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AUG 31 2005

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 36-07763

Date Received: 8-31-05

Receipt No.: C078999

d.e. 10-4-05

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Roost Potato Co. Phone: (208) 825-5322
Mailing Address: 1440 East, 750 South, Eden, Idaho Zip: 83325
2. Date of Priority (Only one (1) per claim): November 14, 1977
3. Source of water supply (a): Goose Lake and wastewater flowing therein
which is tributary to (b): sinks
4. a. Location of existing point of diversion is: Township 9S Range 19 EMB Section 20
SE1/4 of SE1/4 of SE1/4, Govt. Lot, _____ B.M., County of Jerome
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 _____
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. Water is pumped through a surface pump and motor into mainlines where it is delivered to the place of use and applied by handlines.

Last Name Roost Potato Co. Ident. No. 36-07763

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6. Water is claimed for the following purposes:
(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from 3/15 to 11/15 amount 0.8 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed: (a) 0.8 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses – Describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

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	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
09S	19E	20												5				30	35
09S	19E	21											12						12
09S	19E	29		20															20

Total number of acres irrigated: 67

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

12. 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.

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

_____ or None (✓)

14. Remarks: _____

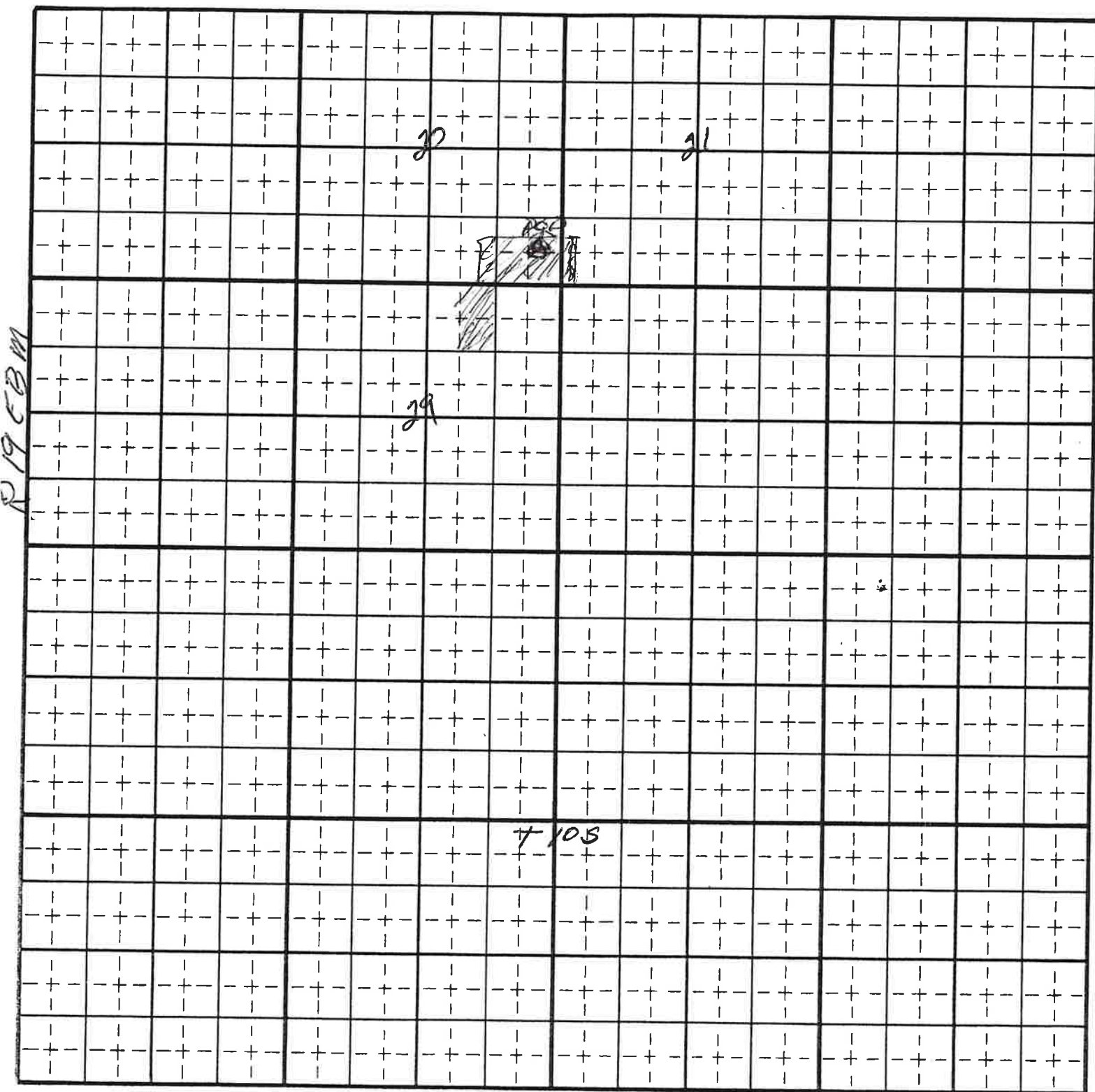
Last Name Roost Potato Co. Ident.No. 36-07763

