

AJ0749NP
No. R35-02857B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/25/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KOCH AGRICULTURE PO BOX 967 BLACKFOOT ID 83221 (208) 785-4460	01/16/1967	INDUSTRIAL	01-01 12-31	0.23 CFS	34.00 AFA
TOTAL DIVERSION:					0.23 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02S R34E S07

SWSWNW

BINGHAM County

Place of use Legal Description for: INDUSTRIAL

		NE				NW				SW				SE			
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
02S	35E 32	:															

POU County: BINGHAM

Conditions of Approval:

- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 35:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 05/30/1995 User-ID: JTHOMPSO Subject: CHANGED OWNERSHIP
5/30/95/JT

Date: 05/01/1998 User-ID: ARUBERRY Subject: TRANSFER 5226

SCANNED
AUG 12 2005

PROFILED

AJ0749NP
No. R35-02857B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/25/98
PAGE: 2

=====
Comments: Date: 05/01/1998 User-ID: ARUBERRY Subject: TRANSFER 5226
TRANSFER NO. 5226 SPLIT 35-02857 INTO PARTS A AND B. IT ALSO
CHANGED THE PURPOSE OF USE AND PLACE OF USE. THE DIVERSION RATE
REPRESENTS 11.5 AC. OF THE ORIGINAL CLAIM, WHICH IS NO LONGER
IRRIGATED. PERIOD OF USE CHANGED FROM 04/01-10/31 TO 01/01-12/31.

Date: 05/05/1998 User-ID: ARUBERRY Subject: RECEIPT NO.
PAID UNDER RECEIPT NO. C006833

Date: 07/16/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit: 08/25/98 ARUBERRY

SCANNED
AUG 12 2005

PROFILED

[illegible]

LAST: BURKE
ADDRESS: 480 CLIFFORD
CITY: BLACKFOOT
PHONE NUMBER: 208-785-1813
OWNER CODE: 0

LAST: BURKE
ADDRESS: 839 W 100 N
CITY: BLACKFOOT
PHONE NUMBER: 208-684-4258
OWNER CODE: 0

LAST: BURKE
ADDRESS: 839 W 100 N
CITY: BLACKFOOT
PHONE NUMBER: 208-684-4258
OWNER CODE: 0

LAST: KOCH AGRICULTURE
ADDRESS:
CITY: BLACKFOOT
STATE: ID ZIP: 83221
PHONE NUMBER: 208-000-0000

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REVERSAL

0414B45E

41313

DISCUSSION

[illegible]

CLAIM REMARKS: - THIS CLAIM MEETS AN ABSTRACT FOR HIGH AGRICULTURE PURPOSE & THAT INFORMATION CAN BE MADE AVAILABLE WITH HIGH DEGREE OF THE
- Deleted

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # R35-02857B PRIORITY DATE: 01-16-1967 STAGE: L

B. WR RECORD: # 35-02857B PRIORITY DATE: 01-16-1967 STAGE: L

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

LICENSED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

~~N/A(☐) Y(☐) N(☐)~~

~~N/A(☐) Y(☐) N(☐)~~

~~N/A(☐) Y(☐) N(☐)~~

~~N/A(☐) Y(☐) N(☐)~~

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES:

LICENSED - SPLIT BY TX 5226

PRIORITY MATCHES LICENSE

RECOMMENDED PRIORITY DATE:

01-16-1967

REVIEWED BY

DATE

4/5/92

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
R35-02857B	02S	34E	7	SW	SW	NW			BINGHAM		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
A35-02858B

R PREFIX
R35-02857
R35-02857A
R35-02858B

35-02857A
35-02858B

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
35-02857B	02S	35E	32		SW	NW			BINGHAM		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

NONE

A PREFIX R PREFIX

NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)									
TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME
02S	34E	7	SW	SW	NW			BINGHAM	DIVERSION NBR
---	---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---	---
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---	---	---	---	---	---	---	---	---	---

SOURCE: GROUNDWATER TRIB:

REVIEWED BY: _____ DATE: _____
SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

CLAIM NUMBER: K35-02857B

A. ROOT WATER RIGHT NUMBERS:

K35-02857
K35-02857A

K35-02857B

B. FDD LISTING

TWP RNG SEC 1/4 1/4 LOT NAME

AJ
#/ACRES

WR
#/ACRES

LANDSAT
DATA

FDD
EXAM.

RECOMM.
ACRES

02S 35E 32

SM NW

K35-02857B / 17.0

01-00002A / 17.0

38.0

TREGO DITCH CO

TREGO DITCH CO

TREGO DITCH CO

TREGO DITCH CO

TREGO DITCH CO

TREGO DITCH CO

TREGO DITCH CO

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Industrial Use

ADDITIONAL FDD FOUND

TOTAL ACRES

K35-02857B

38.00

POU COUNTY: BINGHAM

Tx 5226 changed purpose of use of 11.5ac/0.23cfs
to Industrial use for Koch Agri.

