

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

OCT 05 1998

TRANSFER NO. 5257
CLAIM NO(S). A35-12062/A35-12853

Department of Water Resources
Eastern Region

This is to certify that: **NONPAREIL PROCESSING CORP**
40 N 400 WEST
BLACKFOOT ID 83221

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>
Claim No. A35-12062 : COMMERCIAL Priority: 12/31/1957	01/01 to 12/31	1.00 CFS	491.0 AF
Claim No. A35-12853 : COMMERCIAL Priority: 12/31/1948	01/01 to 12/31	1.52 CFS	491.0 AF
TOTAL:		2.52 CFS	982.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (SWSE), Sec. 28, Township 02S, Range 35E
NESE , Sec. 32, Township 02S, Range 35E
Lot 3 (NWSW), Sec. 33, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

02S 35E 27	Lot 11(SWNW)	Lot 10(SENW)	Lot 12(NESW)
	Lot 12(NWSW)	Lot 15(SWSW)	
28	Lot 4(NESE)	Lot 5(SWSE)	Lot 6(SESE)
32	NESE		
33	NENE	Lot 6(NWNE)	Lot 8(SWNE)
	Lot 9(SENE)	NENW	Lot 2(SENW)
	Lot 7(SENW)	Lot 13(NESW)	Lot 3(NWSW)
	Lot 14(NWSW)	Lot 12(NWSE)	

TRANSFER NO. 5257
CLAIM NO(S). A35-12062/A35-12853

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. The water used for commercial 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 in the potato processing facility as authorized by these rights.
7. Commercial use is for a potato processing and dehydration facility.
8. Approval of Transfer 5257 does not confirm SRBA Claims A35-12062 and A35-12853.
9. Two points of diversion are located in Lot 3 (NWSW), S33, T02S, R35E.

Dated this 28th day of September, 1998

J. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: Files A35-12062 & A35-12853

FROM: Pam Skaggs/^{CS}State Office

SUBJECT: Transfer 5257

DATE: September 16, 1998 *dk*

Transfer 5257 adds points of diversion and changes the place of use to identify where land application of wastewater occurs. The application identifies the rates of diversion verified by SRBA investigation and diversion volume under each right was from the same information.

A new well will be added to the combined right system, identifying a total of 4 wells to serve this system. The application was prepared by region staff and adjustments to the place of use were made to reflect the map. Region staff confirmed that the map was correct and the application was meant to fully describe the place of use as shown.

Recommended conditions include drilling permit requirements, measuring & annual reporting, non-confirmation of claims, land application limits, and standard transfer conditions.

S.O. 6/19/98

STATE OF IDAHO

Transfer No. 5257Page 1 of 6

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Newpareil Processing Corp. Phone 208 785 5880Post Office address 40 North 400 West, Blackfoot Idaho

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Clarify Place of use (wastewater application)
2. Describe the reason for the proposed changes The pipeline carrying the wastewater to the land application site is over one half a mile long. Adding a pd near the middle or end of the system will allow easier cleaning of the system and operations.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
A	<u>35-12853</u>	<u>12-31-1948</u>	<u>1.52</u>	<u>Commercial/Dom</u>	<u>1 Jan</u> to <u>31 Dec</u>
A	<u>35-12062</u>	<u>12-31-1957</u>	<u>1.00</u>	<u>Commercial</u>	<u>1 Jan</u> to <u>31 Dec</u>
					to
					to

2. Total amount of water being transferred 2.52 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	28	2S	35E	Bingham	New Well - *
		NW	SW	33	2S	35E	Bingham	35-08910 & 35-12853 #1 & 2
		NE	SE	32	2S	35E	Bingham	35-12062 #3

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	35E	28																	
		27																	
		32																	
		33	C	C	C	C	C				C	C	C			C			

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Processing water from two Newpencil potato processing plants is comingled in a wastewater treatment facility. The water is land applied after treatment to remove the solids, by a sprinkler system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes / No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The place of use will not change.

d. Remarks:

This well will be used to clean the irrigation lines when the plant is not operating. The location of this well will allow higher pressures in the system and higher velocities than can currently be achieved during cleaning of the system.

