

01/22/2008

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

RIGHT NUMBER: 67-4354

NAME AND ADDRESS: PARTNERS PRODUCE APPLE VALLEY COLD STORAGE LLC
2150 NE 21 ST AVE
PAYETTE ID 83661

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
14.400 AFY

PRIORITY DATE: 01/01/1962

POINT OF DIVERSION:

T09N R05W S11 SESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.040 CFS
14.40 AFY

PLACE OF USE: COMMERCIAL in PAYETTE County

T09N R05W S11 SESW

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

Commercial Uses: Wash onions in processing, wash equipment, office with 4 bath.



Idaho Department of Water Resources

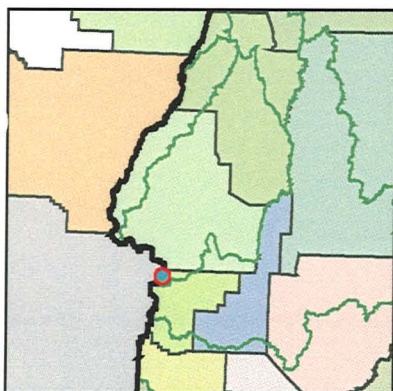
SRBA Recommendation:

67-4354

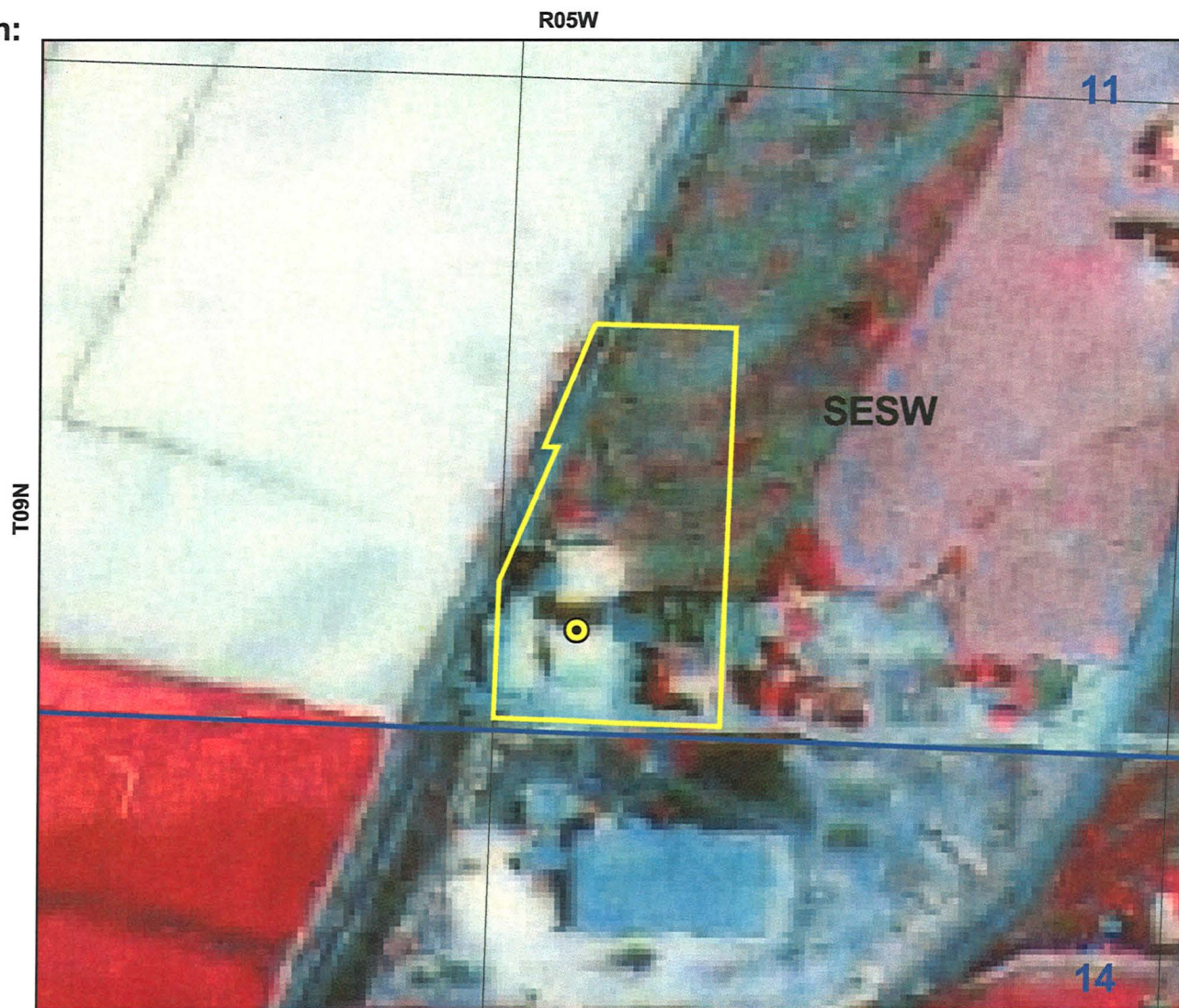
(Commercial)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Payette County
IDWR Basin 67



