

☒ Full
b10 Gbom

1:30 Oct 9th

West Gary ~~Gar~~
ASSIST. Mgr.

400 W. 400
MAIN OFFICE

A35-12853
NONPAREIL PROCESSING CORP.
40 N. 400 W. ☒

BLACKED007 IN 83221



A3512853

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(ENE)	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 *ds*

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.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

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

A. PURPOSE OF TRANSFER

- ☐ 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 applicatio
- 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		<u>SW</u>	<u>SE</u>	<u>28</u>	<u>2S</u>	<u>35E</u>	<u>Bingham</u>	<u>New Well - *</u>
		<u>NW</u>	<u>SW</u>	<u>33</u>	<u>2S</u>	<u>35E</u>	<u>Bingham</u>	<u>35-08910 & 35-12853 #1 & 2</u>
		<u>NE</u>	<u>SE</u>	<u>32</u>	<u>2S</u>	<u>35E</u>	<u>Bingham</u>	<u>35-12062 #3</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>2S</u>	<u>35E</u>	<u>28</u>										<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	
		<u>27</u>							<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>						
		<u>32</u>													<u>C</u>				
		<u>33</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>			

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Processing water from two Nonpareil 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 _____

PART 2

TRANS NO. 5257

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.

PART 2

TRANS NO. 5257

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

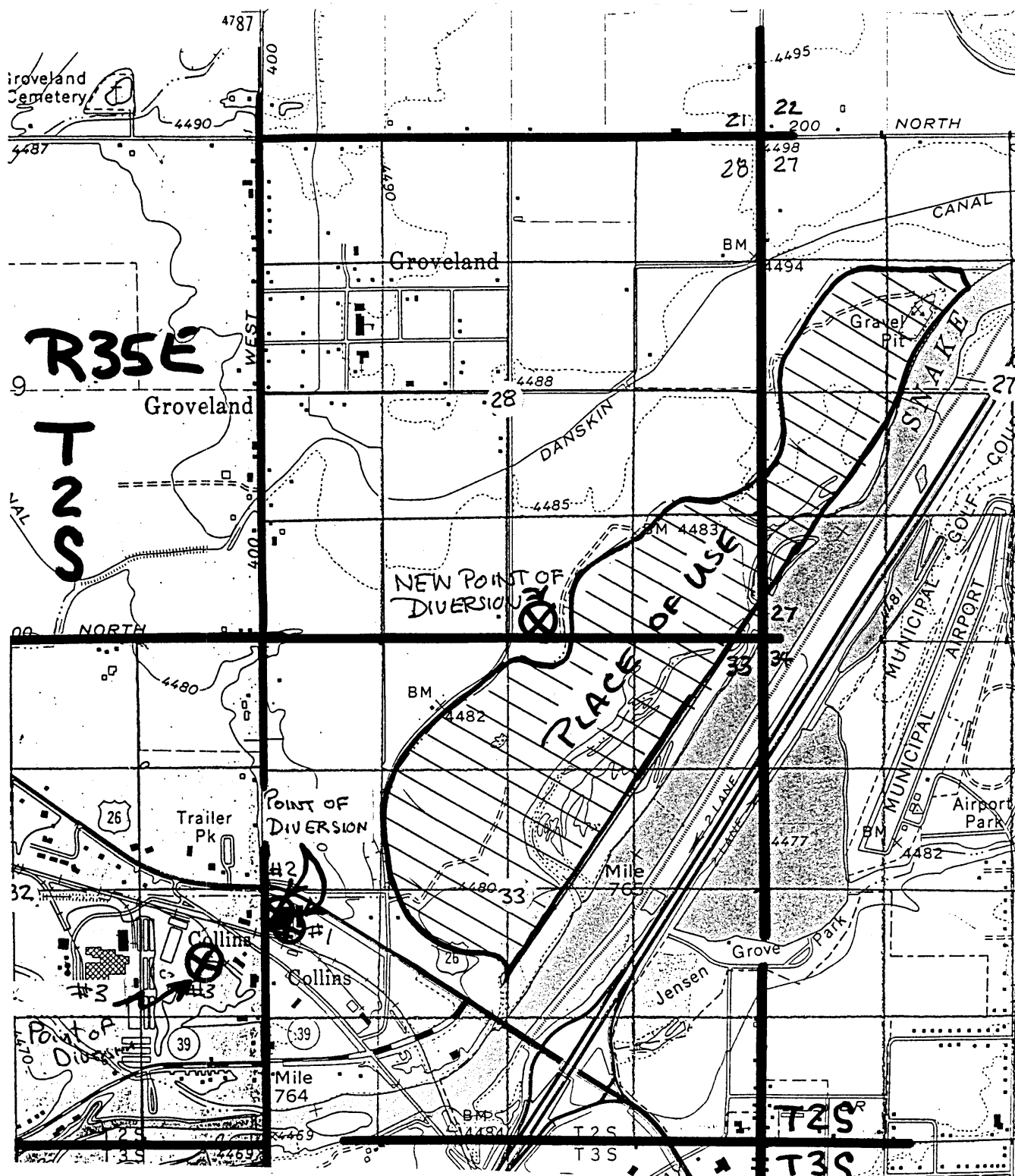
02S 35E 33 NWSW

CONDITIONS/REMARKS:

1. THIS NOTICE WAS ORIGINALLY NUMBER A27-11174.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.



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.

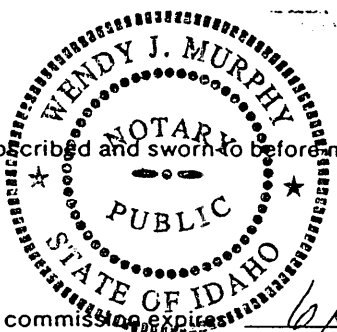
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 6th day of February, 19 98.

Walter A. Bays
(Signature of Applicant)

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 100⁰⁰ E024002Received 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 _____

10-9-92

12062, 12853

12062

Claim No.