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 _____

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A35-12062

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	01/01 to 12/31	1.50 CFS

SOURCE

GROUNDWATER

Priority: 12/31/1957

LOCATION OF POINT(S) OF DIVERSION:

NENESE , Sec. 32, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

02S 35E 32 NESE

CONDITIONS/REMARKS:

1. POTATO PROCESSING WATER IS TREATED WITH A LAND TREATMENT SYSTEM LOCATED NEAR THE FACTORIES.

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A35-12853

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	01/01 to 12/31	2.30 CFS

SOURCE

GROUNDWATER

Priority: 12/31/1948

LOCATION OF POINT(S) OF DIVERSION:

SWNWSW , Sec. 33, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL

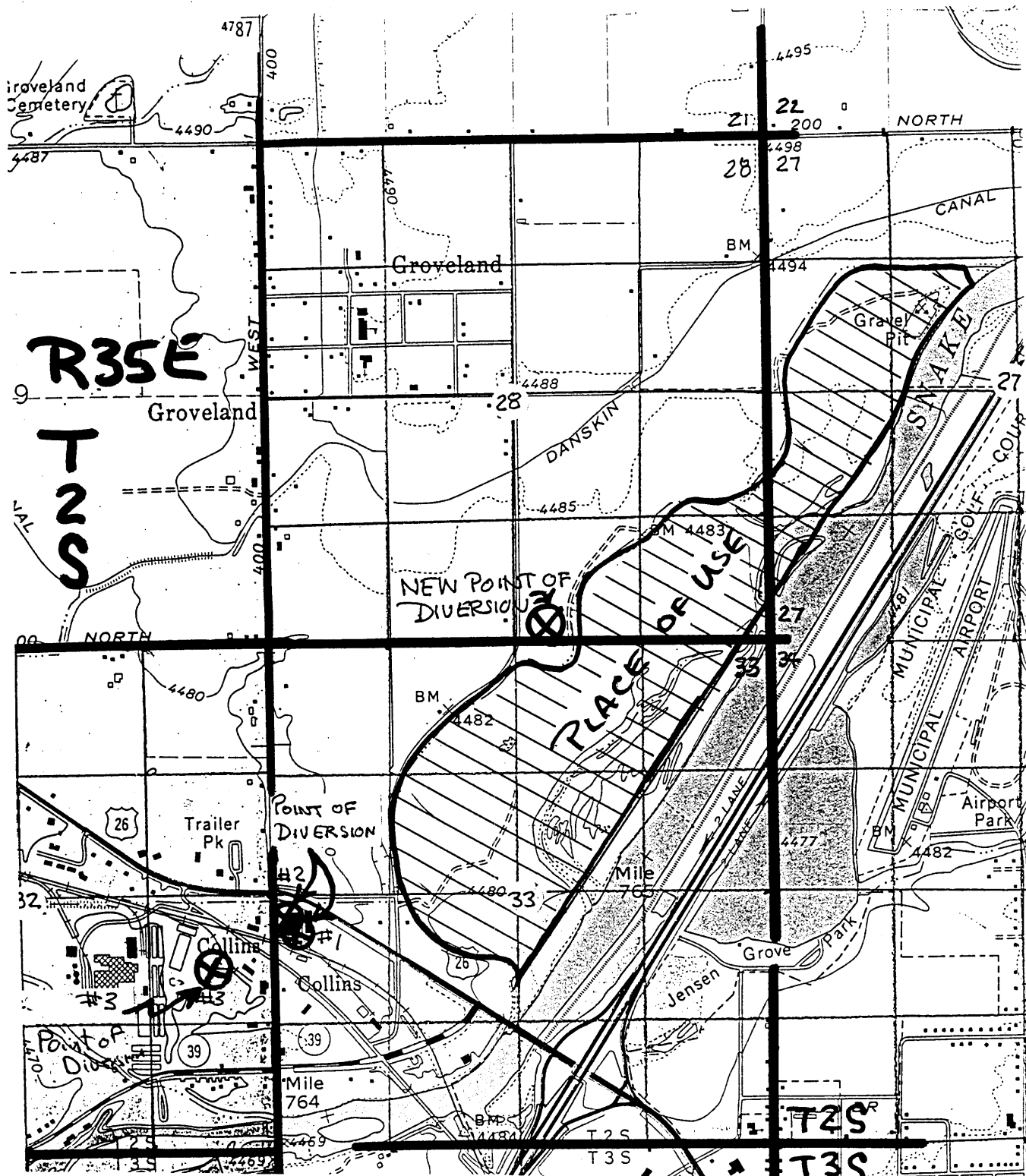
TWN RGE SEC

02S 35E 33 NWSW

CONDITIONS/REMARKS:

1. THIS NOTICE WAS ORIGINALLY NUMBER A27-11174.

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Drawn in ink.