0 0.1 0.2 Miles

A scale bar showing distances of 0, 0.1, and 0.2 miles.

Prepared by IDWR State Office
On Tuesday, January 22, 2008
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4354 V1

WATER RIGHT NUMBER: 67-4354 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PARTNERS PRODUCE APPLE VALLEY COLD STORAGE LLC 2150 NE 21 ST AVE PAYETTE, ID 83661 (208) 642-1200

Priority Date: 01/01/19 62

Basis: Beneficial Use

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>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.040 CFS	14.40 AF
	<u>Total Diversion:</u>	0.040 CFS	14.40 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 11, Twp 09N, Rge 05W, B.M.
PAYETTE County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	11												X					

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.
2. Commercial Uses: Wash onions in processing, wash equipment, office with 4 bath.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4354 V1

1. csaxton 1/15/2008 Priority

Comment: The previous owner of the property, Samuel Stone, submitted an affidavit that says when he purchased the property, he was aware of two wells. The wording of the affidavit infers that one was drilled in 1900 and the other in 1934. The original statutory claim for 67-4557 states that the property was purchased in 1962.

2. csaxton 1/15/2008 Diversion Volume

Comment: See notes in file. It was determined that the claimants statement that they use 30K gpd was reasonable. 30K GPD = 28.8 afa. Since there are two wells the 28.8 afa was divided by two giving half of the total recommended diversion volume to each well (67-4354 and 67-4557).

3. csaxton 1/22/2008 Copied From Claim(1)

Comment: Remarks: Use in washing produce such as apples & equipment plums, cooling tower for cold storage & domestic use.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			01/15/2008	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	1/15/2008 3:58:40 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4354 V1

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, January 22, 2008 9:41 AM
To: 'partnersproduce@srvinet.com'
Subject: Status of Application for permit 67-14925

Dear George,

Per our conversation, I am enclosing the contact information for persons at the Western Region office that might be able to answer some questions on the status of your application.

As I told you on the phone, your application 67-14925 is in good standing, it is just waiting to be reviewed and approved.

After talking to a previous agent that reviewed applications at western region, he said that you could request that the application review be expedited through a written request to:

Attn: John Westra
IDWR – Western Region
2735 Airport Way
Boise ID 83705-5082

You will probably need to explain why waiting to have it processed on the regular tract is causing you injury.

Secondly, we spoke a little about how long it will be till it is reviewed if we just let it follow the regular tract. I don't know if they are going to be able to give you a solid number because Western Region have recently lost their two Sr. agents that reviewed new applications. However, the supervisor for reviewing new applications is Steve Lester. He is located at the Western Region office at 334-2190.

I am sorry I don't have better information for you. Unfortunately, I know that that IDWR as a whole, and more particularly Western Region, is short staffed and backlogged with work.

Take care and Happy New Year,

Craig L. Saxton

Diversion Volume Calculations

Claimant stated that they use around 25,000 to 30,000 Gallons Per day. This # is understood as the water use for the entire facility.

