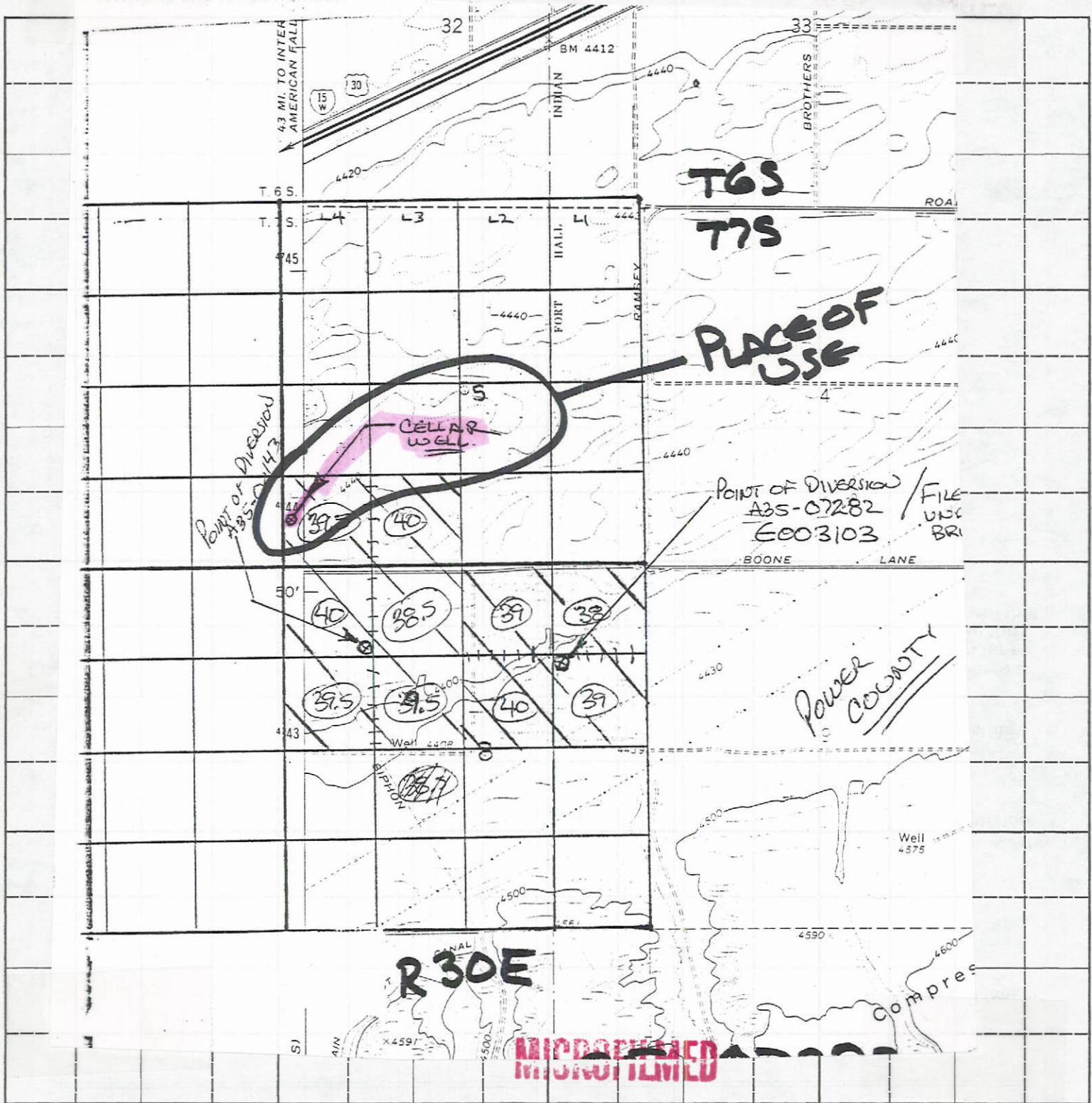


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