 rod wide along the East side of the railroad; ALSO EXCEPTING: Beginning at the point of intersection of the centerlines of Park Avenue and Fir Street in the City of Shelley, Bingham County, Idaho, and running thence W. along the centerline of said Fir Street 756.98 feet; thence S. 00°01'40" W. 542.12 feet to the TRUE POINT OF BEGINNING; running thence S. 00°01'40" W. 244.00 feet; thence S. 89°56'57" W. 535.22 feet; thence N. 00°03'03" W. 244 feet; thence N. 89°56'57" E. 535.55 feet to the TRUE POINT OF BEGINNING. ALSO EXCEPTING: Beginning at a point 1714.12 feet N. 89°47'36" E. and 1570.78 feet N. 0°22'06" W. from the SW corner of Section 32, Township 1 North, Range 37 E.B.M.; and running thence N. 0°22'06" W. 90.00 feet; thence S. 89°37'54" W. 50.00 feet; thence S. 0°22'06" E. 90.00 feet; thence N. 89°37'54" E. 50.00 feet to the point of beginning.

TRACT D:

The Northerly 9.85 feet of Fir Street, between Emerson Avenue and the Union Pacific Railroad, in Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof.

TRACT E:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet and S. 00°01'40" W. 132.48 feet from the EX corner of said Section 32, and running thence S. 00°01'40" W. 101.52 feet; thence W. 184 feet; thence N. 00°01'40" E. 240 feet; thence E. 127 feet; thence S. 00°01'40" W. 132.3 feet; thence S. 89°58'20" E. 57 feet, more or less, to the point of beginning.

APR - 5 2004

TRACT F:

A portion of the NE¼SE¼ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point which is W. 643.5 feet from the E¼ corner of said Section 32, and running thence S. 241 feet; thence E. 323.4 feet; thence S. 152.3 feet; thence W. 408.4 feet; thence N. 393.3 feet; thence E. 85 feet to the point of beginning.

TRACT G:

A portion of the NE¼SE¼ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 504 feet W. of the NE corner of NE¼SE¼ of said Section 32, and running thence S. 240 feet; thence W. 70 feet; thence N. 240 feet; thence E. 70 feet to the point of beginning.

TRACT H:

A portion of the NE¼SE¼ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 574 feet W. of the NE corner of NE¼SE¼ of said Section 32, and running thence S. 240 feet; thence W. 69.5 feet; thence N. 240 feet; thence E. 69.50 feet to the point of beginning.

TRACT I:

A portion of the NE¼SE¼ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet and S. 00°01'40" W. 132.48 feet from the E¼ corner of said Section 32, running thence N. 89°58'20" W. 57 feet, thence N. 00°01'40" E. 132.3 feet, thence E. 57 feet, thence S. 00°01'40" W. 132.32 feet to the point of beginning.

PARCEL J:

A portion of the NE¼SW¼ of Section 26, Township 1 South, Range 35 E.B.M., Bingham County, Idaho, described as: Commencing at a point 25 feet W. and 795 feet S. of the NE corner of the SW¼ of said Section 26; thence southwesterly 249°08', 45.7 feet; thence W. 317.58 feet; thence southeasterly 149°30', 489.67 feet, more or less, to a point which is 120 feet W. of the W. right-of-way line of the N-S County Road bordering said Tract on the E. side thereof; thence due E. 120 feet to said west right-of-way line; thence due N. along said west right-of-way line a distance of 430 feet, more or less, to the point of beginning.

PARCEL K:

That portion of the S¼SW¼ lying easterly of the East Branch of the Snake River Valley Irrigation Canal and westerly of Sand Creek, all in Section 2, Township 1 South, Range 37 E.B.M., Bingham County, Idaho; EXCEPTING THEREFROM the S. 25 feet for road right-of-way. ALSO,

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 2:

Lot 3, NE¼SW¼, SE¼NW¼; EXCEPTING THEREFROM:

Beginning at a point that is E. 1546.48 feet along the section line, from the NW corner of said Section line; thence S. 0°18'57" W. 356.24 feet; thence S. 88°35'45" W. 97.59 feet; thence N. 12°33'10" W. 164.16 feet; thence N. 0°17'31" W. 197.95 feet to the point of beginning.

PARCEL L:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 3:

~~N $\frac{1}{2}$ NW $\frac{1}{4}$~~ , ~~S $\frac{1}{2}$ NW $\frac{1}{4}$~~ , Lots 3 and 4; EXCEPTING from said Lots 3 and 4: Beginning at a point that is E. 1,249.8 feet along the Section line from the NW corner of said Section 3; and running thence E. along the Section line 395 feet to the center line of the Union Pacific Railroad spur track; thence following said center line of spur track southwesterly along a 10° curve to the right 456.3 feet; thence N. 0°42' W. 209.2 feet to the point of beginning, less the strip of land 10 feet wide lying northerly and parallel to said spur track measured at right angles from the center line of said spur track, also less 33 feet across the north side of the above-described property contained in present road right-of-way; ALSO EXCEPTING THEREFROM: Beginning at the NW corner of said Section 3; thence E. along the Section line 1249.80 feet; thence S. 0°42' E. 387.42 feet; thence S. 89°08'23" W. 1054.64 feet; thence N. 0°30'42" W. 46.91 feet; thence S. 89°44' W. 200.10 feet; thence N. 0°00'52" E. 357.24 feet to the point of beginning.

PARCEL M:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 11:

~~N $\frac{1}{2}$ NW $\frac{1}{4}$~~ ; ~~SW $\frac{1}{4}$ NW $\frac{1}{4}$~~ ; ~~NW $\frac{1}{4}$ SW $\frac{1}{4}$~~ ; and that portion of the ~~SE $\frac{1}{4}$ NW $\frac{1}{4}$~~ and ~~NE $\frac{1}{4}$ SW $\frac{1}{4}$~~ lying West of Sand Creek, EXCEPTING THEREFROM: County road right-of-way along the N. 25 feet of the ~~N $\frac{1}{2}$ NW $\frac{1}{4}$~~ , and County Road along the West Section line of said Section 11.

PARCEL N:

Part of the ~~S $\frac{1}{2}$ SE $\frac{1}{4}$~~ of Section 14, Township 1 South, Range 36 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°41'10" W. 486.93 feet along the section line to the E. bank of the Great Western Canal from the SE corner of said Section 14; and running thence N. 89°41'10" W. 2157.37 feet along the section line to the ~~S $\frac{1}{2}$~~ corner of said Section 14; thence N. 00°01'51" W. 1330.74 feet along the North-South center section line to the NW corner of said ~~S $\frac{1}{2}$ SE $\frac{1}{4}$~~ ; thence S. 89°53'51" E. 2462.18 feet along the N. line of said ~~S $\frac{1}{2}$ SE $\frac{1}{4}$~~ to the westerly right-of-way of a County road; thence along said Westerly County right-of-way the following three (3) courses (1) S. 13°07'04" W. 539.86 feet; (2) thence S. 01°33'33" W. 87.74 feet; (3) thence S. 16°35'53" E. 43.97 feet to the N. corner of Deed Instrument No. Book 43, Page 435; thence along said deed and easterly bank of said Great Western Canal following three (3) courses (1) S. 27°43'36" W. 106.44 feet; (2) thence S. 13°33'20" W. 506.99 feet; (3) thence S. 13°46'57" W. 98.28 feet to the point of beginning.

472876

DEED

98 DEC 31 AM 11:52

RECORDED AT THE REQUEST OF

FOR VALUE RECEIVED, The Pillsbury Company, a corporation duly organized and existing under the laws of the State of Delaware, Grantor, does hereby bargain, sell, convey and quitclaim unto Grantee, the following described real estate, situated in Bingham County, Idaho, to-wit: Basic American, Inc.,

See Attachment A.

together with all tenements, hereditaments and appurtenances belonging thereto including, without limitation, all water, water rights, ditch and ditch rights, if any. Grantor covenants and represents that:

- (1) This Deed conveys after-acquired title; and
- (2) Grantor has not made, done, executed or suffered any act or thing whereby the above-described property or any part thereof, now or at any time hereafter, shall or may be imperiled, charged or incumbered in any manner, and Grantor will warrant the title to the above-described property against all persons claiming the same from or through Grantor as a result of any such act or thing.

Dated: December 31, 1998

THE PILLSBURY COMPANY

By

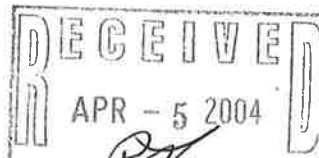
David E. Schmitt
Its Vice President

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

On this 29th day of December, 1998, before me, a Notary Public in and for said State, personally appeared David E. Schmitt of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Richard G. Erstad
Notary Public for the State of Minnesota
Residing at St. Paul



Attachment A

TRACT A:

Lot 7 in Block 28 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof; **TOGETHER WITH** that portion of Vacated Elm Street between Blocks 28 and 29 of said City of Shelley from the Westerly line of the intersection of Elm Street and South Emerson and running thence Westerly to the Railroad right-of-way line.

TRACT B:

All of Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof, **EXCEPT** fractional Lot 9; **TOGETHER WITH** that portion of Vacated Alley lying between Lots 2, 3, 4, 5, 6, 7 and 8 in said Block 29.

TRACT C:

A portion of the SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E. B. M., Bingham County, Idaho, described as: Beginning at a point which is W. 728.5 feet along the East-West centerline from the E $\frac{1}{4}$ of said Section 32, and running thence S. 393.3 feet; thence E. 408.4 feet; thence S. 926.7 feet; thence W. 1299.9 feet; thence N. 551 feet; thence W. 100 feet to the railroad right-of-way; thence N. 30°00'00" E. along said right-of-way to its intersection with the E. line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32; thence N. to the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32; thence E. along said North line (East-West centerline) 591.5 feet, to the point of beginning, **EXCEPTING THEREFROM** Railroad right-of-way; **ALSO EXCEPTING** a strip 1 rod wide along the East side of the railroad; **ALSO EXCEPTING:** Beginning at the point of intersection of the centerlines of Park Avenue and Fir Street in the City of Shelley, Bingham County, Idaho, and running thence W. along the centerline of said Fir Street 756.98 feet; thence S. 00°01'40" W. 642.12 feet to the **TRUE POINT OF BEGINNING**; running thence S. 00°01'40" W. 244.00 feet; thence S. 89°56'57" W. 535.22 feet; thence N. 00°03'03" W. 244 feet; thence N. 89°56'57" E. 535.55 feet to the **TRUE POINT OF BEGINNING**. **ALSO EXCEPTING:** Beginning at a point 1714.12 feet N. 89°47'36" E. and 1570.78 feet N. 0°22'06" W. from the S $\frac{1}{4}$ corner of Section 32, Township 1 North, Range 37 E.B.M.; and running thence N. 0°22'06" W. 90.00 feet; thence S. 89°37'54" W. 50.00 feet; thence S. 0°22'06" E. 90.00 feet; thence N. 89°37'54" E. 50.00 feet to the point of beginning.

TRACT D:

The Northerly 9.85 feet of Fir Street, between Emerson Avenue and the Union Pacific Railroad, in Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof.

(Continued)

The land description continues:

TRACT E:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet and S. 00°01'40" W. 132.48 feet from the E $\frac{1}{4}$ corner of said Section 32, and running thence S. 00°01'40" W. 101.52 feet; thence W. 184 feet; thence N. 00°01'40" E. 240 feet; thence E. 127 feet; thence S. 00°01'40" W. 132.3 feet; thence S. 89°58'20" E. 57 feet, more or less, to the point of beginning.

TRACT F:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point which is W. 643.5 feet from the E $\frac{1}{4}$ corner of said Section 32, and running thence S. 241 feet; thence E. 323.4 feet; thence S. 152.3 feet; thence W. 408.4 feet; thence N. 393.3 feet; thence E. 85 feet to the point of beginning.

TRACT G:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 504 feet W. of the NE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, and running thence S. 240 feet; thence W. 70 feet; thence N. 240 feet; thence E. 70 feet to the point of beginning.

TRACT H:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 574 feet W. of the NE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, and running thence S. 240 feet; thence W. 69.5 feet; thence N. 240 feet; thence E. 69.50 feet to the point of beginning.

TRACT I:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet and S. 00°01'40" W. 132.48 feet from the E $\frac{1}{4}$ corner of said Section 32, running thence N. 89°58'20" W. 57 feet, thence N. 00°01'40" E. 132.3 feet, thence E. 57 feet, thence S. 00°01'40" W. 132.32 feet to the point of beginning.