Known: Facility Runs 6 days/week
32 weeks/yr
16 hrs/day

Each well claims 0.04 cfs.

$$(0.04 \text{ cfs}) (1.9835) (365 - 52 \text{ days}) \left(\frac{7}{2} \text{ or } 16 \text{ hrs/day} \right) = 16.6 \text{ AFY}$$

$$\times 2 \text{ Wells} = 33.1 \text{ AFY}$$

$$\frac{25,000 \text{ g}}{\text{day}} \left| \begin{array}{l} 1.9835 \text{ af/day} \\ 646315 \text{ g/day} \end{array} \right| \frac{313 \text{ days/yr}}{1} = 24 \text{ AFY}$$

$$\text{using the same formula } \frac{30,000 \text{ g}}{\text{d}} = 28.8 \text{ AFY}$$

Based on these Calculations, It is Reasonable to conclude that the Claimant diverts the upper end of the stated diversion Vol of:

30k gpd $\approx$ 28.8 AFY from the two wells.

Claim No(s). 67-4354

Claim No(s). 61-4574

[illegible]

12/17/07

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE, ID 83720-0098

67-4354
67-4557
RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

To Whom it May Concern:

This letter is to attest to the fact that when I purchased the property now owned by Partner's Produce we were aware of two wells. The first one in 1900 and then in 1934.

As far as water usage was concerned, we used water for our compressors and our condensers. Water was also used to wash the apples and plums by using a large wash tub. Water usage was sure to have exceeded 25,000 a day.

I sold the property to Partner's Produce in 1998 with all compressors and cooling towers.

Sincerely,

Sam Stone

Sam Stone

SCANNED

DEC 21 2007

RECEIVED
DEC 19 2007
DEPARTMENT OF
WATER RESOURCES

COMMERCIAL USE VOLUME

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report**.

Type of Establishment: (example – camp, church, country club, bar/lounge, boardinghouse, factory, motel, highway rest area, hospital, laundry, office, park, restaurant, school, service station, theater)

CROSSING PLANT. (ONIONS)

We ARE Located in PAYETTE INDUSTRIAL PARK. 4mi OUT OF PAYETTE

Type of Facilities: (example: kitchen facility/cafeteria, lavatory facilities, shower(s), bath(s), sink(s), trailers, flush toilets)

CROSSING PLANT. (ONIONS)

Number of Fixtures: (example: number of flush toilets, number of bathtubs, number of bathroom/kitchen sinks, number of showers, etc.)

8 Toilets

How many employees (and/or public individuals) per day use each of the facilities your commercial use is based upon?

We HAVE ABOUT 100 Employees

How many hours per day is the facility open for this specific use?

2 Eight hour shifts 1 clean up shift

How many days per week is the facility open for this use?

6 DAYS

SCANNED
DEC 21 2007

Is this facility open year round? ☒ Yes ☐ No

If not, please indicate the length of time the facility is open during the year.

** Most businesses have a good idea of how many gallons of water per day they use. If this is true in your case, please indicate how many **total gallons of water you use** for the commercial purposes explained above:

We feel we use 25,000 - 30,000 GAL. A DAY

Additional information you feel may be pertinent:

We have TOWERS & COMPRESSORS
We wash onions, wash floors, cooling off
the onions, on cold storage room.
We have a FREEZER Room

Partners Prod. Inc
By George Rodriguez
Your name

cell 208-391-6261
208-642-1200
Business telephone number

Please return to:

ATTN: Craig L. Saxton
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

SCANNED

DEC 11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

SAMUEL J STONE
1741 COX RD
~~PAYETTE ID 83661~~
Weiser ID 83672



DEC 14 2007
DEPARTMENT OF
WATER RESOURCES

8366183661 0000
8372000098

NIXIE 837 DC 1 00 12/13/07
RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD
BC: 837200098 *1195-00570-11-37
|||||



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 10, 2007

SAMUEL J STONE
1741 COX RD
PAYETTE ID 836672

Re: Affidavit supporting priority date for water rights 67-4354 and 67-4557

Dear Mr. Stone,

I have been speaking with George Rodriguez about water right claims 67-4354 and 67-4557. In order for me to make a recommendation to the SRBA court, I need evidence of when the wells and well water was first put to beneficial use. A lot of times, that evidence is submitted in the form of an affidavit.

