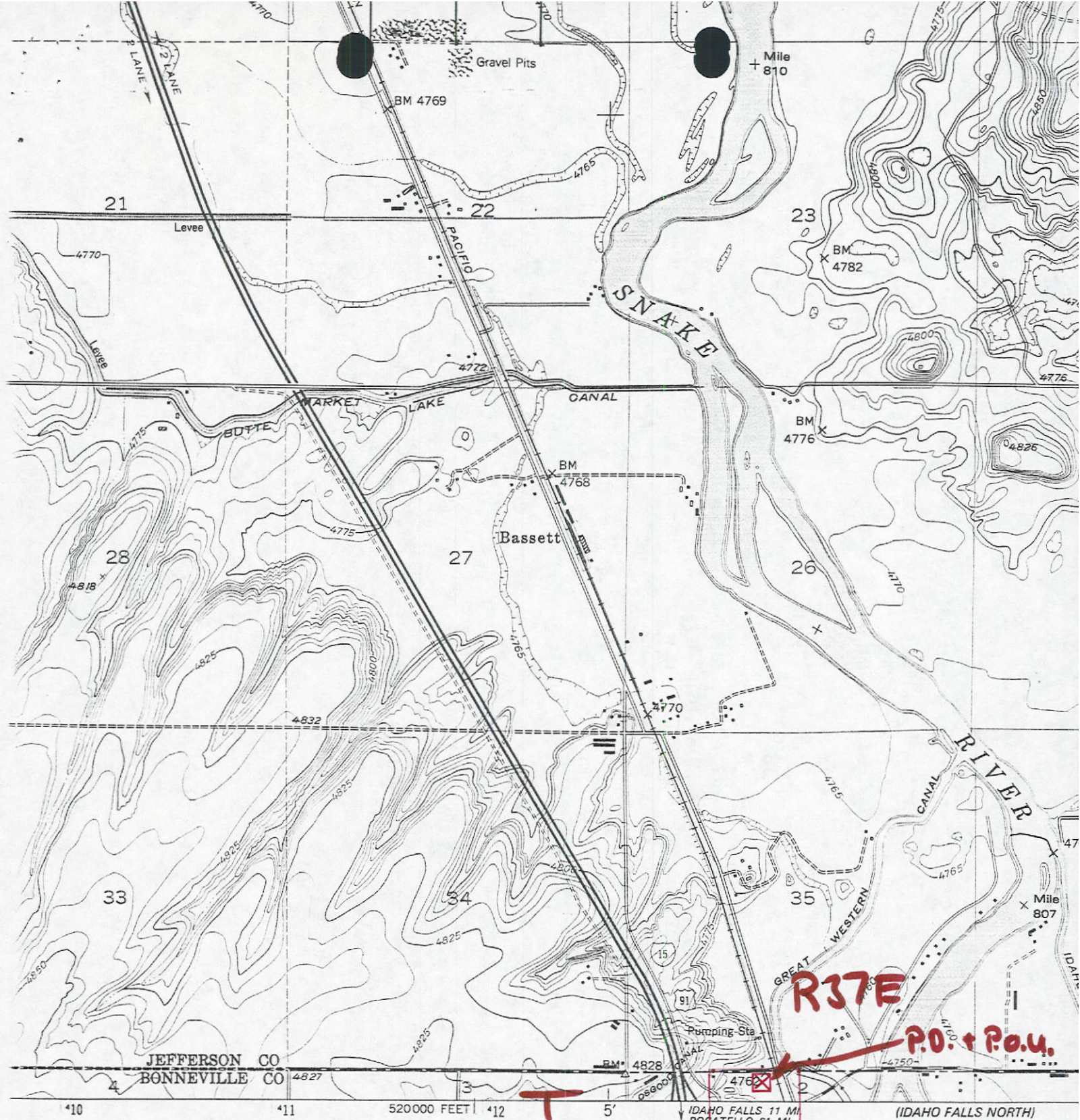




and published by the Geological Survey
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ate inholdings within the boundaries of

UTM GRID AND 1979 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

MICROFILMED

DEC 13 1989

CONTOUR INTERVAL 5 FEET
NATIONAL GEODETIC VERTICAL DATUM

THIS MAP COMPLIES WITH NATIONAL MAP ACCU
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 30 1996

Department of Water Resources

A. GENERAL INFORMATION

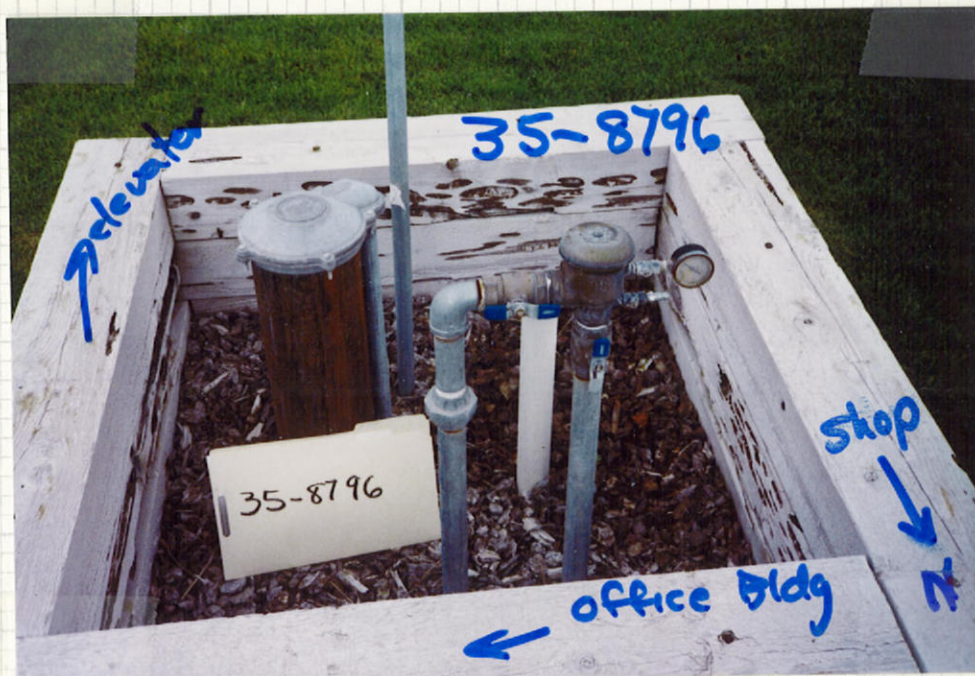
1. Owner: Busch Agricultural Resources Permit No. 35-8796
Current Address: 12855 Flushing Meadow Dr Suite 200B Phone No. 524-1080
2. Accompanied by: ST. LOUIS Mo 63131 EXAM. DATE: 07/23/91
Brian Davis Address: Osgood Idaho Phone No. 524-1080
Relationship to Permit Holder: Supervisor
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more)
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.)