(Continued)

The land description continues:

PARCEL J:

A portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 1 South, Range 35 E.B.M., Bingham County, Idaho, described as:
Beginning at a point that is S. 89°54'15" E. 2640.26 feet along the section line to the S $\frac{1}{4}$ corner of said Section 26 and N. 00°00' E. 1844.24 feet along the North-South center section line and N. 90°00' 25.00 feet to the True Point of Beginning from the SW corner of said Section 26, said True Point of Beginning being 25 feet W. and 795 feet S. of the NE corner of said SW $\frac{1}{4}$ and running thence S. 69°08'00" W. 45.70 feet; thence S. 90°00' W. 317.58 feet; thence S. 30°30' E. 509.12 feet; thence S. 90°00' E. 120.00 feet to the westerly right-of-way of a county road; thence N. 04°25'47" W. 192.73 feet along said westerly right-of-way; thence N. 00°42'14" W. 262.82 feet along said westerly right-of-way to the point of beginning.

PARCEL K:

That portion of the S $\frac{1}{4}$ SW $\frac{1}{4}$ lying easterly of the East Branch of the Snake River Valley Irrigation Canal and westerly of Sand Creek, all in Section 2, Township 1 South, Range 37 E.B.M., Bingham County, Idaho; EXCEPTING THEREFROM the S. 25 feet for road right-of-way. ALSO, Township 1 South, Range 37 E.B.M., Bingham County, Idaho
Section 2: Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; EXCEPTING THEREFROM: Beginning at a point that is E. 1546.48 feet along the section line, from the NW corner of said Section 2, thence E. 136.31 feet along said Section line; thence S. 0°18'57" W. 356.24 feet; thence S. 88°35'45" W. 97.59 feet; thence N. 12°33'10" W. 164.16 feet; thence N. 0°17'31" W. 197.95 feet to the point of beginning.

(Continued)

The land description continues:

PARCEL L:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 3: ~~N~~^N/~~N~~^NW~~1~~/~~4~~⁴, ~~S~~^S/~~N~~^NW~~1~~/~~4~~⁴, Lots 3 and 4; EXCEPTING from said Lots 3 and 4: Beginning at a point that is E. 1,249.8 feet along the Section line from the NW corner of said Section 3; and running thence E. along the Section line 395 feet to the center line of the Union Pacific Railroad spur track; thence following said center line of spur track southwesterly along a 10° curve to the right 456.3 feet; thence N. 0°42' W. 209.2 feet to the point of beginning, less the strip of land 10 feet wide lying northerly and parallel to said spur track measured at right angles from the center line of said spur track, also less 33 feet across the north side of the above-described property contained in present road right-of-way; ALSO EXCEPTING THEREFROM: Beginning at the NW corner of said Section 3; thence E. along the Section line 1249.80 feet; thence S. 0°42' E. 387.42 feet; thence S. 89°08'23" W. 1054.64 feet; thence N. 0°00'42" W. 46.91 feet; thence S. 89°44' W. 200.10 feet; thence N. 0°00'52" E. 357.24 feet to the point of beginning.

PARCEL M:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 11: ~~N~~^N/~~N~~^NW~~1~~/~~4~~⁴; ~~S~~^S/~~N~~^NW~~1~~/~~4~~⁴; ~~N~~^N/~~W~~^W/~~1~~/~~4~~⁴; and that portion of the ~~S~~^S/~~E~~^E/~~N~~^NW~~1~~/~~4~~⁴ and ~~N~~^N/~~E~~^E/~~S~~^SW~~1~~/~~4~~⁴ lying West of Sand Creek, EXCEPTING THEREFROM: County road right-of-way along the N. 25 feet of the ~~N~~^N/~~N~~^NW~~1~~/~~4~~⁴, and County Road along the West Section line of said Section 11.

(Continued)

The land description continues:

PARCEL N:

Part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14, Township 1 South, Range 36 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°41'10" W. 486.93 feet along the section line to the E. bank of the Great Western Canal from the SE corner of said Section 14; and running thence N. 89°41'10" W. 2157.37 feet along the section line to the S $\frac{1}{2}$ corner of said Section 14; thence N. 00°01'51" W. 1330.74 feet along the North-South center section line to the NW corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$; thence S. 89°53'51" E. 2462.18 feet along the N. line of said S $\frac{1}{2}$ SE $\frac{1}{4}$ to the westerly right-of-way of a County road; thence along said Westerly County right-of-way the following three (3) courses (1) S. 13°07'04" W. 539.86 feet; (2) thence S. 01°33'33" W. 87.74 feet; (3) thence S. 16°35'53" E. 43.97 feet to the N. corner of Deed Instrument No. Book 43, Page 435; thence along said deed and easterly bank of said Great Western Canal following three (3) courses (1) S. 27°43'36" W. 106.44 feet; (2) thence S. 13°33'20" W. 506.99 feet; (3) thence S. 13°46'57" W. 98.28 feet to the point of beginning.

172876

No. 1402.92
(92)
Owner's Policy



POLICY OF TITLE INSURANCE



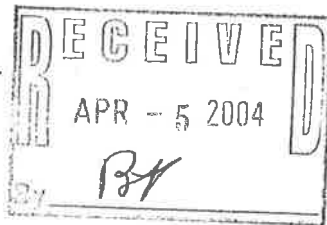
ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



First American Title Insurance Company

BY *Parker S. Kennedy*

PRESIDENT

ATTEST

Mark R. Amos

SECRETARY

COUNTERSIGNED:
FIRST AMERICAN TITLE COMPANY

Jim Wood
Title Officer

1055325

EXCLUSIONS FROM COVERAGE

are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which

ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date

Governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any loss which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

encumbrances, adverse claims or other matters:

suffered, assumed or agreed to by the insured claimant;

known to the Company; not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company
insured claimant prior to the date the insured claimant became an insured under this policy.

in no loss or damage to the insured claimant;

... or created subsequent to Date of Policy; or

loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

to which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, reorganization, receivership, or similar creditors' rights laws, that is based on:

transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or

transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the

timely record the instrument of transfer, or

if such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

CONDITIONS AND STIPULATIONS

ON OF TERMS.

Terms when used in this policy mean:

ured", the insured named in Schedule A, and, rights or defenses the Company would have named insured, those who succeed to the named insured by operation of law as from purchase including, but not limited to, heirs, devisees, survivors, personal representatives or corporate or fiduciary successors.

insured claimant: an insured claiming loss or

"known": actual knowledge, not knowledge or notice which may be imputed to a person on the basis of the public records as defined in this act; and

the land described or referred to in said improvements affixed thereto which by law property. The term "land" does not include any of the lines of the area described or referred to in (A), nor any right, title, interest, estate or interest in streets, roads, avenues, alleys, lanes, or easements, and nothing herein shall modify or limit the right of access to and from the land is hereby granted.

“Mortgage”: mortgage, deed of trust, trust deed, instrument.

records": records established under state of Policy for the purpose of imparting of matters relating to real property to value and without knowledge. With respect to of the Exclusions From Coverage, "public to include environmental protection liens filed the clerk of the United States district court which the land is located.

marketability of the title": an alleged or affecting the title to the land, not excluded or coverage, which would entitle a purchaser of rest described in Schedule A to be released on to purchase by virtue of a contractual ing the delivery of marketable title.

TERMINATION OF INSURANCE AFTER LOSS OF TITLE.

CA of this policy shall continue in force as

by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY.

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.

for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY.

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

11. LIABILITY NONCUMULATIVE.

It is expressly understood that the Amount of Insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

12. PAYMENT OF LOSS.

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

13. SUBROGATION UPON PAYMENT OR SETTLEMENT.

(a) The Company's Right of Subrogation.
Whenever the Company shall have settled and paid a

CLAIM TO BE GIVEN BY
CLAIMANT.

**RESPONSE AND PROSECUTION OF ACTIONS;
INSURED CLAIMANT TO COOPERATE.**

all cases where this policy permits or requires to prosecute or provide for the defense of any proceeding, the insured shall secure to the right to so prosecute or provide defense in the proceeding, and all appeals therein, and permit the use, at its option, the name of the insured for this whenever requested by the Company, the insured, at any expense, shall give the Company all (i) in any action or proceeding, securing witnesses, prosecuting or defending the proceeding, or effecting settlement, and (ii) in any fact which in the opinion of the Company may be desirable to establish the title to the estate or insured. If the Company is prejudiced by the failure to furnish the required cooperation, the obligations to the insured under the policy shall include any liability or obligation to defend, to continue any litigation, with regard to the matter requiring such cooperation.

PROOF OF LOSS OR DAMAGE

in addition to and after the notices required under these Conditions and Stipulations have been given to the Company, a proof of loss or damage signed and verified by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall have been notified of the loss or damage.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

7. DETERMINATION, EXTENT OF LIABILITY AND COINSURANCE.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

8. APPORTIONMENT.

If the land described in Schedule (A)(C) consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the Amount of Insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

9. LIMITATION OF LIABILITY.

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those Instruments which provide for subrogation rights by reason of this policy.

14. ARBITRATION.

A copy of the Rules may be obtained from the Company upon request.

**15. LIABILITY LIMITED TO THIS POLICY;
POLICY ENTIRE CONTRACT.**

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

16. SEVERABILITY.

In the event any provision of the policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

17. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company

FIRST AMERICAN



1889

First American Title Insurance Company

POLICY
OF
TITLE
INSURANCE



SCHEDULE A

Order No. 39523

Policy No. J - 1055325

Amount of Insurance: \$13,300,000.00

Premium \$34,785.00

Date of Policy: December 31, 1998, at 11:52 a.m.

Name of Insured:

BASIC AMERICAN, INC.

The estate or interest in the land which is covered by this policy is:

A FEE SIMPLE IN TRACTS A, B, C, D, E, F, G, H, I, J, K, L, M, N AND AN
EASEMENT OVER, UPON AND ACROSS TRACT O

Title to the estate or interest in the land is vested in:

BASIC AMERICAN, INC.

The land referred to in this policy is described as follows:

TRACT A:

Lot 7 in Block 28 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof; **TOGETHER WITH** that portion of Vacated Elm Street between Blocks 28 and 29 of said City of Shelley from the Westerly line of the intersection of Elm Street and South Emerson and running thence Westerly to the Railroad right-of-way line.

(Continued)

SCHEDULE A

Order No. 39523

Policy No. J - 1055325

The land description continues:

TRACT B:

All of Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof, **EXCEPT** fractional Lot 9; **TOGETHER WITH** that portion of Vacated Alley lying between Lots 2, 3, 4, 5, 6, 7 and 8 in said Block 29.

TRACT C:

A portion of the SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E. B. M., Bingham County, Idaho, described as: Beginning at a point which is W. 728.5 feet along the East-West centerline from the E $\frac{1}{4}$ of said Section 32, and running thence S. 393.3 feet; thence E. 408.4 feet; thence S. 926.7 feet; thence W. 1299.9 feet; thence N. 551 feet; thence W. 100 feet to the railroad right-of-way; thence N. 30°00'00" E. along said right-of-way to its intersection with the E. line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32; thence N. to the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32; thence E. along said North line (East-West centerline) 591.5 feet, to the point of beginning, **EXCEPTING THEREFROM** Railroad right-of-way; **ALSO EXCEPTING** a strip 1 rod wide along the East side of the railroad; **ALSO EXCEPTING:** Beginning at the point of intersection of the centerlines of Park Avenue and Fir Street in the City of Shelley, Bingham County, Idaho, and running thence W. along the centerline of said Fir Street 756.98 feet; thence S. 00°01'40" W. 642.12 feet to the **TRUE POINT OF BEGINNING**; running thence S. 00°01'40" W. 244.00 feet; thence S. 89°56'57" W. 535.22 feet; thence N. 00°03'03" W. 244 feet; thence N. 89°56'57" E. 535.55 feet to the **TRUE POINT OF BEGINNING**. **ALSO EXCEPTING:** Beginning at a point 1714.12 feet N. 89°47'36" E. and 1570.78 feet N. 0°22'06" W. from the S $\frac{1}{4}$ corner of Section 32, Township 1 North, Range 37 E.B.M.; and running thence N. 0°22'06" W. 90.00 feet; thence S. 89°37'54" W. 50.00 feet; thence S. 0°22'06" E. 90.00 feet; thence N. 89°37'54" E. 50.00 feet to the point of beginning.

TRACT D:

The Northerly 9.85 feet of Fir Street, between Emerson Avenue and the Union Pacific Railroad, in Block 29 of the City of Shelley, Bingham County, Idaho, according to the recorded Plat thereof.

(Continued)

SCHEDULE A

Order No. 39523

Policy No. J - 1055325

The land description continues:

TRACT E:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet and S. 00°01'40" W. 132.48 feet from the E $\frac{1}{4}$ corner of said Section 32, and running thence S. 00°01'40" W. 101.52 feet; thence W. 184 feet; thence N. 00°01'40" E. 240 feet; thence E. 127 feet; thence S. 00°01'40" W. 132.3 feet; thence S. 89°58'20" E. 57 feet, more or less, to the point of beginning.

