

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22943

Priority: March 01, 2005

Maximum Diversion Rate: 2.00 CFS

This is to certify, that SENECA FOODS CORP
PO BOX 460
PAYETTE ID 83661

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
FIRE PROTECTION	01/01 to 12/31	2.00 CFS
INDUSTRIAL	01/01 to 12/31	2.00 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW¼NE¼ Sec. 33, Twp 09N, Rge 05W, B.M., PAYETTE County

PLACE OF USE: FIRE PROTECTION & INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
09N 05W 33			X	X	X			X	X			X	X			X	X	
					L 5				L 4	L 3						L 2		

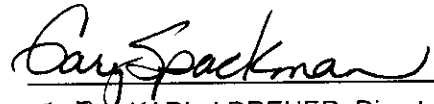
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2007**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This permit does not authorize the construction of any new well.
5. Industrial use is for food processing.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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Department of Water Resources
Permit to Appropriate Water
NO. 65-22943

9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of June, 2005.


FOR KARL J DREHER, Director

Ident. No. 65-22943

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JUN 03 2005

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Seneca Foods Corporation Phone (208) 642-9061

Mailing address PO Box 460, Payette, Idaho 83661

2. Source of water supply Groundwater which is a tributary of n/a

3. Location of point of diversion is Township 9N Range 5W Sec. 33, in the 1/4,
SW 1/4, NE 1/4, Govt. Lot Payette, B.M., Payette County;

additional points of diversion if any: none

4. Water will be used for the following purposes:

Amount 2.0 cfs for fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.0 cfs for industrial purposes from 1/1 to 12/31 (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)

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) 2.0 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source

b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet

c. Proposed well diameter is 12 inches; proposed depth of well is 418 feet

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? 5/20/1992; Drilling firm Frank Shelley;
Well was drilled for (well owner) American Fine Foods; Drilling Permit No. 65-91-W-013

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully. Fire protection and industrial purposes.

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MAR 01 2005

WATER RESOURCES
WESTERN REGION

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	5W	33			I, F	I, F	I, F			I, F	I, F					I, F			
							L.5			L.4	L.3					L.2			

Total number of acres to be irrigated ⁰ _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Applicant

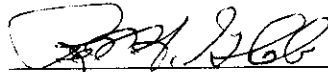
b. Who owns the land to be irrigated or place of use? Applicant

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: Well to be used for fire protection and industrial uses (food processing).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



Signature of Applicant (and title, if applicable)