SEP 11 2005

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

Scale: 2 inches equals 1 mile

+ 9 S



Last Name _____ Ident No. _____

SCANNED Copies: White-State, Yellow-Claimant

SEP 01 2005

15. Basis of Claim (check one): Beneficial Use ☐ Posted Notice ☐ License ☒ Permit ☐
Decree _____
If applicable, provide IDWR Water Right Number.: 36-07763
Court _____ Case No. _____ 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: 0

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 PRESIDENT of Roost Potato Co., that I have signed the foregoing document in the space below as PRESIDENT of Roost Potato Co. and that the statements contained in the foregoing document are true and correct.

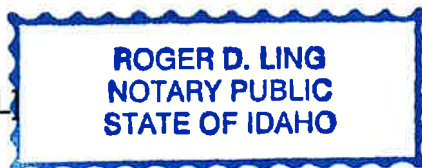
Signature of Authorized Agent Calvin Jones

Title and Organization President, Roost Potato Co. Date: January 7, 2005

State of Idaho or _____)
County of Minidoka) ss.

Subscribed and sworn (or affirmed) before me this 7th day of January, 2005.

[SEAL]



Roger D. Ling
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 10/30/06

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the 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 Roger D. Ling
Address Ling, Robinson & Walker
P. O. Box 396, Rupert, Idaho 83350-0396
Date January 6, 2005

Last Name Roost Potato Co. Ident.No. 36-07763

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AUG 31 2005

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 30 2005	
By _____	Clerk
_____	Deputy Clerk

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

Water Right Claim: 36-7763

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On January 10, 2005, claimant Roost Potato Company, by and through its counsel Roger Ling, filed a *Motion to File Late Notice of Claim* for the above water right. Hearing was held on the *Motion* on April 21, 2005, before the Court. At the hearing, the Court found that the Claimant had demonstrated an excuse for the late claim and a meritorious position. However, because substantially all water right claims in Basin 36 have been processed through the Court, the late claim was referred to Special Master Theodore R. Booth to determine whether other parties to SRBA would be prejudiced by the late claim.

On July 15, 2005, Special Master Booth issued a *Special Master's Recommendation*. Because of the isolated nature of the source, the Special Master found that there was very little likelihood that holders of water rights in Basin 36 or the Snake River Basin would be prejudiced by granting the *Motion to File Late Notice of Claim*. The Special Master found that good cause exists for granting the *Motion to File Late Notice of Claim*.

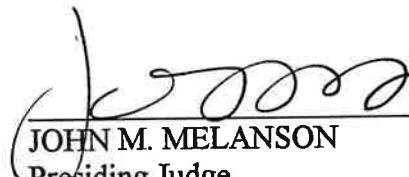
Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own. Therefore, the Court finds that good cause exists for the late Claim to be granted.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above water right is **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.

IT IS SO ORDERED.

Dated August 30, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 30, 2005, with sufficient first-class postage to the following:

ROOST POTATO COMPANY

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

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

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

04/24/2006

RIGHT NUMBER: 36-7763
NAME AND ADDRESS: ROOST POTATO CO INC
1440 E 750 S
EDEN ID 83325

SOURCE: GOOSE LAKE
QUANTITY: 0.800 CFS
244.000 AFY

TRIBUTARY:

PRIORITY DATE: 11/14/1977

POINT OF DIVERSION:

T09S R19E S20 NESESE Within JEROME County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.800 CFS
244.00 AFY

PLACE OF USE:

IRRIGATION Within JEROME County

T09S R19E S20

SWSE 3.00

T09S R19E S20

SESE 28.00

T09S R19E S21

SWSW 9.00

T09S R19E S29

NWNE 21.00

61 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from 1980 to 2005.