TRACT F:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point which is W. 643.5 feet from the E $\frac{1}{4}$ corner of said Section 32, and running thence S. 241 feet; thence E. 323.4 feet; thence S. 152.3 feet; thence W. 408.4 feet; thence N. 393.3 feet; thence E. 85 feet to the point of beginning.

TRACT G:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 504 feet W. of the NE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, and running thence S. 240 feet; thence W. 70 feet; thence N. 240 feet; thence E. 70 feet to the point of beginning.

TRACT H:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Commencing at a point 574 feet W. of the NE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, and running thence S. 240 feet; thence W. 69.5 feet; thence N. 240 feet; thence E. 69.50 feet to the point of beginning.

TRACT I:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 North, Range 37 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°58'20" W. along the East-West centerline of said Section 32, 320 feet and S. 00°01'40" W. 132.48 feet from the E $\frac{1}{4}$ corner of said Section 32, running thence N. 89°58'20" W. 57 feet, thence N. 00°01'40" E. 132.3 feet, thence E. 57 feet, thence S. 00°01'40" W. 132.32 feet to the point of beginning.

(Continued)

SCHEDULE A

Order No. 39523

Policy No. J - 1055325

The land description continues:

TRACT J:

A portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 1 South, Range 35 E.B.M., Bingham County, Idaho, described as:

Beginning at a point that is S. 89°54'15" E. 2640.26 feet along the section line to the S $\frac{1}{4}$ corner of said Section 26 and N. 00°00' E. 1844.24 feet along the North-South center section line and N. 90°00' 25.00 feet to the True Point of Beginning from the SW corner of said Section 26, said True Point of Beginning being 25 feet W. and 795 feet S. of the NE corner of said SW $\frac{1}{4}$ and running thence S. 69°08'00" W. 45.70 feet; thence S. 90°00' W. 317.58 feet; thence S. 30°30' E. 509.12 feet; thence S. 90°00' E. 120.00 feet to the westerly right-of-way of a county road; thence N. 04°25'47" W. 192.73 feet along said westerly right-of-way; thence N. 00°42'14" W. 262.82 feet along said westerly right-of-way to the point of beginning.

TRACT K:

That portion of the S $\frac{1}{4}$ SW $\frac{1}{4}$ lying easterly of the East Branch of the Snake River Valley Irrigation Canal and westerly of Sand Creek, all in Section 2, Township 1 South, Range 37 E.B.M., Bingham County, Idaho; EXCEPTING THEREFROM the S. 25 feet for road right-of-way. ALSO,

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 2: Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; EXCEPTING THEREFROM: Beginning at a point that is E. 1546.48 feet along the section line, from the NW corner of said Section 2, thence E. 136.31 feet along said Section line; thence S. 0°18'57" W. 356.24 feet; thence S. 88°35'45" W. 97.59 feet; thence N. 12°33'10" W. 164.16 feet; thence N. 0°17'31" W. 197.95 feet to the point of beginning.

(Continued)

SCHEDULE A

Order No. 39523

Policy No. J - 1055325

The land description continues:

TRACT L:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 3: ~~N $\frac{1}{2}$ NW $\frac{1}{4}$~~ , ~~S $\frac{1}{2}$ NW $\frac{1}{4}$~~ , Lots 3 and 4; **EXCEPTING** from said Lots 3 and 4: Beginning at a point that is E. 1,249.8 feet along the Section line from the NW corner of said Section 3; and running thence E. along the Section line 395 feet to the center line of the Union Pacific Railroad spur track; thence following said center line of spur track southwesterly along a 10° curve to the right 456.3 feet; thence N. 0°42' W. 209.2 feet to the point of beginning, less the strip of land 10 feet wide lying northerly and parallel to said spur track measured at right angles from the center line of said spur track, also less 33 feet across the north side of the above-described property contained in present road right-of-way; **ALSO EXCEPTING THEREFROM:** Beginning at the NW corner of said Section 3; thence E. along the Section line 1249.80 feet; thence S. 0°42' E. 387.42 feet; thence S. 89°08'23" W. 1054.64 feet; thence N. 0°00'42" W. 46.91 feet; thence S. 89°44' W. 200.10 feet; thence N. 0°00'52" E. 357.24 feet to the point of beginning.

TRACT M:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 11: ~~N $\frac{1}{2}$ NW $\frac{1}{4}$~~ ; ~~SW $\frac{1}{4}$ NW $\frac{1}{4}$~~ ; ~~NW $\frac{1}{4}$ SW $\frac{1}{4}$~~ ; and that portion of the ~~SE $\frac{1}{4}$ NW $\frac{1}{4}$~~ and ~~NE $\frac{1}{4}$ SW $\frac{1}{4}$~~ lying West of Sand Creek, **EXCEPTING THEREFROM:** County road right-of-way along the N. 25 feet of the ~~N $\frac{1}{2}$ NW $\frac{1}{4}$~~ , and County Road along the West Section line of said Section 11.

(Continued)

SCHEDULE A

Order No. 39523

Policy No. J - 1055325

The land description continues:

TRACT N:

Part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14, Township 1 South, Range 36 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is N. 89°41'10" W. 486.93 feet along the section line to the E. bank of the Great Western Canal from the SE corner of said Section 14; and running thence N. 89°41'10" W. 2157.37 feet along the section line to the S $\frac{1}{2}$ corner of said Section 14; thence N. 00°01'51" W. 1330.74 feet along the North-South center section line to the NW corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$; thence S. 89°53'51" E. 2462.18 feet along the N. line of said S $\frac{1}{2}$ SE $\frac{1}{4}$ to the westerly right-of-way of a County road; thence along said Westerly County right-of-way the following three (3) courses (1) S. 13°07'04" W. 539.86 feet; (2) thence S. 01°33'33" W. 87.74 feet; (3) thence S. 16°35'53" E. 43.97 feet to the N. corner of Deed Instrument No. Book 43, Page 435; thence along said deed and easterly bank of said Great Western Canal following three (3) courses (1) S. 27°43'36" W. 106.44 feet; (2) thence S. 13°33'20" W. 506.99 feet; (3) thence S. 13°46'57" W. 98.28 feet to the point of beginning.

TRACT O:

An easement for all purposes over, upon and accross the following described land:

Beginning at a point of intersection of the centerline of Park Avenue and Fir Street in the City of Shelley, Bingham County, Idaho, and running thence W. along the centerline of said Fir Street 756.98; thence S. 0°01'40" W. 886.12 feet to the True Point of Beginning; running thence S. 0°01'40" W. 60.00 feet; thence S. 89°56'57" W. 535.14 feet; thence N. 0°03'03" W. 60 feet; thence N. 89°56'57" E. 535.22 feet to the True Point of Beginning.

SCHEDULE B

Order No. 39523

Policy No. J - 1055325

EXCEPTIONS FROM COVERAGE

Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

General taxes for 1998, in the following original amounts and Parcel Nos. of which the first half is paid, the balance are a lien now due and payable, not yet delinquent:

\$ 13,553.46	Parcel No. 20378.03	(covers Tracts A & B)
\$ 454.26	Parcel No. 20861.00	(covers Tracts C, D & F)
\$ 185.04	Parcel No. 20862.00	(covers Tracts G & H)
\$ 270.98	Parcel No. 20863.02	(covers Tract E)
\$ 114.12	Parcel No. 20863.03	(covers Tract I)
\$ 38.12	Parcel No. 02763.00,	(Covers Tract J)
\$ 448.66	Parcel No. 04903.00,	(Covers Tract K)
\$ 730.38	Parcel No. 04904.02,	(Covers Tract K)
\$ 1379.90	Parcel No. 04928.00,	(Covers Tract L)
\$ 274.42	Parcel No. 05042.00,	(Covers Tract M)
\$ 1670.08	Parcel No. 05048.00,	(Covers Tract M)
\$ 409.72	Parcel No. 03855.00,	(Covers Tract N)

Levies and assessments of Snake River Valley Irrigation District.
(Covers Tracts J, K, and L)

Right-of-way granted to American Telephone and Telegraph Co. of Wyoming for its lines and the lines of other companies over the SE $\frac{1}{4}$ of said Section 14, recorded in Book I of Miscellaneous, Page 564.
(Tract N)

Right-of-way as granted to East Line Canal Company for a strip of land three (3) rods wide running in a Southerly direction through N $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11 and other land, by Instrument recorded September 10, 1900, in Book W of Deeds, Page 357.
(Tract M)

(Continued)

SCHEDULE B

Order No. 39523

Policy No. J - 1055325

EXCEPTIONS FROM COVERAGE

Exception in Deed dated February 9, 1903, as to a right-of-way for a four-foot ditch at base of butte in NW corner of said tract, recorded February 10, 1903, in Book Z of Deeds, Page 107.

(Tract M)

Levies and assessments of Idaho Irrigation District.

(Tract M)

Levies and assessments of New Sweden Irrigation District.

(Tract N)

Ditch rights-of-way over SW $\frac{1}{4}$ of Section 2, Township 1 South, Range 37 E.B.M., and other land, as granted by Ralph Edmunds and Kathryne Edmunds, his wife, to Herman J. Hasbrouck, by Instrument dated June 3, 1914, recorded June 8, 1914, in Book 25 of Deeds, Page 251. (Tract K)

Deed-Easement dated May 21, 1917, executed by Utah-Idaho Sugar Co., a corporation to Utah Power & Light Co., recorded September 26, 1917, in Book 23 of Deeds, Page 403, along a line described as follows: Commencing on North boundary of grantors' land 1815 feet E. of the NW corner of Section 3, Township 1 South, Range 37 E.B.M., thence S. 0°15' E. 838 feet to angle point, thence N. 86°45' W. 1380 feet, all being within the NW $\frac{1}{4}$ of said Section 3.

(Tract L)

Easement granted by Utah-Idaho Sugar Co. to Oregon Short Line Railroad Company, a Utah Corporation, over a strip of land 17 feet wide, being 8.5 feet on each side of center line of each of the present spur tracks of said Oregon Short Line Railroad as same are now located upon grantors property in Lots 3 and 4 in Section 3, Township 1 South, Range 37 E.B.M., together with a right-of-way of similar width for any trackage that may be hereafter constructed upon the above described property by said Oregon Short Line Railroad Company, its successors or assigns, by Instrument recorded March 22, 1918 in Book D of Miscellaneous Records, Page 155.

(Continued)

SCHEDULE B

Order No. 39523

Policy No. J - 1055325

EXCEPTIONS FROM COVERAGE

A perpetual easement and right of way for the erection and continued maintenance, repair, alteration and replacement of an electrical substation for use in the transmission and distribution of electrical energy and for all purposes incidental thereto, over and upon Beginning on South side of the County Road 10 feet W. of power transmission line which point is approximately 33 feet S. and 1805 feet E. of the NW corner of Section 3, Township 1 South, Range 37 E.B.M., thence running E. 40 feet, thence S. 32 feet, thence W. 40 feet, thence N. 32 feet to the point of beginning, as granted by Utah Idaho Sugar Company, A Corporation, to Utah Power Company, A Corporation, by Instrument recorded September 6, 1922, in Book 42 of Deeds, Page 41.

The interest of Utah Power Company, A Corporation conveyed to Utah Power & Light Company, A Maine Corporation, by Instrument recorded September 6, 1922, in book 42 of Deeds, Page 32.

(Tract Parcel L)

A perpetual easement and right-of-way for transmission line and 4-2 pole towers with guys and other attachments affixed thereto across a tract of land 50 feet in width, being 25 feet on each side of the following described tract: Beginning at a point 190 feet N. and 1320 feet E., more or less, from the W $\frac{1}{4}$ corner of said Section 11, thence N. 25°11' E. 1219 feet to a fence line on the North boundary of said land, by Instrument dated June 13, 1952, executed by James C. Hamilton and Ruth H. Hamilton, his wife, to Utah Power & Light Company, a corporation, recorded October 30, 1952, as Instrument No. 27958.

(Tract M)

(Continued)

SCHEDULE B

Order No. 39523

Policy No. J - 1055325

EXCEPTIONS FROM COVERAGE

A perpetual easement and right-of-way for transmission line and 4-2 pole towers with guys and other attachments affixed thereto across a tract of land 50 feet in width, being 25 feet on each side of the following described tract: Beginning at fence on South boundary line of grantor's land at a point 1320 feet N. and 625 feet E., more or less, from the SW corner of said Section 11, thence N. 25°11' E. 1658 feet to fence on East boundary line of said land; also beginning at fence on South boundary line of grantor's land at a point 1320 feet S. and 770 feet W., more or less, from the NE $\frac{1}{4}$ corner of said Section 11, thence N. 25°11' E. 1463 feet to the North boundary line of said land at South fence of County Road and being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11, by Instrument dated June 12, 1952, executed by L.C. Christensen and Lottie Christensen, his wife, to Utah Power & Light Company, a corporation, recorded October 30, 1952, as Instrument No. 27959.