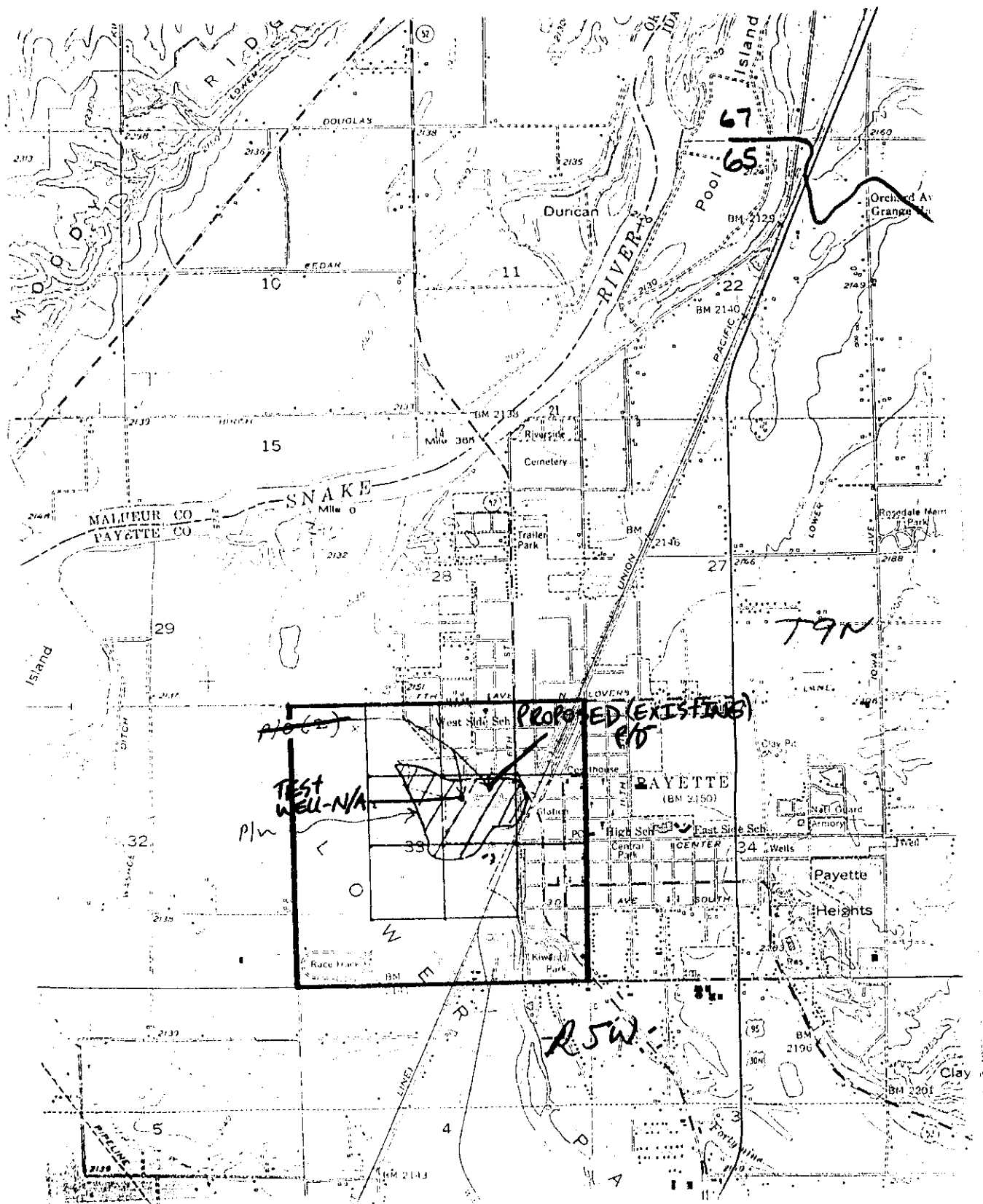
Russ Grubb, Director of Operations

Received by DB Date 3-1-05 Time 10:00 am Preliminary check by 4

Fee \$ 290- Received by DB # W032640 Date 3-1-05

Publication prepared by AK Date 4-20-05 Published in INDEPENDENT ENTERPRISE

Publication approved AK Date 5-10-05



GOV LOTS ATTACHED

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APR 14 2005

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

**COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW**

Name of Applicant Seneca Foods Corporation

Mailing Address PO Box 460
Payette, Idaho 83661

Application No.
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

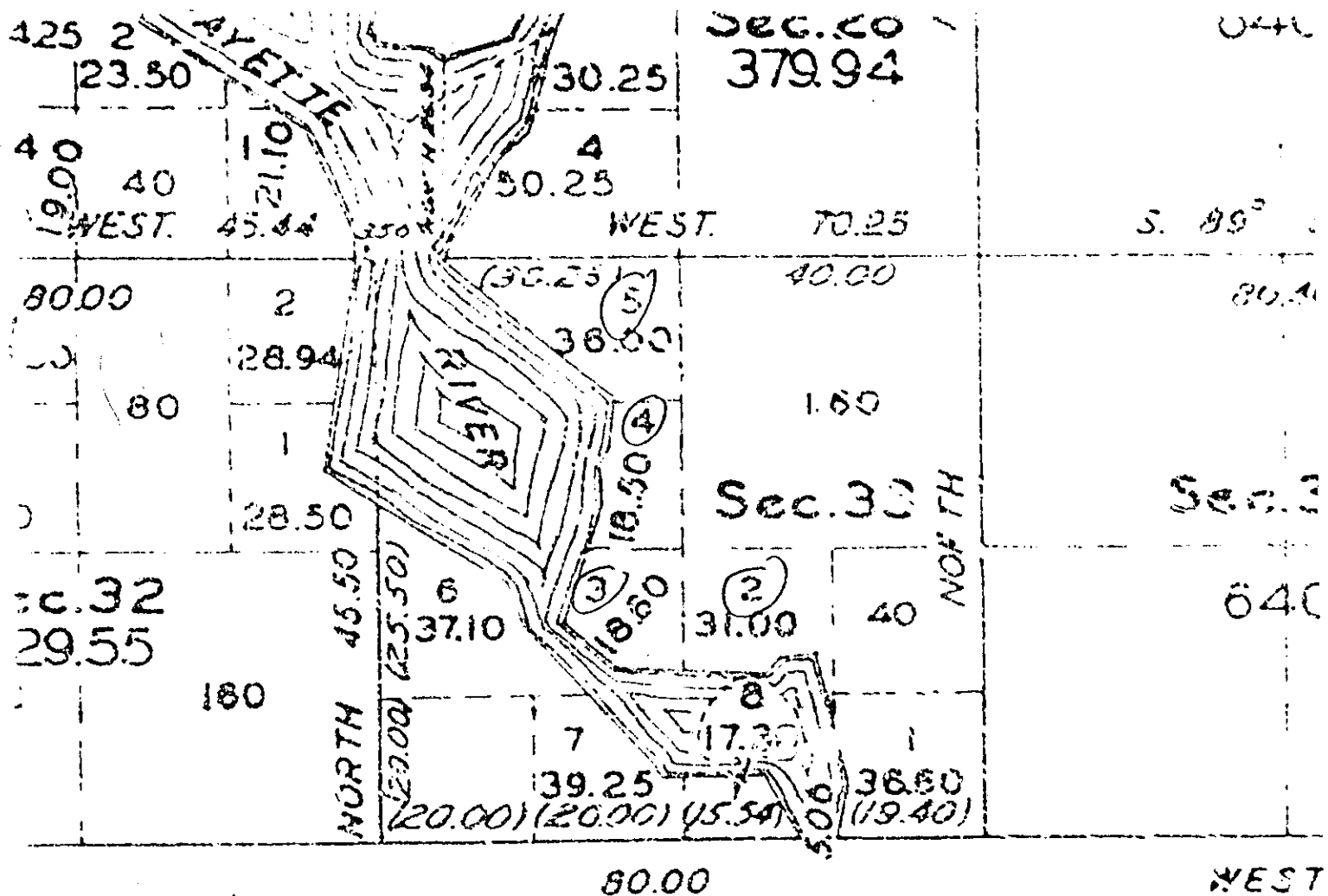
Carol G. Galt, Director of Operations

Date

4/6/05

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082



T 9N
R 5W
S. 33

COMPILED FROM THE OFFICIAL

WELL DRILLER'S REPORT

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.