number

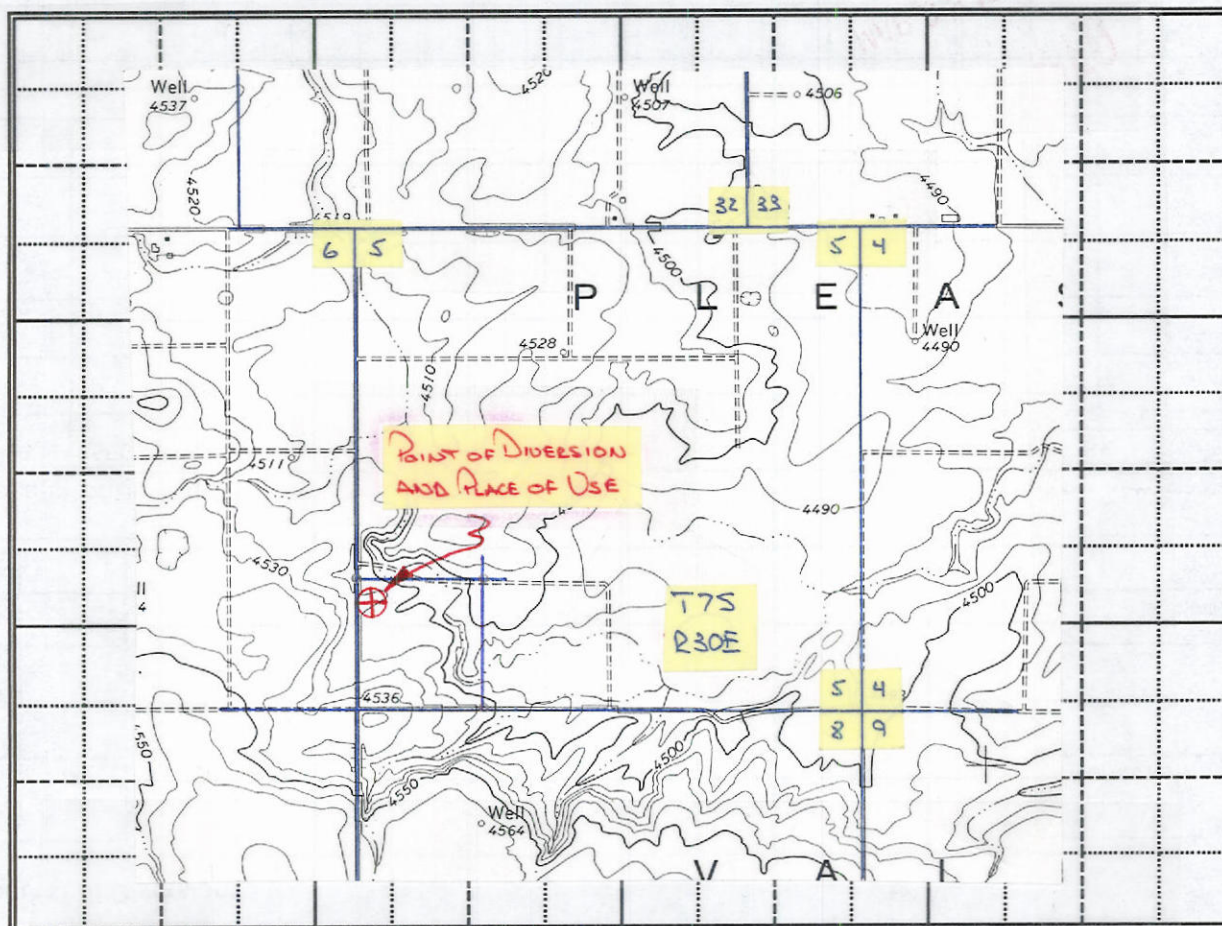


Scale: 2 inches equal 1 mile.