(Tract M)

Pole Line Easement as granted to Utah Power & Light Company, A Corporation over Beginning at an existing pole on the grantors' land at a point 1,320 feet S. and 320 feet W., more or less from the E $\frac{1}{4}$ corner of Section 32, Township 1 North, Range 37 E.B.M., thence Westerly 475 feet on said land and being in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, by Instrument recorded January 8, 1969, as Instrument No. 144152, records of said County. (Covers part of Tract F)

Pole Line Easement as granted to Utah Power & Light Company, A Corporation over Beginning at the W. boundary fence of the grantors' land at a point 740 feet S. and 1,700 feet W., more or less, from the E $\frac{1}{4}$ corner of Section 32, Township 1 North, Range 37 E.B.M., thence S. 62°07'00" E. 1 foot on said land and being in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, by Instrument recorded August 15, 1966, as Instrument No. 125517, records of said County. (Covers part of Tract F)

(Continued)

SCHEDULE B

Order No. 39523

Policy No. J - 1055325

EXCEPTIONS FROM COVERAGE

Right-of-way for ingress and egress over and across Beginning at the point of intersection of the centerlines of Park Avenue and Fir Street in the City of Shelley, Bingham County, Idaho, running thence W. along the centerline of said Fir Street 711.98 feet, thence S. $00^{\circ}01'40''$ W. 49.50 feet to the TRUE POINT OF BEGINNING, thence S. $00^{\circ}01'40''$ W. 392.96 feet, thence S. $89^{\circ}58'20''$ E. 5 feet, thence S. $0^{\circ}01'40''$ W. 926.68 feet, thence N. $89^{\circ}58'20''$ W. 50 feet, thence N. $00^{\circ}01'40''$ E. 1,319.62 feet, thence E. 50 feet to the TRUE POINT OF BEGINNING; also an easement over Beginning at the point of intersection of the centerline of Park Avenue and Fir street in the said City of Shelley, running thence W. along the centerline of said Fir street 756.98 feet, thence S. $00^{\circ}01'40''$ W. 582.12 feet to the TRUE POINT OF BEGINNING, running thence S. $00^{\circ}01'40''$ W. 60 feet, thence S. $89^{\circ}56'57''$ W. 535.55 feet, thence S. $00^{\circ}03'03''$ E. 244 feet, thence N. $89^{\circ}56'57''$ E. 535.22 feet, thence S. $00^{\circ}01'40''$ W. 60 feet, thence S. $89^{\circ}56'57''$ W. 595.14 feet, thence N. $00^{\circ}03'03''$ W. 364 feet, thence N. $89^{\circ}56'57''$ E. 595.64 feet to the TRUE POINT OF BEGINNING; as granted by The R. T. French Company, A Corporation, to Shelley Investment, A Partnership, by Instrument recorded May 18, 1984, as Instrument No. 321145, records of said County.

Right-of-way as granted to Mountain States Telephone and Telegraph Company, for its lines and the lines of other companies over: Beginning at a point that is S. 213.5 feet from the NW corner of said Section 11, thence E. 30 feet, more or less, to the East boundary fence line of the County Road (Butte Road) right-of-way, said point being the real point of beginning; thence E. 20 feet, end of easement, by Instrument recorded May 21, 1984, as Instrument 321247.
(Tract M)

Easement upon the terms, conditions and provisions contained therein:

Dated: September 28, 1988

Parties: Shelley Investments, a Utah limited partnership, and The Pillsbury Company, Inc., a Delaware corporation

Recorded: October 7, 1988, as Instrument No. 375135

(Tract C)

(continued)

SCHEDULE B

Order No. 39523

Policy No. J - 1055325

EXCEPTIONS FROM COVERAGE

Easement for electric transmission lines granted to PacifiCorp, an Oregon corporation, dba Utah Power & Light Company, its successors in interest and assigns, recorded as Instrument No. 387631. (Tract L)

Access Easement granted to Pacificorp recorded as Instrument No. 387711. (Tract C)

Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or overlapping of improvements shown on surveys recorded as Instrument Nos. 323343 and 345456, and ALTA/ACSM Land Title Survey by Harper-Leavitt Engineering, Inc., dated December 18, 1998 as Job Nos. 98222, 98266 and 98265.

An inspection of said land discloses leasehold or other interest of Dave Kingston Produce.

ENDORSEMENT

Attached to Policy No. J 1055325
Issued By

First American Title Insurance Company

The Company hereby insures against loss which the Insured shall sustain by reason of any of the following matters:

1. Any incorrectness in the assurance which the Company hereby gives:
 - (a) That there are no present violations on the land of any enforceable covenants, conditions or restrictions;
 - (b) That, except as shown in Schedule B, there are no encroachments of buildings, structures, or improvements located on the land onto adjoining lands, nor any encroachments onto the land of buildings, structures or improvements located on adjoining lands.
2. Unmarketability of the title to the estate or interest by reason of any violations on the land, occurring prior to acquisition of title to the estate or interest by the Insured, of any covenants, conditions or restrictions.
3. Damage to existing building improvements,
 - (a) which are located or encroach upon the portion of the land subject to any easement shown in Schedule B, which damage results from the exercise of the right to use or maintain the easement for the purposes for which the same was granted or reserved;
 - (b) resulting from the exercise of any right to use the surface of the land for the extraction or development of the minerals excepted from the description of the land or shown as a reservation in Schedule B.
4. Any final court order or judgment requiring removal from any land adjoining the land of any encroachment shown in Schedule B.

Wherever in this endorsement any or all the words "covenants, conditions or restrictions" appear, they shall not be deemed to refer to or include the terms, covenants, conditions or restrictions contained in any lease.

No coverage is provided under this endorsement as to any covenant, condition, restriction or other provision relating to environmental protection.

ENDORSEMENT

Attached to Policy No. J 1055325
Order No. 39523

Issued By

First American Title Insurance Company

The Company insures the Insured against loss or damage sustained by reason of any incorrectness in the assurance that, at Date of Policy:

(a) According to applicable zoning ordinances and amendments thereto, Tracts A, B, C, D, E, F, G, H, I, and O are zoned M (Manufacturing), and Tracts J, K, L, M, and N are zoned A (Agricultural).

(b) The following use or uses are allowed under these classifications subject to compliance with any conditions, restrictions, or requirements contained in the zoning ordinances and amendments thereto, including but not limited to the securing of necessary consents or authorizations as a prerequisite to the use or uses:

M: General Agriculture, Warehousing, Animal Clinic, Auto Sales/Service, Auto Service Station, Broadcast Tower, Contractor Shop/Yard, Heavy Equipment Sales/Service, Livestock Auction, Sheet Metal Shop, Sign Painting Shop, Storage Units, Trucking Terminal Yard, Asphalt Plant, Bottling Plant, Cement Products Mfg., Chemical Storage/Dist., Concrete Batch Plant, Excavation, Factory Outlet, Fertilizer Stor./Dist., Grain Storage, Gravel Extraction, Machine Shop, Manufacturing Plant, Meat Pack/No Slaughter, Meat Pack/Slaughter, Monument Works, Planing/Saw Mill, Potato Packing Shed, Potato Processing, Public Utility Yard, Rock Crushing, Salvage Yard, Warehousing, Waste Treatment Plant, Utility Facility.

A: Mineral exploration, Recreation (other), General Agriculture, Feedlot, Poultry Operation, Dairies, Plant Nursery, Roadside Stand, Warehousing, Additional Dwelling, Home Occupation, Shelter Home (8 or fewer residents), Single family dwelling, Two family dwelling, Contractor Shop & Yard, Greenhouse, Kennel, Nursing Home (8 or fewer residents), Church, Public School.

2. The Company further insures against loss or damage arising from a final decree of a court of competent jurisdiction

(a) prohibiting the use of the land, with any structure presently located thereon, as specified in paragraph 1(b); or

ENDORSEMENT

Attached to Policy No. J 1055325

Issued By

First American Title Insurance Company

The Company hereby insures the insured against loss or damage which the insured shall sustain by reason of the failure Tracts A, B and D described in Schedule A to be contiguous, and Tracts C, E, F, G, H, and I to be contiguous.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Dated: December 31, 1998, at 11:52 a.m.

First American Title Insurance Company

By: _____

Kim Wood

Authorized Signatory

CLTA Form 116.4 (Rev. 6-14-96)

ENDORSEMENT

Attached to Policy No. J 1055325

Issued By

First American Title Insurance Company

The Company hereby insures the insured against loss or damage which the insured shall sustain by reason of the failure of the land to be the same as that delineated on the plats of surveys shown on Instrument Nos. 323343 and 345456, and ALTA/ACSM Land Title Surveys made by Harper Leavitt Engineering, Inc. on December 18, 1998, designated Job Nos. 98222, 98265, 98266.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Dated: December 31, 1998, at 11:52 a.m.

First American Title Insurance Company

By:



Authorized Signatory

CLTA Form 116.1 (Rev. 6-14-96)

ENDORSEMENT

Attached to Policy No. J 1055325
Order No. 39523

Issued By

First American Title Insurance Company

(b) requiring the removal or alteration of the structure on the basis that, at Date of Policy, the ordinances and amendments thereto have been violated with respect to any of the following matters:

- (i) Area, width or depth of the land as a building site for the structure;
- (ii) Floor space area of the structure;
- (iii) Setback of the structure from the property lines of the land; or
- (iv) Height of the structure.

There shall be no liability under this endorsement based on the invalidity of the ordinances and amendments thereto until after a final decree of a court of competent jurisdiction adjudicating the invalidity, the effect of which is to prohibit the use or uses.

Loss or damage as to the matters insured against by this endorsement shall not include loss or damage sustained or incurred by reason of the refusal of any person to purchase, lease or lend money on the estate or interest covered by this policy.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Dated: December 31, 1998, at 11:52 a.m.

First American Title Insurance Company
By: Kim Wood
Authorized Signatory

CLTA Form 123.2 (Rev. 3-13-87)
ALTA Form 3.1 (6-1-87)

ENDORSEMENT

Attached to Policy No. J 1055325

Issued By

First American Title Insurance Company

The Company hereby insures the insured against loss or damage which the insured shall sustain by reason of the failure of the land to abut upon a physically open street.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Dated: December 31, 1998, at 11:52 a.m.

First American Title Insurance Company

By:



Authorized Signatory

CLTA Form 103.7 (Rev. 6-14-96)

total liability of the Company under the policy and any endorsements therein shall not exceed, in the aggregate, the face amount of the policy and costs which the Company is obligated under the conditions and stipulations thereof to pay.

This endorsement is made a part of the policy and is subject to the schedules, conditions and stipulations therein, except as modified by the provisions hereof.

Dated: December 31, 1998, at 11:52 a.m.

First American Title Insurance Company

By:

A handwritten signature in cursive script that reads "Kim Wood". The signature is written in dark ink and is positioned above a horizontal line.

Authorized Signatory

F.A. Form 31.1 (Revised 11-15-95)



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

The Pillsbury Company, Inc.
434 South Emerson
Shelley, ID 83274

February 17, 2004

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

Subject: ENLARGEMENT CLAIM

COPY

Response Date: March 12, 2004

Dear Claimant(s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. After reviewing your claims referenced above, we found a change in the season of use (SOU). Statutory claim number 27-4019 was filed with the SOU of 09/15 to 07/01 and water right number 27-7411 was licensed with a 03/15 to 11/15 SOU. The SRBA claims claim a SOU 01/01 to 12/31 on both claims. When did the SOU change? In order to change the season of use you will need to file an enlargement claim, without filing an enlargement this new season of use cannot be approved.

If you have any questions, please feel free to contact me at 547-3993.

Respectfully;

Cindy E. Bird
Adjudication Bureau

CEB/pb

January 8, 2004

Ed Conn
C/O Basic American Foods
434 S. Emerson
Shelley, ID 83274

Mr. Conn:

I am a private water rights contractor working with the Idaho Dept. of Water Resources. My job is to field verify water right claims in Basin 27 (Blackfoot Area Drainage) that were filed with the Snake River Basin Adjudication.

Your companies predecessor, the Pillsbury Company, filed three claims for wells used in the commercial operations at the plant in Shelley.

I have tried several times to get together with staff at your plant to go over the questions I listed in my e-mail of Aug. 21, 2003 to Larry Sautter. The Adjudication Agent in charge of this review, Cindy Bird of the Soda Springs office has asked me to send you this request for assistance. Ms Bird cannot recommend these claims until my process is finished to her satisfaction.

If you could arrange a meeting with someone on your staff who can address our questions about the water claims, I would greatly appreciate it.

I can be contacted at my home phone @ 523-7240 or my cell @ 589-6145.

Sincerely,

Harold W Jones

Dec. 1, 2003

Larry Sautter
C/O Basic American Foods
434 S. Emerson
Shelley, ID 83274

Mr. Sautter:

We met back in August of 2003 to discuss the Snake River Basin Adjudication Claims for water rights at the Basic American Foods Plant. I still have 3 claims that need to be worked on by you or other staff. Included with this letter is a copy of my original e-mail with questions that need to be resolved.