In my conversation with George, he told me that you might have the knowledge of the historical use of the two older wells on the property. I understand that you are busy and the request for an affidavit can be inconvenient. However, it is very important to have this information to ensure that Mr. Rodriguez water rights are recorded accurately with the SRBA court.

For your convenience, I have outlined as best I can, the information that we are looking for in an affidavit. If you could take a minute to complete the affidavit and return it to me in the enclosed postage paid envelope, that would be greatly appreciated.

Please note, you are not required to use this form or format. Please submit any information you can in whatever format you are comfortable with.

Feel free to call me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
(208)287-4916



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 6, 2007

PARTNERS PRODUCE INC
C/O GEORGE RODRIGUEZ
2150 NE 21ST ST
PAYETTE ID 83661

RE: Request for Additional Information

Dear Mr. Rodriguez,

I have been looking over the late claims 67-4354 and 67-4557. In order to recommend these rights I need some additional information.

First of all, we need to recommend a volume of water used under the water rights. I am attaching a "Commercial Use Volume" worksheet that asks questions that will help me determine a volume. Please complete the worksheet and return it to me at your earliest convenience.

Second of all, I need some evidence supporting the priority dates claimed for each water right.

Originally 67-4354 claimed a priority date of **4/1/1934**. 67-4557 claimed a priority date of **1/1/1900**. By paying the fees of \$208.00 per claim, you are asserting that your water use exceeds 2500 gallons per day and therefore is not a deferrable right. *In other words, small water uses for a commercial use such as what you described, does not need to be filed on as long as you don't exceed 2500 gallons per day.*

Since the claims appear to be for more than 2500 gallons per day, you are going to need some evidence to confirm historical use dating as far back as you can. Priority dates can be supported through affidavits or statements from the previous owner or neighbors that know the history of the property and the water use. I am enclosing a pamphlet that discusses evidence of priority for your review.

Please return the completed Commercial Use Volume worksheet along with the evidence of priority requested at your earliest convenience.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s): Overview Map
 Evidence of Priority Pamphlet
 Commercial Use Volume worksheet



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for PAYETTE VALLEY FRUIT, INC.](#)]

PAYETTE VALLEY FRUIT, INC.

1741 COX RD
WEISER, ID 83672

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, ANREPT SENT 25 Jun 2007

State of Origin: IDAHO

Date of 01 May 1962

Origination/Authorization:

Current Registered Agent: SAMUEL J. STONE
1741 COX RD
WEISER, ID 83672

Organizational ID / Filing C33600 *payette 83661*
Number:

Number of Authorized Stock 1

Shares:

Date of Last Annual Report: 28 Jun 2007

Amendments:

[[Help Me Print/View TIFF](#)]

Amendment filed 01 May 1962 INCORPORATION

Amendment filed 29 Oct 1969 NAME CHANGED TO PAYETTE VALLEY FRUIT, INC.

Amendment filed 29 Oct 1969 STOCK CHANGE

Amendment filed 13 Jun 1979 OTHER - RA

Annual Reports:

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Report for year 2007 ANNUAL REPORT

[View Image \(TIFF format\)](#)

Report for year 2006 ANNUAL REPORT

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Report for year 2005 ANNUAL REPORT

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Report for year 1998 ANNUAL REPORT

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Report for year 1997 ANNUAL REPORT

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Report for year 1996 ANNUAL REPORT

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 28, 2007

PARTNERS PRODUCE INC
2150 NE 21ST AVE
PAYETTE ID 83661

RE: Snake River Basin Adjudication (SRBA)
Late Notices of Claim to a Water Right #67-4354 and 67-4557

Dear Claimant:

The Notices of Claim to a Water Right referenced above were received from the SRBA Court recently. I have enclosed your receipts #C085392 and C085397 for the fees you paid.

These Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosures:

Receipts Referenced Above

SCANNED
NOV 28 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-4354
Date Received: 10/22/2007
Receipt No: C085392
Received By: KAW

Amended

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PARTNERS PRODUCE INC Phone: (208) 642-1200
2150 NE 21ST AVE
PAYETTE ID USA 83661

2. Date of Priority: 04/01/1934

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	05W	11	SE SW	PAYETTE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05W	11	SE	SW	COMMERCIAL	

11. Place of use in counties: PAYETTE

Number of attachments: _____

For Organizations:

For Organizations:

I do solemnly swear or affirm that I am George Rodriguez President of
Title
Partners Produce Inc., that I have signed the foregoing
Organization
document in the space below as President. of
Title
Partners Produce Inc. and that the statements contained in the
Organization
foregoing document are true and correct. George Rodriguez
Signature of Authorized Agent

Title and Organization

Date _____

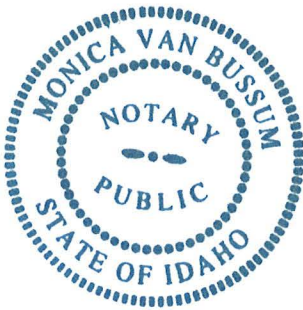
State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 26th
of October 2007

Notary Public

Residing at Boise, ID

My commission Expires 4/11/2013



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 67-4354
Date Received: 11/26/07
Receipt No: C035392
Received By: KNW

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Partners Produce, Inc. Phone (208) 642-1200

Mailing Address 2150 NE 21st Ave Payette ID ZIP 83401
Street or Box City State

1934 2. Date of Priority (Only one (1) per claim) _____
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (X) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 11, Range 5 West, Section 9 North,
S. East, 1/4 of S. West, 1/4 of Section 11, 1/4 Govt. Lot _____, BM., County of PAYETTE COUNTY

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of

_____, 1/4 Govt. Lot _____, BM., 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. 60' Deep 2HP Pipe 1 1/2" o Bld

Drill New well.

Last Name Partners Prod Ident No. 67-4354

SCANNED

NOV 26 2007

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Commercial purposes from 1-1 to 12-31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) WASH onions for Processing - WASH Equipment

Office - with 4 Bath.