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SEP 11 1996

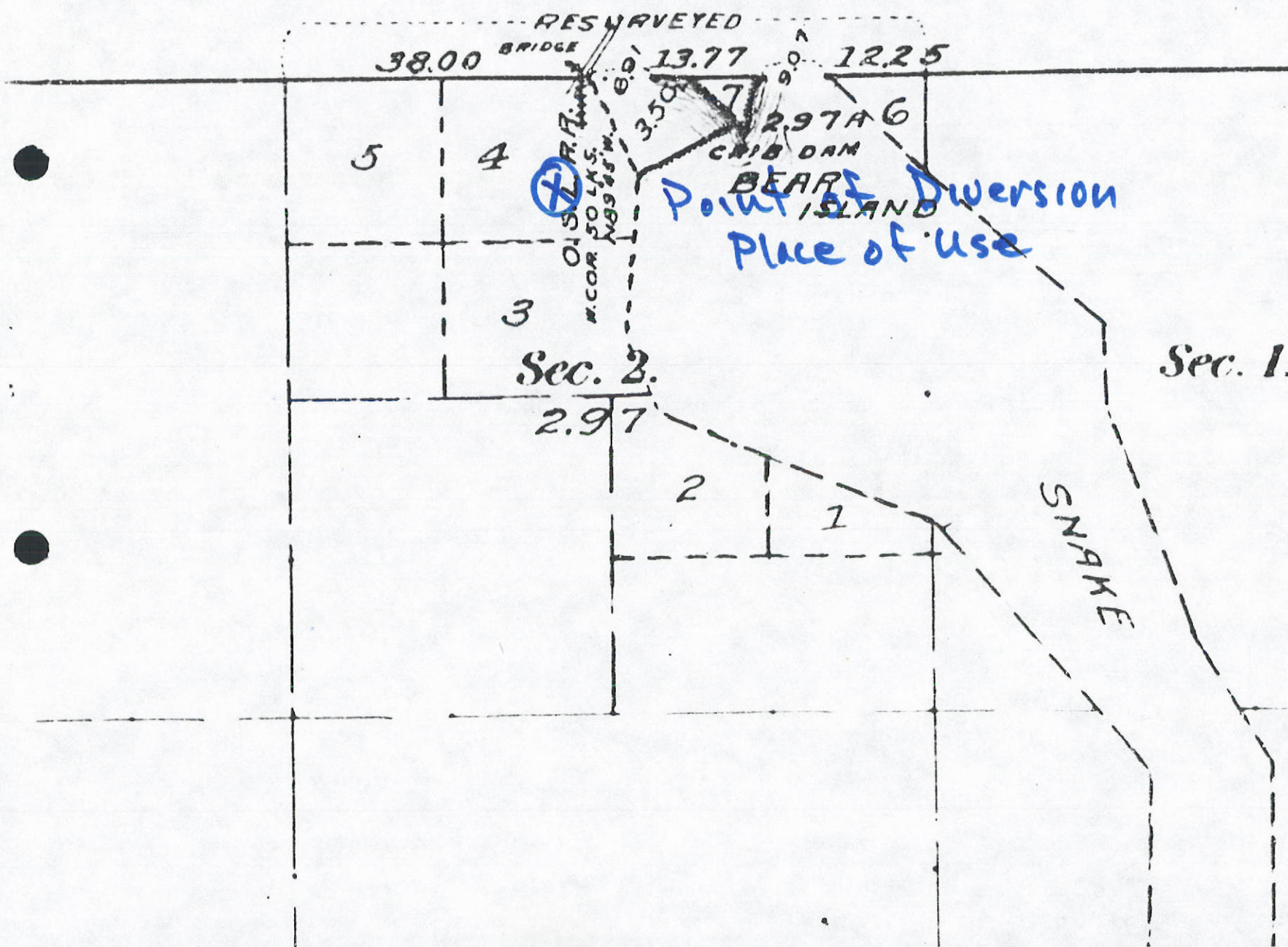
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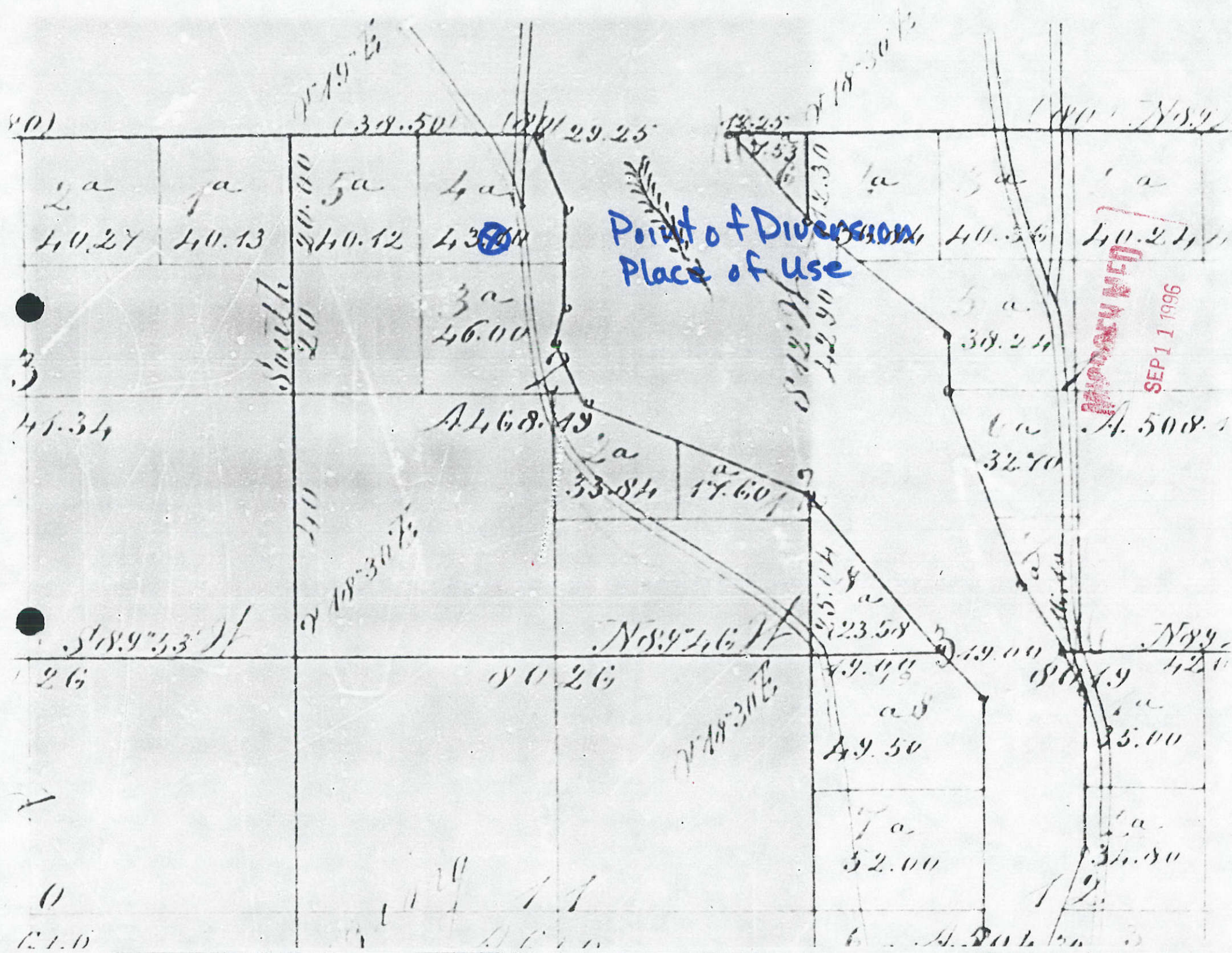
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SEP 11 1996







RECEIVED

SEP 11 1996

35-8796

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08796

Priority: August 10, 1989

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that BUSCH AGRICULTURAL RESOURCES
PO BOX 1833

IDAHO FALLS ID 83403

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 10, 1989; and has submitted Proof of Beneficial Use on April 16, 1990. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.03 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NENW), Sec. 2, Township 03N, Range 37E
BONNEVILLE County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

03N 37E 2 Lot 4(NENW)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for restrooms, drinking facilities & landscape.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of AUGUST, 1996.


KARL J. DREHER, Director
Acting for

SEP 11 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. P35-08796 Telephone No. (208) 524-1080

Name(s) of Permit Holder(s): Busch Agricultural Resources, Inc.

Post Office Address: P.O. Box 1833, Idaho Falls, ID 83403

Source of Water: Groundwater

If ground water, well driller's name: Andrew Well Drilling Date drilled: 8/89

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Commercial Facility

However, most all water usage will be for Domestic use.

Total rate and/or volume for which proof is submitted 0.04 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 4/9/90

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X No

Fee Enclosed: \$ -0- (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Brian Davis (208) 524-1080
Name Telephone No.

County Line Road 145 and N. River Road (Lindsay Blvd.), Idaho Falls, ID 83403
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

4/11/90 Date
Jerry A. Wolkowitz Signature (and title if on behalf of a company or organization)
Jerry A. Wolkowitz, Director, Malt Operations

MICROFILMED
JAN 04 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08796

Proposed Priority: August 10, 1989

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **BUSCH AGRICULTURAL RESOURCES**
12855 FLUSHING MEADOW DR.
SUITE 200B
ST. LOUIS, MO 63131

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENW Sec. 2, Township 03N, Range 37E
BONNEVILLE County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

03N 37E 2 NENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1990.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Commercial use is for restrooms, drinking facilities & landscape.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

27th day of November, 1989

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

DEC 13 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: BUSCH AGRICULTURAL RESOURCES 314-822-6525
Address: 12855 FLUSHING MEADOW DR.
SUITE 200B
ST. LOUIS, MO 63131
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: NENW Sec. 2, Township 03N, Range 37E
BONNEVILLE County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| COMMERCIAL | 01/01 | 12/31 | 0.040 | | |
5. Total quantity appropriated is:
0.040 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
WELL AND PUMP TO RESTROOMS AND LANDSCAPING-LESS THAN 1/2 ACRE
 - Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is 8 inches; proposed depth of well is 225
feet.
 - Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.
8. Description of proposed uses:
COMMERCIAL USE-BATHROOMS, DRINKING AND LANDSCAPE
9. Place of Use: COMMERCIAL
- TWN RGE SEC
03N 37E 2 NENW
10. Describe any other water rights used for the same purposes:
NONE