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

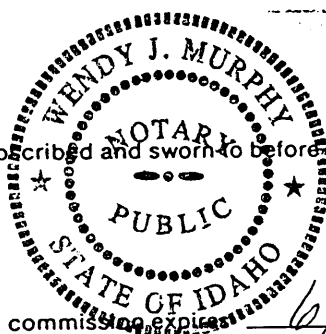
2. Quantity and quality of return flows and location of discharge:

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.

Subscribed and sworn to before me this _____ day of _____, 1998.



Walter A. Bays
(Signature of Applicant)

6th day of February, 1998.

Wendy J. Murphy
(Notary Public)

My commission expires

6/23/2000

E024002 \$100.00

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Dennis Dunn Date 27 March 1998

Protest filed by _____

Prelim. check by KW Fee 100.00 E024002Receipted by Dennis Dunn Date 27 March 1998Published in Morning News

Copies of protest forwarded by _____

Pub. dates May 7 & 14, 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

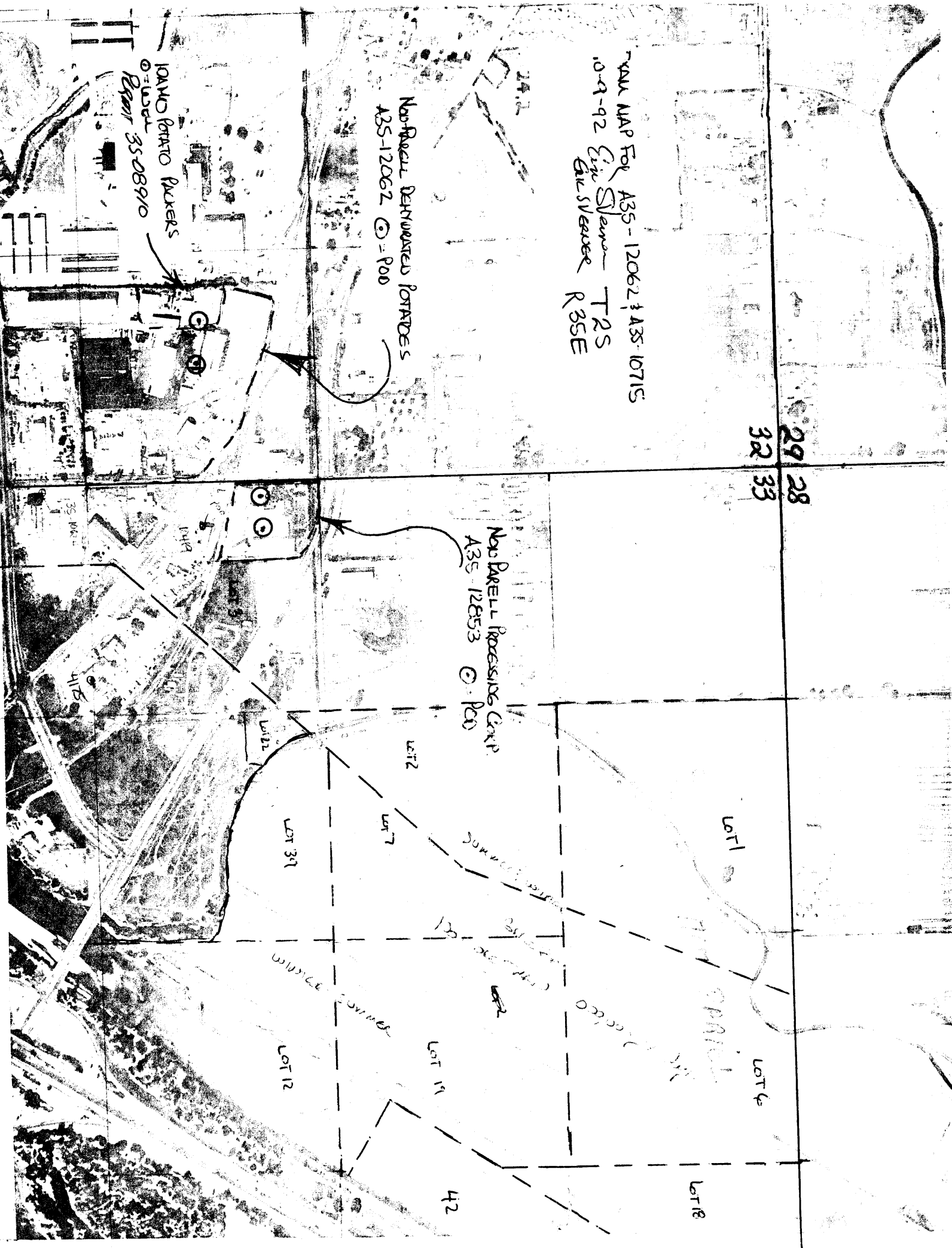
29 28
32 33

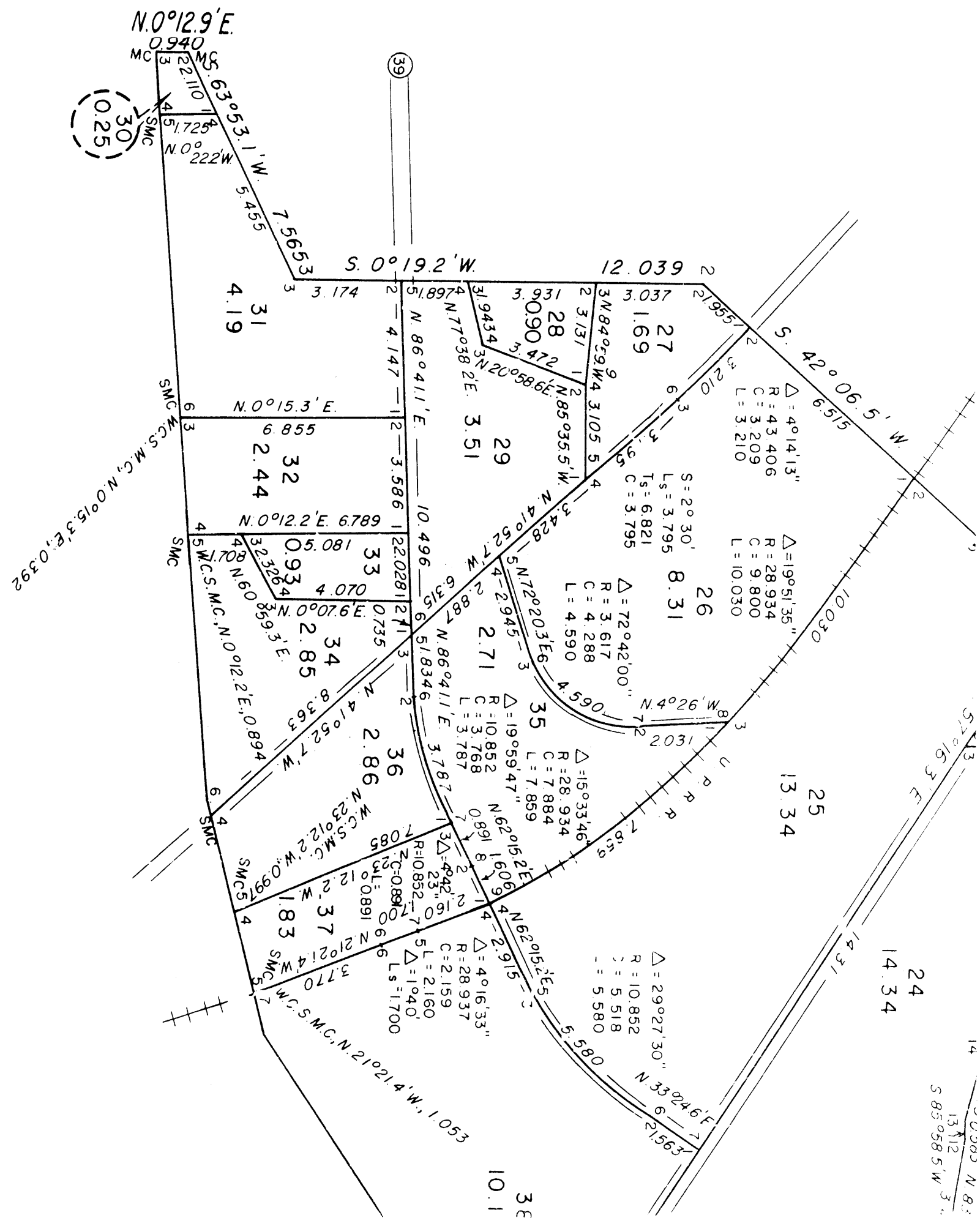
PLAN MAP FOR A35-12062 & A35-10715
10-9-92 *City of St. Louis* T2S
GIS Viewer R35E

