

01/22/2008

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

RIGHT NUMBER: 67-4557

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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 for processing, wash equipment, office, 4 bath



Idaho Department of Water Resources

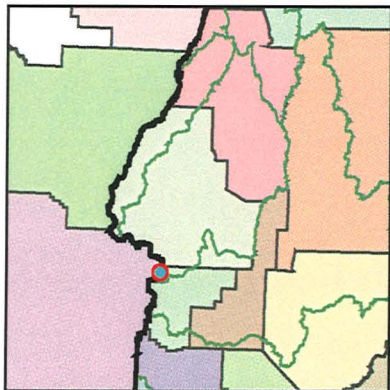
SRBA Recommendation:

67-4557

(Commercial)

Legend

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



Payette County
IDWR Basin 67



0 0.1 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 67-4557 V1

WATER RIGHT NUMBER: 67-4557 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: 01/01/19⁶²

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 for processing, wash equipment, office, 4 bath

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4557 V1

1. csaxton 1/22/2008 Priority Date

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 1/22/2008 Diversion Volume

Comment: See notes in file. It was determined that the claimants statement that they use 30K gpd per day 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 for 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>
Priority Date	1/22/2008 3:06:27 PM	csaxton			Active
POU	1/22/2008 3:09:43 PM	csaxton			Active
Source	1/22/2008 3:09:45 PM	csaxton			Active
Use	1/22/2008 3:09:46 PM	csaxton			Active
Quantity	1/22/2008 3:09:47 PM	csaxton			Active
Season	1/22/2008 3:09:47 PM	csaxton			Active
Summary			01/22/2008	csaxton	Active
Summary			01/22/2008	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/22/2008 3:09:54 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License?
Source	1/22/2008 3:09:55 PM	csaxton	(No) 1. Is the basis of claim Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4557 V1

General	1/22/2008 3:06:39 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - See notes in Quicklook
Use	1/22/2008 3:09:57 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License?
Season	1/22/2008 3:09:57 PM	csaxton	(No) 1. Is the basis of claim Decree or License?
Quantity	1/22/2008 3:09:58 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License?
Summary	1/22/2008 3:09:58 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?
Summary	1/22/2008 3:15:31 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:

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

52 weeks/yr

16 hrs/day

Each well claims 0.04 cfs.

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

$$\times 2 \text{ wells} = 33.1 \text{ Aft}$$

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

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

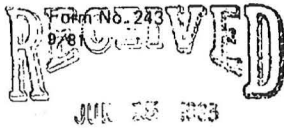
Based on these calculations, it is reasonable to conclude that the Claimant diverts the upper end of the stated diversion vol of:

30K gpd $\approx$ 28.8 Aft from the two wells.

Claim No(s). 67-4557

Claim No(s). 67-4557

[illegible]

Claim No. 67-4557STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Western Regional Office

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 PAYETTE VALLEY FRUIT INC.

(Name of Claimant)

P.O. BOX 177 PAYETTE IDAHO,83661Telephone No. 642 3346

(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) WE PURCHASED THE WELL HAS BEEN
1962 HERE MANY YEARS 1900

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)

GROUND WATER 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.02</u>		Use <u>DOMESTIC AND COOLING</u>		Period of Use From <u>JAN 1</u>	To <u>DEC 31</u>
Quantity <u>.02</u>		Use <u>Industrial (3)</u>		Period of Use From <u>"</u>	To <u>"</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) .02 @ 0 TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SW 1/4, Sec. 11 Twp. 9N Rge SW B.M., County of PAYETTE