I would ask that you contact me with a date that we can meet about these claims sometime within the next 14 days.

My cell phone is 589-6145, my home phone is 523-7245 and my e-mail address is powder1@ida.net.

Sincerely,

Harold W. Jones

To: lsautter@baf.com
From: Harold and Anne Marie Jones <powder1@ida.net>
Subject: Adjudication Claims
Cc:
Bcc:
X-Attachments:

When we get together again, I will need to discuss the following items.

- SRBA Claim # A27-04019 - a. Need some reference to flow capacity of this well. The claim says 4.00 cfs used. Any daily flow chart data available?
- b. The place of use listed on the original claim made in 1979 has been expanded to 20 different 1/4 of 1/4 (40 acre units). Is this a DEQ mandate for spreading waste water? If so, is it in writing and is place of use described correct?
- c. Claim says 3 wells used for this system are located in NESE Section 32 T 01N R 37E.

SRBA Claim # A27-02116 - a. Same as "b" above.

SRBA Claim # A27-07411 - a. From our conversation, this well appears to have been paved over and not in use. This License was issued for 0.39 cfs for a well in the SWSW Section 2, T 01S R 37E to be used for cleaning the distribution system.

Let me know when we can meet again to discuss these claims. I will also give you the Change of Ownership document we need signed for the above Claims. Evidence of ownership will also have to be filed with this document.

Harold W Jones
Water Rights Contracting Services

Phone - 589-6145
E-mail - powder1@ida.net



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

The Pillsbury Company, Inc.
434 South Emerson
Shelley, Idaho 83274

April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04019

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". 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. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed 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 the entire 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 historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by May 23, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report

A 27-04019



GPS Location,
well is 12' South,
inside building.

HOWARD F. ANDREW
Phone 523-2544

ANDREW WELL DRILLING

Contractors

Phone 522-2794

Pump and Well Drilling Equipment Installed
1268 E. 17th St. — Idaho Falls, Idaho 83401

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

VERL J. ANDREW
Phone 522-2823

Well # 2 7291

Well Log for 16" Well Drilled October 1956 for French Company

<u>FROM</u>	<u>TO</u>	<u>FORMATION</u>
0	3	clay
3	67	gravel
67	70	lava broken
70	80	lava
80	90	lava broken--silt
90	108	clay
108	145	lava broken silt
145	150	lava broken clay

Water Level 70'

68'8"	16" Well casing
122'	12" Well Casing

650 ym



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ADMINISTRATOR'S MEMORANDUM

APPLICATION PROCESSING MEMORANDUM NO. 61

**TO: WATER ALLOCATION BUREAU, ADJUDICATION BUREAU
AND REGIONAL OFFICES**

FROM: NORM YOUNG

**SUBJECT: WATER RIGHT FILING REQUIREMENTS FOR INDUSTRIAL
WASTE WATER USE AND TREATMENT (INTERIM POLICY)**

DATE: September 27, 1996

PURPOSE OF MEMORANDUM

Because much of southern Idaho is included within areas covered by moratoriums or other designations that prevent or limit approval of new applications to appropriate water, water users are seeking innovative ways of using water for new and expanded projects. The waste water from industrial processes is one source of water for such uses. In addition, more restrictive water quality requirements are causing industrial water users to implement land disposal methods, create wetlands, capture and reuse waste water, and to provide for on-site containment of waste water.

The administrative requirements addressing the use of industrial waste water have not been clearly set forth. Direction is needed to guide staff and water users concerning the types of applications, if any, that need to be made, the criteria for considering such applications, and conditions that may be appropriate for approved applications. This memorandum addresses the water right filing requirements for the treatment of waste water and the reuse of waste water from industrial processes.

This memorandum provides interim guidance pending additional determination of policy and requirements through changes to law, adoption of rules or court rulings. Because a basic premise of this memorandum is that the consumptive use authorized by a water right for industrial purposes can be 100% of the amount diverted, depending on particular factual issues, this memorandum does not apply to waste water from uses which could not be 100% consumptive.

Application Processing Memorandum, Page 2

For purposes of this memorandum "waste water" is effluent, treated or untreated, from authorized beneficial uses under an industrial or other potentially 100% consumptive water right, prior to its being returned to a public water source. Waste water may contain solid waste and other contaminants, but for purposes of this memorandum it is a liquid, fluid enough to flow in an open channel or unpressurized pipeline.

AN EXAMPLE OF A TYPICAL SITUATION

An industrial user has for many years disposed of waste water diverted from the aquifer under a licensed right through a series of ponds which evaporate part of the water with the remainder seeping to the regional aquifer. In this instance, DEQ is requiring that water not be allowed to seep to the aquifer and has suggested land application. The land available for disposing of the waste is in sagebrush and does not have an irrigation water right. Each gallon of waste water land applied will have to be diluted with 3 to 4 gallons of fresh water. The net depletion from the aquifer will be increased 400 af/yr by the new water treatment requirements. Are water right related approvals required from IDWR to authorize surface disposal of the waste water?

LEGAL PRINCIPLES

The continuum of options for considering this matter is bounded by two principles. At one end of the continuum, the treatment necessary to comply with water quality requirements may be a part of the diversion and beneficial use authorized under the industrial water right. If the industrial right is a fully consumptive right, then as water quality requirements require a change in treatment, the amount of the water consumed can be increased. However, the diversion rate, annual volume diverted, and season of use established under the right cannot be increased. Any fresh water needed to dilute the waste water must be within the quantity elements of the industrial right or be covered by another water right.

At the other end of the continuum, the industrial right may be construed to authorize only the beneficial use established and historically used under the industrial right. Any increase in consumptive use (or other element of the right) would require a new water right. Depending upon the availability of water for appropriation, this may require the holder of the industrial right to mitigate injury to other users or obtain an existing right to cover the expanded consumption.

A brief review of the legal and administrative precedents (see Phil Rassier's attached memorandum) indicates that the existing law in Idaho does not provide strong guidance as to whether the land application of industrial waste water initiated to comply with water quality requirements should be considered to come within the original purpose of use of the industrial right, whether it should be treated as an added beneficial use of the water requiring a new water right, or whether some intermediate consideration should be used.

APPLICATION OF PRINCIPLES

IDWR will apply the following policies until or unless further guidance is provided:

1. Waste water treatment necessary to meet adopted state water quality requirements will be considered to be a part of the use authorized under the industrial right. The method of treatment must be "reasonable." IDWR will consider a treatment method to be reasonable if it is in accordance with best management practices recognized by Idaho Division of Environmental Quality, the U.S. Environmental Protection Agency, or other responsible state or federal agency.

2. Consumptive use can increase up to the amount determined to be consistent with the original water right as reasonably necessary to meet treatment requirements. Diversion rate, annual volume diverted, and season of use cannot exceed the permitted, licensed or decreed amounts for these parameters.

* 3. If the treatment method for industrial waste water is changed to land application on cultivated fields or any other method that beneficially uses the water, the industrial right must be changed to include the new use. This will require a transfer application to be filed, processed and approved in accordance with Section 42-222, Idaho Code, to include a new location for a waste treatment practice, such as land application, and other conditions of approval that may be necessary to prevent injury to other valid water rights.

4. For new uses of industrial waste water that are not necessary to meet water quality requirements, an application for permit to appropriate water should be filed as required by Section 42-107, Idaho Code.

5. Fresh water required to dilute the waste water for treatments such as land application must be diverted in accordance with a water right. This can be the industrial right if adequate rate and volume are available under the right. If not, another right must be provided. In areas where new allocations are limited or prevented by moratorium orders or other designations, establishment of a new right will require appropriate provisions to mitigate the depletion from the source.

Attachment: P. Rassier's Memorandum

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that R. T. French Company
(Name of Claimant)
434 South Emerson, Shelley, Idaho 83274 Telephone No. 357-3402
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1957

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity	<u>2.00 cfs</u>	Use <u>Commercial</u>	Period of Use From <u>9/15</u>	To <u>7/1</u>
Quantity	<u>2.00 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>6/1</u>	To <u>9/15</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	<u>4.00 cfs</u>	TOTAL QUANTITY USED.	Period of Use From _____	To _____

(4) _____
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 32 Twp. 1N Rge. 37E B.M., County of Bingham
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pump and pipelines.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	37E	32				X									X	X			
1N	37E	32													15	5			20

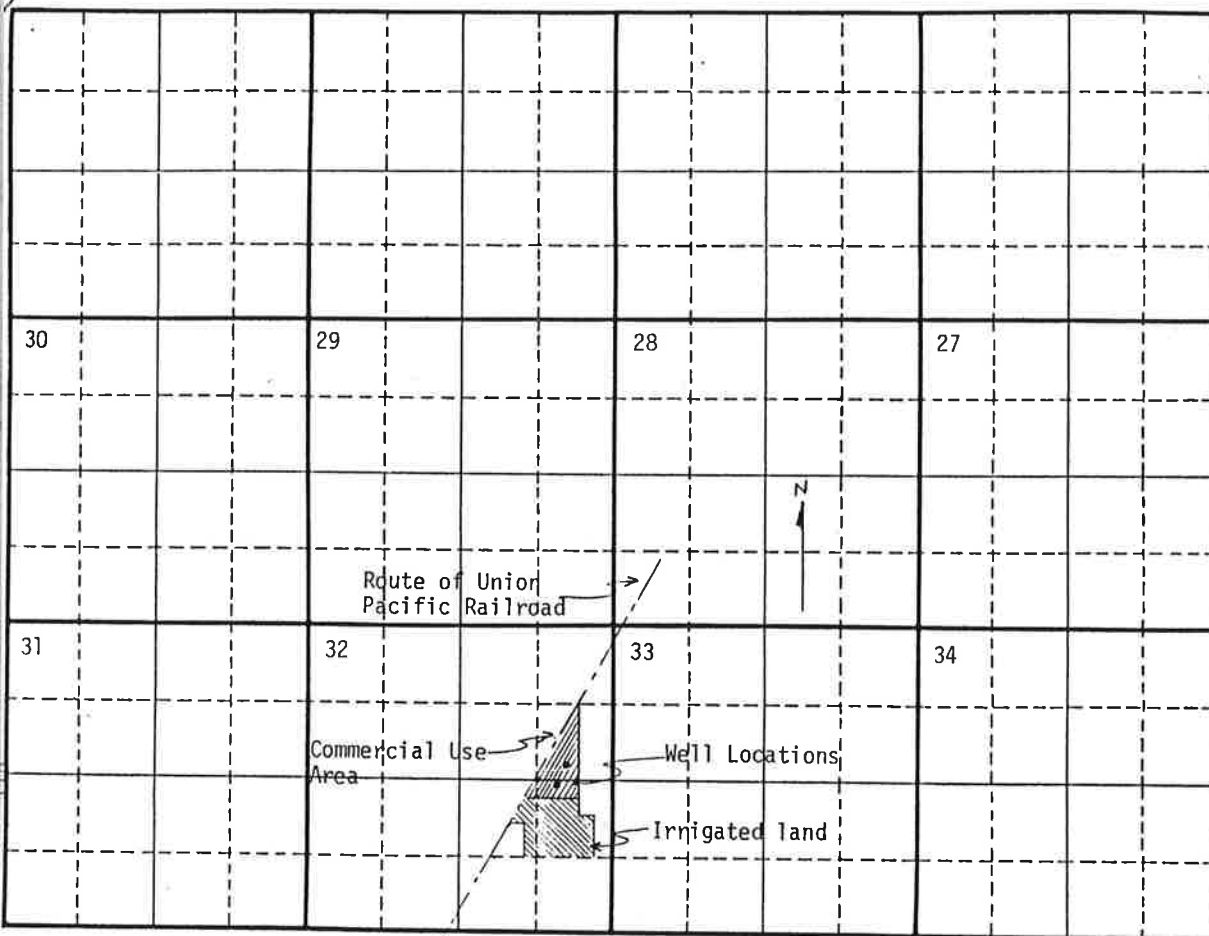
No. of acres 20

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The majority of the water is used in washing, transporting, and processing of potatoes into a final dehydrated form for sale on the retail and institutional markets. A small portion is used during the summer months to irrigate approximately 20 acres of land used as an experimental farm.

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: R. T. French Company

Remarks There are three (3) wells at the plant site. Two are presently in use. Total gallon use from the wells averages 2.00 cfs. However, this amount could be pumped from any one of the wells if necessary.



Scale: 2 Inches equal 1 mile.

R37E Boise Meridian

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bingham) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

THE R. T. FRENCH COMPANY

(Claimant)

Sworn to before me this 19th day of October, 1979.