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9.N	5W	11												X					

Total number of acres irrigated 0

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

11. Do you own the property listed above as place of use? Yes ☒ No ☐

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

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

_____ or None (✓)

13. Remarks: USE for washing Produce such as Apples & Equip
Plums, cooling tower for cold storage & Domestic use.

Last Name Partners Prod Ident No. 67-4354

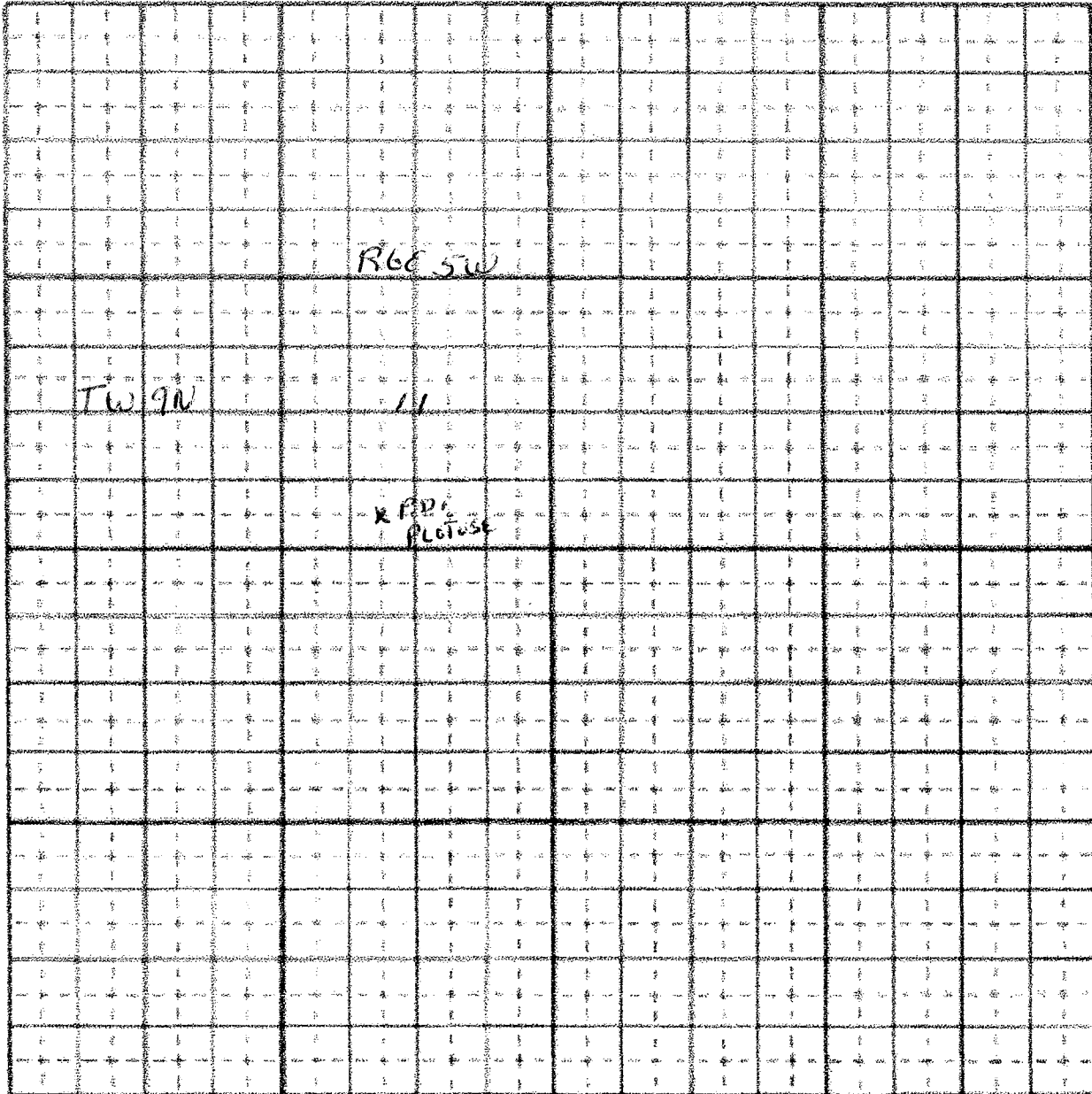
SCANNED

NOV 26 2007

Well's

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

Scale: 2 Inches equals 1 mile



Last Name

Partner Rod

Ident No.

67-4354

SCANNED

NOV 26 2007

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

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

Number of attachments: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Seane Rodriguez (President) Date: 7-13-07
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, _____, 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 _____

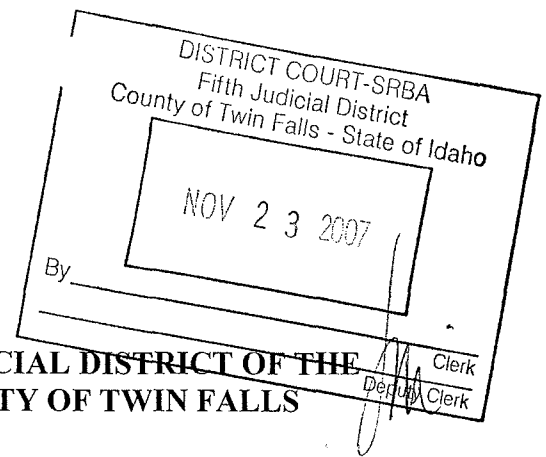
Address _____

Date _____

Last Name Partners Produce Ident No. 67-4354

SCANNED

NOV 26 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

Subcases: 67-04354 & 67-04557

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

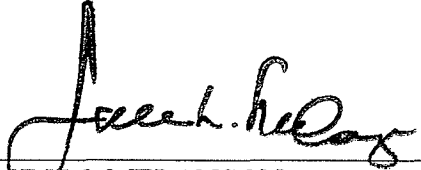
On July 17, 2007, Partner's Produce Inc. filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on November 20, 2007. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated November 23, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on November
23, 2007, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

PARTNER'S PRODUCE INC
2150 N E 21ST
PO BOX 196
PAYETTE, ID 83661
Phone: 208-642-1200

ORDER

Page 1 11/23/07

FILE COPY FOR 00417

Deputy Clerk

NOV 26 2007

Oct 19 2007 2:14PM

Partner's Produce, Inc.