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 PIPELINE

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	SW	11											X						

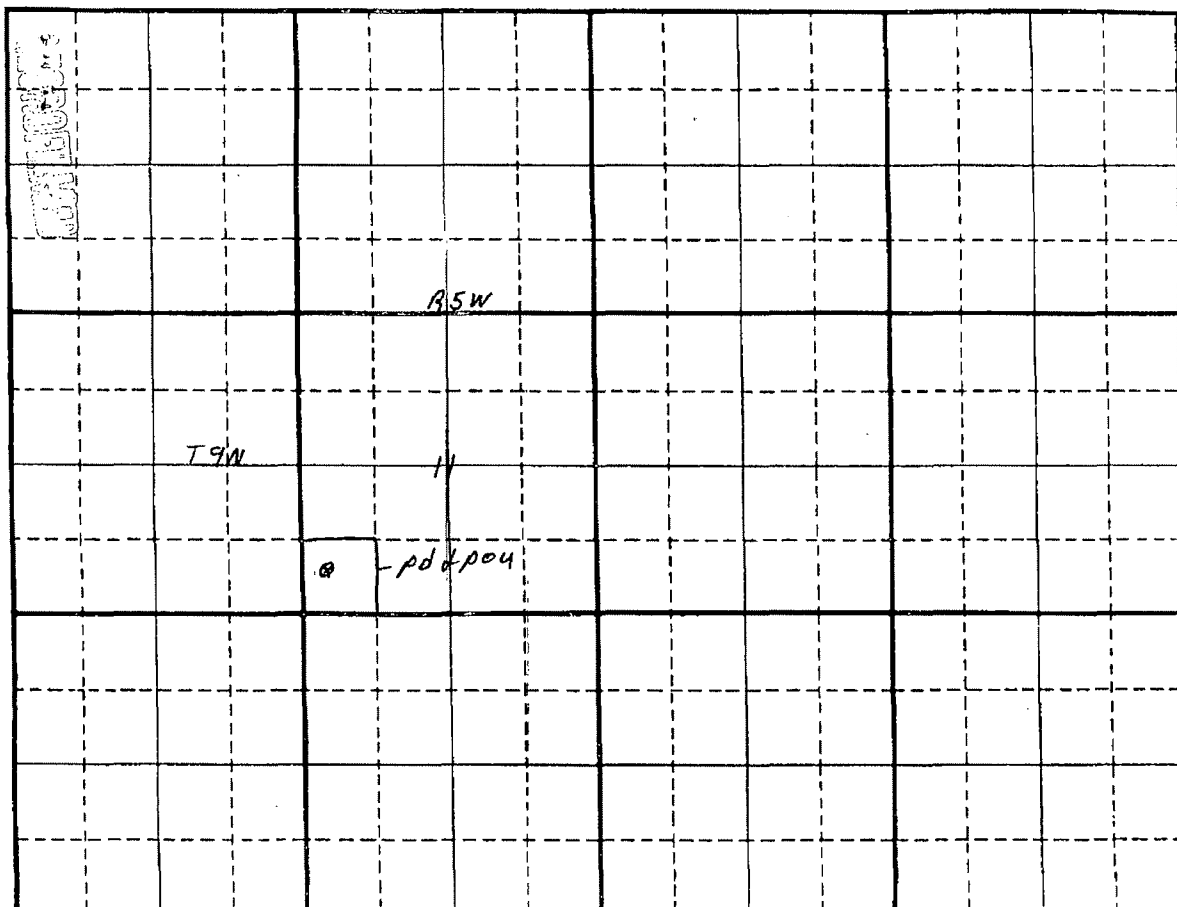
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: WE COOL
OUR REFRIGERATION EQUIPMENT, WASH THE FRUIT, AND FLOAT THE FRUIT
FROM THE BINS IN IT. ALSO DRINK AND WASH WITH IT

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: _____

(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)
County of PAYETTE) 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.

Sworn to before me this 14TH day of JUNE

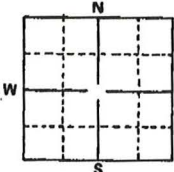
L. J. Stone
(Claimant)
19 83
Anthony M. Jones
Notary Public
Residing at PAYETTE, IDAHO

My commission expires NOVEMBER 6, 1985

FOR DEPARTMENT USE ONLY
Received by JP Date 6-15-83 Exception filed by: _____ Date _____
Prelim. check by JP Date 6-15-83 Forwarded to claimant by: _____ Date _____
\$30.00 fee received by JP Date 6-15-83 32510
Published in Independent Enterprise
Dates 2/23 & 3/1/84