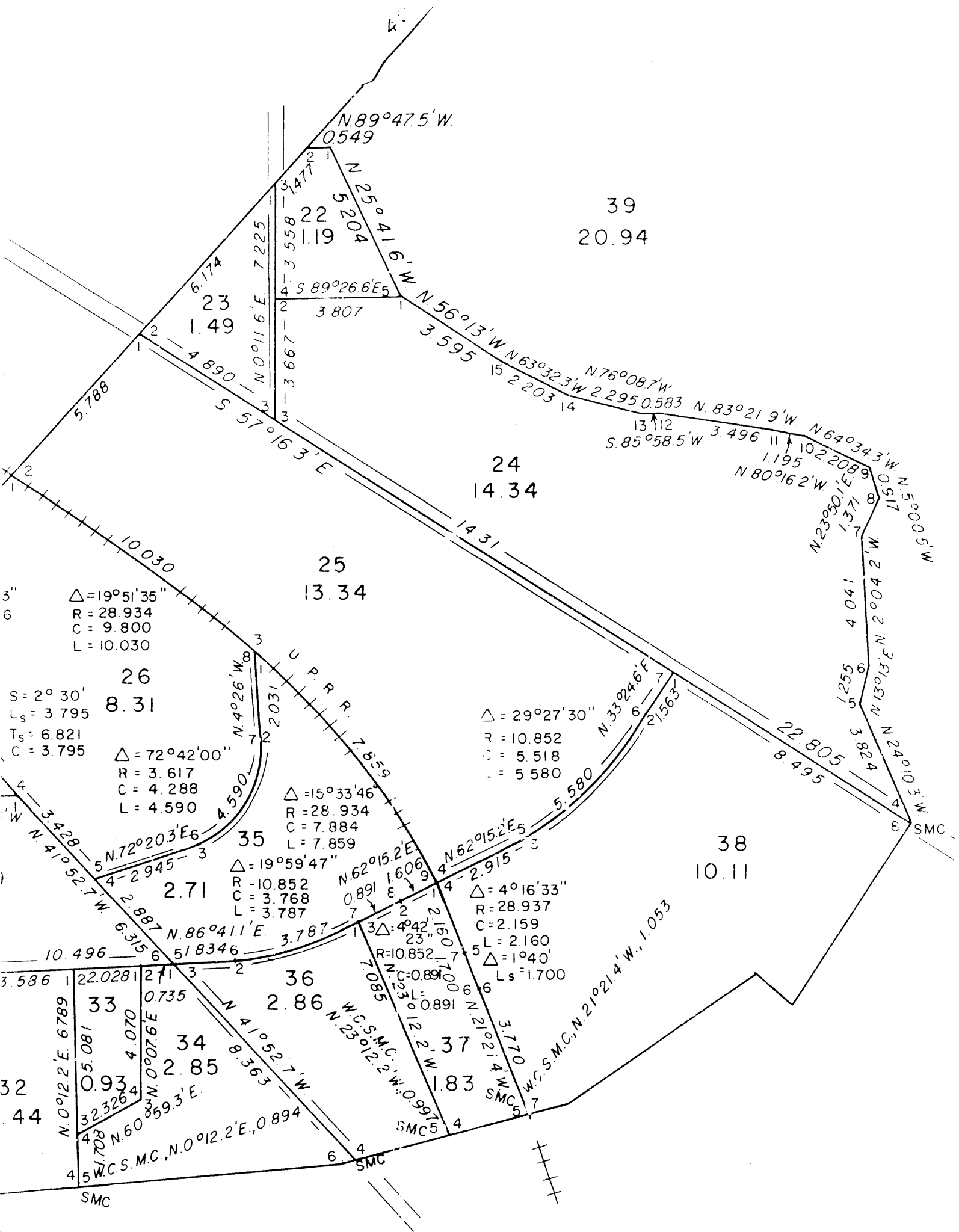
NOBARELL DEHYDRATED POTATOES
A35-12062 @ P00