813975

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

WELL DRILLER'S REPORT

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>American Fine Foods</u> Address <u>25 North 6th Street</u> Drilling Permit No. <u>65-91-W-013</u> Water Right Permit No. _____		7. WATER LEVEL Static water level <u>9</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 <u>72</u> °F. Quality <u>95</u> <i>Describe artesian or temperature zones below.</i>																																																							
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☒ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td><u>150</u></td><td><u>300</u></td><td><u>10</u></td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped	<u>150</u>	<u>300</u>	<u>10</u>																																																
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3. PROPOSED USE <u>TEST WELL (see permit)</u> ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☒ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"><thead><tr><th>Bore Diam.</th><th>Depth From</th><th>To</th><th>Material</th><th>Water Yes</th><th>No</th></tr></thead><tbody><tr><td><u>2 1/2</u></td><td><u>11</u></td><td><u>12</u></td><td><u>fill - concrete chunks</u></td><td></td><td></td></tr><tr><td><u>2 1/2</u></td><td><u>12</u></td><td><u>14</u></td><td><u>clay gravel conglomerate</u></td><td></td><td></td></tr><tr><td><u>12</u></td><td><u>14</u></td><td><u>21</u></td><td><u>Blue Clay</u></td><td></td><td></td></tr><tr><td><u>12</u></td><td><u>21</u></td><td><u>30</u></td><td><u>Blue clay</u></td><td></td><td></td></tr><tr><td><u>12</u></td><td><u>30</u></td><td><u>33</u></td><td><u>Sand stone soft</u></td><td></td><td></td></tr><tr><td><u>12</u></td><td><u>33</u></td><td><u>400</u></td><td><u>Blue clay</u></td><td></td><td></td></tr><tr><td><u>12</u></td><td><u>400</u></td><td><u>420</u></td><td><u>Sand stone</u></td><td></td><td></td></tr><tr><td><u>12</u></td><td><u>420</u></td><td><u>424</u></td><td><u>Blue clay - loose</u></td><td></td><td></td></tr></tbody></table>		Bore Diam.	Depth From	To	Material	Water Yes	No	<u>2 1/2</u>	<u>11</u>	<u>12</u>	<u>fill - concrete chunks</u>			<u>2 1/2</u>	<u>12</u>	<u>14</u>	<u>clay gravel conglomerate</u>			<u>12</u>	<u>14</u>	<u>21</u>	<u>Blue Clay</u>			<u>12</u>	<u>21</u>	<u>30</u>	<u>Blue clay</u>			<u>12</u>	<u>30</u>	<u>33</u>	<u>Sand stone soft</u>			<u>12</u>	<u>33</u>	<u>400</u>	<u>Blue clay</u>			<u>12</u>	<u>400</u>	<u>420</u>	<u>Sand stone</u>			<u>12</u>	<u>420</u>	<u>424</u>	<u>Blue clay - loose</u>		
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____																																																									
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>3/8</u> inches</td><td><u>18</u> inches</td><td><u>1</u> feet</td><td><u>26</u> feet</td></tr><tr><td><u>3/8</u> inches</td><td><u>12</u> inches</td><td><u>16</u> feet</td><td><u>433</u> 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 ☐ Gun Size of perforation <u>3/16</u> inches by <u>4</u> inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>1000</u> perforations</td><td><u>430</u> feet</td><td><u>390</u> 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 <u>432</u> feet to <u>300</u> feet Surface seal depth <u>20</u> Material used in seal: ☒ Cement grout ☐ Bentonite ☐ Pudding 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>1 1/2" plug</u>		Thickness	Diameter	From	To	<u>3/8</u> inches	<u>18</u> inches	<u>1</u> feet	<u>26</u> feet	<u>3/8</u> inches	<u>12</u> inches	<u>16</u> feet	<u>433</u> feet	Number	From	To	<u>1000</u> perforations	<u>430</u> feet	<u>390</u> feet																																						
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6. LOCATION OF WELL Sketch map location must agree with written location. <table border="1"><tr><td>N</td><td></td><td>E</td></tr><tr><td>W</td><td><u>33</u></td><td>E</td></tr></table> Subdivision Name <u>APR 09 1992</u> Lot No. _____ Block No. _____ County <u>Latah</u> Section <u>33</u> T. <u>9</u> S. R. <u>5</u> W. SW NE		N		E	W	<u>33</u>	E	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>Frank Shelby</u> Firm No. <u>326</u> Address <u>900 NW 1st Ave</u> Date _____ Signed by (Firm Official) <u>Frank Shelby</u> and (Operator) <u>Frank Shelby</u>																																																	
N		E																																																							
W	<u>33</u>	E																																																							

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

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MAR 01 2005

WATER RESOURCES
WESTERN REGION

Seneca Foods Corporation

Officers and Board of Directors of the Corporation

(As of 2/22/05)

OFFICERS OF THE CORPORATION:

<u>Title</u>	<u>Name</u>
Chairman of the Board	Arthur S. Wolcott
Chief Executive Officer and President	Kraig H. Kayser
Chief Financial Officer	Philip G. Paras
Controller/ Secretary/Asst. Treasurer	Jeffrey L. Van Riper
Asst. Secretary	Sarah S. Mortensen

