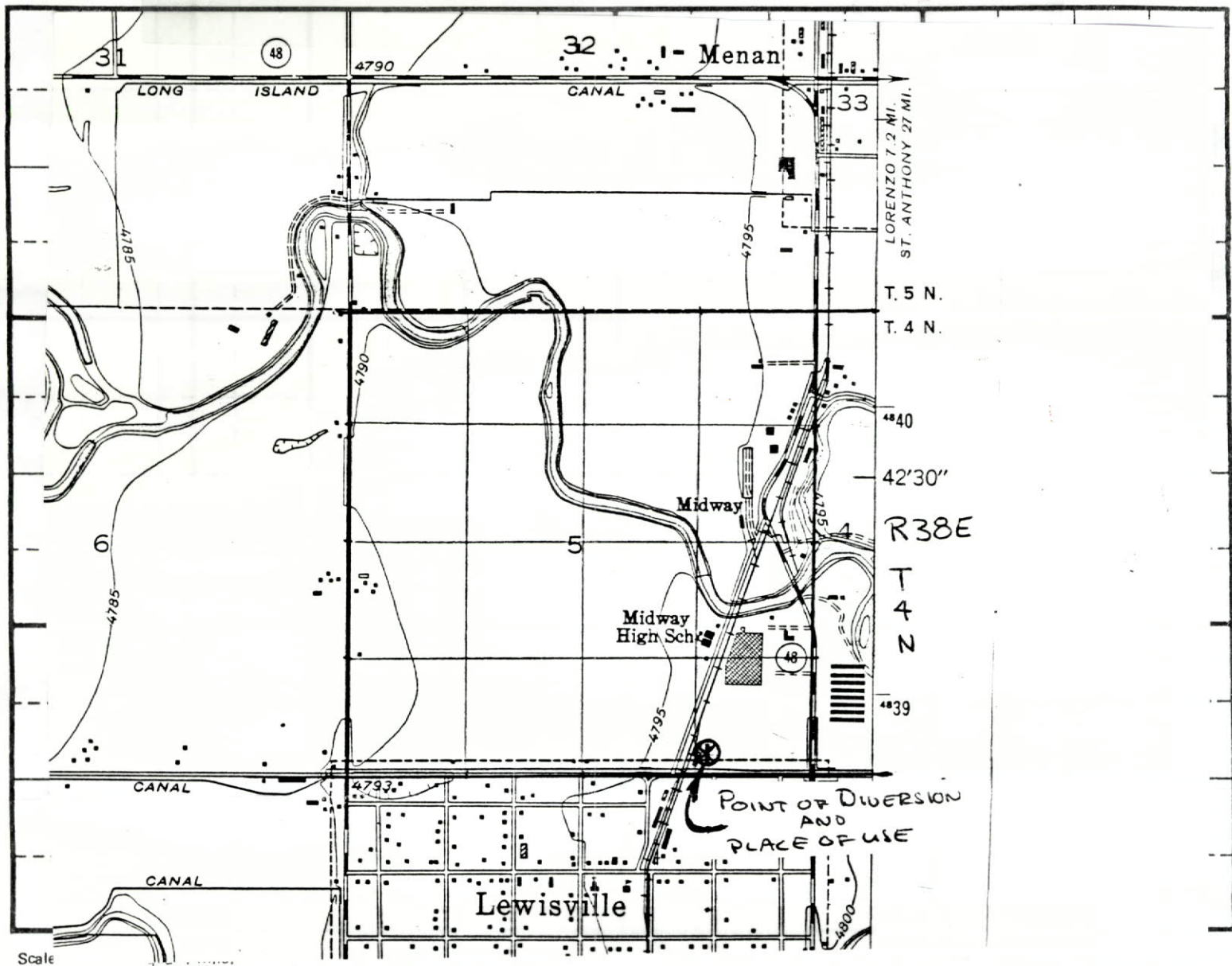


(8) Remarks _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Jefferson) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5th day of September, 1986.