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.

Robert G. Foster Partner of Foster & Foster
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A		3			

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

AS PER PROOF OF BENEFICIAL USE

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: AS PER PROOF OF BENEFICIAL USE.

MAR 23 1995

T75

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8774

Date 12-19-90

GENERAL CONSIDERATIONS

Y Name same as permit?
N Address change? If yes, prepare data entry form.
N Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
N Drill permit req'd? Drilled 1974 Copy in file?
 Well log in file?
 Amt paid for drilling permit? Correct?

LICENSE EXAMINATION FEE

N Required?
 Amount submitted?
 Correct amount?

MEASURING DEVICE

N Measuring device or access port required?
 Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

— advan, priority + reinstate

PRIORITY CALCULATION

JB
Date proof received 11-14
Date proof due 11-01
No. of days late = 13
Priority date 6-7-89
NEW PRIORITY DATE 6-20-89

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the

date of the first publication being the 19 day of July 1989 and the date of last publication being the 20 day of July 1989

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 20 day of July in the year of 1989, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

RECEIVED

JUL 27 1989

Department of Water Resources
Eastern District Office

Water right application

Published in the Power County Press July 19 and 26, 1989.

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

35-08774

FOSTER FARMS
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

Source: GROUNDWATER
Diversion Pt: SWSWSW Sec 5 T 07S
R 30E
Use: INDUSTRIAL (.040 CFS)
Date Filed: 6/07/1989
In: T07S R30E S05 SWSW

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 AUGUST 7, 1989.

R. Keith Higginson, Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08774

Priority: June 20, 1989

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.1 AF

This is to certify, that FOSTER FARMS

C/O BRUCE FOSTER

2084 S 2900 W

ABERDEEN ID 83210

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 7, 1989; and has submitted Proof of Beneficial Use on November 14, 1990. An examination indicates that the works have a diversion capacity of 0.080 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	0.04 CFS	1.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 5, Township 07S, Range 30E
POWER County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 30E 5

SWSW

CONDITIONS/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. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Commercial use is for potato cellar humidifiers.

MAR 23 1995

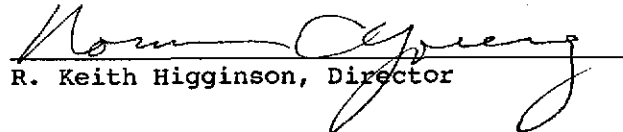
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08774

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 FEBRUARY, 1995.

Acting for


R. Keith Higginson, Director



MICROFILMED
MAR 23 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-08774 IN THE)
NAME OF FOSTER FARMS) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before November 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

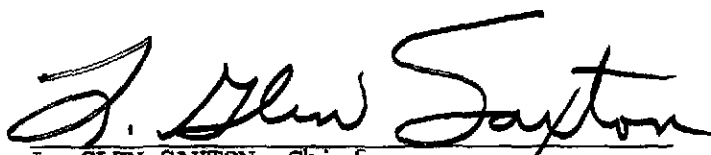
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on November 14, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-08774 be REINSTATED and the priority advanced to June 20, 1989.

Dated this 8th day of January, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 28 1991

RECEIVED
NOV 14 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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.

1. Permit No. 35-8774 Telephone No. 397-4828

2. Name(s) of Permit Holder(s): Foster Farms

3. Post Office Address: 20845 2900W Aberdeen ID 83210

4. Source of Water: Ground Water

a. If ground water, well driller's name: Vallmer Date drilled: 1974

b. Pump horsepower: 3 Pressure (psi): 40 Dynamic pumping level (ft.): 140

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other industrial Cattle Water

for Humidifera

6. Total rate and/or volume for which proof is submitted 0.04 cfs X acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 14 (See License Examination Fee Schedule)

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

Bruce Foster for Foster Farms
Name

397-4828
Telephone No.

20845 2900W Aberdeen ID 83210
Address

10. 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.