BOARD OF DIRECTORS:

Arthur Wolcott
Kraig Kayser
Robert T. Brady
Douglas F. Brush
G. Brymer Humphreys
Susan W. Stuart
Andrew M. Boas
Arthur H. Baer
Thomas Paulson

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**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2005

SENECA FOODS CORP
PO BOX 460
PAYETTE ID 83661

RE: Permit No. 65-22943

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

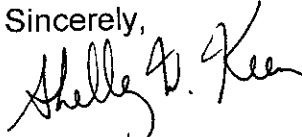
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to 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 or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

cc: MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD

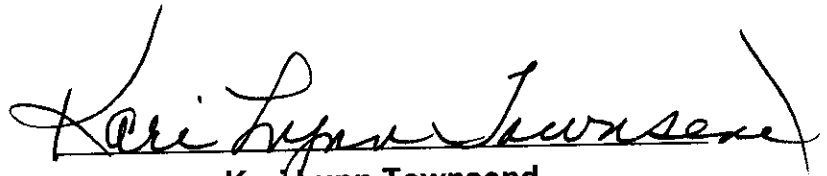
CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 65-22943

**MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD
C/O SCOTT CAMPBELL
PO BOX 829
BOISE ID 83706**

**SENECA FOODS CORP
PO BOX 460
PAYETTE ID 83661**

A handwritten signature in black ink, reading "Karl Lynn Townsend", written over a horizontal line.

**Karl Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Comment Report

65-22943

1. kwalker 6/6/2005 POD

Comment: Updated shape

2. kwalker 6/6/2005 POD

Comment: Updated PLS

3. kwalker 6/6/2005 POU

Comment: Updated Shape

4. kwalker 6/6/2005 POU

Comment: Updated Shape

5. kwalker 6/6/2005 POU

Comment: Updated PLS

6. scurtis 4/5/2005 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.
Industrial use is for a food canning operation.

7. Igraves 4/6/2005 Comment/Analysis

Comment: This application replaces lapsed permit 65-13314. The map used for the lapsed permit was copied and used for this application. The map indicates two proposed wells. Both wells were drilled during the development period for the lapsed permit. According to the applicants attorney, the well farthest west on the map is a test well (65-91-W-014) and is not included on this proposal. The easterly well is used for industrial & fire protection uses (65-91-013) and represents the p/d listed on the application. No other rights are used for the industrial or fire protection uses. The food canning operation was originally in the name of American Fine Foods Inc. Seneca Foods Corporation is a registered Idaho business entity (#C109440). A list of corporate officers and board of directors has been provided.

8. kwalker 6/6/2005 Permit Review

Comment: Application does not fall within any problem areas. Recommend approval as suggested by region.

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Idaho Falls
Pocatello
Twin Falls

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May 20, 2005

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MAY 25 2005

WATER RESOURCES
WESTERN REGION

Lori Graves
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83701

**Re: Application for Permit 65-22943 in the Name of Seneca Foods Corporation
(Lapsed Permit No. 65-13314)**
MTBR&F File No. 19640.1

Dear Lori:

The purpose of this letter is to confirm my conversation with you on May 17, 2005, concerning the above-referenced water permit application, wherein you indicated that the Department did not receive any protests to this application before the expiration of the deadline on May 9, 2005. If my understanding of this information is incorrect, please immediately let me know.