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A01-00002A	SNAKE RIVER	TREGO DITCH CO	65.410	0.050		
A01-00052A	SNAKE RIVER	DANSKIN DITCH COMPANY	97.500	0.018		
A01-00053A	SNAKE RIVER	DANSKIN DITCH COMPANY	78.000	0.014		
A01-00092B	SNAKE RIVER	DANSKIN DITCH COMPANY	0.400			
A01-00116BB	SNAKE RIVER	DANSKIN DITCH COMPANY	0.756			
A01-00148	SNAKE RIVER	TREGO DITCH CO	4.000	0.003		
A01-00157B	SNAKE RIVER	DANSKIN DITCH COMPANY	0.800			
A01-00158B	SNAKE RIVER	DANSKIN DITCH COMPANY	7.275	0.001		
A01-00261	SNAKE RIVER	DANSKIN DITCH COMPANY	20.000	0.003		
A01-00266	SNAKE RIVER	TREGO DITCH CO	18.000	0.013		
A01-00306	SNAKE RIVER	DANSKIN DITCH COMPANY	80.000	0.015		
A01-04061	SNAKE RIVER	TREGO DITCH CO	9.890	0.007		
A01-10091	SNAKE RIVER	DANSKIN DITCH COMPANY	0.099			
A01-10092	SNAKE RIVER	DANSKIN DITCH COMPANY	0.129			

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R35-02857B	INDUSTRIAL	KOCH AGRICULTURE	FROM 04-01 TO 10-31	0.230 CFS	34.00 AF/A
A35-10905	DOMESTIC	HAROLDSON, JAMES	FROM 01-01 TO 12-31	0.040 CFS	
A35-10905	STOCKWATER	HAROLDSON, JAMES	FROM 01-10 TO 12-31	0.090 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

$$Y \left(\begin{array}{c} \text{ } \\ \text{ } \end{array} \right) N \left(\begin{array}{c} \text{ } \\ \text{ } \end{array} \right)$$

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____ () TOPOGRAPHIC QUAD, IDWR NO. _____
() NAFF, IDWR NO. _____ () AISC PHOTO; () OTHER _____

[illegible]

RECOMMENDATIONS

TOTAL ACRES: _____ N/A()

REVIEWED BY: _____ DATE: _____

A. CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	TOTAL DIVERSION RATE/VOLUME
INDUSTRIAL	FROM 04-01 TO 10-31	0.230 CFS	0.230 CFS
		34.00 AF/A	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	TOTAL DIVERSION RATE/VOLUME
INDUSTRIAL	FROM 01-01 TO 12-31	0.230 CFS	0.230 CFS
		34.00 AF/A	

- C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USER? ☐ YES ☐ NO
- D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☐ YES ☐ NO
- E. IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INQUIRY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.
- F. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? ☐ YES ☐ NO
- G. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? ☐ YES ☐ NO
- H. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? ☐ YES ☐ NO

- I. IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.
- J. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☐ YES ☐ NO
- K. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? ☐ YES ☐ NO

NOTES:

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

CLAIM NUMBER: K35-02867B

10

AJ CLAIM TOTAL DIVERSION RATE: 0.230 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.230 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AE/A

ACRES _____ x DIVERSION VOL. AE/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AE/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AE/A

ACRES _____ x CONSUMPTIVE VOL. AE/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

WR RECORD CONDITIONS/REMARKS:

- 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - 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.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CCS	REC. DIV VOL. AE/A	REC. CONS. USE
INDUSTRIAL	04-01 10-31	DATABASE 0.230 EXAMINER	DATABASE 34.00 EXAMINER	DATABASE 0.0 EXAMINER
TOTAL FOR THIS RIGHT		0.230		0.0
NON-IRRIGATION USES CLAIMED:				
NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()				

REVIEWED BY: _____
DATE: _____
FLAG: _____
STANDARD CONDITIONS (CODE): _____
STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	()	()
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-02857

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 4.680 EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
35-02857	-	-	R35-02857	4.680	35-02857A	4.450
-	-	-	R35-02857A	4.450	35-02857B	0.230
-	-	-	R35-02857B	0.230	-	-
TOTAL CFS				9.360		4.680

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW (___) OR SEE ATTACHMENT (___)?

