



Land O'Lakes Farmland Feed

RECEIVED

JUL 24 2002

STEVE BUSBY
Plant Manager

Department of Water Resources 06/22/2002

Western Region
2407 Warren Avenue
Twin Falls, ID 83301

Plant: 800-328-6616
Office: 208-733-4583
Fax: 208-733-0605
Cell: 208-731-1762
sbusb@landolakes.com

www.westernfeed.landolakes.com

NOTICE OF ERROR REPLY

this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-7380D

LAND O LAKES INC-WESTERN FEED DIV
200 W MERCER STE 205
SEATTLE WA 98119
Telephone Number: (206)284-2451

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

ANNUAL VOLUME of 8.0 AFY

2. Describe the changes you wish to make in the proposed recommendation:

INCREASE DIVERSION VOLUME TO REFLECT
MORE CLOSELY THE DIVERSION RATE.

3. Give a brief explanation as to why you disagree with these portions:

DURING TRANSFER PROCESS IN 1995, IT WAS
EVIDENT WHAT NEEDS AND INTENDED USE
WAS TO BE AND WHAT REQUIREMENTS WERE.

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

7/22/02

SIGNATURE:

S. Busby

Please print your name:

STEVE BUSBY

IDWR State Office, PO Box 83720, Boise ID 83707-9815

3 CONT. OUR FACILITIES REQUIREMENTS HAVE
NOT INCREASED SINCE PLANT WAS
BUILT IN 1996.

06/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7380D

NAME AND ADDRESS: LAND O LAKES INC-WESTERN FEED DIV
200 W MERCER STE 205
SEATTLE WA 98119

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
8.00 AFY

PRIORITY DATE: 09/05/1974

POINT OF DIVERSION:
T05S R15E S35 SENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.050 CFS 8.00 AFY
COMMERCIAL USE IS FOR A FEED PROCESSING PLANT.		

PLACE OF USE: COMMERCIAL Within GOODING County
T05S R15E S35 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

TRANSFER # 4727 2/96

04/02/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7380D

NAME AND ADDRESS: LAND O LAKES INC-WESTERN FEED DIV
200 W MERCER
SUITE 205
SEATTLE WA 98119

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.05 CFS
8.0 AFY

PRIORITY DATE: 09/05/1974

POINT OF DIVERSION:

T05S R15E S35 SENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.050 CFS

8.00 AFY

COMMERCIAL USE IS FOR A FEED PROCESSING PLANT.

PLACE OF USE:

COMMERCIAL Within GOODING County

T05S R15E S35 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4727
WATER RIGHT NO. 37-07380D

This is to certify that: LAND O LAKES INC-WESTERN FEED DIV
200 W MERCER
SUITE 205
SEATTLE WA 98119

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>
COMMERCIAL	01/01 to 12/31	0.05 CFS	8.0 AF

SOURCE

GROUNDWATER

Priority: 09/05/1974

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 35, Township 05S, Range 15E
GOODING County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

05S 15E 35 SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

RECORDED

MAR 08 1996

TRANSFER NO. 4727
WATER RIGHT NO. 37-07380D

CONDITIONS OF APPROVAL AND REMARKS

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
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. Commercial use is for a food processing plant.

Dated this 29th day of February, 1996.

J. Glen Saylor
Chief, Water Alloc. Bureau

RECORDED

MAR 08 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7380 Priority September 5, 1974 Amount 7.46 cfs

THIS IS TO CERTIFY, that Harvey D. Bothoff
of Gooding, ID, has complied with the terms and conditions of Permit
No. 37-7380 issued pursuant to Application for Permit dated September 5, 1974,
and has submitted proof to the Department of Water Resources on September 5, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 20.74 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>7.46</u> cfs and	<u>1492.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 7.46 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1492.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp 5S,
Rge 15E, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, Twp 6S, Rge 15E in the County of Gooding
Government Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 6, Twp 6S, Rge 16E
Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	15E	36										30	33				39	34	136
5S	16E	31										GL 4 23							23
6S	15E	1	GL 1 40	GL 2 32		10	GL 3 20	GL 4 39	38										179
6S	16E	6						GL 4 30	GL 5 5										35

Total number of acres irrigated 373

This right when combined with all other rights shall provide no more than
.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22nd day of

June, 19 83.