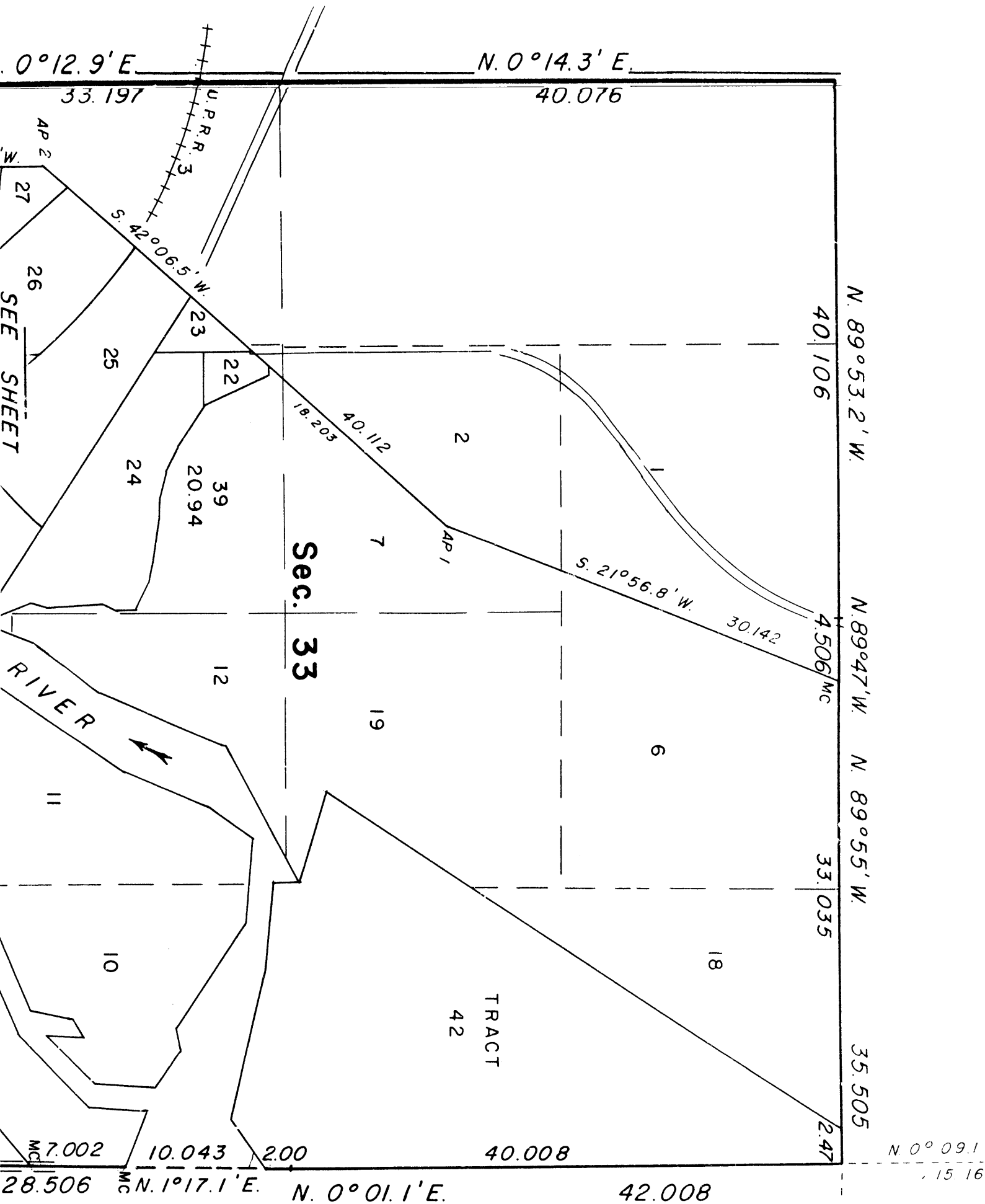
NOBARELL PROCESSING CORP
A35-12853 @ P00