MICROFILMED

DEC 13 1989

11. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒

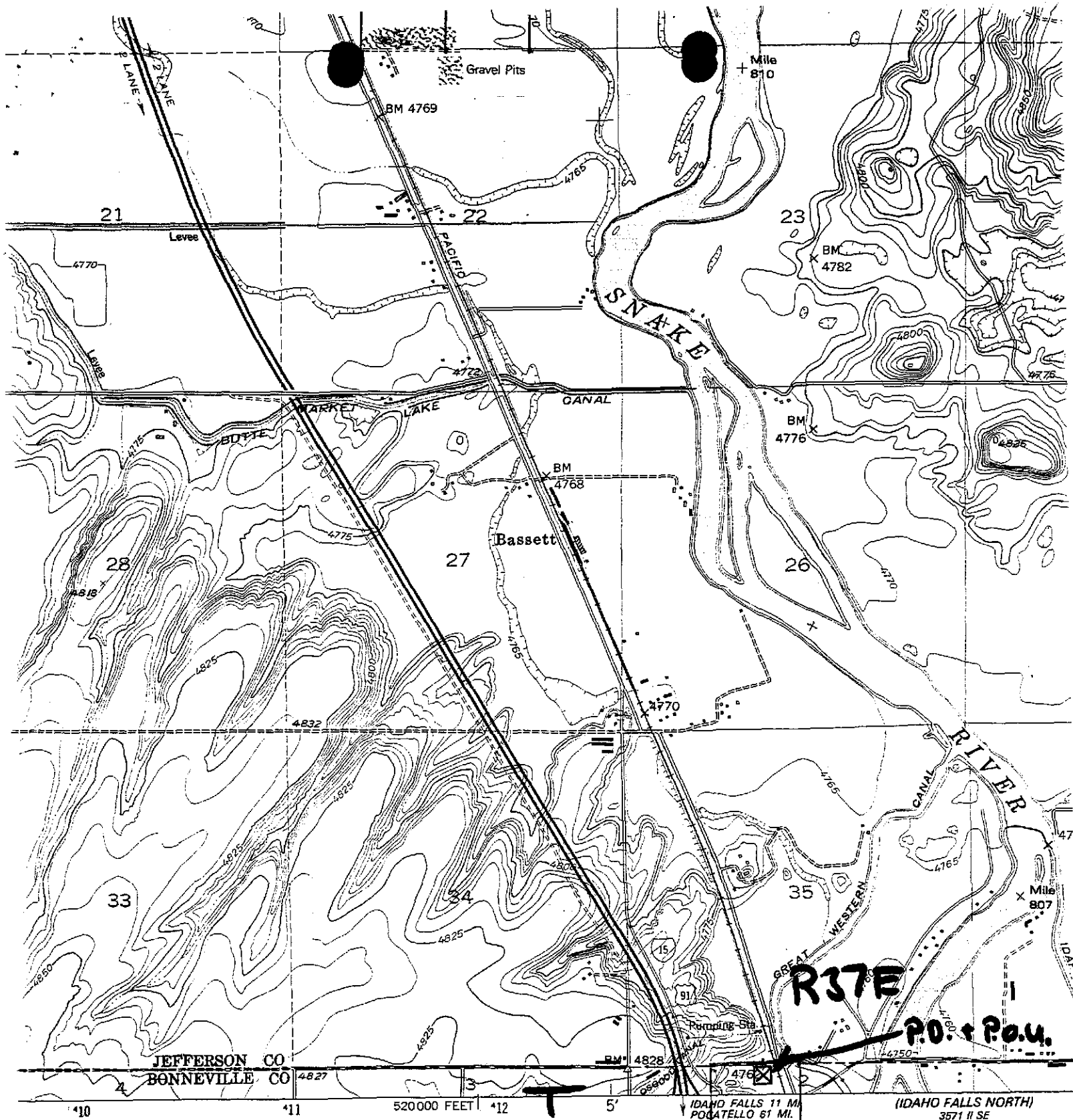
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Glen C. Dyson
Applicant
Title - Operations Engineer

Received by HWT Date 8-11-89 Time 4:05pm Preliminary check by DMD
Fee \$ 30.00 Receipted by HWT # 12009827 Date 8-11-89
Publication prepared by RB Date 9-7-89 Published in Post-Register
Publication approved (u) Date 9-25-89

MICROFILMED

DEC 13 1989



and published by the Geological Survey

NOS/NOAA and USCE

page by multiplex methods

graphs taken 1946

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THIS MAP COMPLIES WITH NATIONAL MAP ACCU
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS I

Glenn C. Dyson
Operations Engineer

*Mail copy of
water audit*



Busch Agricultural Resources, Inc.

ONE OF THE ANHEUSER-BUSCH COMPANIES

P. O. Box 652
845 Kentucky Avenue
Woodland, CA 95695-2779
(916) 666-1691

ACTION REQUIRED

FROM: H.C. Jones

TO: 35-08796 File

Corporation officers For Busch Agric. Resources

August Busch III - CEO

Ray Goff - Group Exec. U.P.

Dan Kloth - Exec U.P.

JM duvan Anderson - U.P. & General Mgr.

MICROFILMED

DEC 13 1989



MAR-08-05 11:15 AM IDAHO IRRIGATION DISTRICT

MAR 08 02 (MON) 15:26

GIVENS PURSLEY LLP

TEL: 2083881300

2085222036

25-7485 + 7486

2-7562

35-8796

P.01

P 002/004

GIVENS PURSLEY LLP

COPY

LAW OFFICES
577 North 8th Street, Suite 200
PO Box 8780, Boise, Idaho 83720
TELEPHONE: 208 388-1300
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1317
E-Mail: info@givenspursley.com

Gary D. Allen
Christopher J. Gossert
Michael C. Gossert
Emily Mathiasen Zirkow
Thomas E. Dwyer
Ray Lewis Righetti
Timothy P. Peasmade
Jelley C. Fausch
Amanda L. Kesting
Kari T. Klein
Debra A. Kiersman
Anne G. Kuntz
Franklin G. Lee

David R. Lonsberg
D. David Lonsberg Jr.
Karin T. Maloney
Kirkley D. Maloney
John M. Maloney
Kathleen R. McClure
Katie George McConnell
Cynthia A. Mills
Christopher H. Moya
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
James B. Montgomery

Angela K. Nader
W. Hugh O'Harden
Kathleen L. Puroley
Brad V. Ruck
Cortney E. Ward
Robert W. White

Raymond D. Givens
James A. McGuire
Stephanie C. Wadsworth
Orlando
James R. Givens

March 18, 2002

VIA FAX AND U.S. MAIL

Blair J. Grover, Esq.
Grover & Archibald, Chartered
102 North Clark
P.O. Box 36
Rigby, ID 83442-0036

Re: Busch Agricultural Resources, Inc. and Idaho Irrigation District
Our File: 6191-1

Dear Blair:

As promised during our recent telephone conversation, this letter proposes an arrangement whereby the Idaho Irrigation District (the "District") would enter an agreement with my client, Busch Agricultural Resources, Inc. ("BARI"), pursuant to which BARI would be entitled to use District irrigation water (natural flow, storage, or some of each) in a mitigation plan for the ground water pumping that supports BARI's Idaho Falls malt plant operations, should such mitigation ever become necessary.

For several reasons, we do not anticipate the imposition of a mitigation requirement. For example, our hydrological review so far has indicated that, at least for the next 30 to 40 years, BARI's pumping actually is expected to provide more water to the river than it could be seen as taking out. This is because about 89 percent of its pumping production is non-consumptive and is almost immediately put into the Snake River through Idaho Falls' wastewater treatment plant; any theoretical depletion to the river is essentially not yet being felt. Consequently, we do not anticipate being obligated to produce mitigation water.

Received Time Mar 8 9:39AM

MAR. 18 '02 (MON) 15:27

GIVENS PURSLEY LLP

TEL: 2083881300

Blair J. Grover, Esq.
March 18, 2002
Page 2

Nevertheless, because BARI's ground water rights obviously are so vital to the plant, the company must ensure their continued reliability in the event of a delivery call or other administrative or judicial action that might affect BARI's ground water rights. Holding a long-term lease or other contract entitlement to use District water as mitigation would provide BARI with the assurance it is seeking.

BARI's plant is located on lands served by the District. Indeed, BARI receives and pays District assessments on some 260 miner's inches (5.2 cfs) of water for the 260-acre irrigated field the company owns immediately adjacent to the plant.

As you know, the District operates pursuant to the powers granted it under Title 43 of the Code. In addition, I.C. § 42-5275 authorizes the District to exercise the authorities of a ground water district. Ground water districts, of course, may implement "mitigation plans designed to mitigate any material injury caused by ground water use within the district upon senior water uses within and/or without the district." I.C. § 42-5224(10).

We believe the District has power to enter a contract authorizing BARI to use District water in a mitigation plan, at least so long as the water is not needed by irrigators within the District. To this end, BARI would consider pledging an equivalent portion of BARI's own water entitlement from the District (coupled with a proposal to dry up the appropriate portion of its irrigated agricultural land when mitigation was in effect) so that other District water users would not be affected by the use of BARI's District water for mitigation.