Director

MEMORANDUM

TO: FILE NO. 37-07380B
 FROM: PAM SKAGGS/STATE OFFICE
 SUBJECT: TRANSFER NO. 4727
 DATE: February 23, 1996

Transfer No. 4727 was filed to change the point of diversion, place of use, nature and period of use under a portion of Right No. 37-07380B, splitting the right into parts C and D. The applicant has purchased/exchanged a portion of this groundwater right for commercial use in a cattle feed processing plant.

The original right holder exchanged the transferred portion of this supplemental groundwater right for 4 acres/shares of surface water right and other compensation. The processing plant will be built on the 4 acre site previously irrigated with surface shares.

The proposed commercial use requires a diversion rate of 0.05 cfs, 10,000 gallons per day and a total annual diversion volume of 8.0 af according to the application and documentation provided by the applicant. Using the most restrictive component of the right, in this case the consumptive use volume, 2.7 acres will be removed from irrigation in order to avoid expansion of this right through approval of this transfer.

$$8.0 \text{ af} / 3.0 \text{ af per acre} = 2.7 \text{ acres.}$$

The 2.7 acres previously irrigated with groundwater under Right No. 37-07380B will continue to be irrigated with the original surface rights and the additional shares received in the exchange. Right No. 37-07380C reflects the same 338.5 irrigated acre permissible place of use description as prior to the transfer, with the total number of authorized irrigated acres reduced by 2.7 acres to 218.7 acres.

Commercial use Requirement

$$10,000 \text{ gpd} \times 260 \text{ days} / 325,850 \text{ gal} = 8.0 \text{ afa}$$

$$0.05 \text{ cfs} = 22 \text{ gpm} \times 60 \text{ min} \times 16 \text{ hrs} = 21,120 \text{ gpd} > 10,000 \text{ gpd}$$

Change in Nature of Use Evaluation

	Rate	Acres	Div/Vol	CU/Vol
37-07380B:	4.43 cfs	221.4 acres	885.6 afa	664.2 afa
37-07380C:	4.38 "	218.7 "	874.8 "	656.1 "
37-07380D:	0.05 "	(2.7 ")	8.0 "	(8.0 afa max.)
Totals:	4.43 cfs	218.7 acres	882.8 afa	664.1 afa max.

Recommended conditions include drilling permit requirements, future measuring devices/annual reporting and standard transfer conditions.

MAR 08 1996

Avonmore
Avonmore West Inc.

1728 South 2300 East, Gooding, ID 83330
Bus: (208) 934-8195 Fax: (208) 934-8294

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FEB 28 1996

Department of Water Resources

February 21, 1996

Pamla Skaggs
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
1301 North Orchard Street, Statehouse Mail,
Boise, Idaho 83720-9000

RE: Application for Transfer No. 4727, Water Right No. 37-07380B

Dear Ms. Skaggs,

Avonmore West Inc. has agreed to transfer .05 CFS of ground water from water Right No. 37-07380B to Land O'Lakes Inc.

IDWR Adjudication Claims Proof Reading Report for Water Right Number A37-07380B, remarks item #1 states: "This right when combined with all other rights shall provide no more than .02 CFS per acre nor more than 4.0 AFA for the lands above".

It is Avonmore West's understanding that Water Right A 37-07380B is a supplemental water right and that the sale of .05 CFS of the A 37-07380B Water Right to Land O'Lakes will reduce the flow rate at this diversion from 4.430 CFS to 4.38 CFS. The 221.4 acres irrigated in the described area will be reduced by 2.7 acres to 218.7 acres. At times when surface water is not available, Proposed Right No. 37-07380C will be limited to 218.7 acres within the 338.5 acres permissible place of use described under the original right.

The transfer of this water right is contingent upon fulfillment of the conditions stated in the August 25, 1995, letter from Rick Warren of Avonmore West Inc. to Mr. Bruce Becker of Land O'Lakes.

Sincerely,

Rick Warren

Rick Warren
Environmental Manager

cc: Dave Thomas
Bjorn Sorensen
Bruce Becker, Land O'Lakes

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MAR 08 1996