11-13-90
Date

Bruce Foster for Foster Farms
Signature (and title if on behalf of a company or organization)

RECORDED

JAN 28 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08774

Proposed Priority: June 7, 1989

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **FOSTER FARMS**
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

INDUSTRIAL

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSWSW

Sec. 5, Township 07S, Range 30E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 30E 5

SWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 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. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Industrial use is for potato cellar humidifiers.

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

29 day of September, 1989.

MICROFILMED

OCT 11 1989

R. Keith Higginson
for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. _____

35 8774

To appropriate the public waters of the State of Idaho

1. Name of applicant FOSTER FARMS Phone 397-4828
Post office address C/O BRUCE FOSTER, 2084 S. 2900W. ABERDEEN, ID. 83210
2. Source of water supply GROUNWATER which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 5 Township 7S Range 30E B.M. POWER IDAHO County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for INDUSTRIAL purposes from 1/1 to 12/31 (both dates inclusive)
(cfs ~~acre-feet per annum~~)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 6" X 210' WELL W/ SUBMERSIBLE PUMP & PIPING TO POTATO CELLAR
 - b. 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.
 - c. ~~Proposed~~ ^{EXISTING} well diameter is 6" inches; ~~proposed~~ ^{EXISTING} depth of well is 210' feet.
 - d. Is ground water with a temperature of greater than 90°F 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 (minimum 1 year).

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OCT 11 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. OCL 11 1983
- b. Stockwatering; list number and kind of livestock. WATERBURY
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. INDUSTRIAL USE FOR POTATO CELLAR HUMIDIFIERS

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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
75	30E	5											I						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

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

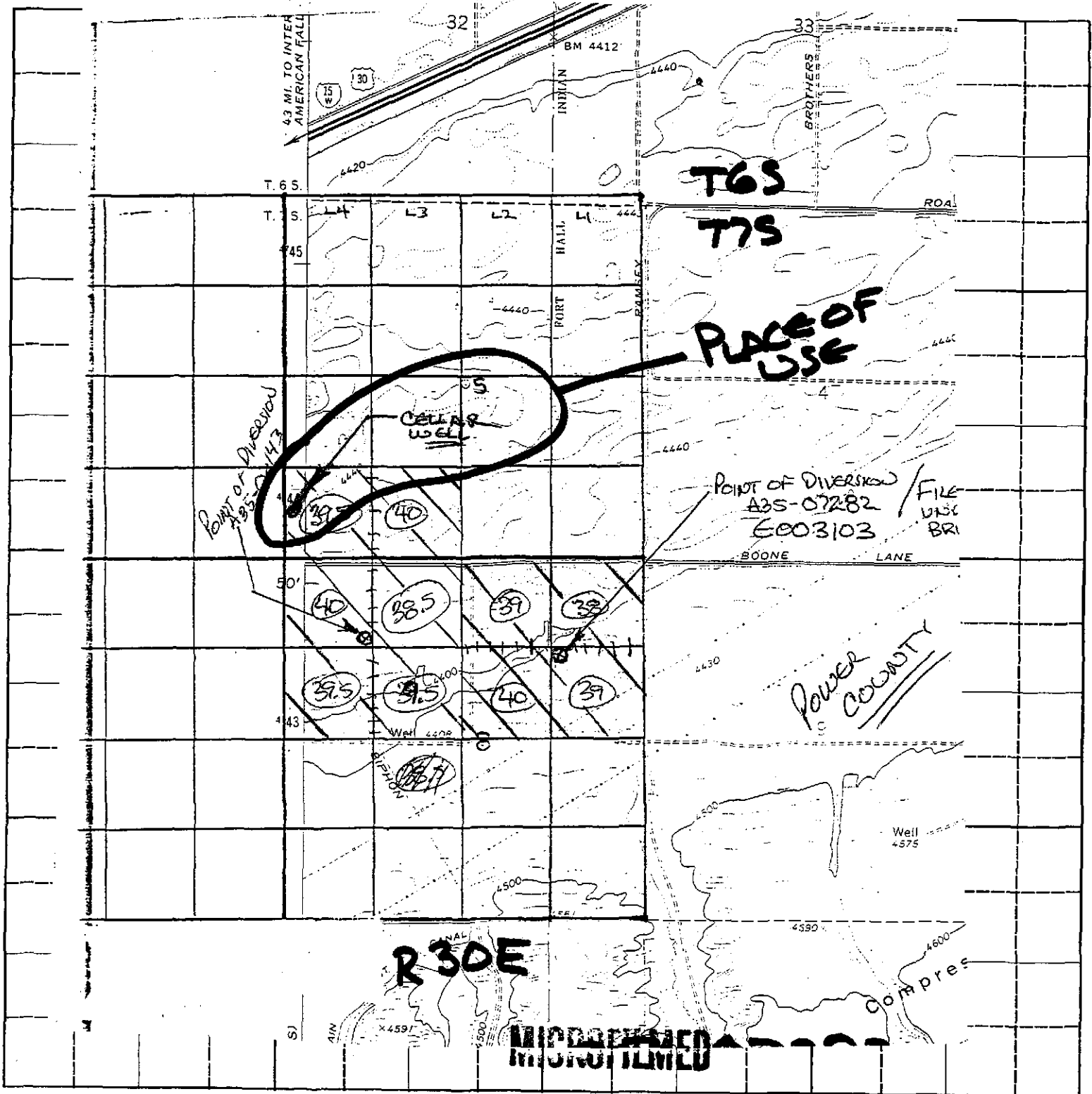
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: HAS BEEN IN-PLACE SINCE 1974