Another way to approach such an arrangement would be to enter a lease between BARI and the District pursuant to I.C. § 43-335 whereby the District would lease BARI a specified amount of water, either natural flow or storage, on a long-term, as-needed basis. The amount of water involved likely would be small. BARI's consumptive use through its plant is only about 11 percent of its pumping, and it is entitled to pump 3,906 acre-feet per year. Accordingly, it is quite possible that only a maximum of about 430 acre-feet could be seen as the amount to be mitigated annually. Because section 43-335 contemplates that the lease be supported by a district landowner's election not to receive a like amount of district water, BARI itself could make this election as to an appropriate portion of its 260 acres. Alternatively, there might be other water users within the District who do not need their allotment of water and would make such an election during a period when mitigation might be necessary.

In summary, as a member of the District and a central component in eastern Idaho's agricultural economy, BARI would appreciate your accommodation in meeting BARI's potential future mitigation needs, as remote as they may be. We believe existing

MAR. -18' 02 (MON) 15:28

GIVENS PURSLEY LLP

TEL: 2083881300

P 004/004

Blair J. Grover, Esq.
March 18, 2002
Page 3

statutes provide ample authority for the District to do so, and look forward to meeting with you and the Board to explore how it might best meet both parties' needs.

Sincerely,



Jeffrey C. Foraday

JCF/jf

cc: Anthony Taylor, Esq.
Tim Jensen
Dr. Charles Brandecke

AGREEMENT FOR MITIGATION WATER

Idaho Irrigation District ("District") and Busch Agricultural Resources, Inc. ("BARI") enter into the following Agreement, effective November 1, 2002.

WHEREAS, BARI operates a malting plant near Idaho Falls, Idaho, that uses water obtained under two water rights from two wells on the same property as the malting plant;

WHEREAS, BARI owns approximately 260 acres of real property adjacent to the malting plant and located within the District, described more fully in Exhibit A attached hereto and hereinafter referred to as the "Property," on which it grows a mix of potatoes and barley;

WHEREAS, BARI is entitled to the delivery of 259 63 inches (5.19 cfs) of water for use on the Property from the canal system and water rights and contract storage rights held by the District in trust for the benefit of its landowners, hereinafter referred to as "Water Entitlement," and BARI uses the Water Entitlement to irrigate the Property;

WHEREAS, BARI desires to secure a sufficient quantity of water to be used for possible mitigation in the event BARI's existing ground water rights are ever curtailed to fill a senior water right holder's "call" for water, or to comply with order of the Idaho Department of Water Resources, or for any reason;

WHEREAS, the District recognizes BARI is a central participant in Eastern Idaho's agricultural community and desires to ensure the viability of its patron landowners' operations;

THEREFORE, in consideration of the premises and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District and BARI agree as follows:

1. Subject to the condition in paragraph 2 below, BARI shall be entitled, but not obligated, to use any or all of its Water Entitlement from the District for the Property as mitigation water in any mitigation plan BARI might devise. Water so used will not be available to BARI for irrigation.

2. This Agreement excepts storage water unless or until such time as BARI obtains approval from the United States Bureau of Reclamation to include storage water, at which time, BARI shall have the option to also use storage water for mitigation.

3. This Agreement is binding upon the District and BARI, as well as any assigns or successors in interest of the District or BARI.

DISTRICT:

By: William R. Hampton
Bill Hampton, President
Sonja Tawzer
Sonja Tawzer, Secretary
10-16-02

BARI:

By: Tim Jensen
Tim Jensen, Plant Manager

AGREEMENT FOR MITIGATION WATER - 1

S:\clients\6191\1 Mitigation Plan\ID-BARI Mitigation Agreement (Final 2002-10-02).doc

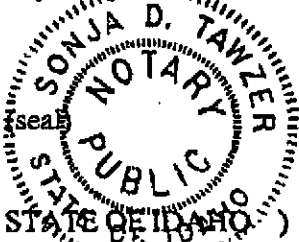
Received Time Mar 8 9:39AM

STATE OF IDAHO)

County of Bonneville)^{ss}

On this 16th day of October 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared Wm. R Hampton, known to me to be the President of Idaho Irrigation District whose name is subscribed to the foregoing, and acknowledged to me that he executed the same on behalf of Idaho Irrigation District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgement first above written.

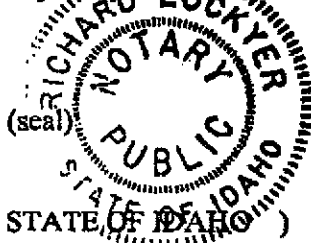


Sonja D. Tawzer
 Notary Public for Idaho
 Residing at Idaho Falls
 Commission Expires: 5-5-07

County of Bonneville)^{ss}

On this 16th day of October 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared Sonja Tawzer, known to me to be the Secretary of Idaho Irrigation District whose name is subscribed to the foregoing, and acknowledged to me that he executed the same on behalf of Idaho Irrigation District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgement first above written.



Richard Lockyer
 Notary Public for Idaho
 Residing at IDAHO FALLS
 Commission Expires: 5-14-07

County of _____)^{ss}

On this 14th day of October 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared Tim Jensen, known to me to be the Plant Manager and authorized agent of Busch Agricultural Resources, Inc., whose name is subscribed to the foregoing, and acknowledged to me that he executed the same on behalf of Busch Agricultural Resources, Inc.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgement first above written.



Missie Emery
 Notary Public for Idaho
 Residing at Bonneville County
 Commission Expires: 9/16/03

AGREEMENT FOR MITIGATION WATER - 2

5:00pm 10/10/02 Irrigation Plan/ID-BARI Mitigation Agreement (Final 2002-10-02).doc

GIVENS PURSLEY

LAW OFFICES
277 North 8th Street Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Benson
Jessica M. Borup
William C. Cole
Michael D. Creamer
Jeffrey A. De Voe
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hopper
Karl T. Kiehl
Deborah K. Kristensen
Anne C. Kunkel

Franklin G. Lee
David R. Lombardi
D. David Loredo, Jr.
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnel
Cynthia A. Magilla
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan
Michael O. Orr
Kerriann L. Pursley
Bradley V. Sneed
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermarck
OF COUNSEL
John A. Miller LL.M.
TAX COUNSEL, "ATTY"
"LICENSED IN OREGON ONLY"
"LICENSED IN KENTUCKY ONLY"

Via Federal Express

October 15, 2002

Ms Sonja Tawzer
Idaho Irrigation District
469 E. 14th Street
Idaho Falls, ID 83404

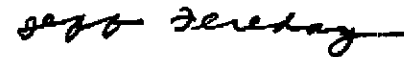
Re: Agreement for Mitigation Water
Our File No. 6096-1

Dear Ms. Tawzer:

Enclosed please find two original Agreements for Mitigation Water which have been signed by Tim Jensen on behalf of Busch Agricultural Resources, Inc. Please arrange to have the Agreements reviewed and executed at the Idaho Irrigation District Board Meeting on October 16, 2002. Once the Agreements have been signed please retain one original for your records and return the second to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,



Jeffrey C. Fereday

Enclosures

cc: Blair Grover

JCF:kdt \\S:\clients\1911 Mitigation Plan\2002-10-15 JCF Let to Irrigation District.doc

TAX NOTICE, 2001

Idaho Irrigation District

496 E. 14th St. ♦ Idaho Falls, ID 83404 ♦ 208.322.2356

RECEIVED

Received From:

BDSCH AGRI RESOURCES
1 Tim Jensen
PO Box 51628
IDAHO FALLS ID 83405

OCT 07 2001

Givens Pursley, LLP

The law made by the Board of Directors for the year 2001 is as follows:
Operation, Maintenance of the Valerius, Salmon & American Falls Reservoirs,
and Modification of Jackson Lake Dam Amendment

\$ 8.50 per acre
TOTAL \$ 1.50 per acre
\$30.00
Minimum Charge
(1.52% assessment)

SONJA HANZELA, TREASURER

DESCRIPTION	SECTION LOT	TWP BLOCK	RANGE	ACRES (fraction)	AMOUNT OF TAX
NE4 E of RR 6 1.13ac NE4SW4 E of RR	2	IN	37	99.63	846.86
80ac E2NE4SW4 & N2NE4	2	IN	37	80.00	680.00
80ac SW4SW4 1/2 N/W SW4SW4	2	IN	37	80.00	680.00
					2,206.86

NOTE: Delinquent Assessments as follows:

YEAR	NOTICE #	AMOUNT	PENALTY 1%	INTEREST 12%	REDEMPTION CERTIFICATE	TOTAL DUE

DUE AS OF DECEMBER 20, 2001
SECOND HALF DUE JUNE 20, 2002

IF NOT PAID THEN CALL FOR AMOUNT DUE WHEN YOU WANT TO PAY

NOTE: Sale of property MUST be reported to the treasurer
Receipt Not Good Until Your Check Has Been Cashed by BANK

2001

2001

2001

IDAHO
IRRIGATION DISTRICT

IDAHO
IRRIGATION DISTRICT

IDAHO
IRRIGATION DISTRICT

READ CAREFULLY

Taxes are due and become delinquent on December 20, 2001. If one-half of the taxes due are paid on or before December 20, 2001, the balance will not become delinquent until June 20, 2002. If the first part is not paid as specified on or before December 20, 2001, 2% penalty and interest at the rate of 1% per month or 12% per annum will be added on the full amount of taxes from January 1, 2002.

