

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 5068
WATER RIGHT NO(S). 35-02603/35-04127/35-12670

RECEIVED

JUN 19 1998

Department of Water Resources
Eastern Region

AMENDED

This is to certify that: LAMB WESTON INC
PO BOX 489
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02603 :			
INDUSTRIAL	01/01 to 12/31	3.34 CFS	2418.1 AF
Priority: 07/07/1960			
Right No. 35-04127 :			
INDUSTRIAL	01/01 to 12/31	4.68 CFS	3388.2 AF
FIRE PROTECTION	01/01 to 12/31	4.68 CFS	
Priority: 08/12/1961			
		4.68 CFS	3388.2 AF
Right No. 35-12670 :			
INDUSTRIAL	01/01 to 12/31	2.01 CFS	1455.2 AF
Priority: 08/24/1962			
	TOTAL:	* 10.03 CFS	* 4408.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 35, Township 07S, Range 30E
SWSE , Sec. 35, Township 07S, Range 30E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 30E 35

NENW
SENW
SWSW
SWSE

NWNW
NESW
SESW

SWNW
NWSW
NWSE

CONDITIONS OF APPROVAL AND REMARKS

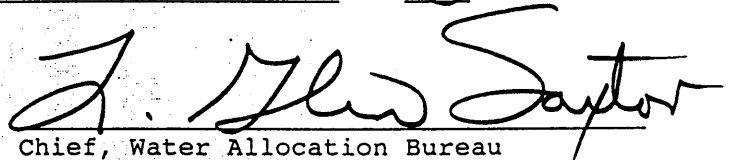
1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5068
WATER RIGHT NO(S). 35-02603/35-04127/35-12670

CONDITIONS OF APPROVAL AND REMARKS

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5068 shall not exceed 10.03 cfs, nor a total combined annual volume of 4408.0 af.
- * 6. Rights 35-02603, 35-04127 and 35-12670 when combined shall not exceed a total annual diversion volume of 4408.0 af.
7. Approval of Transfer 5068 does not confirm claimed Rights 35-04127 and 35-12670.
8. The water used for industrial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for industrial use as authorized by these water rights.
9. Industrial use includes a potato processing plant located in the W1/2SE, S35, T07S, R30E.
10. Two points of diversion are located within NWSE, S35, T07S, R30E.

Dated this 15th day of June, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02603, 35-04127 & 35-12670

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5068

DATE: May 26, 1998

Transfer 5068 adds points of diversion and changes the place of use under Rights 35-02603, 35-04127 and 35-12670. The applicant is identifying the place of use for the land application area needed to comply with water quality requirements and the use of the three wells and rights as a single combined system.

The priority of A3512670, fire protection use on 35-04127, diversion rates under 35-04127 and 35-12670, and diversion volume were adjusted according to SRBA recommendations, the transfer application and current standards. The additional place of use described for land application is not considered an enlargement of the use of these rights when water is first used for industrial use in the potato processing plant.

Recommended conditions include multiple points of diversion limits, measuring & reporting, land application limits and standard transfer conditions.

SRBA CLAIMS
NOT DECREEED
AS OF 6-1-99

MICROFILMED

JUN 02 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5068
WATER RIGHT NO(S). 35-02603/35-04127/35-12670

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JUN 05 1998

Department of Water Resources
Eastern Region

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PO BOX 489
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Priority: 07/07/1960			
Right No. 35-04127 :			
INDUSTRIAL	01/01 to 12/31	4.68 CFS	3388.2 AF
FIRE PROTECTION	01/01 to 12/31	4.68 CFS	
Priority: 08/12/1961			
		4.68 CFS	3388.2 AF
Right No. 35-12670 :			
INDUSTRIAL	01/01 to 12/31	2.01 CFS	1455.2 AF
Priority: 08/24/1962			
	TOTAL:	* 10.03 CFS	* 4408.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 35, Township 07S, Range 30E
SWSE , Sec. 35, Township 07S, Range 30E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 30E 35

NENW
SEnw
SWSW
SWSE

NWNW
NESW
SESW

SWNW
NWSW
NWSE

CONDITIONS OF APPROVAL AND REMARKS

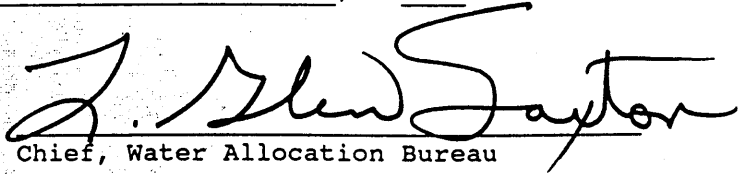
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WATER RIGHT NO(S). 35-02603/35-04127/35-12670

CONDITIONS OF APPROVAL AND REMARKS

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
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8. The water used for industrial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for industrial use as authorized by these water rights.
9. Industrial use is for a potato processing plant located in the W1/2, S35, T07S, R30E.
10. Two points of diversion are located within NWSE, S35, T07S, R30E.