MICROFILMED

OCT 11 1989

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, section and range number



Scale: 2 inches equal 1 mile.

OCT 11 1989

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.

Robert G. Jones
(Applicant)

Received by ESV Date 6-7-89 Time 1200 Preliminary check by DMW

Fee \$ 30⁰⁰ Receipted by ESV # 6008758 Date 6-7-89

Publication prepared by RB Date _____ Published in Lower Cnty Press 7-20, 27, 89

Publication approved QW OCT 11 1989 Date 8-8-89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

NOT RECORDED

OCT 11 1989

Foster Farms
BROKE FOSTER - APPLICATION

MARE FOSTER
P.O. Box A-E
ABERDEEN, ID. 83210 397-5232

RON FOSTER
P.O. Box A-E
ABERDEEN, ID. 83210 377-9067

MICROFILMED

OCT 11 1980



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

R. KEITH HIGGINSON
DIRECTOR

February 24, 1995

FOSTER FARMS
C/O BRUCE FOSTER
2084 S 2900 W
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-08774

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.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

MAR 23 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08774 DATE 2/16/95



NAME	Yes ☐ No ☒	Or Address Change?
PRIORITY DATE	☒	Advance? <u>YES</u> Advanced to: <u>6-20-89</u> Order to reinstate needed? <u>DONE</u> Incorrect fee for rate recommended? <u>NA</u>
SOURCE	☐	☒ Changes or just clarification of originally intended source? Notice of Intent to Void necessary? ☐
POINT OF DIV	☐	☒ Amendment needed? ☒ Overlaps?
PLACE OF USE	☐	☒ Amendment needed? ☒ Overlaps?
DIV RATE	☐	☒ Permit/fee limits: <u>.04CFS</u> Meas Q = <u> </u> Theo Q = <u>.08</u> Recommend: <u>.04</u> <u>Average rate is lower but needn't be reduced.</u> Combined rates exceed capacity ☐
ANNUAL VOLUME	☒	Volume Limit: <u> </u> Season: <u>(1-1 to 12-31)</u> Calculations: <u>Average is 72 gal per hr / 12 hrs day</u> <u>FOR 2 - 1 Diminimus @ .1 aF For "SHOP uses"</u> Flow limit: <u> </u> cfs x <u> </u> x 1.9835 = <u>in cellar</u> Combined volumes exceed capacity/allowable ☐
USES	☒	Change in Nature of Use or additional uses? <u>to commercial</u> Amendment necessary? <u>NO</u> - Clarification only.
REMARKS	☐	☒ Multiple p/d(s) in 1/4 1/4? ☒ Other <u> </u>
CONDITIONS	☐	☒ Measuring/Locking Devices ☒ Watermaster control - District <u> </u> ☒ Irrigation Overlap ☒ Water Quality ☒ Other <u>048 049</u> Heat/Cool/ Fish verified ☐
COMMENTS:	<u>Change from industrial to commercial use is just a clarification not requiring an amendment.</u> <u>NON-TRUST CONDITIONS</u>	