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

1. WELL OWNER Name <u>Peyette Valley Fruit Co.</u> Address <u>Peyette Ala.</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>2'</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																														
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☒ Bailor ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Draw Down</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td align="center"><u>30</u></td> <td align="center"><u>12'</u></td> <td align="center"><u>2</u></td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Draw Down	Hours Pumped	<u>30</u>	<u>12'</u>	<u>2</u>																																								
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock	37341 9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td align="center">10"</td> <td align="center">0</td> <td align="center"><u>202</u></td> <td><u>Clay</u></td> <td align="center">☒</td> <td align="center">☒</td> </tr> <tr> <td align="center">10"</td> <td align="center">2</td> <td align="center"><u>10</u></td> <td><u>Sandy Clay</u></td> <td align="center">☒</td> <td align="center">☒</td> </tr> <tr> <td align="center">10"</td> <td align="center">10</td> <td align="center"><u>12</u></td> <td><u>Clay</u></td> <td align="center">☒</td> <td align="center">☒</td> </tr> <tr> <td align="center">10"</td> <td align="center">12</td> <td align="center"><u>22</u></td> <td><u>Hard Gravel</u></td> <td align="center">☒</td> <td align="center">☒</td> </tr> <tr> <td align="center">6"</td> <td align="center">22</td> <td align="center"><u>30</u></td> <td><u>Sand + Gravel</u></td> <td align="center">☒</td> <td align="center">☒</td> </tr> <tr> <td align="center">6"</td> <td align="center">30</td> <td align="center"><u>34</u></td> <td><u>R.V. Shell</u></td> <td align="center">☒</td> <td align="center">☒</td> </tr> </tbody> </table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No	10"	0	<u>202</u>	<u>Clay</u>	☒	☒	10"	2	<u>10</u>	<u>Sandy Clay</u>	☒	☒	10"	10	<u>12</u>	<u>Clay</u>	☒	☒	10"	12	<u>22</u>	<u>Hard Gravel</u>	☒	☒	6"	22	<u>30</u>	<u>Sand + Gravel</u>	☒	☒	6"	30	<u>34</u>	<u>R.V. Shell</u>	☒	☒
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4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other	Partners Produce																																														
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>34</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td align="center"><u>1/4</u>"</td> <td align="center"><u>6</u>"</td> <td align="center"><u>0</u></td> <td align="center"><u>34</u></td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> Was a packer or seal used? ☐ Yes ☐ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch Size of perforation <u>28</u> inches by <u>6</u> inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td align="center"><u>25</u></td> <td align="center"><u>20</u></td> <td align="center"><u>30</u></td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal? ☒ Yes ☐ No To what depth <u>20</u> feet Material used in seal ☒ Cement grout ☐ Puddling clay		Thickness	Diameter	From	To	<u>1/4</u> "	<u>6</u> "	<u>0</u>	<u>34</u>																					Number	From	To	<u>25</u>	<u>20</u>	<u>30</u>												
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6. LOCATION OF WELL Sketch map location must agree with written location.  County _____ <u>SE</u>, <u>1/4 SW</u> <u>1/4 Sec. 4</u>, T. <u>9N</u> N/S, R. <u>5W</u> E/W	10. Work started <u>July 18-72</u> finished <u>July 20-72</u> 11. DRILLER'S CERTIFICATION This well was drilled under my supervision and this report is true to the best of my knowledge. <u>Dallas Drilling</u> <u>224</u> Driller's or Firm's Name Number <u>Peyette Ala.</u> Address <u>Lee S Nailor</u> Signed By Date																																														

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Payette Valley Fruit Co.
Address Rt 1 Payette.
Owner's Permit No. _____

7. WATER LEVEL

Static water level 6 feet below land surface
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Temperature 55° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
<u>20</u>	<u>3</u>	<u>2</u>

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

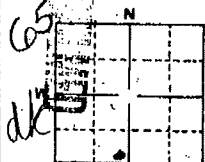
☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6 inches Total depth 33 feet
Casing schedule: ☒ Steel ☐ Concrete
Thickness Diameter From To
250 inches 6 inches + 1 feet 27 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feetWas a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☒ Factory ☐ Knife ☐ Torch
Size of perforation 3/8 inches by 3 inches
_____ Number _____ From _____ To _____
60 perforations 23 feet 26 feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feetWell screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feetGravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feetSurface seal depth 18 Material used in seal ☐ Cement grout
☒ Pudding clay ☐ Well cuttingsSealing procedure used ☒ Sherry pit ☐ Temporary surface casing
☐ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County PayetteSE 1/4 Sec. 11 T. 9 N. R. 5 E.

10.

Work started 8-20-74 finished 8-21-74

11. DRILLERS CERTIFICATION

Firm Name Dallas Drilling Firm No. 224Address Payette Date 9-27-74Signed by (Firm Official) Dallas G. Hoffand
(Operator) John Hoff



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
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

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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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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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

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 67-4557
Date Received: 10/22/2007
Receipt No: C085397
Received By: km

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: 01/01/1900

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

2007 OCT 31 PM 10 44
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

13. Other Water Rights Used:

14. Remarks:

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

Non-irrigation uses: wash onions for processing, wash equipment, office, 4 bath

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Title and Organization

Date

State of Idaho)
County of Ada) SS.

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

May
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 67-4557

Date Received: 11/26/07

Receipt No: C085997

Received By: RAW

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

2007 JUL 17
FILED
TWIN FALLS CO, IDAHO
RECORDED

Please type or print clearly

1. Name of Claimant (s) Partner's 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. 50' Deep 2 HP Pipe 1 1/2" o Bld

Drilled New well

Last Name Partner's Prod Ident No. 67-4557

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) Dennis Rodriguez (President) Date: 7-13-07

Date: _____

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

Title of _____ Organization

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

Title of _____ 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. 67-4557

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 ORANGE 30 PASSESING - 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 Road Ident No. 67-4554