(REMARK)

08910

- MAY 1992 - PACKED MORE 555000 μ g/box. 2 weeks.
T = 75,000 μ g.
MOST ENDS UP OUT TO FIELDS.
TECHNOLOGY 5 / 200 EMPLOYEES.

12062

- AMT. TO THE FIELD
GENERATED PROPOSED PLAN: 650,000 μ g, 100 μ g/box - 100.
T = 50,000 μ g.
47 TWO SYSTEMS FOR 100 μ g/box.
AS HIGH AS 100,000 - 50 IS 500,000
REASON 4 / APPROX: 150

12853

- 500,000 μ g/box. Non-ferrous process. 100 μ g/box.
6 μ g/box. 1. 100 μ g/box.
100 EMPLOYEES. 100 μ g/box.

Lowest cost process

Uses - cash payments

- CONVEYANCE

- STEEL USED AND BUILT 3 FIELDS

AN MAP FOR A35-12062 & A35-10715
10-9-92 City of Stevens
R35E

NOBARELL DETACHED PORTADES
A35-12062 @ = P00

JOANNO POTATO PICKERS
@ = UMBEL
P00 35-08910

NOBARELL PROSPECT COOP.
A35-12853 @ = P00

NOBARELL

LOT 39

LOT 7

LOT 2

LOT 1

LOT 6

LOT 18

LOT 14

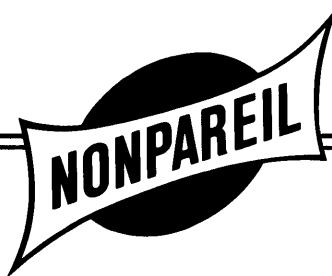
42

LOT 12

Sumner? water
Gib's HAY
10 MORE THAN

water: Sumner

line / lot 1000



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, William Serr, have personal knowledge and was an employee of Idaho Potato Starch Company at the time the Nonpareil Processing Corporation well was put into operation, which was the fall of 1948.

William Serr
Signature

7-24-91
Date

Subscribed and sworn to before me this 24th day of July, 1991.

Judy 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

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME NONPARE PROCESSING CLAIM NT. NO. A27-11174

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 _____	_____	_____
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>	<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: 7/17/89Claim must be returned to claimant: _____ (Yes) X (No)Claimant must be notified of modifications: X (Yes) _____ (No)

Receipt Prepared by: _____ Date: _____
 Claim data entered by: SS-7-20-89 Date: _____
 Sent to claimant by: _____ Date: _____
 Checked by: _____ Date: _____

Comments: (2) CODE 12/31/1947 (3) GROUNDWATER (6) CODE "COMMERCIAL" **MICROFILMED**
(10) ASSUME T2S, R35E, SEC 33 NW 1/4 SW 1/4 (FROM #4) **DEC 11 1992**

COULD THIS BE COVERED BY LIC. 35-02790?