Notary Public

Residing at Shelley, Idaho

My commission expires Lifetime appointment

FOR DEPARTMENT USE ONLY

Received by CMC Date 10-22-79
Prelim. check by CMC Date 10-22-79
\$20.00 fee received by CMC Date 10-22-79
Published in Shelley News #15256
Dates 7-10-79 to 8-1-79

Exception filed by:

Forwarded to
claimant by:

Date

T#5257 NONPAREIL PROCESSING (copy)

Transfer example

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

OCT 05 1998

TRANSFER NO. 5257
CLAIM NO(S). A35-12062/A35-12853

Department of Water Resources
Eastern Region

This is to certify that: **NONPAREIL PROCESSING CORP**
40 N 400 WEST
BLACKFOOT ID 83221

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Claim No. A35-12062 :			
COMMERCIAL	01/01 to 12/31	1.00 CFS	491.0 AF
Priority: 12/31/1957			
Claim No. A35-12853 :			
COMMERCIAL	01/01 to 12/31	1.52 CFS	491.0 AF
Priority: 12/31/1948			
TOTAL:		2.52 CFS	982.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 3(SWSE), Sec. 28, Township 02S, Range 35E
NESE , Sec. 32, Township 02S, Range 35E
Lot 3(NWSW), Sec. 33, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

02S 35E 27	Lot 11(SWNW)	Lot 10(SENW)	Lot 12(NESW)
	Lot 12(NWSW)	Lot 15(SWSW)	
28	Lot 4(NESE)	Lot 5(SWSE)	Lot 6(SESE)
32	NESE		
33	NENE	Lot 6(NWNE)	Lot 8(SWNE)
	Lot 9(ENE)	NENW	Lot 2(SENW)
	Lot 7(SENW)	Lot 13(NESW)	Lot 3(NWSW)
	Lot 14(NWSW)	Lot 12(NWSE)	

TRANSFER NO. 5257
CLAIM NO(S). A35-12062/A35-12853

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- *6. The water used for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the potato processing facility as authorized by these rights.
7. Commercial use is for a potato processing and dehydration facility.
8. Approval of Transfer 5257 does not confirm SRBA Claims A35-12062 and A35-12853.
9. Two points of diversion are located in Lot 3 (NWSW), S33, T02S, R35E.

Dated this 28th day of September, 1998.

J. Glen Saylor
Chief, Water Allocation Bureau

MEMORANDUM

TO: Files A35-12062 & A35-12853

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5257

DATE: September 16, 1998 *sk*

Transfer 5257 adds points of diversion and changes the place of use to identify where land application of wastewater occurs. The application identifies the rates of diversion verified by SRBA investigation and diversion volume under each right was from the same information.

A new well will be added to the combined right system, identifying a total of 4 wells to serve this system. The application was prepared by region staff and adjustments to the place of use were made to reflect the map. Region staff confirmed that the map was correct and the application was meant to fully describe the place of use as shown.

Recommended conditions include drilling permit requirements, measuring & annual reporting, non-confirmation of claims, land application limits, and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Norpareil Processing Corp. Phone 208 785 5880Post Office address 40 North 400 West, Blackfoot Idaho

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Clarify Place of use (wastewater application)

2. Describe the reason for the proposed changes The pipeline carrying the wastewater to the land application site is over one half a mile long. Adding a pd near the middle or end of the system will allow easier cleaning of the system and operations.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
A 35-12853	12-31-1948	1.52	Commercial/Dom	1 Jan to 31 Dec
A 35-12062	12-31-1957	1.00	Commercial	1 Jan to 31 Dec
				to
				to

2. Total amount of water being transferred 2.52 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	28	2S	35E	Bingham	New Well - *
		NW	SW	33	2S	35E	Bingham	35-08910 & 35-12853 #1 & 2
		NE	SE	32	2S	35E	Bingham	35-12062 #3

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2S	35E	28														C	C	C	
		27							C	C	C	C	C						
		32													C				
		33	C	C	C	C	C			C	C	C				C			

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Processing water from two Navarcel potato processing plants is comingled in a wastewater treatment facility. The water is land applied after treatment to remove the solids, by a sprinkler system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes / No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The place of use will not change.

d. Remarks:

This well will be used to clean the irrigation lines when the plant is not operating. The location of this well will allow higher pressures in the system and higher velocities than can currently be achieved during cleaning of the system.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A35-12062

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	01/01 to 12/31	1.50 CFS

SOURCE

GROUNDWATER

Priority: 12/31/1957

LOCATION OF POINT(S) OF DIVERSION:NENESE , Sec. 32, Township 02S, Range 35E
BINGHAM CountyPLACE OF USE: COMMERCIALTWN RGE SEC

02S 35E 32

NESE

CONDITIONS/REMARKS:

1. POTATO PROCESSING WATER IS TREATED WITH A LAND TREATMENT SYSTEM LOCATED NEAR THE FACTORIES.

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. **A35-12853**

STAGE: **BENEFICIAL USE**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	01/01 to 12/31	2.30 CFS

SOURCE

GROUNDWATER

Priority: 12/31/1948

LOCATION OF POINT(S) OF DIVERSION:

SWNWSW , Sec. 33, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

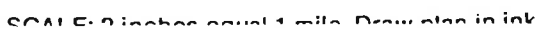
02S 35E 33

NWSW

CONDITIONS/REMARKS:

1. THIS NOTICE WAS ORIGINALLY NUMBER A27-11174.

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

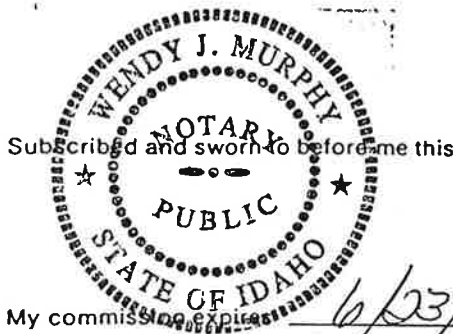
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Walter A. Dyer
(Signature of Applicant)

Subscribed and sworn to before me this 6th day of February, 19 98.

Wendy J. Murphy
(Notary Public)

My commission expires 6/23/2002

E024002 \$100.00

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Dennis Dunn Date 27 March 1998

Protest filed by _____

Prelim. check by KW Fee 100th E024002Receipted by Dennis Dunn Date 27 March 1998Published in Morning News

Copies of protest forwarded by _____

Pub. dates May 7 & 14, 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Close

Transfer example

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

01/27/2004

WATER RIGHT NO. 35-2603

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAMB WESTON INC 2975 LAMB WESTON RD PO BOX 489 AMERICAN FALLS, ID 83211 (208)226-2301
Attorney	JOSEPHINE P BEEMAN BEEMAN & ASSOCIATES PC 409 W JEFFERSON ST BOISE, ID 83702 (208)331-0950

Priority Date: 07/07/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	3.34 CFS	2418.1 AFA
Total Diversion			3.34 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSE	Sec. 35	Township 07S	Range 30E	POWER County
GROUND WATER	NWNWSE	Sec. 35	Township 07S	Range 30E	POWER County
GROUND WATER	NWSWSE	Sec. 35	Township 07S	Range 30E	POWER County

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	30E	35		NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	
				NWSE			SWSE							

Conditions of Approval:

1. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4408 AF. COMBINED RIGHT NOS.: 35-04127 AND 35-12670
2. Explanatory INDUSTRIAL USE INCLUDES A POTATOE PROCESSING PLANT LOCATED IN THE W1/2SE, S35, T7S, R30E.
3. Explanatory THE CHANGE AUTHORIZED BY TRANSFER NO. 5068 SHALL BE ACCOMPLISHED BY JUNE 15, 1999.
4. Purpose of Use THE WATER DIVERTED UNDER THIS RIGHT FOR INDUSTRIAL PURPOSES MUST FIRST BE USED IN ASSOCIATION WITH THE POTATO PROCESSING PLANT LOCATED IN T07S, R30E, S35, NWSE AND SWSE. AFTER WATER IS USED FOR INDUSTRIAL PURPOSES IN ASSOCIATION WITH THE POTATO PROCESSING PLANT, IT MAY BE APPLIED TO AND USED FOR THE IRRIGATION OF THE LAND DESCRIBED IN THE PLACE OF USE FOR INDUSTRIAL PURPOSES IN T07S, R30E, S35, W1/2, TO SATISFY WATER QUALITY REQUIREMENTS. THE INDUSTRIAL USE OF WATER UNDER THIS RIGHT INCLUDES THE TREATMENT OF WASTE WATER WITH FRESH WATER.
5. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.03 CFS. COMBINED RIGHT NOS.: 35-02603, 35-04127, 35-12670.

Dates:

Licensed Date:

Decreed Date: 11/17/2000

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/27/2004

WATER RIGHT NO. 1-38

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SNAKE RIVER VALLEY IRRIGATION DIST 221 S EMERSON SHELLEY, ID 83274 (208)357-3420
Original Owner	CEDAR POINT WATER CO

Priority Date: 04/06/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	1/01	1/01	200 CFS	
Total Diversion			200 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|NESWNW Lt 2|Sec. 15|Township 01N|Range 37E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	36E	36	1	NENE	7	1	SENE	18						
			5	NESE	10									
	37E	16		SENE	7									
				SWSW	20		SESW	20						
				NESE	18		NWSE	2						
		17		SWSW	38		SESW	20						
				SWSE	5		SESE	5						

18		SWSE 15	SESE 36		
19		NENE 36	NWNE 20	SWNE 38	SENE 40
		NESW 2	SESW 1		
		NESE 38	NWSE 40	SWSE 40	SESE 35
20		NENE 36	NWNE 38	SWNE 38	SENE 36
		NENW 36	NWNW 40	SWNW 40	SENE 35
		NESW 39	NWSW 40	SWSW 38	SESE 37
		NESE 39	NWSE 40	SWSE 39	SESE 37
21		NWNW 38	SWNW 39		
		NESW 40	NWSW 38	SWSW 37	SESE 37
27		NWNW 3			
28		NENE 37	NWNE 35	SWNE 35	SENE 10
		NENW 35	NWNW 36	SWNW 35	SENE 35
		NESW 25	NWSW 10	SWSW 10	SESE 5
		NWSE 3	SWSE 5		
29		NENE 37	NWNE 39	SWNE 15	SENE 15
		NENW 36	NWNW 38	1 SWNW 39	SENE 38
		NESW 35	NWSW 34	SWSW 5	SESE 35
		NESE 15	NWSE 30	SWSE 15	SESE 10
30		NENE 40	NWNE 28	SWNE 5	SENE 35
		NESE 5			
31		SWNE 3			
		NWNW 12	SWNW 38	SENE 34	
		NESW 35	NWSW 38	SWSW 36	SESE 38
		NESE 30	NWSE 36	SWSE 39	SESE 37
32		NENE 5	NWNE 5	SWNE 5	SENE 5
		NENW 26	SWNW 5	SENE 35	
		NESW 38	NWSW 35	SWSW 39	SESE 34
		NESE 5	NWSE 3	SWSE 30	SESE 25
33		NENE 37	NWNE 39	SWNE 40	SENE 39
		NENW 15	NWNW 5	SWNW 5	SENE 20
		NESW 32	NWSW 8	SWSW 20	SESE 35
		NESE 20	NWSE 40	SWSE 37	SESE 5
34		NWNE 37	SWNE 39		
		NENW 37	NWNW 36	SWNW 37	SENE 40
		NESW 40	NWSW 6	SESE 33	
		NWSE 38	SWSE 35		
01S	36E	24 SESE 5			
		25 NENE 25	NWNE 20	SWNE 5	SENE 20
		SENE 20			
		NESW 30	SESE 30		
		NESE 25	NWSE 10	SWSE 35	SESE 35
36		NENE 36	NWNE 37	SWNE 40	SENE 37
		NENW 35	NWNW 5	SENE 36	
		NESW 35	NWSW 20	SWSW 39	SESE 36
		NESE 34	NWSE 37	SWSE 37	SESE 35
37E	2	3 NENW 10	4 NWNW 9	SWNW 15	SENE 40
		NESW 40	NWSW 37	SWSW 36	SESE 39
	3	2 NWNE 5	SWNE 40	SENE 38	
		3 NENW 9	4 NWNW 2	SWNW 39	SENE 40
		NESW 40	NWSW 39	SWSW 37	SESE 39
		NESE 39	NWSE 40	SWSE 38	SESE 37