208 42-8198

p. 1/1



PARTNER'S PRODUCE, INC.

2150 N.E. 21st, P.O. BOX 196 • PAYETTE, ID 83661
PHONE (208) 642-1200 • FAX (208) 642-8198



Intermountain
COMMUNITY BANK

175 N. 16th
Payette, ID 83661
(208) 642-4773

92-360/1231

11354

7/16/2007

PAY TO THE
ORDER OF

STATE OF IDAHO DEPT. OF WATER RESOURCES

\$ **208.00

Two Hundred Eight and 00/100 ***** DOLLARS

STATE OF IDAHO DEPT. OF WATER RESOURCES

PO BOX 83720

BOISE, ID 83720-0098

MEMO

SUBCASE 67-4354

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

⑈011354⑈ ⑆123103606⑆ 05302021⑈

PARTNER'S PRODUCE, INC. 2150 N.E. 21st, P.O. Box 196 Payette, ID 83661

11354

STATE OF IDAHO DEPT. OF WATER RESOURCES

7/16/2007

NEW WELL

208.00

INTERMOUNTAIN COM B SUBCASE 67-4354

208.00

PARTNER'S PRODUCE, INC. 2150 N.E. 21st, P.O. Box 196 Payette, ID 83661

11354

STATE OF IDAHO DEPT. OF WATER RESOURCES

7/16/2007

NEW WELL

208.00

INTERMOUNTAIN COM B SUBCASE 67-4354

208.00

Partner's Produce, Inc.

From: "Music, Vicky" <Vicky.Music@idwr.idaho.gov>
To: <partnersproduce@srvinet.com>
Sent: Thursday, July 12, 2007 2:20 PM
Attach: 67-4354 stat claim.pdf; claimform.pdf; ClaimInstructions.pdf
Subject: 63-4354

George -

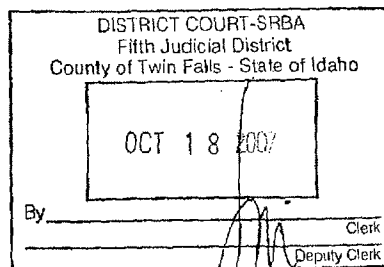
Attached here is the information we have on file re an old claim the Payette Fruit Co filed.

<<67-4354 stat claim.pdf>>

Attached here is a claim form and instructions, a motion to file late claim and instructions. IT looks more intimidating than it is. The motion asks why the claim is late. In your case, based on what you have told me, the prior owner did not file a claim and thought the rights were taken care of and you did not know until our conversation that a claim was required. Please fill out the claim and motion, and send them with a check to the SRBA Court.

<<claimform.pdf>> <<ClaimInstructions.pdf>>

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



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

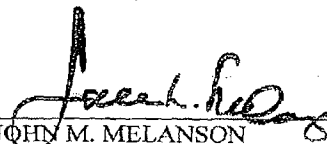
SUBCASE NOS: 67-04354 & 67-04557

NOTICE RESETTING HEARING ON
MOTIONS TO FILE LATE NOTICE OF
CLAIM

On October 16, 2007, hearing was held on the *Motions to File Late Notice of Claim* filed on July 17, 2007, in the above-captioned subcase numbers.

NOTICE IS HEREBY GIVEN that hearing on the *Motions to File Late Notice of Claim* will be continued on **Tuesday, November 20, 2007, at 1:30 p.m. Mountain Time**, at the **Snake River Basin Adjudication District Court, 253 - 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number **1-918-583-3445** and when prompted entering code **406128**.

Dated October 18, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

INTER-DEPARTMENT MEMO — 1

DATE 12/2/81

FROM D. Shaw

TO 67-4354

SUBJECT Assignment Executed 10/14/81

The assignment should be viewed in the same way we view a notice in the file that the water right has been pledged as collateral for a mortgage. The assignment probably serves only as such a notice as far as the Department is concerned, however, a court may view the assignment differently.

When the mortgage is cleared Payette Fruit, Inc should ask the Federal Land Bank to execute an assignment to clear the final ownership.