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 - License

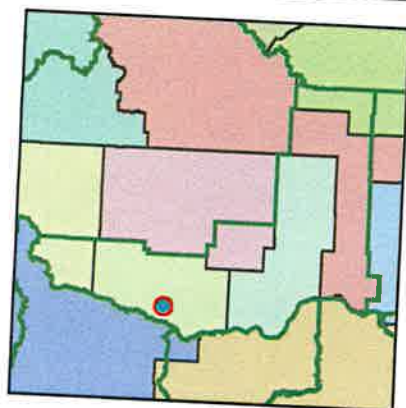


Idaho Department of Water Resources

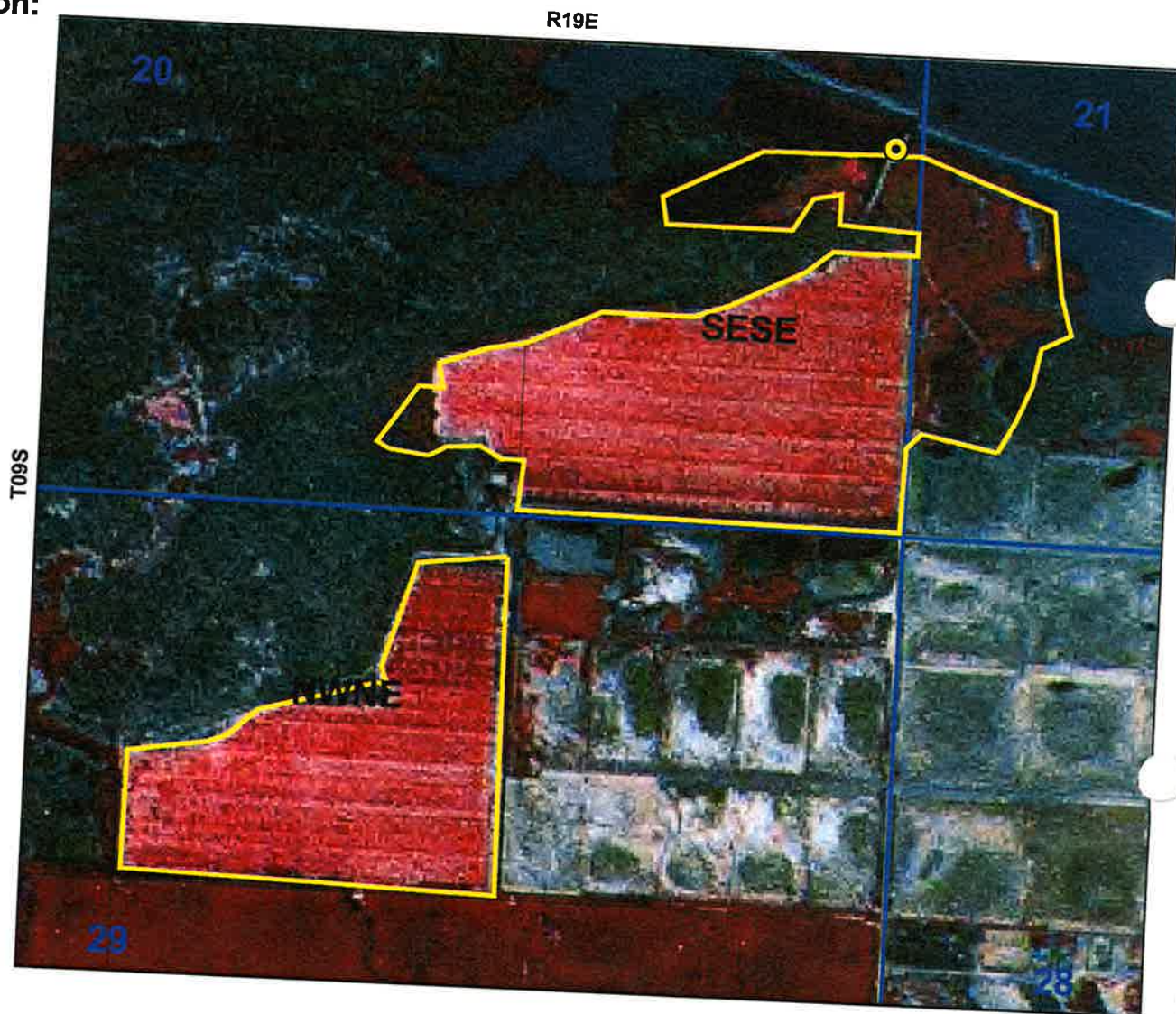
SRBA Recommendation:
36-7763

Legend

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



Jerome County
IDWR Basin 36



Prepared by D. SHAFF
On Monday, April 24, 2006
1987/88 Aerial Photography

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7763 Priority November 14, 1977 Amount 0.80 cfs

THIS IS TO CERTIFY, that JONES LIVESTOCK FEEDING CO.
of Eden, Idaho, has complied with the terms and conditions of Permit
No. 36-7763 issued pursuant to Application for Permit dated November 14, 1977
and has submitted proof to the Department of Water Resources on November 9, 1978
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.80 cfs of water from Goose Lake
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.80</u> cfs and <u>268</u> acre feet	
	from _____	at _____ cfs and _____	
	from _____	at _____ cfs and _____	

Subject, however, to the condition that no more than 0.80 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
268 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, Twp. 9S,
Rge. 19E, B.M. in the County of Jerome

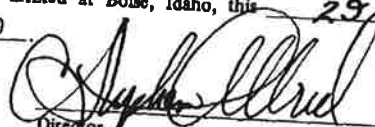
Description and location of place of use:

Twp.	Range	Section	NE $\frac{1}{4}$	N $\frac{1}{2}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	SW $\frac{1}{4}$	Totals
9S	19E	20													
		21													35
		29													12
															20

Total number of acres irrigated 67

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
January, 19 80

Director

MICROFILMED