4	1	NENE 8	2	NWNE 8	SWNE 38	SENE 39
	3	NENW 6	4	NWNW 8	SWNW 35	SENE 39
		NESW 40		NWSW 37	SWSW 39	SENE 38
		NESE 38		NWSE 38	SWSE 39	SESE 37
5	1	NENE 7	2	NWNE 6	SWNE 38	SENE 40
	3	NENW 7	4	NWNW 6	SWNW 38	SENE 40
		NESW 39		NWSW 39	SWSW 38	SESE 36
		NESE 39		NWSE 39	SWSE 38	SESE 35
6	1	NENE 7	1	SENE 27		
	13	SESW 25				
	10	NESE 36		NWSE 5	9 SWSE 38	SESE 38
7		NENE 37		NWNE 37	SWNE 38	SENE 37
	8	NENW 31	7	SENE 26		
	6	NESW 8				
		NESE 35	6	NWSE 35	5 SWSE 30	SESE 34
8		NENE 33		NWNE 35	SWNE 35	SENE 38
		NENW 37		NWNW 39	SWNW 38	SENE 39
		NESW 35		NWSW 38	SWSW 37	SESE 35
		NESE 38		NWSE 37	SWSE 35	SESE 37
9		NENE 37		NWNE 36	SWNE 38	SENE 39
		NENW 39		NWNW 36	SWNW 37	SENE 40
		NESW 40		NWSW 38	SWSW 38	SESE 38
		NESE 36		NWSE 37	SWSE 36	SESE 36
10		NENE 38		NWNE 38	SWNE 40	SENE 39
		NENW 39		NWNW 36	SWNW 39	SENE 40
		NESW 40		NWSW 38	SWSW 36	SESE 39
		NESE 39		NWSE 40	SWSE 38	SESE 37
11		NENW 35		NWNW 35	SWNW 38	SENE 20
		NESW 15		NWSW 38	SWSW 30	
14		NENW 38		NWNW 20	SWNW 32	SENE 40
		NESW 40		NWSW 39	SWSW 38	SESE 38
15		NENE 35		NWNE 38	SWNE 38	SENE 34
		NENW 38		NWNW 37	SWNW 39	SENE 40
		NESW 37		NWSW 36	SWSW 35	SESE 37
		NESE 36		NWSE 36	SWSE 32	SESE 35
16		NENE 37		NWNE 37	SWNE 39	SENE 39
		NENW 35		NWNW 38	SWNW 36	SENE 40
		NESW 40		NWSW 38	SWSW 36	SESE 39
		NESE 39		NWSE 38	SWSE 38	SESE 36
17		NENE 36		NWNE 39	SWNE 40	SENE 37
		NENW 36		NWNW 33	SWNW 35	SENE 40
		NESW 40		NWSW 39	SWSW 39	SESE 36
		NESE 39		NWSE 37	SWSE 37	SESE 37
18		NENE 35	8	NWNE 10	SWNE 30	SENE 37
	13	SWNW 5	7	SENE 10		
	6	NESW 35	14	NWSW 6	18 SWSW 6	5 SESE 33
		NESE 35		NWSE 37	SWSE 38	SESE 34
19		NENE 35		NWNE 35	SWNE 34	SENE 37
		NENW 35	15	SENE 34		
	15	NESW 32	18	NWSW 2	6 SWSW 22	5 SESE 20
		NESE 30		NWSE 30	SWSE 30	SESE 30
20		NENE 37		NWNE 39	SWNE 39	SENE 39

				NENW 36		NWNW 35		SWNW 37		SENW 36
				NESW 38		NWSW 38		SWSW 35		SESW 39
				NESE 39		NWSE 39		SWSE 38		SESE 37
21				NENE 35		NWNE 36		SWNE 39		SENE 36
				NENW 36		NWNW 36		SWNW 36		SENW 38
				NESW 39		NWSW 35		SWSW 35		SESW 37
				NESE 36		NWSE 40		SWSE 37		SESE 34
22				NENE 32		NWNE 37		SWNE 38		SENE 37
				NENW 37		NWNW 37		SWNW 39		SENW 37
				NESW 35		NWSW 20		SWSW 32		SESW 36
				NESE 37		NWSE 40		SWSE 37		SESE 36
27				NENE 36		NWNE 38		SWNE 39		SENE 38
				NENW 35		NWNW 36		SWNW 38		SENW 39
				NESW 40		NWSW 38		SWSW 35		SESW 37
				NESE 38		NWSE 40		SWSE 39		SESE 36
28				NENE 20		NWNE 26		SWNE 38		SENE 20
				NENW 38		NWNW 36		SWNW 37		SENW 38
				NESW 35		NWSW 37		SWSW 32		SESW 35
				NESE 35		NWSE 35		SWSE 35		SESE 35
29				NENE 37		NWNE 39		SWNE 40		SENE 38
				NENW 36		NWNW 35		SWNW 37		SENW 40
				NESW 40		NWSW 39		SWSW 37		SESW 35
				NESE 35		NWSE 40		SWSE 39		SESE 35
30				NENE 36		NWNE 36		SWNE 39		SENE 38
				NENW 35	1	NWNW 20	2	SWNW 27		SENW 37
				NESW 38	3	NWSW 23	4	SWSW 27		SESW 35
				NESE 37		NWSE 38		SWSE 35		SESE 38
31				NENE 37		NWNE 39		SWNE 40		SENE 39
				NENW 37	1	NWNW 27	2	SWNW 27		SENW 38
				NESW 40	3	NWSW 28	4	SWSW 26		SESW 39
				NESE 38		NWSE 36		SWSE 36		SESE 36
32				NENE 35		NWNE 37		SWNE 35		SENE 25
				NENW 38		NWNW 34		SWNW 37		SENW 40
				NESW 37		NWSW 36		SWSW 32		SESW 39
				NESE 36		NWSE 35		SWSE 36		SESE 33
33				NENE 34		NWNE 39		SWNE 40		SENE 37
				NENW 32		NWNW 36		SWNW 35		SENW 34
				NESW 34		NWSW 32		SWSW 32		SESW 35
				NESE 39		NWSE 40		SWSE 39		SESE 38
34				NENE 35		NWNE 39		SWNE 38		
				NENW 39		NWNW 37		SWNW 37		SENW 38
				NWSW 38		SWSW 33				
02S	36E	1	1	NENE 35	2	NWNE 38		SWNE 40		SENE 37
			3	NENW 39	4	NWNW 37		SWNW 39		SENW 40
				NESW 40		NWSW 38		SWSW 35		
				NESE 35		NWSE 35		SWSE 35		SESE 35
		2	1	NENE 36	2	NWNE 20		SWNE 40		SENE 39
			3	NENW 5		SWNW 8		SENW 35		
				NESW 40		NWSW 30		SWSW 35		SESW 39
				NESE 39		NWSE 40		SWSE 39		SESE 36
		3		NESW 15		SWSW 40		SESW 38		
				NESE 34		NWSE 37		SWSE 35		SESE 37

10		NENE 37	NWNE 37	SWNE 40	SENE 38
		NENW 35	NWNW 40	SWNW 35	SENE 40
11		NENE 38	NWNE 39	SWNE 21	SENE 25
		NENW 39	NWNW 36	SWNW 37	SENE 39
		NESW 39	NWSW 30	SWSW 35	SENE 38
		NESE 28	NWSE 38	SWSE 38	
12		NENE 18	NWNE 35	SWNE 5	SENE 18
		NENW 20	NWNW 30	SWNW 20	SENE 5
		NESW 30	NWSW 5	SWSW 25	SENE 13
37E	4	2	NWNE 38		
		3	NENW 39	4	NWNW 39
	5	1	NENE 37	2	NWNE 38
		3	NENW 36	4	NWNW 37
			NWSW 40		
	6	1	NENE 35	2	NWNE 38
		3	NENW 38	4	NWNW 26
			NESW 40	5	SWNW 26
			NESE 35	6	NWSW 26
				7	SWSW 27
					SENE 36
					SENE 37

Total Acres: 20864

Remarks:

1. General AC. IRR. = 6333. *P.D. AMENDED TO REFLECT TRANSFER #3994. *THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED BY SEPT. 14, 1993. GJT 12-08-92

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



SCANNED
JUL 13 2001
THE PILLSBURY COMPANY

IDAHO POTATO OPERATIONS
434 SOUTH EMERSON
SHELLEY, IDAHO 83274-1398

TELEPHONE: 208-357-3402
FAX: 208-357-3586

November 10, 1994

Dave Carlson
Water Rights Agent, Adjudications
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RECEIVED

NOV 14 1994

Department of Water Resources
Eastern District Office

Re: Evidence of Priority A27-04019

Dear Dave:

The well logs from Andrew Well Drilling, are submitted as the necessary proof to support the priority date for beneficial use water rights. Well #2 was drilled in October of 1956. This plant has been in continuous operation since September of 1957 under various owners.

If you have any questions or need additional proof, please contact me at (208) 357-1341.

Sincerely,

John Voiss
Facilities Resource
Idaho Potato Operation

cc: Denny Vaughn
Darrel McRoberts

JV:jrs

MICROFILMED

NOV 13 1994

HOWARD F. ANDREW
Phone 523-2544

ANDREW WELL DRILLING

Contractors

Phone 522-2794

Pump and Well Drilling Equipment Installed

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

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

VERL J. ANDREW
Phone 522-2823

Well # 2

Well Log for 16" Well Drilled October 1956 for French Company

<u>FROM</u>	<u>TO</u>	<u>FORMATION</u>
0	3	clay
3	67	gravel
67	70	lava broken
70	80	lava
80	90	lava broken--silt
90	108	clay
108	145	lava broken silt
145	150	lava broken clay

Water Level 70'

68'8"	16" Well casing
122'	12" Well Casing

RECEIVED

NOV 14 1994

Department of Water Resources
Eastern District Office

ANDREW WELL DRILLING

Contractors

Phone 522-2794

Pump and Well Drilling Equipment Installed

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

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

Well # 3

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

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

Water Level 92'

81' 20" Well casing

15' 18" Well casing

165' 16" Well Casing

RECEIVED
NOV 14 1994
Department of Water Resources
Eastern District Office

MICROFILMED
NOV 13 1990

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

PELLSBURY

CLAIM NT. NO.

A27-04019

DATE RECEIVED

9/26/89

CK #

AMOUNT \$

1. Is the name and address complete with zip code?

YES

NO

Required Info?

2. Is a priority date entered?

X

—

*

Is the priority date acceptable in view of mandatory filing dates?

X

—

*

See Adjudication Memos #1 and #4 to determine if a Permit is required.

X

—

*

3. (a) Is a source entered?

X

—

*

(b) Is a tributary to entered? (if required)

N/A X

—

—

*

4. Is the legal description of the p.d. sufficient?

X

—

*

5. Is there a description of the diverting works?

X

—

*

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

X

—

*

Is the period of use included?

X

—

*

Is a quantity claimed for each use?

X

—

*

7. Is a total quantity claimed entered?

X

—

*

8. If required is a consumptive use entered?

N/A

X

—

*

Is the consumptive use correct?

N/A

X

—

*

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

X

—

*

10. Is (are) the place(s) of use and purpose(s) indicated?

X

—

*

11. Is (are) the county(ies) entered?

X

—

*

12. Is the ownership of p.u. checked?

X

—

*

13. Are other water rights listed or "none" indicated?

X

—

*

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

X

—

*

15. Is the basis of the claim indicated?

X

—

*

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A X

X

—

*

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

X

—

*

18. Has the claim been signed, sealed, and dated by a notary?

X

—

*

19. Was this claim filed on time, or was an extension granted?

X

—

*

20. Is the fee enclosed correct?

Exempt

X

—

*

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

X

—

*

22. Should this claim be data entered?

X

—

*

Claim checked by:

TO

Date:

9/27/89

Claim must be returned to claimant:

(Yes) X (No)

Claimant must be notified of modifications:

(Yes) X (No)

Receipt Prepared by:
Claim data entered by:
Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

MICROFILMED

NOV 12 1992

Comments:

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

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

SALISBURY BUILDING-428 PARK AVENUE
P. O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

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

September 26, 1989

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

Re: The Pillsbury Company, Inc.

Dear Mr. Carlsen:

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

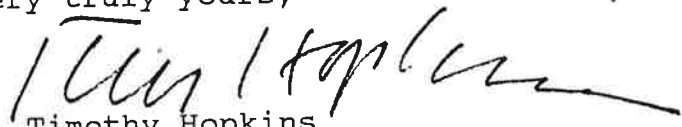
The principal change relates to a characterization of the proposed use of the waters claimed. As you will see, our client has determined to claim an incidental use only for irrigation while the principal use relates to the commercial operations of The Pillsbury Company other than the one claimed for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

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

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

Thank you for your cooperation in this matter.

Very truly yours,


C. Timothy Hopkins

CTH/lc
Encl.
cc: Mr. Frank Latta

MICROFILMED
NOV 12 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: September 6, 1989

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

RE: Pillsbury Co. Water Right Claims

Dear Mr. Hopkins:

The Idaho Department of Water Resources (IDWR) is returning your check #10340 (\$686.00) and The Pillsbury Company's Notices of Claim to Water Rights because of insufficient information and fees. All items on the claim form must be correctly completed and fees submitted before the IDWR can process the notices.