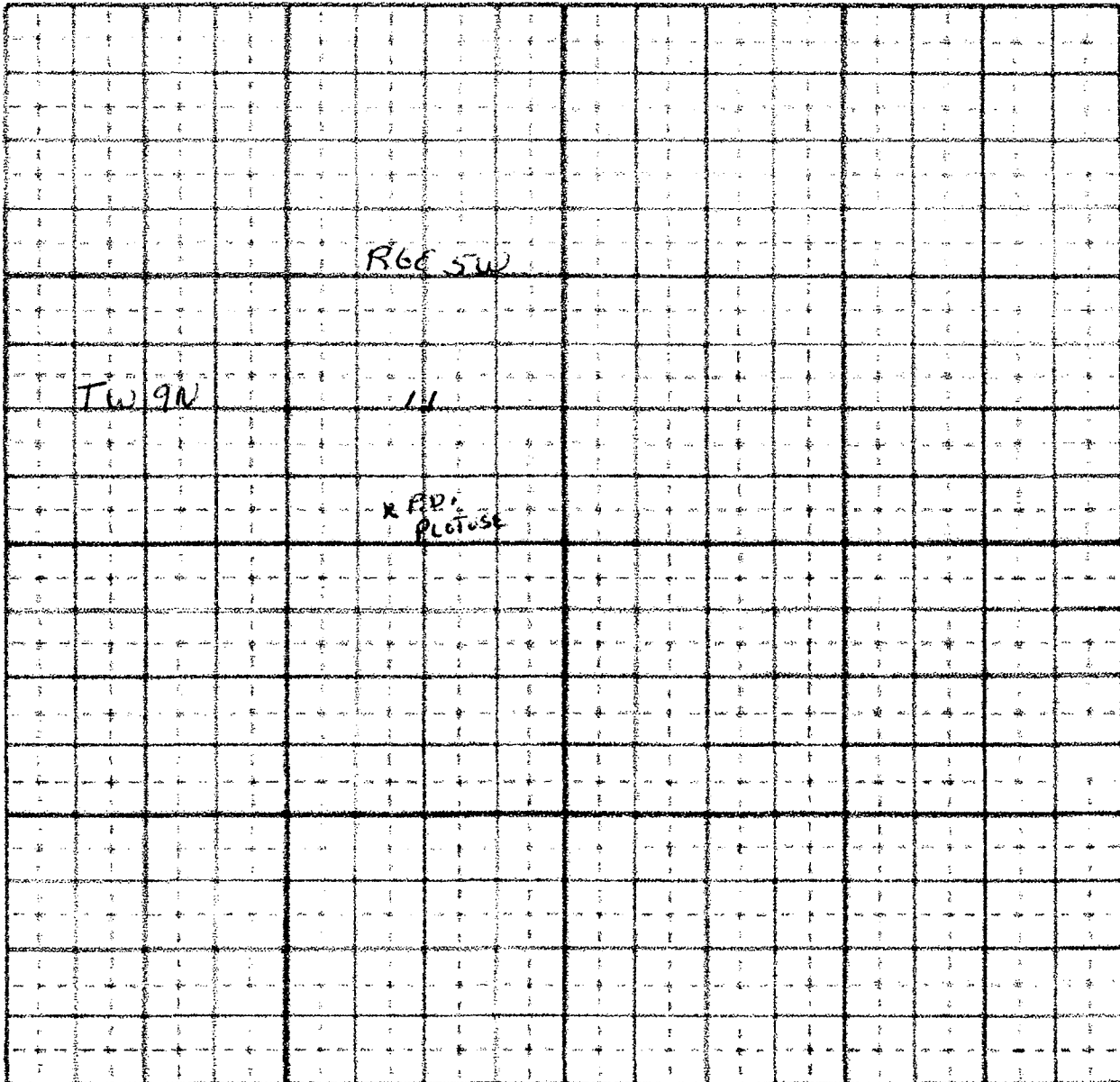
SCANNED

NOV 26 2007

W&H

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

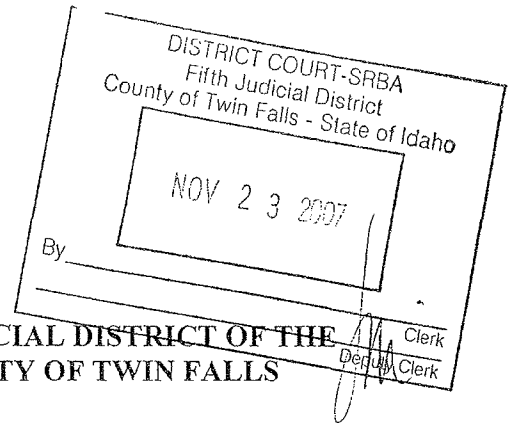
Scale: 2 Inches equals 1 mile



Last Name Partman Prod Ident No. 67-4557

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

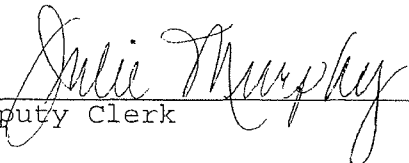
PARTNER'S PRODUCE INC
2150 N E 21ST
PO BOX 196
PAYETTE, ID 83661
Phone: 208-642-1200

ORDER

Page 1 11/23/07

FILE COPY FOR 00417

Deputy Clerk



Oct 19 2007 2:11PM

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

11353

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 67-4557

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

011353 123103606 05302021

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

11353

STATE OF IDAHO DEPT. OF WATER RESOURCES

7/16/2007

NEW WELL

208.00

INTERMOUNTAIN COM B SUBCASE 67-4557

208.00

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

11353

STATE OF IDAHO DEPT. OF WATER RESOURCES

7/16/2007

NEW WELL

208.00

INTERMOUNTAIN COM B SUBCASE 67-4557

208.00

**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

67-4557

(Insert water right number)

Case 39576

STANDARD FORM 4**MOTION TO FILE:**☒ **LATE NOTICE OF CLAIM**☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Bought in 1998- need to file late claim
we just found that we need to file this on this week

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 208.00.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on OCT 16 - 1:30 P.M.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

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:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

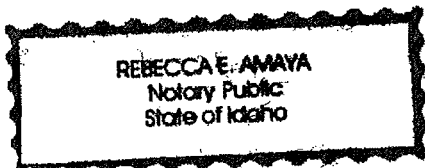
- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)State of IdahoCounty of PayettePartners Produce Inc being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)By George Rodriguez

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

George Rodriguez
Signature of person filing motion_____
Attorney signing in representative capacity

Subscribed and sworn to before me on

July 13, 2007
(Insert Date)Rebecca E. Amaya
Notary Public for Idaho
Residing at: Payette, ID
My Commission expires: Aug. 22, 2011**INSTRUCTIONS FOR MAILING**

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.