Ronald J. Ball
(Claimant)

Virginia Moss
Notary Public
Residing at Lewisville, Idaho

My commission expires April 28, 1988

RECORDED

FILED 24 1988

FOR DEPARTMENT USE ONLY

Received by <u>KW</u>	Date <u>9-8-86</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KCW</u>	Date <u>9-9-1986</u>		claimant by:	
<u>2000</u> \$30.00 fee received by <u>KW</u>	Date <u>9-10-86</u> # <u>39879</u>			
Published in <u>JEFFERSON STAR</u>	<u>9-18 + 9-25-86</u>			
Dates <u>NOC, JEFFERSON STAR</u>	<u>11-6 + 11-13-86</u>			

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Cynthia Foster,
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

Notice of application # 25-4313

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on Sept 17, 1986
and the last publication having been made

on Sept 24, 1986.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Subscribed to and sworn to before me

this 20 October 1986

Livonna Dane

Notary Public.

(SEAL)

My commission expires 5-4-88

RECEIVED

OCT 21 1986

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION For Water Right

The following claim(s) have been filed
on water right(s) created by diversion
and beneficial use:

25-4313

Oregon Short Line Railroad Co.
Union Pacific Railroad
Ball Brothers Produce

c/o Ronald J. Ball

P.O. Box 69

Lewisville, ID 83431

Source: Groundwater

Diversion pt: SESE Sec. 05, Twn. 04N R
38E.

Use: commercial (0.110 CFS)

Priority Date: Nov. 11, 1942 - 11-15-42

In: SESE Sec. 05, Twn. 04N R 38E. - Sec. 05

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

s/Ken Dunn
Director

Published in the Jefferson Star, Rigby,
Idaho, Sept. 17 and 24, 1986.

RECEIVED

FEB 24 1988

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Cynthia Foster,
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

Notice of Correction

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-

ing been made on Nov 6, 1986
and the last publication having been made
on Nov 13, 1986.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

RECEIVED
NOV 25 1986
Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that Claim
to a Water Right No. 25-4313 in the name
of Oregon Short Line Railroad Co., or
Union Pacific Railroad, or Ball Brothers
Produce, Lewisville, Idaho was incor-
rectly advertised Sept. 17 and 24, 1986.
The Priority Date was advertised as be-
ing Nov. 11, 1942 and the Place of Use as
SESE 05, Twn. 04N, R. 38E.

Whereas the actual Priority Date is
Nov. 15, 1942 and the place of use is
within the SESE, Sec. 05, Twn. 04N, R.
38E.

Exceptions to a Claim may be filed
with the Director, Department of water
resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

s/A. Kenneth Dunn
Director

Published in the Jefferson Star, Rigby,
Idaho, Nov. 6 and 13, 1986.

Subscribed to and sworn to before me

this 1-24-86

Loane Lathan
Notary Public.

(SEAL)

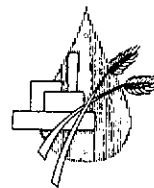
My commission expires 1-27-91

RECORDED

FEB 24 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Oregon Short Line Railroad Co. or Union Pacific Railroad or
Ball Brothers Produce c/o Ronald J. Ball (Name of Claimant)
P.O. Box 69 Lewisville, Idaho 83431 Telephone No. 208-754-4651
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) November 15, 1942

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.11 cfs</u>	Use <u>commercial</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

(4) .11 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 5 Twp. 4N Rge. 38E B.M., County of Jefferson
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. well pump mainline to potato processing plant

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	38E	5																C	

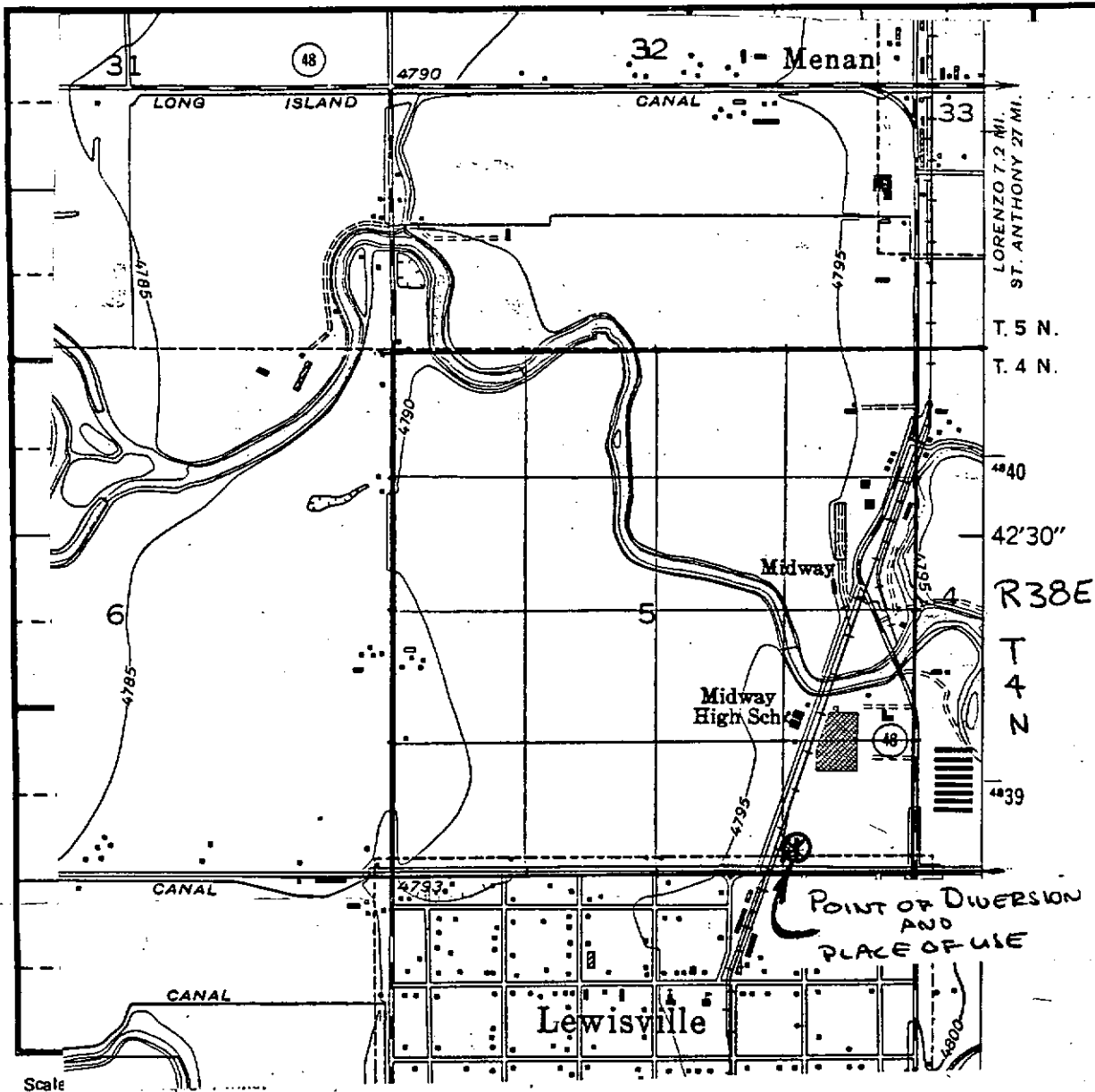
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
water used for washing potatoes, and culinary and bathroom use for personnel

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: FEB 24 1988

(8) Remarks _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Jefferson) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5th day of September, 1986.

Randolph Ball
(Claimant).

Virginia Moss

Notary Public
Residing at Lewisville, Idaho

My commission expires April 28, 1988

NOTARIAL SEAL

4-28-1988

FOR DEPARTMENT USE ONLY

Received by <u>QW</u>	Date <u>9-8-86</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KCW</u>	Date <u>9-9-1986</u>		claimant by:	
2000 \$30.00 fee received by <u>QW</u>	Date <u>9-10-86</u> # <u>39879</u>			
Published in <u>JEFFERSON STAR</u>	<u>9-18 + 9-25-86</u>			
Dates <u>11-6, JEFFERSON STAR</u>	<u>11-6 + 11-13-86</u>			

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Captal Foster
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

Notice of application #25-4313
a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for 2
consecutive issues, the first publication hav-
ing been made on Sept 17, 1986
and the last publication having been made
on Sept 24, 1986

Further, that said newspaper is one of general
circulation in said county; that it is a legal
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hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Subscribed to and sworn to before me
this 20 October 1986

Jewanna Dane
Notary Public.