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

Domestic Notice of Claim

- Item #2: The day and month water was first used for the house must be entered. If you do not know the precise date, you must estimate the day and month, or apply the last day of the year, i.e. December 31, 1946.
- Items #6 and #7: The amount claimed for the household must be entered. The amount guideline for one house with up to 1/2-acre of lawn and garden irrigation is 0.04 cfs.

Commercial/Irrigation Notices of Claim

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

MICROFILMED
NOV 12 1992

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

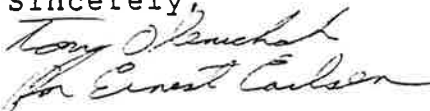
If you claim the irrigation as a separate purpose, rather than an incidental use, the irrigation on each claim must coincide with acres irrigated during the claimed priority date. For example, only 20 acres of irrigation are listed for the priority date of 7/1/1957 on Claim to a Water Right 27-4019.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

Insufficient Fee

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

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

Sincerely,



Ernest Carlsen
Adjudication Supervisor

Enclosure

MICROFILMED
NOV 12 1992

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARRY L. GOINS
LARRY S. LARSON
STEPHEN R. MAY
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(208) 523-4445
FAX (208) 523-4474

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

August 31, 1989

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

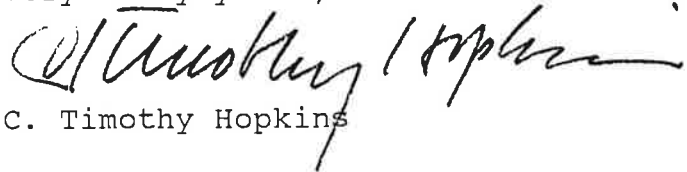
Re: The Pillsbury Company, Inc.--Claims to Water
Rights--(Bingham County)

Gentlemen:

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

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

Very truly yours,



C. Timothy Hopkins

CTH/lc
Encl.
cc: Mr. Frank Latta

MICROFILMED
NOV 12 1992

State of Idaho
Department of Water Resources

MAY 25 1989

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

Department of Water Resources

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

THE PILLSBURY COMPANY

Name of Claimant

434 South Emerson

Post Office Address

Shelley, Idaho 83274

City, State, Zip Code

Bingham

County(s) where Place of Use is located

May 25, 1989

Date Claim Originally Due

See attachment.

Identify water right(s) for which extension is requested

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

See attachment.

Claimant requests an extension to August 31, 1989.

Signature Attorney

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 8/31, 1989.

Signed this 29 day of May, 1989.

Director or his designated agent

DAVID B. SHAW

MICROFILMED
NOV 12 1992

AJ5809NP
No. A27-04019

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/94
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE PILLSBURY COMPANY INC 434 S EMERSON SHELLEY ID 83274 (208) 357-3402	07/01/1957	COMMERCIAL	01-01 12-31	4.00 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	4.00 CFS 1277.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T01N R37E S32

NESE

BINGHAM County

Place of use Legal Description for: COMMERCIAL

				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	
01N	37E	32	:				C	:					:					:	C	C			:
01S	37E	2	:					:	C			C	:	C			C	:					:
01S	37E	3	:					:	C	C	C	C	:	C	C			:					:
01S	37E	11	:					:	C	C	C	C	:	C	C			:					:

POU County: BINGHAM

Non-Irrigation Uses: COMMERCIAL USE FOR PROCESSING OF POTATOES

Other Rights: A27-02116/07411.

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

Dates: Exam Made Date: Verified Date:

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

RECEIVED

NOV 14 1994

Department of Water Resources
Eastern District Office

NOV 13 1994

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

CIVIL CASE NUMBER: 39576

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

Ident. Number
Date Received
Receipt Number

A27-04019

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

1. Name of Claimant **Basic American Foods** Phone **(208) 785-8590**
Mailing Address **415 Collins Road**
Blackfoot, ID 83221
2. Date of Priority: **July 01, 1957**
3. Source of water supply: **Ground water**
4. Location of point of diversions: **Township 01N Range 37E Section 32 NWNESE County of Bingham**
Additional points of diversion: **Township 01N Range 37E Section 32 SWSENE County of Bingham**
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. **Two wells approximately 150 feet deep, pump and pipelines.**

6. Water is claimed for the following purposes:

(both dates are inclusive)
For **Commercial** purposes from **01/01 to 12/31** amount **4.000 cfs**

7. Total quantity claimed: **4.000 cfs**

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

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) **Commercial use for the processing of potatoes**

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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

Total number of acres irrigated _____

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

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A27-02116 and A27-07411

14. Remarks:

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

15. Basis of Claim: **Beneficial Use**

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff v. Defendant _____

16. Signature

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

Number of Attachments _____

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

Signature of Authorized Agent _____

Title and Organization Senior Project Manager – Environmental
Basic American Foods Date: July _____, 2007

State of _____)
County of _____) SS.

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

SEAL

Notary Public _____
Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

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

Date: July _____, 2007

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

In Re SRBA

) **Subcase 27-04019**
)
)

Case 39576

) **STANDARD FORM 4**
)
)

) **MOTION TO FILE**
) **AMENDED NOTICE OF CLAIM**
)

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

My name is Basic American Foods

My address is: 415 Collins Road
 Blackfoot, ID 83221

My phone number is (208) 785-8590

I am an attorney representing the above-listed claimant.

My name is Josephine P. Beeman

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

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

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ✓ I must amend my Notice of Claim to the use of water in the SRBA because:

Basic American Foods' water right 27-4019 has two points of diversion (wells) which were operating and interconnected prior to November 19, 1987. The amended claim corrects original SRBA claim 27-4019 which listed only 1 of the 2 points of diversion. The amended claim also provides a more accurate legal description of both points of diversion.

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

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

Basic American is the only objector to 27-4019, and Basic American Foods and the Idaho Department of Water Resources (IDWR) have been in discussions to resolve Basic American Foods' objections to IDWR's recommendation for 27-4019. These amendments are a result of those discussions.

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

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

I have attached:

- ✓ An Amended Notice of Claim 27-04019.

☐ Payment of the following additional fees required by IDWR:

VERIFICATION

State of Idaho)
) ss:
County of Ada)

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

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

Josephine P. Beeman
Attorney signing in representative capacity

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

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

CERTIFICATE OF MAILING

I certify that on July _____, 2007, I caused to be served the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

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

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

Basic American Foods
415 Collins Road
Blackfoot, ID 83221

Josephine P. Beeman [7788]

JUL 16 2001

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A27-04019
Date Received: 9/26/1989
Receipt No: E010809
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUL 01, 1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
THREE WELLS APPROX 150' DEEP, PUMP AND PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	4.000	.	

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

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

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

10. Place of Use:

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

A27-04019

Page 1

Date: 10/25/89

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NOV 12 1992

10. Place of Use: Continued

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

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-02116/07411.

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

15. Basis of Claim: STATUTORY CLAIM

NO LATE IF RECEIVED

BY 10/6/89

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

450

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

CIVIL CASE NUMBER: 39576Ident. Number A27-04019Date Received 9-26-89Receipt Number 6010809
SV

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



A2704019

Please type or print clearly

1. Name of Claimant (s) The Pillsbury Company, Inc. Phone (208) 357-340
Mailing Address 434 South Emerson, Shelley, ID Zip 83274

2. Date of Priority (Only one (1) per claim) July 1, 1957

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

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

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pump and pipelines run water from
three wells which are approximately 150 feet deep for use in washing,
transporting and processing potatoes. During the summer months this
water is commingled with irrigation water from other sources to
irrigate crops.

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NOV 12 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For commercial purposes from Jan 1 to Dec 31 amount 4.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.00 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial use--washing, transporting and processing potatoes in The Pillsbury Company, Inc., plant incident to dehydration of potatoes.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	37E	32				C									C	C			
1S	37E	2					C			C	C		C	C					
1S	37E	11					C	C	C	C	C	C							
1S	37E	3					C	C	C	C	C	C							

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

License No. G-27323 and License No. 27-7411 are used in the or None ()
same location for the same purposes.

14. Remarks:

This claim is based upon Claim No. 27-4019 filed by the R.T. French Company and dated October 19, 1979. The waters claimed hereby are initially used for commercial purposes related to plant operations of the Pillsbury Company at Shelley, Idaho, and they are subsequently, and incidentally, used to transport effluent from the plant to farm locations owned by The Pillsbury Company where they are commingled with irrigation waters from other sources and applied to crops.

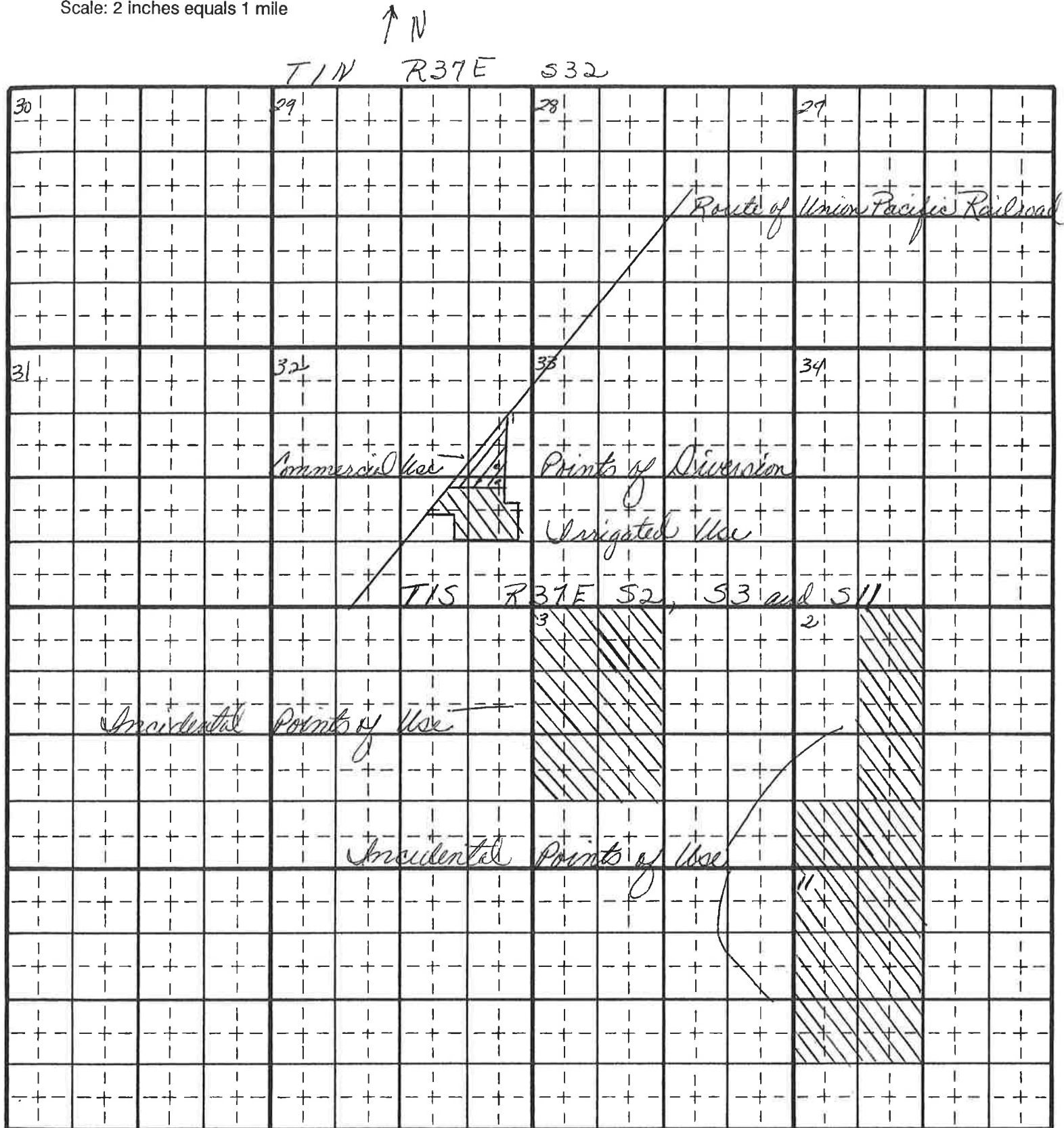
MICROFILMED

Last Name _____ Ident No. _____

Copies: White State, Yellow **NOV 12 1992** aimant

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

Scale: 2 inches equals 1 mile



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NOV 12 1992

Last Name _____

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number Claim No. 27-4019

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 _____

of The Pillsbury Company, Inc. _____ Title _____, that I have signed the foregoing
Organization

document in the space below as Engineering Manager of The Pillsbury Company, Inc.
Title Organization

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

Signature of Authorized Agent Francis A. Latta, Engineering Manager

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

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

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

SEAL

Notary Public [Signature]

Residing at Idaho Falls, Idaho

My Commission Expires 4/1/91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, C. Timothy Hopkins will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

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

Date August 31, 1989

MICROFILMED

NOV 12 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant