

MEMORANDUM

TO: SRBA File A47-13606
FROM: Corey Skinner *CS*
DATE: February 10, 1997
SUBJECT: Pertinent Information

The afternoon of February 3rd, 1997, Ken Mulberry called inquiring about the possibility of transferring a water right from a cattle feedlot located near Kimberly to a potato processing plant. I examined the department's water right records and found SRBA beneficial use claim A47-13606 to be appurtenant to the feedlot that Mr. Mulberry was considering transferring the water from. I discussed the various aspects of such a transfer with Mr. Mulberry. These aspects included determining the historical water use at the feedlot and the required water use at the potato processing facility. During our telephone conversation, Mr. Mulberry stated that when water is pumped from the well at the feedlot, they typically need to run the well 24 hours a day to supply enough water.

The morning of February 5th, while in the area, I stopped by the site of the feedlot that Mr. Mulberry was considering transferring the water from. I observed that there was no livestock at the facility. I also took the attached photograph of the diversion works (note that photo date should read 97/02/05).

Today, I sent out a letter to Mr. Mulberry discussing the various aspects of the water right transfer he was considering.



* PHOTO TAKEN FEBRUARY 5, 1997 BY C.S.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-13606
Date Received: 2/02/1989
Receipt No: S005350
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO BEEF MASTERS 208-423-5556
Address: BOX H
KIMBERLY, ID 83341

2. Date of Priority: MAR 31, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	18E	20	NW	NW	SW		TWIN FALLS

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.920		

7. Total Quantity Appropriated is:
0.920 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/4000 FEEDLOT

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	18E	20	NW	SW		COMMER	

11. Place of use in counties: TWIN FALLS

A47-13606

Page 1

Date: 02/02/89

MICROFILMED

MAR 14 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A47-13606

Date Received

12-20-88

Receipt Number

5005350

RECEIVED

DEC 21 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Idaho Beef Masters Phone (208) 423-5556

Mailing Address Box H Kimberly ID Zip 83341

2. Date of Priority (Only one (1) per claim) March 31 1928

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 10S Range 18E Section 20,
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. well & pump

MICROFILMED

MAR 14 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1-1 to 12-31 amount ~~920~~ 0.92 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.920 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) C-feed lot 4000 Beef Stock

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
105	18e	20										C							

Total number of acres irrigated 0

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

or None (X)

14. Remarks:

MICROFILMED

MAR 14 1993

Last Name Idaho Kief Master Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President _____

Title

of Idaho Beef Masters Inc. _____, that I have signed the foregoing

Organization

document in the space below as President _____ of Idaho Beef Masters Inc. _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Tenneth A. Mulhony _____

Title and Organization President Idaho Beef Masters Inc. Date 12-20-88

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 20th day of December 19 88

SEAL

Notary Public Judith K. Delinger _____

Residing at Twin Falls, Id _____

My Commission Expires Aug 91 _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

MAR 14 1993

Last Name Idaho Beef Masters Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED

IN THE MATTER OF:

MAR 15 1995

ADJUCATION CLAIM

A 47-13606

Department of Water Resources
Southern Region

AFFIDAVIT

State of Idaho

County of TWIN FALLS

I, MARK S. CUMMINS

being first duly sworn,

deposes and says: THAT FOR THE PAST 20 YEARS I HAVE BEEN WORKING
WITH FEEDLOT OPERATIONS. I MANAGED A 10,000 HEAD CAPACITY LOT
IN HANSEN, IDAHO FOR 15 YEARS AND PRESENTLY LEASE TWO SMALLER
LOTS. ONE OF THE LOTS IS THE ONE ON THE PROPERTY LOCATED IN
SECTION 20, TOWNSHIP 10 SOUTH, RANGE 18 EAST B.M.. IT IS MY
OPINION THAT THE CAPACITY OF THIS LOT IS 2000 HEAD.

Mark S. Cummins
(signature)

Subscribed and sworn to before me this 15th day of March 19 95.

M. Louise Ward
(notary public)

Residing at

Shartmouth, Idaho

My commission expires

10-17-96

IN THE MATTER OF:

ADJUDICATION CLAIM
A-47-13606

State of Idaho

County of Twin Falls

AFFIDAVIT

RECEIVED

MAR 15 1995

Department of Water Resources
Southern Region

MERRILL GLENN

being first duly sworn,

deposes and says: My parents moved to this farm located in the
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 20, Township 10 South, Range 18 E. B.M.; in January 1929.

At that time the stockyards were full of cattle. I was told that
Carstens Packing Co. had started building them in 1927 and finished
in the summer of 1928. The well was drilled in the summer of 1928
when they started feeding.

My partents bought this farm in Nov. 1928. I have lived on this
farm continuously from January 1929 until November 1987.

I was part owner frm 1937 after my father died until April 1964 when
I obtained full ownership. The feedlot had cattle in it most of the
time after the time that my folks and I owned the feedlot.

There were as much as 2000 head of cattle there at any one time being
watered from the well on the property.

Merrill J. Glenn
(signature)

Subscribed and sworn to before me this 8 day of March 19 95.

M. Louise Ward
(notary public)

Residing at Murtough

My commission expires 10-18-96



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

31 (208) 736-3033

CECILIA ANDRUS

Governor PHILIP E. BATT

KEITH HIGGINSON

Director

January 11, 1995

A47-13606

IDAHO BEEF MASTERS

BOX H

KIMBERLY

ID 83341

Merrill Glend

423-4191

3424E. 3700N.

Kimberly H.

*Kimberly
Fudgett*

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

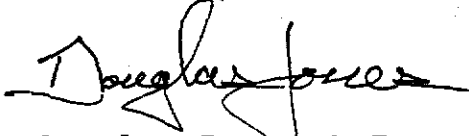
DEC 03 1996

January 11, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas Jones", written over a horizontal line.

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

DEC 03 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

**OWNER
CODE**

NAME & ADDRESS

C IDAHO BEEF MASTERS

BOX H

KIMBERLY ID 83341

(208) 423-5556

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion:

T10S R18E S20

ASPHALT

Place of use Legal Description for: COMMERCIAL

EN

T R S : Lt AC Lt AC Lt AC Lt

T R S : :
10S 18E 20 : :

POU County: TWIN FALLS

Non-Irrigation Uses: C/4000 FEEDLOT

Other Rights: NONE

Dates: **Exam Made Date:**

Misc: _____
Water District Number: _____

Verified Date:

Field Inspection Flag:
Presumption Flag:

**PRIORITY
DATE**

WATER USE

03/31/1928 COMMERCIAL

USE PERIOD
FROM TO

0.92 CFS

TOTAL DIVERSION:

Stage: BENEFICIAL USE
TWIN FALLS County

:	:	NESW	NWSW	SWSW	SESW		NESE	NUSE	SWSE	SESE	:	
:	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
:	:	---	---	---	---	---	---	---	---	---	:	
:	:							c				:

DEC 03 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A47-13606Date Received 12-26-88Receipt Number 5005350

RECEIVED

DEC 21 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Idaho Beef Masters Phone (208) 423-5556Mailing Address Box H Kimberly IDZip 833412. Date of Priority (Only one (1) per claim) March 31 19283. Source of water supply (a) Ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 10S Range 18E Section 20,
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. well & pump

MICROFILMED

DEC 14 1988

DEC 03 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1-1 to 12-31 amount 920 or 0.92
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.920 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) C-feed lot 4000 Beef Stock

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
105	18e	20										C							

Total number of acres irrigated 0

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

Last Name Idaho Beef Master Ident No. _____

MICROFILMED

MAR 1 1988

DEC 03 1986

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows, totaling 256 squares. The dashed lines are thin and light gray, contrasting with the white background of the squares. The grid is bounded by a thin black line.

~~INDEXED~~

~~742~~ 585

Last Name

John Beef Master

Ident No.