IDAHO IRRIGATION DISTRICT
496 E. 14th St.
Idaho Falls, ID 83404

Please return the
**Partial or Final
Payment Stub**
along with your payment
in the self-addressed
envelope enclosed for
your convenience.

NOTE: It is the
responsibility of the owner
to notify the Secretary of any
change in ownership, or
any sale of any portion of
your property.

Your check will serve as
your receipt unless
receipt requested.

FINAL PAYMENT STUB

Date _____, 20__

Received From:

Total Tax \$ _____

Penalty ... _____

Interest ... _____

TOTAL \$ _____

Please return this stub
with final payment.

Receipt Not Good Until Your
Check Has Been Cashed By Bank

PARTIAL PAYMENT STUB

Date _____, 20__

Received From:

Total Tax \$ _____

Penalty ... _____

Interest ... _____

TOTAL \$ _____

Please return this stub
with partial payment.

Receipt Not Good Until Your
Check Has Been Cashed By Bank

Received Time May 8, 9:44AM

P-01

20052222356

IDAHO IRRIGATION DISTRICT

MAR-08-05 11:20 AM

Exhibit A





IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
1359 Hansen Avenue
Burley, Idaho 83318-1821

WTR-4.10
SRA-6434

JUN 20 2005

Mr. Bill Hampton, President
Idaho Irrigation District
496 East 14th
Idaho Falls Idaho 83404

Subject: Contract No. 14-06-W-33 Dated December 12, 1952, and the Mitigation Agreement With GModelo Agriculture, Inc. Dated April 3, 2002

Dear Mr. Hampton:

On April 3, 2002, the Idaho Irrigation District signed an Agreement for Mitigation Water with GModelo Agriculture, Inc. (GModelo). I understand the District agreed that the water appurtenant to GModelo property, including contract storage, could be used as mitigation water under GModelo's mitigation plan to be submitted to Idaho Department of Water Resources with their application for a water permit.

At this time, we are uncertain as to how the mitigation plan will work and how the change in use will occur. None the less, I feel obligated to remind you that under your contract with the United States, the purpose for use is irrigation. Any changes in this use must be analyzed for legal authority to make such changes. If a change in use is authorized, the contract would have to be amended to reflect the new use and charge. We request the contract storage water be eliminated from the agreement for mitigation water, or you contact us to review the legal authority for such use if you choose to leave it in the agreement.

Sincerely,

Stuart L. Stanger
Deputy Area Manager

A Century of Water for the West
1902-2002

Received Time Mar 8 9:51AM



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

August 26, 1996

BUSCH AGRICULTURAL RESOURCES
PO BOX 1833
IDAHO FALLS ID 83403

RE: WATER RIGHT NO. 35-08796

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

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MEMORANDUM

TO: File 35-08796

FROM: Sharla

DATE: August 21, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Right 35-08796 are based on the following.

H. RECOMMENDATIONS

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Commercial	1/1 - 12/31	0.03 cfs	1.2 afa

The volume has been calculated the same as domestic use with lawn irrigation. Although the examiner made no recommendations on the back page of the exam report, sufficient information was gathered to proceed with licensing.

Examiner: Allan Paris
Exam Date: July 23, 1991

SEP 11 1996

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08796

DATE 8/21/96

REVIEWER: S H A R L A

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>—</u>
SOURCE	—	✓	Is change/clarification of originally intended source? <u>—</u> If not, prepare Notice of Intent to Void <u>—</u>
POINT OF DIV	—	✓	Amendment required <u>No</u>
PLACE OF USE	—	✓	Amendment required <u>No</u>

Does map agree with written description? — yes ✓ no - plu marked as NENE (written) instead of MENW (map)

OVERLAPS — P/D — P/U

RATE OF DIV			
Permitted Rate	<u>.04</u>	cfs	Lt 4 <u>No FEE PD OR REQ'D</u> <u>NO MEAS. MADE</u>
Fee limit	<u>.04</u>	cfs	
Measured	<u>✓</u>	cfs	
Theoretical	<u>.03</u>	cfs	
			Recommended Total Div Rate <u>.03</u> cfs

ANNUAL VOLUME/ NATURE OF USES	—	✓	Use <u>Comm</u>	Volume Calculation
				<u>1.2 like dom</u> af
				<u>incl. lawn</u> af
				af
				af
			SUBTOTAL	<u>1.2</u> af

Flow rate .03 cfs X 365 days X 1.983 = 21.7 af
 Total volume recommended 1.2 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS restrooms, drinking facilities & landscape.

CONDITIONS — Watermaster Control WD# —
— GW Measurement/Measuring Device
— Overlap
— Use-specific conditions

Advancement of Priority Date Required — yes — no

SRBA Claim Filed NA
 Adjustment Memo thanks

1st Amend Letter NA
 2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 30 1996

Department of Water Resources

A. GENERAL INFORMATION

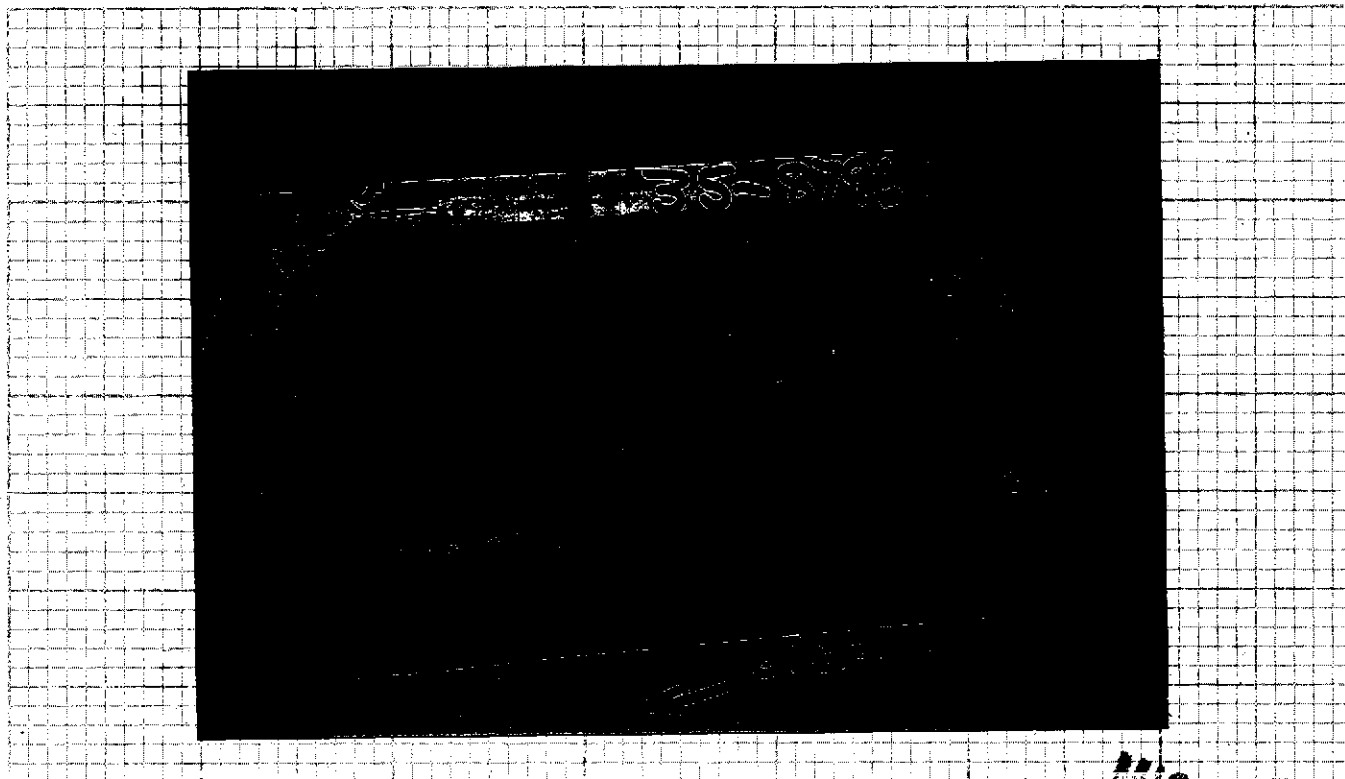
1. Owner: Busch Agricultural Resources Permit No. 35-8796
Current Address: 12855 Flushing Meadow Dr Suite 200B Phone No. 524-1080
2. Accompanied by: ST. LOUIS MO 63131 EXAM. DATE: 07/23/91
Brian Davis Address: Osgood Idaho Phone No. 524-1080
Relationship to Permit Holder: Supervisor
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

well, pump, storage tank, office, shop, elevator
restrooms

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Red Jacket	1	—	—	1 1/2" discharge