(SEAL)

My commission expires 5-4-88

RECEIVED

OCT 21 1986

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
For Water Right

The following claim(s) have been filed
on water right(s) created by diversion
and beneficial use:

25-4313
Oregon Short Line Railroad Co.
Union Pacific Railroad
Ball Brothers Produce
c/o Ronald J. Ball
P.O. Box 69
Lewisville, ID 83431
Source: Groundwater
Diversion pt: SESE Sec. 05, Twn. 04N R
38E.

Use: commercial (0.110 CFS)
Priority Date: Nov. 11, 1942 - 11-15-42
In: SESE/05, Twn. 04N R 38E - Sec. 05
Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

s/Ken Dunn
Director

Published in the Jefferson Star, Rigby,
Idaho, Sept. 17 and 24, 1986.

RECEIVED

FEB 24 1988

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

RECEIVED
NOV 25 1986
Department of Water Resources
Eastern District Office

STATE OF IDAHO }
County of Jefferson } ss

I, Cynthia Foster,
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

Notice of Correction

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NOTICE OF CORRECTION

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SESE 05, Twn. 04N, R. 38E.

Whereas the actual Priority Date is
Nov. 15, 1942 and the place of use is
within the SESE, Sec. 05, Twn. 04N, R.
38E.

Exceptions to a Claim may be filed
with the Director, Department of water
resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

s/A. Kenneth Dunn
Director

Published in the Jefferson Star, Rigby,
Idaho, Nov. 6 and 13, 1986.

Subscribed to and sworn to before me

this Nov 24 1986
Loanne Leather
Notary Public.

(SEAL)

My commission expires 1-27-91

RECEIVED

FEB 24 1988

Ball Bros.
Our-  Brand
Potatoes
Box 69
Lewisville, Idaho 83431



IDAHO DEPARTMENT OF WATER RESOURCES
150 Shoup Avenue Suite #15
Idaho Falls, Idaho 83401

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

OCTOBER 6, 1986

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD
BALL BROTHERS PRODUCE
C/O RONALD J. BALL
P.O. BOX 69
LEWISVILLE ID 83431

RE: Claim No. 25-4313

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

MICROFILMED

FEB 24 1988

Enclosure

WRR100
25-4313

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
10-Sep-1986 19:17:07

01 Water Right Number - 25-4313 / 02 Old (D) Number -

LAST NAME
03001 - OREGON SHORT LINE RAILROAD CO. /
03002 - UNION PACIFIC RAILROAD /
03003 - BALL BROTHERS PRODUCE /

FIRST NAME - ORIG. OWNER
04001 - 05001 - D /
04002 - 05002 - C /
04003 - 05003 - D /

06 Add Line 1 - C/O RONALD J. BALL /

07 Add Line 2 - P.O. BOX 69 /

08 Add Line 3 -

09 City - LEWISVILLE / 10 State - ID / 11 ZIP - 83431000 /

12 Stage - 5 STATUTORY CLAIM /

13 Status -

SOURCE
14001 - GROUNDWATER /

15001 - TRIBUTARY OF

16 Diversion Means - WELL PUMP MAINLINE TO POTATO PROCESSING PLANT.

17 County - 51 JEFFERSON /

18 Diversion Capacity - .000

19 Total Diversion Rate - .110 /

20 Total Diversion Volume - .00

21 Water District -

----- DIVERSION POINTS -----													
Tract	Sec	Twn	Rng	Lot	Rfls	S T R E A M I N D E X F I E L D S							
22001 - SESE /	23001 - 05 /	24001 - 04N /	25001 - 38E /	26001 -	27001 -								
			28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