Dated this 1st day of June, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02603, 35-04127 & 35-12670

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5068

DATE: May 26, 1998

Transfer 5068 adds points of diversion and changes the place of use under Rights 35-02603, 35-04127 and 35-12670. The applicant is identifying the place of use for the land application area needed to comply with water quality requirements and the use of the three wells and rights as a single combined system.

The priority of A35-12670, fire protection use on 35-04127, diversion rates under 35-04127 and 35-12670, and diversion volume were adjusted according to SRBA recommendations, the transfer application and current standards. The additional place of use described for land application is not considered an enlargement of the use of these rights when water is first used for industrial use in the potato processing plant.

Recommended conditions include multiple points of diversion limits, measuring & reporting, land application limits and standard transfer conditions.

SRBA CLAIMS
NOT DECIDED
AS OF 6-1-99


Transfer No. 5068

Name of applicant Lamb-Weston, Inc. Phone (208) 226-2301
Post Office address P. O. Box 489, American Falls, ID 83211 (2975 Lamb Weston Road)

2. Describe the reason for the proposed changes Add land application area to comply with
DEQ water quality requirements. Show
existing Wells #1, #2 and #3 as points of diversion
on all Lamb-Weston water rights.

[illegible][illegible]

PART 1

6. General Information:

a. Description of diversion system Existing wells, pumps and pipeline system with treatment ponds and land application system (see maps).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See attached Power County tax records, dated 3/14/97.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Land application area in NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 35, T7S, R30E, requested per application processing memorandum no. 61.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED: . .

Water Right No. 35-04127

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
FIRE PROTECTION	01/01 to 12/31	6.00 CFS

SOURCE

GROUNDWATER

Priority: 08/12/1961

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 35, Township 07S, Range 30E
POWER CountyPLACE OF USE: FIRE PROTECTIONTWN RGE SEC

07S 30E 35 NWSE

CONDITIONS/REMARKS:

PART 2

TRANS NO. 5068

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-02603

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
INDUSTRIAL	to	3.34 CFS

SOURCE

GROUNDWATER

Priority: 07/07/1960

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 07S, Range 30E
POWER CountyPLACE OF USE: INDUSTRIALTWN RGE SEC

07S 30E 35 NWSE

SWSE

CONDITIONS/REMARKS:

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A35-12670

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
INDUSTRIAL	01/01 to 12/31	6.69 CFS

SOURCE

GROUNDWATER

Priority: 08/01/1960

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 35, Township 07S, Range 30E
POWER CountyPLACE OF USE: INDUSTRIALTWN RGE SEC

07S 30E 35 NWSE

CONDITIONS/REMARKS:

1. WELL PUMPS ~3000 GPM.
2. A35-04127 USED AS BACKUP WELL FOR INDUSTRIAL USE AND ALSO FOR FIRE PROTECTION.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert G. Bloom
(Signature of Applicant)

Subscribed and sworn to before me this 25th day of March, 1997.

E. Laird Cluff
(Notary Public)

My commission expires 02/19/98

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by HWT Date 3-27-97 Protest filed by _____

Prelim. check by _____ Fee \$100⁰⁰

Receipted by HWT #E023063 Date 3-27-97

Published in Lewes County Press Copies of protest forwarded by _____

Pub. dates May 1 and 8, 1997 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RL

Copy of transfer sent to lien holder _____

BEEMAN & HOFSTETTER, P.C.

Josephine P. Beeman
Dana L. Hofstetter

608 West Franklin Street
Boise, Idaho 83702-5509

Telephone: (208) 388-8900
Facsimile: (208) 388-8400
e-mail: beehof@micron.net

March 10, 1997

Hand Delivered

RECEIVED

MAR 10 1997

Carter Fritschle
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Department of Water Resources

Re: Lamb-Weston
Our File No. 1785.2

Dear Carter:

This letter accompanies an Affidavit of Wally Buffi of Lamb-Weston in American Falls, Idaho. The affidavit relates to the water use described in the three SRBA claims which are also transmitted with this letter (A35-02603, Amended A35-12670, and Amended A35-04127).

If you could advise me as to the exact fee that should be submitted with these claims, Lamb-Weston will provide a check in the appropriate amount.

As you are aware, the SRBA claims describe the water rights which are part of a transfer application that Lamb-Weston would like to complete as soon as possible.

As we discussed, Mr. Buffi's affidavit addresses the Rodger Rosenquist letter from 1969 and also establishes the year-round use of diversions from Well #1 at the Lamb-Weston plant in American Falls. Lamb-Weston anticipates that the diverted volume calculation for these three SRBA claims will be important for the transfer application.