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	4		NE	NW	2	3N	37E	Bonneville	USGS Quad and onsite inspection

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
3N	37E	2	C																

Do not use this space

SEP 11 1996

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
well probe	olympic	Adat	500		500'	

2. Measurements:

operating pressure - 36 psig (installed gage)
static water level - 153' 11"¹⁰

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

SEP 11 1996

[illegible]

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Totals:				

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Field Examiner's Name ALAN W PARIS
Signature alan w paris
Certification Date _____
Field Report Preparation Date _____

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

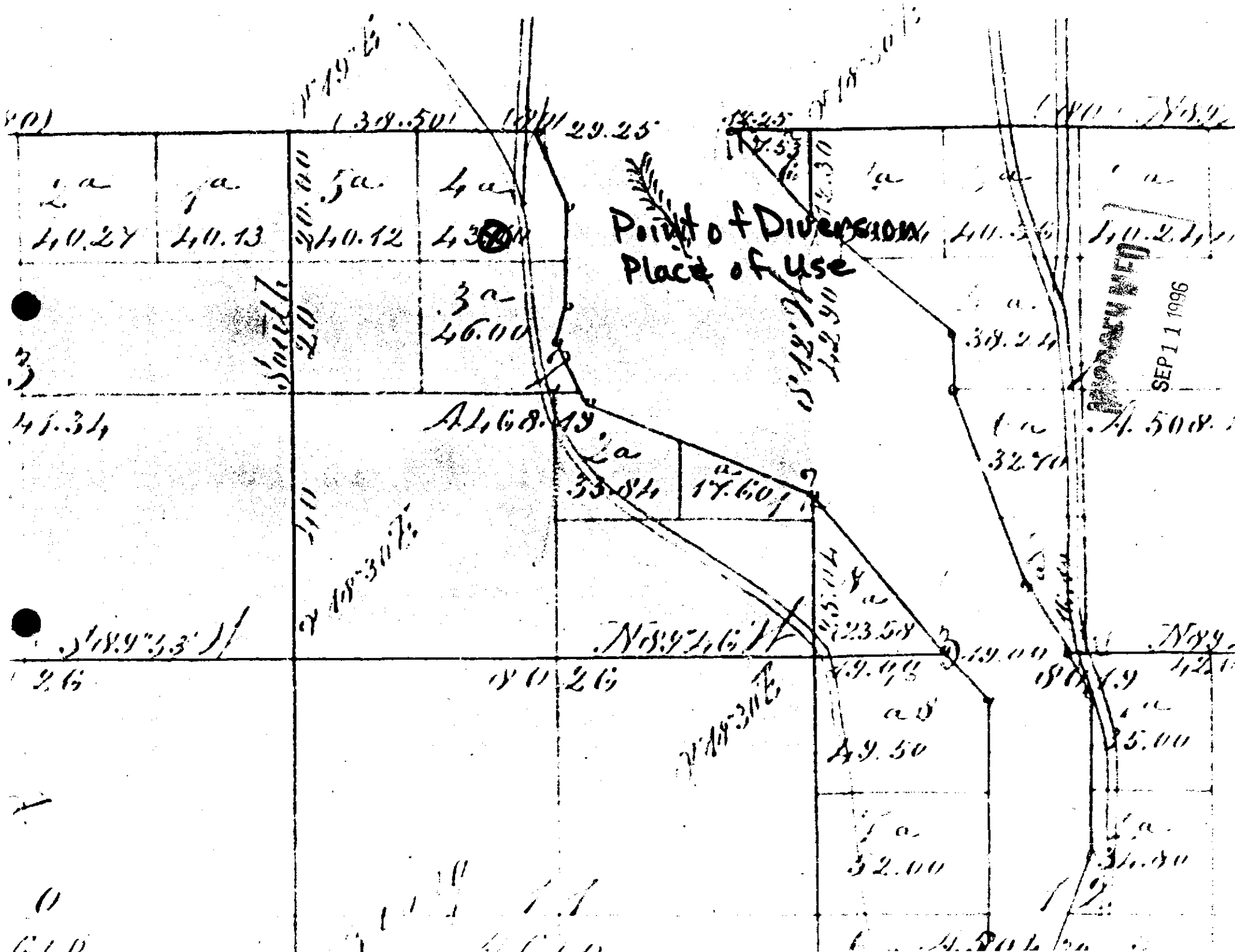
RECEIVED

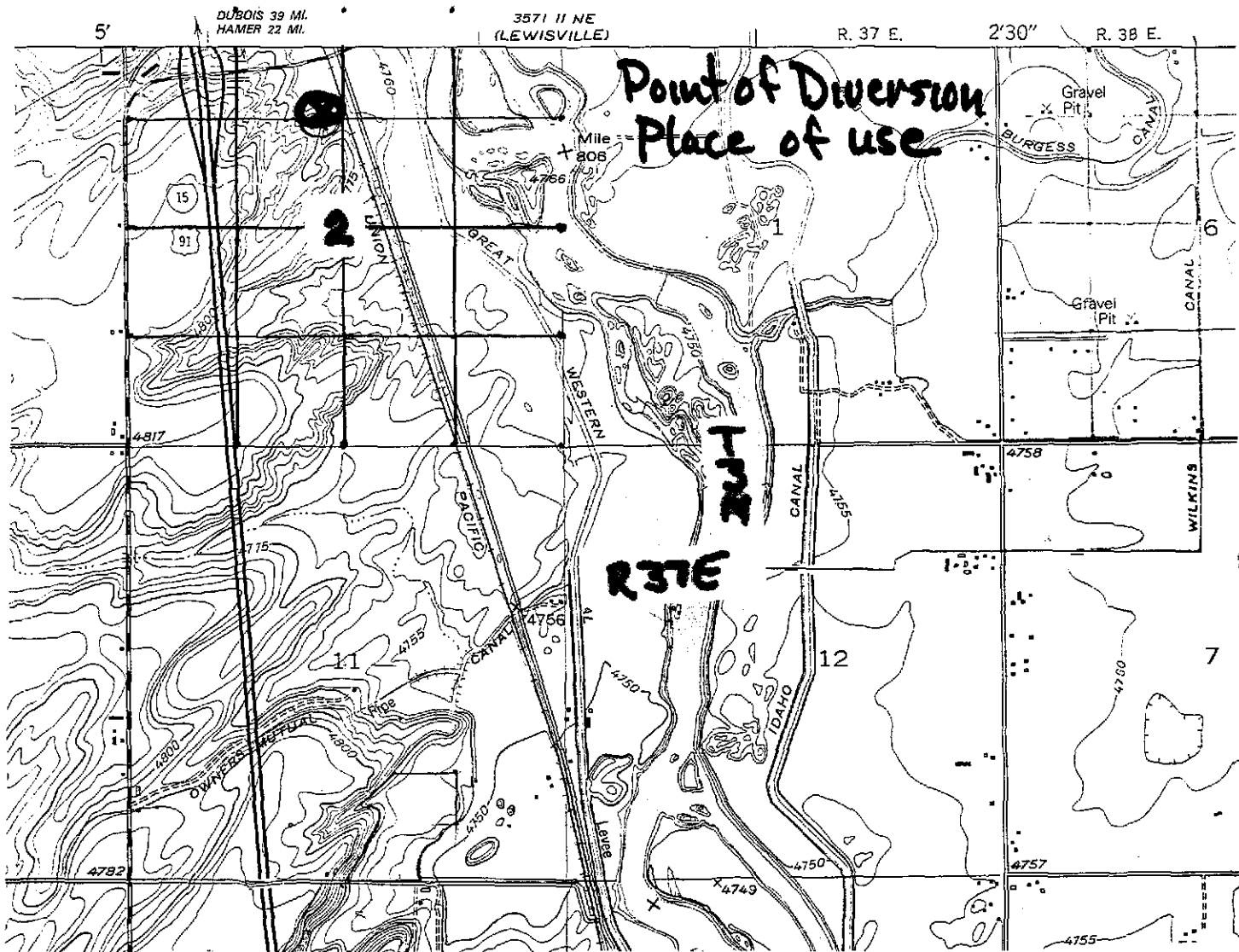
SEP 1 1 1996

$$\begin{aligned}
 Q &= \frac{(1 \text{ HP})(8.814)(.7)}{[(153.92 \text{ ft}) + (36 \text{ psi})(2.308)]} \\
 &= 0.026032 \text{ cfs} \\
 &= 0.03 \text{ cfs}
 \end{aligned}$$

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 SEP 11 1996

35-8796





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SEP 11 1996

35-8796

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-8796

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 3N, Rge 3E, Sec. 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ or Lot _____.