RECOMMENDED	CFS	VOL	SRBA Claim Filed	
<u>Commercial</u>	<u>.04</u>	<u>1.1</u>	Adjustment Memo Needed	<u>NO</u>
			LICENSE	☒
			1ST AMENDMENT LETTER	
			FINAL AMENDMENT LETTER	



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 19 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08774

1. Owner: FOSTER FARMS, % BRUCE FOSTER Phone No. 397-4828

Current Address: 2084 S 2900 W, ABERDEEN, ID 83210

2. Accompanied by: — EXAM DATE: 1-27-94

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: GROUNDWATER tributary to —

B. OVERLAP REVIEW

1. Other water rights with the same place of use: —

2. Other water rights with the same point of diversion: —

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	* 1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	5	7S	30E	POWER	USGS, ONSITE

* 10 AC. TRACT NOT REG'D.

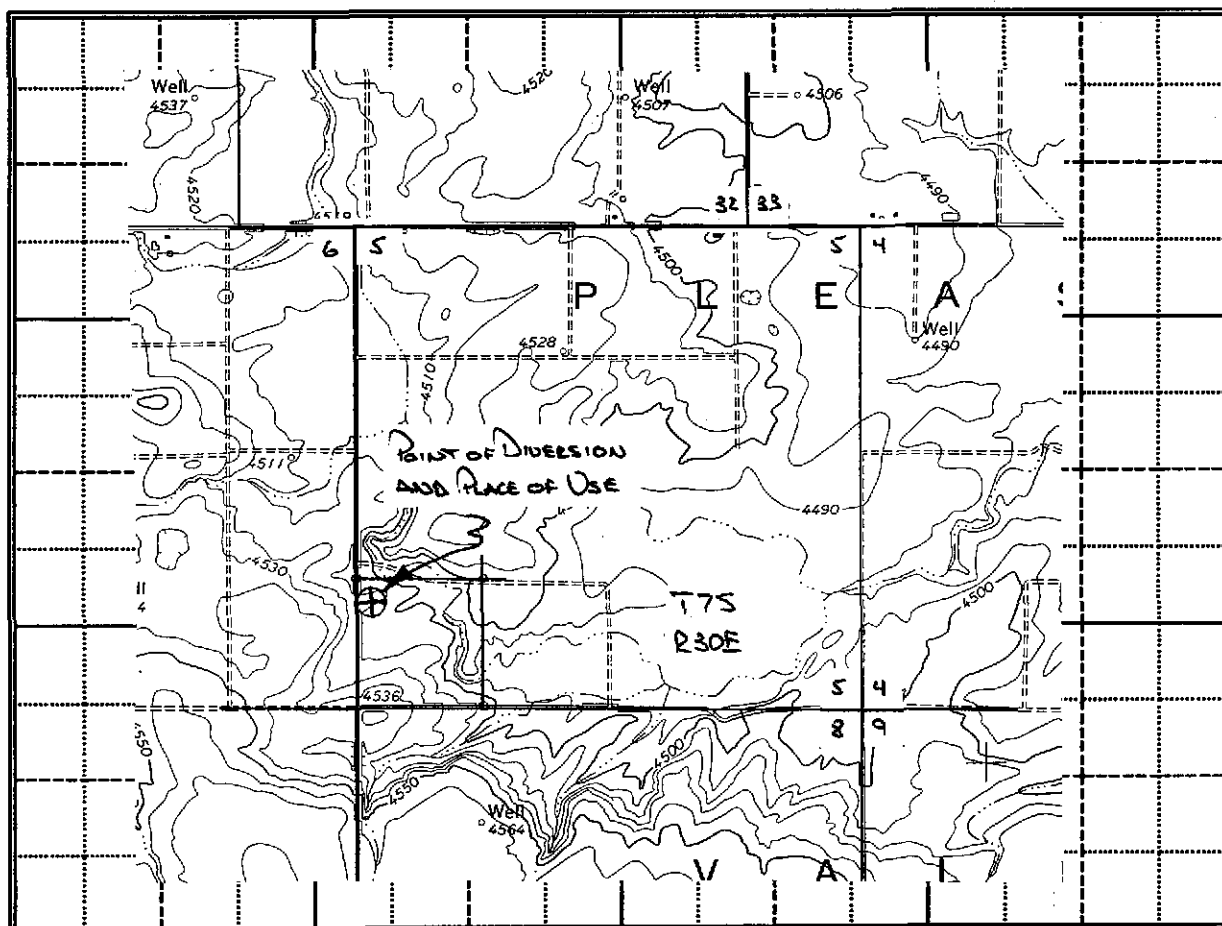
2. Place(s) of Use:

Indicate Method of Determination SAME

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	30E	5										C							

RECEIVED
MAR 28 1995

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A		3			

*Code to correspond with No. on map and aerial photo AS PER PROOF OF BENEFICIAL USE

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: AS PER PROOF OF BENEFICIAL USE.

MAR 23 1995

T75

E. NARRATIVE/REMARKS/COMMENTS

WELL WITH SOG. PUMP TO POTATO CELLAR FOR USE IN HUMIDIFIERS AND
AROUND CELLAR FOR GENERAL "SHOP" USES. DE MINIMUS USES.

* RECOMMEND CLARIFICATION OF USE AS "COMMERCIAL". NO AMENDMENT!

* RECOMMEND DETERMINATION OF LEGAL DESCRIPTION AS 40-ACRE PLOT
NO AMENDMENT! TEN-ACRE PLOT NOT REG'D AND INCORRECTLY IDENT-
IFIED BY AGENT AT TIME OF SUBMITTAL OF APPLICATION.

ON-SITE VERIFICATION CONDUCTED 1-27-94

Have conditions of permit approval been met? ☐ yes ☐ no

RECEIVED

MAR 23 1995

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Q_{THEORE} = \frac{344 (8.814) 0.755}{(40 \text{ psi} \times 2.308) + 140} = 0.08 \text{ cfs} \quad \text{LIMITED BY PERMIT TO } 0.04 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

*

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

BE MINIMUM USE 0.6 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

*

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Commercial</u>	<u>1-1</u>	<u>12-31</u>	<u>0.04</u>	<u>0.6</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.04</u>	<u>0.6</u>

2. Recommended Amendments

☐ 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

I. AUTHENTICATION

Field Examiner's Name [Signature] Date 12-12-94

Reviewer KATH C. Wilson Date 12/16/94

* See attached adjustment explanation memo. BC

MAINTAINED
SEAL

MAR 23 1995

MEMORANDUM

TO: File 35-08774 / Foster Farms
FROM: Brenda Chapman
DATE: February 16, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

G. VOLUME CALCULATIONS

The humidifier volume recommendation has been increased to 1.0 afa based on guidelines from Terry Blau's 9/2/80 memo for calculating potato cellar humidifier requirements. (Copy of memo attached)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Commercial	1-01 to 12-31	.04	1.1

See item G.

RECEIVED
MAR 23 1995

DATE September 2, 1980

FROM Terry Blau

TO Staff

SUBJECT Field exams on potato storage facilities

After talking with 2 suppliers and installers of ventilating and humidifying equipment for potato storage. The following are some rules of thumb which maybe helpful in doing exams.

Max. rate of flow - 1 gal/hr/1000 cwt of spuds (2.4 cubic feet/100 lbs)

Max length of storage 11 months

Volume 1/2 gal/hr/1000 CWT/year

Alt method

36 gal/hr per humidifier (max)

Use would be less than 25% of max during winter months

Vol. use 36 gal/hr x 12hrs/day/ 365 days or #days of use

Terry Blau

SIGNATURE

RECEIVED
MAR 23 1985

January 10, 1991

FOSTER FARMS
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08774

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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

Enclosure

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JAN 28 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8774

Date 12-19-90

GENERAL CONSIDERATIONS

Y Name same as permit?
N Address change? If yes, prepare data entry form.
N Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
N Drill permit req'd? Drilled 1974 Copy in file?
 Well log in file?
 Amt paid for drilling permit? Correct?

LICENSE EXAMINATION FEE

N Required?
 Amount submitted?
 Correct amount?

MEASURING DEVICE

N Measuring device or access port required?
 Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

— advan, priority & restate

PRIORITY CALCULATION

Date proof received JB 11-14
Date proof due 11-01 -
No. of days late = 13
Priority date 6-7-89 +
NEW PRIORITY DATE 6-20-89 =

November 5, 1990

FOSTER FARMS
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

LAPSE NOTICE

RE: PERMIT NO. 35-08774

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated August 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

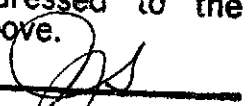
Enclosures

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CERTIFICATION OF MAILING

I hereby certify that on 11-8-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



138372

August 31, 1990

FOSTER FARMS
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-08774

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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JAN 28 1991

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) 334-7900
September 29, 1989

FOSTER FARMS
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

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

RE: PERMIT NO. P35-08774

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.

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

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OCT 11 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

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OCT 11 1989

17-Jul-1989

Foster Farms
c/o Bruce Foster
2084 S. 2900 W.
Aberdeen, ID 83210

RE: Application for Permit No. 35-8773 & 35-8774

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 Morning News and Power County Press. 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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OCT 11 1989

Affidavit of Publication

State of Idaho

County of Power

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JUL 27 1989

Department of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the

date of the first publication being the 19 day of July 1989 and the date of last publication being the 26 day of July 1989

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 26 day of July in the year of 1989, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

application

Published in the Power County Press July 19 and 26, 1989.

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

35-08774
FOSTER FARMS
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

Source: GROUNDWATER
Diversion Pt: SWSWSW Sec 5 T 07S
R 30E
Use: INDUSTRIAL (040 CRS)
Date Filed: 6/07/1989
In: T07S R30E S05 SWSW

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 AUGUST 7, 1989.

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

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 17, 1989

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

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 AUGUST 7, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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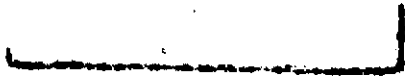
OCT 11 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

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OCT 11 1989



35-08774

FOSTER FARMS
C/O BRUCE FOSTER
2084 S. 2900 W.
ABERDEEN, ID 83210

Source: GROUNDWATER

Diversion Pt: SWSWSW Sec 5 T 07S R 30E

Use: INDUSTRIAL (.040 CFS)

Date Filed: 6/07/1989

In: T07S R30E S05 SWSW

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OCT 11 1989

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R. Keith Higginson, Director

Published 7/19/1989 & 7/26/1989

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OCT 11 1989