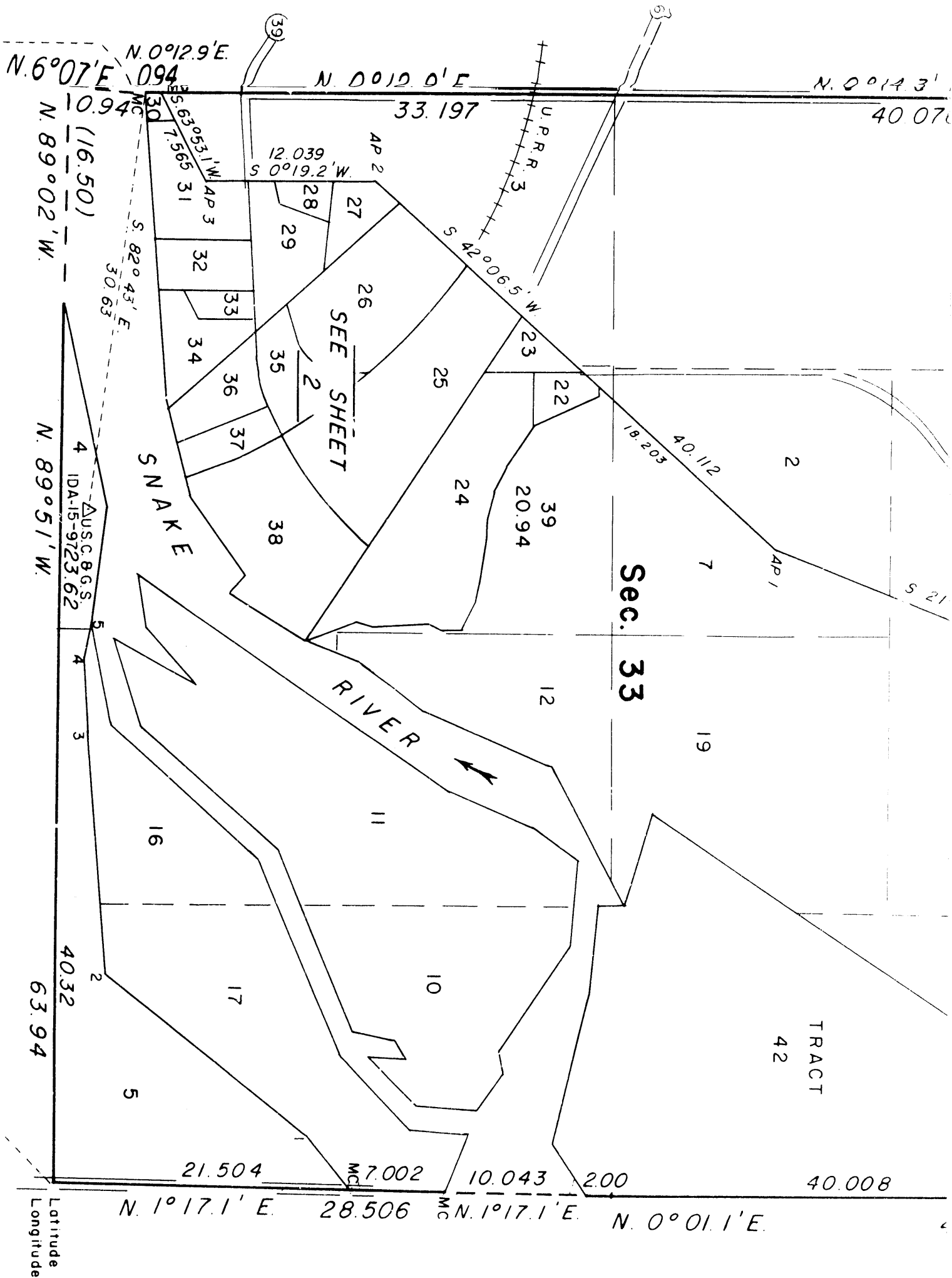
10AMO POTATO PACKERS
@-USDA
Permit 35-08910











Resurveyed by Walter H. Good in 1957

NONPAREIL

JUL 25 1991

NONPAREIL CORPORATION

40 N. 400 W. Groveland Road
Blackfoot, Idaho 83221
(208) 785-5880 1-800-824-7607

Idaho Potato Packers Corporation
Blackfoot, Idaho

Nonpareil Dehydrated Potatoes, Inc.
Blackfoot, Idaho

Nonpareil Processing Corporation
Blackfoot, Idaho

July 24, 1991

State of Idaho
Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Attention: Jo Thompson

Enclosed are "Evidence of Priority" for Water Rights Nos.
A35-12853 and A35-12062.

A35-12062 is a common well used between Idaho Potato Packers
and Nonpareil Dehydrated Potatoes, Inc. Both are owned by
First Nonpareil Corporation.

If there is anything else I need to have, please contact me
at 208-785-5880.