Additionally, we would request that the Department process this permit application as soon as possible. In that regard, please provide us with a projected date for completion of the processing of the application and issuance of the permit. Please also ensure that Scott Campbell with this firm is copied on all correspondence, notices, etc., pertaining to this permit application.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany M. Hudak
Paralegal

/tmh

cc: Russ Grubb

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYE

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

65-22943

SENECA FOODS CORP

P.O. Box 460

Payette ID 83661

Point(s) of Diversion SWNE S33 TO9N RO5W PAYETTE County Source

GROUND WATER

Use: INDUSTRIAL 01/01 To 12/31 2 CFS

Use: FIRE PROTECTION 01/01 To 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 03/01/2005

Place of Use: FIRE PROTECTION

TO9N RO5W S33 SWNE SENE NENW Lot 5 SENW Lot 4 NESW Lot 3 NWSE Lot 2

Place of Use: INDUSTRIAL

TO9N RO5W S33 SWNE SENE NENW Lot 5 SENW Lot 4 NESW Lot 3 NWSE Lot 2

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Industrial use is for a food canning operation.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/09/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

No. 1872

April 20, 27

duly sworn, depos

That she is the

THE INDEPENDEN

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weeks prior to the

date of first publi

Such notice was published in the issue beginning with

April 20, 2005, and ending with the issue of

April 27, 2005.

STATE OF IDAHO

COUNTY OF

On this 20th day of April

in the year 2005

before me,

a Notary Public, personally appeared

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 he executed the same.

Notary Public for Idaho

Residing at

My commission expires: 7-1-10

STATEMENT

Independent-Enterprise

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Number of Insertions

two (2)

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WESTERN REGION

No

1872

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Water Rights
TITLE OF PUBLICATION

Dept. of Water Resources
SPONSOR OF PLAINTIFF
PLAINTIFF OR LEGAL AGENT

L. Lindsay Riddick, being

duly sworn, deposes and says:

That she is the clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two (2) consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with April 20, 2005, and ending with the issue of April 27, 2005.

STATE OF IDAHO

COUNTY OF

On this 28th day of April in the year 2005 before me, a Notary Public, personally appeared Lindsay Riddick 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 he executed the same.

Lisa J. Allison
Notary Public for Idaho

Residing at Payette

My commission expires: 7-1-10

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ENVIRONMENTAL QUALITY

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APR 26 2005

WATER RESOURCES
WESTERN REGION

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

Dirk Kempthorne, Governor
Toni Hardesty, Director

April 25, 2005

Sue Kreger
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right No. 65-22943 in the name of Seneca Foods Corporation

Dear Ms. Kreger:

Thank you for the opportunity to respond to your letter dated April 14, 2005. From our review of the Application for Permit, we could not determine whether this new water source will propose the creation of a new public drinking water system, or will be considered to be a modification to an existing one. Please request that the Applicant review the following conditions to determine if the proposed well will need to be reviewed by this Department.

1. If the proposed water source will be connected to an existing public drinking water system (PDWS), the well site and well design must be approved by this office prior to construction. Per *Idaho Code* § 39-118 and the associated *Idaho Rules for Public Drinking Water Systems*, all components of public water system construction, including wells, must be designed by an Idaho registered professional engineer (engineer).
2. If the proposed source project will serve more than 24 people for more than 60 days per year, it will be considered to be part of a new PDWS. Per *Idaho Code* § 39-118 and the associated *Idaho Rules for Public Drinking Water Systems*, all components of PDWS construction, including wells, must be designed by an Idaho registered professional engineer (engineer) and approved by the Idaho Department of Environmental Quality (IDEQ) prior to construction.
2. All public water system facilities must have an engineering report and plans and specifications prepared by a registered professional engineer and submitted to DEQ for review and approval prior to construction. The engineering evaluation must cover physical factors such as source selection and construction, structures, pipelines, reservoirs, and related appurtenances. The evaluation must also cover non-structural factors such as system ownership, the ability of the initial owner to finance construction, and the ability of the final owner to finance, operate, and maintain the completed system.
3. Both the well site and plans and specifications must be approved prior to drilling. Well houses must also have construction plans and specifications approved prior to construction. We will also need to see the Permit to Appropriate Water, or an equivalent document, from the Idaho Department of Water Resources. If there are well known concerns about groundwater in that particular area, the client will be advised at that time.