2. Owner: Busch Agricultural Resources

Address 12855 Flushing Meadow Dr, city St Louis, st Mo

3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐

4. Access Port: Yes ☐ No ☒

Pressure Gauge: Yes ☒ No ☐

Flowing: Yes ☐ No ☒

Static Water Level: 153' 11"

Casing Diameter: 8"

Temperature: N/A

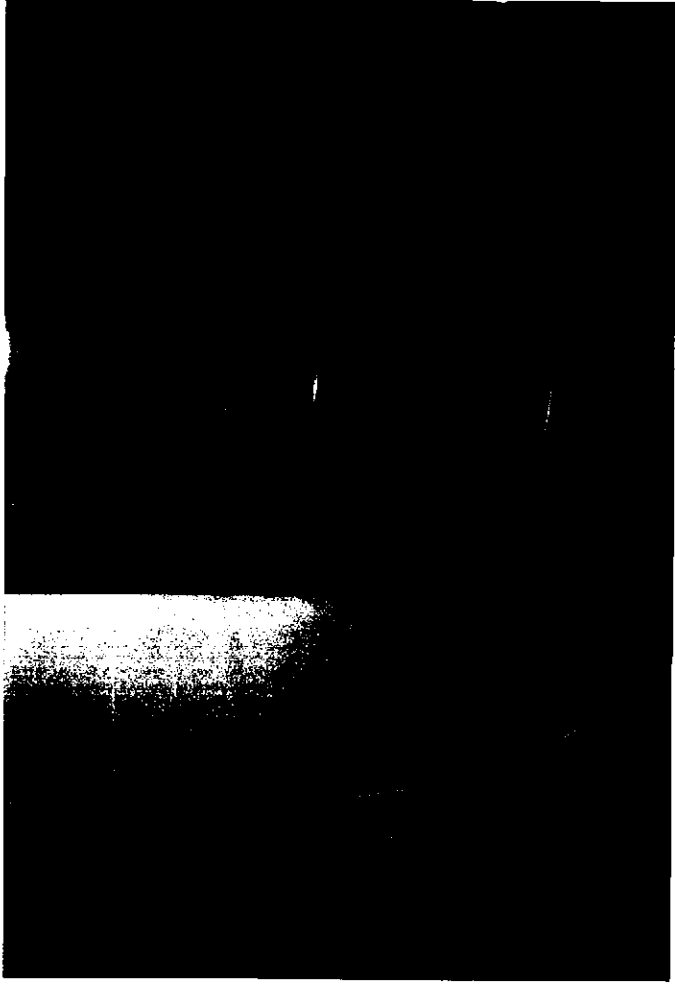
5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

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35-8796

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s) have been
filed to appropriate the public water of the
State of Idaho:

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 23-00013**

Notice is hereby given that Wade Fleming, Idaho Falls, ID, has applied to the Department of Water Resources for a change in point of diversion of the waters of Palisades Creek tributary to the Snake River. The right sought to be changed is evidenced by Decree No. 23-00013 Decreed to John N. Barrus in case of Rexburg Irrigation et al -vs- Teton Irrigation Canal dated 12-16-1910 and is recorded as follows:

AMOUNT: 2.80 cfs; PRIORITY: June 30, 1890

DECREE POINT OF DIVERSION: Not listed

The water is used to irrigate 267.5 acres within the SESE SEC 21; SW1/2SW1/4 SEC 22; N1/2NW1/4 SEC 27; NENE (LOT 1) SENE (LOT 4) SEC 28 T1N R44E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NWNE SEC 28 T1N R44E, B.M., Bonneville County and used to irrigate 111 acres within the S1/2SW1/4 SEC 22; N1/2NW1/4 SEC 27, T1N R44E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before September 25, 1989.

R. Keith Higginson
Director

25-07514

BRP INC. DBA GEM LAKE HARBOR
P.O. BOX 2563
IDAHO FALLS, ID 83403
Source: SNAKE RIVER; Tributary:
COLUMBIA RIVER
Diversion Pt: SESWNW Sec 35 T 02N R 37E
NENWSW Sec 35 T 02N R 37E
Use: RECREATION (1.000 CFS)
Date Filed: 6/26/1989
In: T02N R37E S34 NESE SESE
S35 SWNW SENW NESW NWSW SWSW
SESW

32-07165

BEZOLD, C. LEWIS
P.O. BOX 21
HAMER, ID 83425
Source: SPRING; Tributary: SINKS
Diversion Pt: SESENW Sec 8 T 10N R 32E
Use: STOCKWATER (.020 CFS)
Date Filed: 6/28/1989
In: T10N R32E S04 NESW SWSW NWSE

35-08796

BUSCH AGRICULTURAL RESOURCES
12855 FLUSHING MEADOW DR.
SUITE 200B
ST. LOUIS, MO 63131
Source: GROUNDWATER
Diversion Pt: NENW Sec 2 T 03N R 37E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/10/1989
In: T03N R37E S02 NENW

35-08803

GILBERT, BEVA GAY
5910 LEONARD AVE.
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversion Pt: SENE Sec 36 T 03N R 37E
Use: IRRIGATION (.040 CFS)
DOMESTIC (.040 CFS)
Date Filed: 6/29/1989
In: T03N R37E S36 SENE
1.5 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published: September 7, 14, 1989

MICROFILMED

DEC 13 1989

Proof of Publication
The Post-Register

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SEP 21 1989

State of Idaho, }
County of Bonneville } ss

Department of Water Resources
Eastern District Office

I, ...Ted. Delezene....., first being duly sworn, depose and say: That I am the
..... Foreman..... of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except
Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in
the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903,
such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been
published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and
said Post-Register having been published continuously and uninterruptedly from the date of such consolidation,
up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in
said Post-Register for two..... consecutive weeks, first publication having been made
on the 7th..... day of September....., 19. 89., last publication
having been made on the 14th..... day of September....., 1989...., and that the
said notice was published in the regular and entire issue of said paper on the respective dates of publication, and
that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this .18th. day of September....., 19.89..

.....Ted Delezene.....
.....Ronk Piper.....
Notary Public

My commission expires September. 30, ..., 19... 94

B10

MICROFILMED

DEC 13 1989

Form 238-7
9/82

C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

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

1. WELL OWNER Name <u>Busch Agriculture Resources</u> <u>12855 Flushing Meadow Dr. Suite 200B</u> Address <u>St. Louis, Mo. 63131</u> Owner's Permit No. <u>35-08796 35 89 Z-007</u>		7. WATER LEVEL Static water level <u>150</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality <u>Good</u> <i>Describe artesian or temperature zones below.</i>																																																																																																																							
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____																																																																																																																							
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		<table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><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.	Pumping Level	Hours Pumped																																																																																																																			
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Bore 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>8</td><td>0</td><td>5</td><td>Soil</td><td> </td><td>X</td></tr><tr><td> </td><td>5</td><td>23</td><td>Basalt broken gray</td><td> </td><td>X</td></tr><tr><td> </td><td>23</td><td>70</td><td>Basalt firm gray</td><td> </td><td>X</td></tr><tr><td> </td><td>70</td><td>90</td><td>Basalt broken gray</td><td> </td><td>X</td></tr><tr><td> </td><td>90</td><td>120</td><td>Basalt broken gray</td><td> </td><td>X</td></tr><tr><td> </td><td>120</td><td>140</td><td>Basalt hard gray</td><td> </td><td>X</td></tr><tr><td> </td><td>140</td><td>145</td><td>Basalt broken gray</td><td> </td><td>X</td></tr><tr><td> </td><td>145</td><td>170</td><td>Basalt firm gray</td><td> </td><td>X</td></tr><tr><td> </td><td>170</td><td>175</td><td>Basalt broken gray</td><td> </td><td>X</td></tr><tr><td> </td><td>175</td><td>185</td><td>Clay red</td><td> </td><td>X</td></tr><tr><td> </td><td>185</td><td>187</td><td>Basalt broken gray</td><td> </td><td>X</td></tr><tr><td> </td><td>187</td><td>190</td><td>Basalt firm gray</td><td> </td><td>X</td></tr><tr><td> </td><td>190</td><td>194</td><td>Basalt broken gray</td><td>X</td><td> </td></tr><tr><td> </td><td>194</td><td>198</td><td>Basalt firm gray</td><td> </td><td>X</td></tr><tr><td> </td><td>198</td><td>200</td><td>Basalt broken gray</td><td>X</td><td> </td></tr><tr><td> </td><td>200</td><td>225</td><td>Basalt hard gray</td><td> </td><td>X</td></tr><tr><td> </td><td>225</td><td>230</td><td>Basalt broken gray</td><td>X</td><td> </td></tr><tr><td> </td><td>230</td><td>232</td><td>Cinders</td><td>X</td><td> </td></tr></tbody></table>		Bore Diam.	Depth		Material	Water		From	To	Yes	No	8	0	5	Soil		X		5	23	Basalt broken gray		X		23	70	Basalt firm gray		X		70	90	Basalt broken gray		X		90	120	Basalt broken gray		X		120	140	Basalt hard gray		X		140	145	Basalt broken gray		X		145	170	Basalt firm gray		X		170	175	Basalt broken gray		X		175	185	Clay red		X		185	187	Basalt broken gray		X		187	190	Basalt firm gray		X		190	194	Basalt broken gray	X			194	198	Basalt firm gray		X		198	200	Basalt broken gray	X			200	225	Basalt hard gray		X		225	230	Basalt broken gray	X			230	232	Cinders	X	
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	230	232	Cinders	X																																																																																																																					
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="0"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>.250</u> inches</td><td><u>6</u> inches</td><td><u>1</u> feet</td><td><u>191</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="0"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</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 depth <u>30+</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>Well Cap</u>		Thickness	Diameter	From	To	<u>.250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>191</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	RECEIVED RECEIVED APR 01 1991 MAR 16 1990 Department of Water Resources Department of Water Resources Eastern District Office																																																																																							
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6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location. <table border="1"><tr><td>N</td><td> </td><td> </td></tr><tr><td>W</td><td> </td><td>E</td></tr><tr><td>S</td><td> </td><td> </td></tr></table> Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Bonneville</u> <u>NE 1/4 NW 1/4 Sec. 2, T. 3 N, R. 37 E/W.</u>		N			W		E	S			10. Work started <u>8/15/89</u> finished <u>8/17/89</u>																																																																																																														
N																																																																																																																									
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11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Andrew Well Drilling</u> Firm No. <u>5</u> Address <u>1268 E. 17th Street</u> Date <u>8/31/89</u> Idaho Falls, Idaho 83404 Signed by (Firm Official) <u>Howard E. Anderson</u> and (Operator) <u>Opferd Nyl</u>																																																																																																																									