Copies: White-~~State~~, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____

of Idaho Beef Mortar Inc. Organization _____, that I have signed the foregoing

document in the space below as President Title _____ of Idaho Beef Mortar Inc. Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Tenneth A. Mulhoney

Title and Organization President Idaho Beef Mortar Inc. Date 12-20-88

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 20th day of December 19 88

SEAL

Notary Public Judith K. Delinger

Residing at Twin Falls, ID

My Commission Expires Aug 91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Idaho Beef Mortar Ident. Number _____

MICROFILMED
MAR 14 1993

Copies DEC 2 1988 State, Yellow Claimant



Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-13606
IDAHO BEEF MASTERS
BOX H
KIMBERLY

ID 83341

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

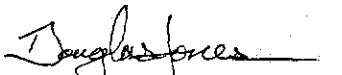
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 10, 1997

Ken Mulberry
Box H
Kimberly, ID 83341

Dear Mr. Mulberry:

Pursuant to your recent inquiry, I have researched the existing water right for the "Idaho Beef Masters" feedlot located in the Northwest Southwest $\frac{1}{4}$ of Section 20, Township 10 South, Range 18 East. Department records indicate that a beneficial use claim, A47-13606, in the name of Idaho Beef Masters has been filed in the Snake River Basin Adjudication. Included with the claim are two signed and notarized statements submitted by Mark S. Cummins and Merrill Glenn stating that the stock capacity and historical use at the feedlot was 2,000 head of cattle.

During our telephone conversation, you inquired about the possibility of transferring the water right from the feedlot facility to a potato processing facility. The transferring of water rights to different locations and different uses is possible, but such changes would be pursuant to the process outlined in §42-222, IDAHO CODE. In this process, the Department must make an accurate determination of the validity of the water right that is to be modified, and must review the proposed change(s) to insure that an expansion in the use of the original water right does not occur.

As mentioned previously, the water right at the feedlot consists of a beneficial use claim filed in the Snake River Basin Adjudication. If you decide to attempt to transfer this beneficial use claim, a thorough investigation will be necessary to determine the extent of the historical beneficial use of this water right. Items that need to be determined regarding the historical use of the water would include, but not be limited to, the following:

The number of days the feedlot is operated at capacity.

The water use, and well operation, practices at the facility

The pump size and type of water delivery system.

February 10, 1997
PAGE 2

Information concerning the water use requirements at the potato processing facility would also have to be obtained. Required information would include, but not be limited to the following:

Required water diversion rate at the potato processing facility.

Required daily, monthly, and yearly water use at the potato processing facility.

Water use methods at the potato processing facility.

In the water right transfer process, the Department can not allow an expansion in any of the following elements; diversion rate, diversion volume, and consumptive use volume of a water right.

In summary, there is the possibility of transferring the water right from the feedlot to the potato processing facility, but an accurate determination of the historical water use at the feedlot would have to be obtained. In addition, an accurate determination of the water use requirements at the potato processing facility would also have to be obtained. If the potato processing plant would require more water than historically used at the feedlot, in any of the three elements listed above, such a proposed transfer would be considered an expansion and would be denied.

If you have any questions, feel free to contact our office at your convenience.

Sincerely,



Corey Skinner, EIT
Dam Safety Section

MEMORANDUM

TO: SRBA File A47-13606

FROM: Corey Skinner *CS*

DATE: February 10, 1997

SUBJECT: Pertinent Information

The afternoon of February 3rd, 1997, Ken Mulberry called inquiring about the possibility of transferring a water right from a cattle feedlot located near Kimberly to a potato processing plant. I examined the department's water right records and found SRBA beneficial use claim A47-13606 to be appurtenant to the feedlot that Mr. Mulberry was considering transferring the water from. I discussed the various aspects of such a transfer with Mr. Mulberry. These aspects included determining the historical water use at the feedlot and the required water use at the potato processing facility. During our telephone conversation, Mr. Mulberry stated that when water is pumped from the well at the feedlot, they typically need to run the well 24 hours a day to supply enough water.

The morning of February 5th, while in the area, I stopped by the site of the feedlot that Mr. Mulberry was considering transferring the water from. I observed that there was no livestock at the facility. I also took the attached photograph of the diversion works (note that photo date should read 97/02/05).

Today, I sent out a letter to Mr. Mulberry discussing the various aspects of the water right transfer he was considering.



* PHOTO TAKEN FEBRUARY 5, 1997 BY C.S.