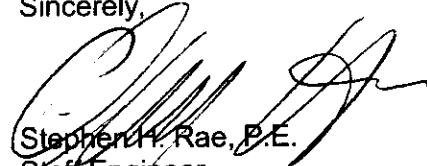
Sue Kreger
Idaho Department of Water Resources
April 25, 2005
Page 2

4. Individual service lines should be reviewed by the State Plumbing Bureau and/or the local building department.
5. The proposed well will be used in food processing. If the District Health Department determines that this source will need to an approved water system, as specified in the Unicode, the conditions presented above will apply to this project.

We recommend that you contact our office directly for each new water system. The following comments apply to new Public Drinking Water System proposed for this project.

If you have any questions, please contact me at (208) 373-0349, or via e-mail at srae@deq.idaho.gov.

Sincerely,



Stephen H. Rae, P.E.
Staff Engineer

SHR:vee G:\Engineering\Srae\Reviews\Planning and Zoning Comments\IDWR-65-22943-Seneca Foods-Payette_04-25-05.doc

cc: Charles W. Ariss, P.E., Regional Manager-Engineering, Boise Regional Office
File 24, Reading File

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 14, 2005

Legal Notice Department
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE ID 83661

RE: Application for Permit No. 65-22943

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 05/09/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

65-22943

SENECA FOODS CORP
PO BOX 460
PAYETTE ID 83661

Point(s) of Diversion SWNE S33 T09N R05W PAYETTE County Source GROUND WATER

Use: INDUSTRIAL 01/01 To 12/31 2 CFS

Use: FIRE PROTECTION 01/01 To 12/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 03/01/2005

Place Of Use: FIRE PROTECTION

T09N R05W S33 SWNE SENE NENW Lot 5 SENW Lot 4 NESW Lot 3 NWSE Lot 2

Place Of Use: INDUSTRIAL

T09N R05W S33 SWNE SENE NENW Lot 5 SENW Lot 4 NESW Lot 3 NWSE Lot 2

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Industrial use is for a food canning operation.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/09/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Independent Enterprise on April 20 and 27, 2005.

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Lori Graves
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83701

Re: Application for Permit in the Name of Seneca Foods Corporation (Lapsed Permit No. 65-13314)

MTBR&F File No. 19640.1

Dear Lori:

Enclosed please find an original Request to Process, which has been signed by Russ Grubb, Director of Operations for Seneca Foods Corporation, in the above-referenced matter. Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Tiffany M. Hudak
Paralegal

/tmh

Enclosure

cc: Russ Grubb (w/o encl.)

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April 4, 2005
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Lori Graves
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83701

**Re: Application for Permit in the Name of Seneca Foods Corporation (Lapsed Permit
No. 65-13314)**
MTBR&F File No. 19640.1

Dear Lori:

The purpose of this letter is to correct an error contained in my prior correspondence to you dated March 31, 2005, in the above-referenced matter. In that letter, I stated that the well farthest to the east of the railroad tracks was drilled for test purposes and has since been abandoned, and the westerly well is the correct point of diversion for the new water right. That statement is incorrect. The well which was abandoned is the farthest to the west of the railroad tracks, and the easterly well is the correct point of diversion for the new water right.

I apologize for any confusion this error may have caused you. If you have any questions, please do not hesitate to contact me. In the event that I am unavailable, please contact my paralegal, Tiffany Hudak.

Very truly yours,


Scott L. Campbell

SLC/tmh

cc: Russ Grubb (via Facsimile)

Moffatt Thomas

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February 28, 2005

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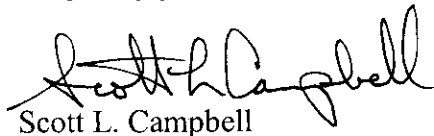
Re: Application for Permit (Lapsed Permit No. 65-13314) in the Name of Seneca Foods Corporation
MTBR&F File No. 19640.1

Dear Sir or Madam:

Enclosed please find an original and one copy of an Application for Permit in the name of Seneca Foods Corporation, together with the required attachments. Also enclosed please find a check in the amount of \$290, representing the requisite application fee. Please file the original Application, receive stamp the copy, and return it to me in the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Scott L. Campbell

SLC/tmh
Enclosure
cc: Russ Grubb (w/o encl.)