April 15, 1991

JERRY WOLKOWITZ, DIR. ENGINEERING
BUSCH AGRICULTURAL RESOURCES, INC.
ONE BUSCH PLACE
ST. LOUIS, MO 63118-1852

Dear Mr. Wolkowitz:

Re: Permit No. 35-8796

Returned is the proof of beneficial use form submitted to this office on April 8, 1991. The department received a timely submitted proof form on January 4, 1991. It is not necessary to submit another.

If you have any questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED

SEP 11 1996



**Busch Agricultural
Resources, Inc.**

ONE OF THE ANHEUSER-BUSCH COMPANIES

April 5, 1991

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mall
Boise, Idaho 83720

RECEIVED
APR 08 1991

Department of Water Resources

RE: PERMIT NO. P35-08796
REQUEST FOR EXTENSION OF TIME
(IDAHO FALLS ELEVATOR)

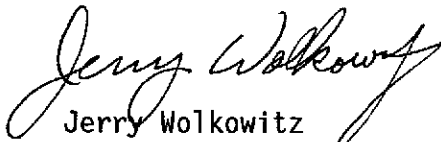
Gentlemen

Request reinstatement of Permit No. P35-08796. The proof of construction of works and application of water to beneficial use was required to be submitted on or before December 1, 1990. Due to an administrative oversight, the proof of beneficial use was not submitted prior to December 1, 1990.

Upon identification of the failure to meet this permit condition your office was contacted; Mr. Gary Spackman recommended that the proof of beneficial use be submitted as quickly as possible along with a request to reinstate the permit. To date a lapse notice has not been received.

If you have any questions concerning this request, please contact Theresa Lanctot, Environmental/Operations Engineer at (314) 577-9987. Thank you for your consideration.

Sincerely,


Jerry Wolkowitz
Director Engineering

JW/mr

cc: T. Lanctot
G. Dyson

RECEIVED

SEP 11 1996

Busch Agricultural Resources, Inc.
One Busch Place
St. Louis, MO U.S.A. 63118-1852
(314) 577-9974
Fax (314) 577-7799

December 17, 1990

BUSCH AGRICULTURAL RESOURCES
12855 FLUSHING MEADOW DR.
SUITE 200B
ST. LOUIS, MO 63131

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08796

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 04 1991

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 35-8796

Date: 7-11-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change Yes If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
☐ 1. well log in file
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

needs W.L.

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>NA</u>	
	-
	=
	+
	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

address change



ANHEUSER-BUSCH COMPANIES

April 11, 1990

RECEIVED
APR 16 1990

Department of Water Resources

Mr. Gary Spackman, Supervisor
Water Rights Permits Section
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Permit No. P35-08796

Dear Mr. Spackman:

Attached please find completed "Proof of Beneficial Use"
for subject permit. Please call me at (314) 577-4424
should you have any questions.

Sincerely,

ANHEUSER-BUSCH COMPANIES, INC.

Clifford A. Mahin, P.E.
Environmental Engineering &
Site Services

CAM/tms
Attachment

MICROFILMED
JAN 04 1991

3/89

Drilling Permit No. 35-89-2-007
Water Permit No. 35-08796
Injection Permit No. _____

State of Idaho
Department of Water Resources

D R I L L I N G P E R M I T

1. Applicant Busch Agriculture Resources, Inc.
2. Address 1475 Lindsay Blvd.
Idaho Falls, Idaho 83402 Telephone _____
- ☒ Well Owner ☐ Well Operator ☐ Other, specify _____
3. Proposed well location NE 1/4 NW 1/4, or Gov't lot No. _____,
Sec. 2, Twp. 3 N., Rge. 37 E., County Bonneville,
Lot, block and subdivision _____
4. Proposed use of well: (Check all that apply)
- ☒ Domestic ☐ Stockwater ☐ Monitoring
 No. of households _____ No. of livestock _____
- ☐ Irrigation ☐ Industrial ☐ Municipal
- ☐ Injection ☐ Other, Specify _____
5. Well construction information:
- ☒ New well ☐ Deepen ☐ Replace
- Proposed surface diameter 8" Maximum depth 225'
- Anticipated bottom hole temperature:
- ☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212°F or more (Geothermal well)
6. Anticipated construction start date August 1989
7. Well Driller (if known) Andrew Well Drilling Contractors ✓
Address 1268 E. 17th Street Idaho Falls, Idaho 83404
8. Applicant's signature Howard P. Andersen **MICROFILMED**
Title Partner
Date August 10, 1989 **DEC 13 1989**

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is approved.

If approved, this permit authorizes the construction of a well subject to the following conditions:

GENERAL CONDITIONS

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS

Dated this 27th day of November, 1989

Signed

Title

J. Glen Saylor
Chief, Water Alloc. Bur.

Receipt No. EC09827 Received by HWT Fee \$10⁰⁰ Date 8-1-89 **NOT RECORDED**

EXTENSION OF DRILLING PERMIT

DEC 13 1989

Approval Date _____ Extension approved by _____

This extension is good for 60 days beyond the above extension approval date.

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
November 27, 1989

BUSCH AGRICULTURAL RESOURCES
12855 FLUSHING MEADOW DR.
SUITE 200B
ST. LOUIS, MO 63131

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P35-08796

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Also enclosed is a copy of the approved drilling permit submitted in connection with this water right.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

DEC 13 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

DEC 13 1989

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Larry's Dunn DATE 16 Aug 1989 APPLICATION NUMBER _____

REQUIRED INFORMATION

Burch Agriculture

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION

- _____ Overlapping place of use (Describe source & relationship to present application on the back.)
- _____ Overlapping point of diversion
- _____ Yes ☒ No Field check required
- _____ Yes ☒ No Field check by _____
- _____ Yes ☒ No Field report attached
- _____ Yes ☒ No Critical groundwater area
- _____ Yes ☒ No Groundwater management area
- _____ Yes ☒ No Send dam safety information
- _____ Yes ☒ No Send power requirement letter
- _____ Yes ☒ No Send fish farm requirement letter
- _____ Yes ☒ No Power residency affidavit
- _____ Yes ☒ No Power efficiency form
- _____ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- _____ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- _____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

SEP 28 1989

Department of Water Resources

PROCESSING ☒ Yes ☒ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☒ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 9-25-89
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01 - P05
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 8-11-89
By HWJ Date 9-25-89

STATE OFFICE REVIEW P05

P23, P99, P16 46

See below for additional information

By tw Date 10-26-89

ADDITIONAL INFORMATION

App. in TRUST area - DCMI
Process drilling permit too -

30-Aug-1989

Busch Agricultural Resources
12855 Flushing Meadow Dr.
Suite 200 B
St. Louis, MO 63131

RE: Application for Permit No. 35-8796

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Post-Register. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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DEC 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 29, 1989

THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 25, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

DEC 13 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

RECEIVED

DEC 13 1928

35-08796

BUSCH AGRICULTURAL RESOURCES
12855 FLUSHING MEADOW DR.
SUITE 200B
ST. LOUIS, MO 63131

Source: GROUNDWATER

Diversion Pt: NENW Sec 2 T 03N R 37E

Use: COMMERCIAL (.040 CFS)

Date Filed: 8/10/1989

In: T03N R37E S02 NENW

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DEC 13 1989

The permit(s) will be subject to all prior water rights. It may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published 9/07/1989 & 9/14/1989

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DEC 13 1989