SIGNATURE

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, Payette Fruit, Inc., hereby assign to Federal Land Bank Association of ^{Ontario}
of P.O. Box 279, Ontario, OR 97914
Address

CHECK ONE



All my right, title, and interest in and to ^{Claim} ~~Permit~~ No. 67-4354
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 14 day of October, 19 81.

Payette Valley Fruit Inc.
By Brighten Stalen
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of ADA) ss.

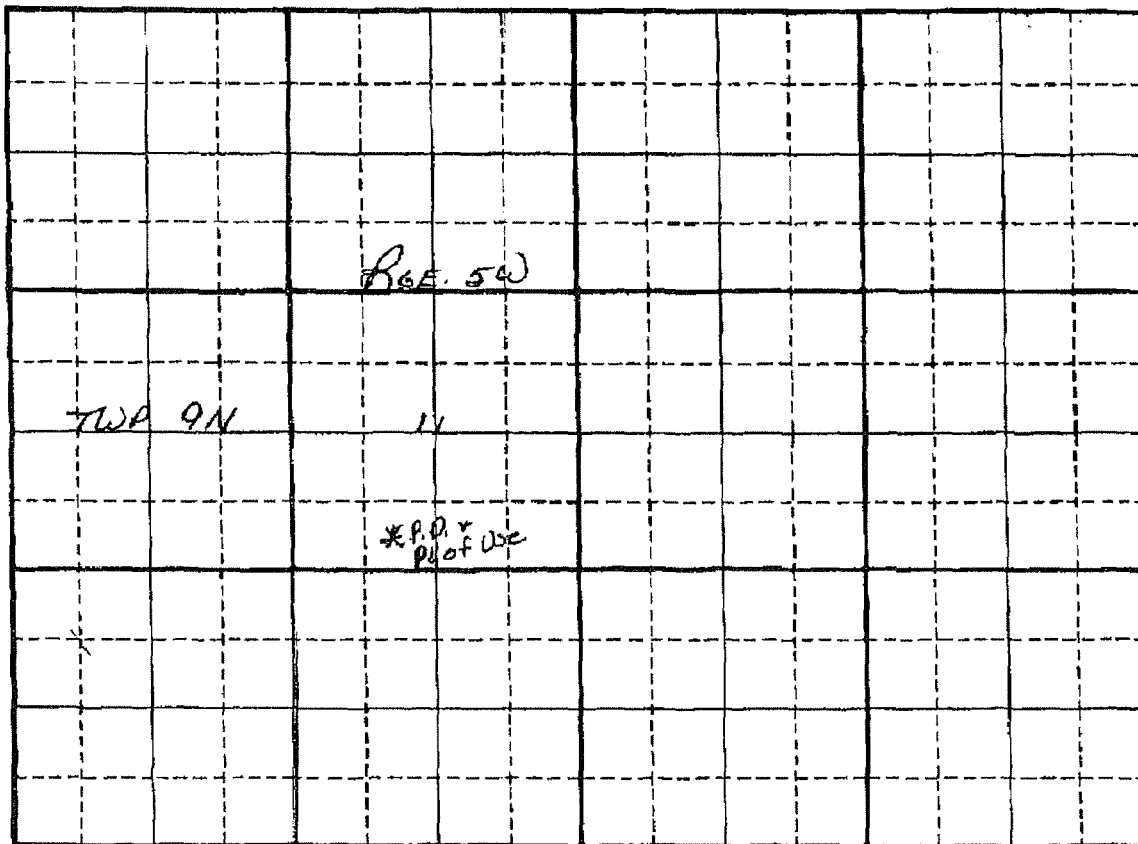
On this 14 day of October, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

My commission expires
Life

Nancy M. Hathaway
Notary Public residing at
Boise, ID

(8) Remarks



Scale: 2 inches equal 1 mile.

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

) ss.

County of

Ada

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.

PAYETTE VALLEY FRUIT, INC. by

By By [Signature]

(Claimant)

Sworn to before me this 14 day of October, 19 81.

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by

Date

10/14/81

Exception filed by:

Forwarded to

Date

Preliminary check by

Date

10/14/81

#00283

claimant by:

Published in

Independent Enterprise

Date

10/22 10/29/81