Sincerely,

Gary Craft

Gary Craft
Assistant General Manager
FIRST NONPAREIL CORPORATION

GC/pjc

Enclosure: As stated





NONPAREIL CORPORATION

40 N. 400 W. Groveland Road
Blackfoot, Idaho 83221
(208) 785-5880 1-800-824-7607

Idaho Potato Packers Corporation
Blackfoot, Idaho

Nonpareil Dehydrated Potatoes, Inc.
Blackfoot, Idaho

Nonpareil Processing Corporation
Blackfoot, Idaho

I, Hugh Lott, have personal knowledge and was an employee of
Robert Weber at the time the Idaho Potato Packer Corporation
well was put into operation, which was in 1957.

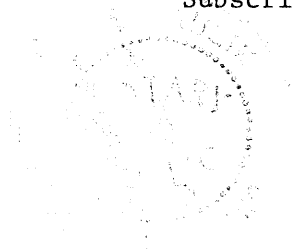
Hugh Lott
Signature

July 18 1991
Date

Subscribed and sworn to before me this 18th day of July, 1991.

Gudy A. Auble

My commission expires May, 1993



June 28, 1991

NONPAREIL DEHYDRATED POTATOES
40 N 400 W
BLACKFOOT ID 83221

RE: **Evidence of Priority** A35-12853 & A35-12062

Dear Claimant:

The Notices of Claim identified with the numbers shown at the end of this letter have been filed in the Snake River Basin Adjudication (SRBA). The Notices indicate the 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, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority dates by **July 29, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED
DEC 11 1992

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

MICROFILMED
DEC 11 1992

September 12, 1989

Nonpareil Dehydrated Potatoes, Inc.
40 N. 400 W.
Blackfoot, ID 83221

RE: Notice of Claim A35-12062

Dear Claimant:

Please find enclosed three Notices of Claim which has been computer generated based on the information from your original notice.

A critical item of the water right being claimed, the date of priority, was only partially completed in Item #2 of your notice. This is the date (month, day, year) water was first placed to beneficial use to the best of your knowledge. Because the notice only stated "prior to 1958", for data entry purposes, December 31, 1957 was used to complete the priority date.

Please review each notice for accuracy. There may be instances, in addition to the above item, where clarifications were made by the Department at the time of data entry. Should you determine that some of the items are incorrect, make the necessary corrections on the appropriate Notice of Claim, then sign the form, having your signature notarized, and return it to this office by October 8, 1989.

If you have any questions or objections regarding the computer record of your notice(s), please contact this office.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:js

Enclosure

MICROFILMED
DEC 11 1992

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME NONPAREI DEHYDRATED POTATOES CLAIM IDENT. NO. A35-1206_{v2}DATE RECEIVED 6/1/89 CK # _____ AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|--------------|----------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | _____ | _____ |
| 2. Is a priority date entered? | <u>X</u> | _____ | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | _____ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | _____ | * |
| 3. (a) Is a source entered? | <u>X</u> | _____ | * |
| (b) Is a tributary to entered? (if required) N/A <u>X</u> | _____ | _____ | _____ |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | _____ | * |
| 5. Is there a description of the diverting works? | <u>X</u> | _____ | _____ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | _____ | * |
| Is the period of use included? | <u>X</u> | _____ | _____ |
| Is a quantity claimed for each use? | <u>X</u> | _____ | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | _____ | _____ |
| 8. If required is a consumptive use entered? N/A <u>X</u> | _____ | _____ | _____ |
| Is the consumptive use correct? N/A <u>X</u> | _____ | _____ | _____ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A <u>X</u> | _____ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | <u>X</u> | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | _____ | _____ |
| 12. Is the ownership of p.u. checked? | <u>X</u> | _____ | _____ |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | _____ | _____ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A <u>X</u> | _____ | _____ | _____ |
| 15. Is the basis of the claim indicated? | <u>X</u> | _____ | _____ |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u> | _____ | _____ | _____ |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | _____ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | _____ | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | _____ | * |
| 20. Is the fee enclosed correct? Exempt <u>X</u> | _____ | _____ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A <u>X</u> | _____ | _____ | _____ |
| 22. Should this claim be data entered? | <u>X</u> | _____ | _____ |

Claim checked by: TO Date: 7/21/89Claim must be returned to claimant: _____ (Yes) X (No)Claimant must be notified of modifications: X (Yes) _____ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

FOR COMMERCIAL

Comments: (2) APPLY 12/31/1957, (10) ASSUME T2S, R35E, SEC 32, NE 1/4 SE 1/4 1
(FROM #4), (6) COMMERCIAL PURPOSES.

MICROFILMED

DEC 11 1992