29 Non-Irrigation Use - WATER USED FOR WASHING POTATOES, AND CULINARY AND BATHROOM USE /

----- PLACE OF USE -----						
Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 10 COMMERCIAL /	31001 - 04N /	32001 - 38E /	33001 - 05 /	34001 - SESE /	35001 -	36001 -
						Total Acres: 0

----- WATER USE -----				
Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume
37001 - 0101 /	38001 - 1231 /	39001 - 10 COMMERCIAL /	40001 - 0.110	41001 - 0.00

42 Decree Plaintiff Name -

43 Decree Defendant Name -

REMARKS
44001 -

Approval Conditions: 45001 -

46 Other Rights for Same Use -

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47 Priority	- 15-Nov-1942 /	55 License	-	63 Transfer/Amended	-
48 Proof Due	-	56 Appl Received	-	64 DLE/Carey Act	-
49 Proof Made	-	57 Field Exam Made	-	65 Flag_1	-
50 Approve/Denied-	-	58 Decree	-	66 Flag_2	-

WRR100
25-4313

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
10-Sep-1986 19:17:07

----- D A T E S ----- D A T E S ----- F L A G S -----

51 Protested -
52 Hearings -
53 Verified -
54 Last Update - 10-Sep-1986

59 Start Work -
60 Order Show Cause -
61 Date_1 -
62 Date_2 -

67 Flag_3 - - - - -

1

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

K.C. Wilson

Right Number

25-4313.

Applicant

Oregon Shortline R.R. Union
Pacific RR or Ball Brothers

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS
INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO
THE CLAIMANT ALONG WITH THE APPROPRIATE COVER
LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

PROTEST DATE 10-6-86
Protest Date 11-24-86

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly. RE-AD OK-12-2-86
- ☐ Exceptions processed.

By Ernest Carlson

Date 5 Dec 86.

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____

Date _____

October 22, 1986

The Jefferson Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

We are resubmitting a legal notice to be published on Nov. 6, and Nov. 13, 1986. This notice was originally published in your paper on Sept. 17, and Sept. 24, 1986. Unfortunately, it was advertised incorrectly. The Priority Date should have been November 15, 1942 and the word "Sec." was omitted from the place of use. We, therefore, request this be readvertised at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by Nov. 24, 1986. Your cooperation in this matter is greatly appreciated.

Very truly yours,

Michele Davis
Secretary

Enclosure

MICROFILMED

FEB 24 1988

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 25-4313 in the name of Oregon Short Line Railroad Co., or Union Pacific Railroad, or Ball brothers Produce, Lewisville, Idaho was incorrectly advertised on Sept. 17, and 24, 1986. The Priority Date was advertised as being Nov. 11, 1942 and the Place of Use as SESE 05, Twn. 04N R 38E.

WHEREAS the actual Priority Date is November 15, 1942 and the place of use is within the SESE, Sec. 05, Twn. 04N, R. 38E.

Exceptions to a Claim may be filed with the Director, Department of water resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

A. Kenneth Dunn

Director

Published Nov. 6 and Nov. 13, 1986

MICROFILMED
FEB 24 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

October 9, 1986

The Jefferson Star
P.O. Box 37
Rigby, Idaho 83442

RE: Application Nos. 25-7411, 25-7412, and Claim No. 25-4313

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications and claim. The legal notices were to have been published in your paper on Sept. 18, and Sept. 25, 1986.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

MICHELE DAVIS
Office Secretary

MICROFILMED

FEB 24 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 10, 1986

The Risby Star
P. O. Box 37
Risby, Idaho 83442

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before OCTOBER 6, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

FEB 24 1988

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

25-4313

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD
BALL BROTHERS PRODUCE

C/O RONALD J. BALL, P.O. BOX 69, LEWISVILLE, ID 83431

Source: GROUNDWATER

Diversion Pt: SESE Sec 05 T 04N R 38E

Use: COMMERCIAL (0.110 CFS)

Priority Date: 11/15/1942

In: SESE Sec 05 T 04N R 38E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 9/18 & 9/25/86.

RECEIVED

FEB 24 1988