I realize we have not completed our discussions regarding Well #3 and the associated Permit 35-08669. Mr. Buffi can also attest to the fact that Wells #1 and #2 were also used for irrigation in the same manner that Well #3 under Permit 35-08669 is used. Also, Lamb-Weston will probably seek to have Well #3 added as a point of

Carter Fritschle
March 10, 1997
Page 2

diversion to the three SRBA claims. Since the priority date on Well #3 is 1988, please advise us whether the additional point of diversion can be sought through the SRBA process. It would be our understanding that the transfer application would be the appropriate process to add a point of diversion which arose after the November 1987 commencement date for the SRBA.

I appreciate your assistance with this very complicated but worthwhile effort on behalf of Lamb-Weston. Please call me if you have any questions.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Josephine P. Beeman

JPB:ja
cc: Robert Bloom
Spronk Water Engineers
D:\1785\WA02\1184

Josephine P. Beeman
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
Boise, ID 83702-5509
Phone: (208) 388-8900
Fax: (208) 388-8400
e-mail: beehof@micron.net

RECEIVED
MAR 10 1997
Department of Water Resources

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

In Re SRBA) Subcase No. A35-02603, A35-04127
) and A35-12670
Case No. 39576)
_____) **AFFIDAVIT OF WALLY BUFFI
IN SUPPORT OF SRBA CLAIMS**

STATE OF IDAHO)
) ss:
COUNTY OF POWER)

I, Wally Buffi, after first being duly sworn upon oath, depose and state that:

(1) My name is Wally Buffi. I have been employed at Lamb-Weston in American Falls, Idaho, since 1962. My current position is Plant Engineer. I have operated or supervised the use of Lamb-Weston's wells since my employment began. Lamb-Weston's American Falls Plant is served by three wells, identified as Well #1, Well #2, and Well #3. Use of the wells has remained generally the same over time.

(2) Well #1 is the main well for the plant. During my employment, Well #1 has run continuously, except for repairs and maintenance. It supplies water for potato processing when the plant is in production (about 300 to 340 days per year). Well #1 also supplies water to the cold storage condensers year-round; this water returns to the plant and is the source of water for potato production when the plant is in operation.

(3) Well #2 is used to provide backup in the event Well #1 is undergoing repair or

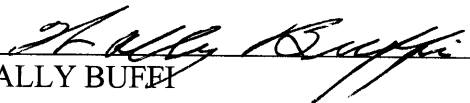
maintenance. In addition, Well #2 is used along with Well #1 for cleanup and fire protection. Cleanup operations have typically occurred at least one day per week since the plant began operation in the fall of 1961.

(4) Well #1 operates regardless of whether the Lamb-Weston plant is in production, because the condensers in cold storage must continue to operate. The actual production days themselves in a year can vary depending upon growing conditions and market conditions. The production season typically lasts at least 300 days a year, but has exceeded 340 days in some years. This mode of operation has occurred since the plant began operation.

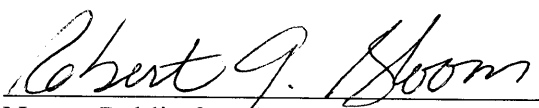
(5) I have seen the November 7, 1969 letter from Rodger Rosenquist, Production Manager at Lamb-Weston, to the Department of Reclamation (predecessor to the Idaho Department of Water Resources) in which Mr. Rosenquist estimated that Well #1 operated ten months per year. From my personal knowledge, I know that Well #1 operated year round since 1962. Mr. Rosenquist was describing the production season of the Lamb-Weston plant. He apparently did not consider the year-round use of Well #1 to supply water for the condensers in cold storage.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 6 day of March, 1997.


WALLY BUFFI

SUBSCRIBED AND SWORN before me on this 6 day of March, 1997.


Notary Public for Idaho
Residing at Chubbuck, Idaho
Commission Expires: 4-17-98

RE: Irrigated land not covered by water right 35-02602

Dear Mr. Carlson:

During a recent review of the Notice to Claim to a Water Right referenced above, the irrigated acreage I identified exceeded the acreage covered by the water right. Pursuant to Idaho Code Section 42-1426, the additional acreage may qualify for an "enlargement claim" thus allowing continued irrigation of this land. For your reference I have enclosed a copy of an overlay illustrating the land covered by the water right and the land apparently being irrigated.

To file an enlargement claim you will need to furnish evidence of when the additional land was placed under irrigation. The enclosed pamphlet entitled "Evidence of Priority" provides some guidelines for fulfilling this requirement.

Notices of Claim for the area in question are currently being reviewed by the Department prior to submitting them to the Court. Hence, the need for expediency on your part. Please call this office to schedule an appointment to meet with me if you wish to discuss this matter or obtain assistance in filing an enlargement claim.

Respectfully submitted,