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

35-02857 SPLIT BY TX 5226. This is part 'B' for 0.23 cfs, 34 ARA
All is well - CLAIMED IN FULL

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USES AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IOWA
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:09:41
05/05/98

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: R35-028578

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:15:56
05/05/98
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: R35-02857B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KOCH AGRICULTURE	01/16/1967	INDUSTRIAL	04-01 10-31	0.23 CFS	34.00 AFA
TOTAL DIVERSION:					0.23 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02S R34E S07

SWSWNW

BINGHAM County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE			
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	Nese	NWse	SWse	SEse
				Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
02S	35E	32	:							I									

POU County: BINGHAM

Remarks: ~~GEN THIS CLAIM NEEDS AN ADDRESS FOR KOCH AGRICULTURE BEFORE A FINAL RECOMMENDATION CAN BE MADE. DELETE THIS NOTE UPON RECEIPT OF THE ADDRESS AND PHONE NO...ETC.~~

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 05/30/1995 User-ID: JTHOMP30 Subject: CHANGED OWNERSHIP
5/30/95/JT

Date: 02/30/1998 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
RIGHT NO. 35-028598 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 231 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

09:15:56
05/05/98
18

CLAIM NUMBER: K35-02857B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 18
PROFILE REPORT CONTINUED

Comments: Date: 03/30/1998 User-ID: ARUBERRY Subject: COPIED FROM RHMARKS
USE OF THIS RIGHT WITH RIGHT NO. 35-02858B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1232 AF, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 924 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 306 ACRES IN A SINGLE
IRRIGATION SEASON.

OK

Date: 05/01/1998 User-ID: ARUBERRY Subject: TRANSFER 5226
TRANSFER NO. 5226 SPLIT 35-02857 INTO PARTS A AND B. IT ALSO
CHANGED THE PURPOSE OF USE AND PLACE OF USE. THE DIVERSION RATE
REPRESENTS 11.5 AC. OF THE ORIGINAL CLAIM, WHICH IS NO LONGER
IRRIGATED.

Audit: 05/04/98 ARUBERRY

2

NEEDS:

① FIELD EXAM:

- a.) Div. works
- b.) Div. RATES (MONSURED)
- c.) PURPOSES OR USE

② Photos:

- a.) POD
- b.) POU

③ CONTACT PERSON

SCANNED

AUG 12 2005

PROTECTED

25 August 1998

Koch Agricultural
% Jason Russell
PO Box 967
Blackfoot ID 83221

Re: Notice of Error, 35-02857B

Dear Mr. Russell:

The Department of Water Resources has received the Notice of Error for the water right referenced above. You indicate that the Period of Use should read 01/01-12/31, instead of 04/01-10/31. I have corrected the recommendation to read 01/01-12/31, per Transfer No. 5226. A copy of the new recommendation is enclosed for your records.

Thank you for your response to the Notice of Error. Should you have further questions regarding your water rights please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resources Agent
Adjudication Bureau

cc: file

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AUG 12 2005



KOCH FISHER MILLS, L.L.C.

C:\WINDOWS\START MENU\RESOURCES\KPMFAX.DOC

TO:	DEPT OF WATER RESOURCES - EAST
COMPANY:	
FAX:	2085257177
PHONE:	
CC:	

FROM:	JASON W. RUSSELL
PHONE:	316-828-2859
FAX:	316-828-6235
PAGER:	888-214-9875
EMAIL:	RUSSEL0J@KOCHIND.COM
Time:	09:20
Date:	08/21/98
Pages w/	1
Cover:	

SUBJECT:	ERROR ON WATER RIGHT # 35-02857B
REMARKS:	☐ URGENT ☐ REPLY ASAP ☐ PLEASE CALL ☒ FOR REVIEW ☐ PLEASE COMMENT

AFTER REVIEW OF THE PRELIMINARY RECOMMENDATION, IT WAS FOUND TO LIST THE PERIOD OF USE INCORRECTLY AND WAS STATED AS 4/1 TO 10/31. THE ACTUAL PERIOD OF USE SHOULD BE STATED AS 1/1 TO 12/31. PLEASE CORRECT ON YOUR RECORDS ACCORDINGLY.

ATTACHED IS THE NOTICE OF ERROR REPLY FORM SENT OUT BY YOUR OFFICE. I AM MAILING IN THE ORIGINAL TO BACKUP THIS FAX.

I NEED TO UNDERSTAND FUTURE STEPS TO FOLLOW THROUGH ON THIS CORRECTION. WOULD YOU PLEASE HAVE A REPRESENTATIVE GIVE ME A CALL AT THE NUMBER ABOVE.

LET ME KNOW IF YOU HAVE QUESTIONS.

THANKS

JASON

RECEIVED
AUG 24 1998
Department of Water Resources
Eastern Region

ORIGINAL

PROFILED

SCANNED
AUG 12 2005

al

July 17, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out 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: August 14, 1998

Water right number: 35-02857B

KOCH AGRICULTURE
PO BOX 967
BLACKFOOT ID 83221

c/o JASON Russell

FAXED
8/21/98

Daytime Telephone Number: 316-828-2859

Evening Telephone Number: 316-729-4379

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

Period of use - Chg to 01/01 to 12/31

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

Chg use date from 4/01 - 10/31
to
01/01 & - 12/31

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

INDUSTRIAL/Commercial use - year round
manufacturing use.

ORIGINAL

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

DATE: 8/14/98 SIGNATURE: Jason W Russell
Please print your name: JASON W Russell

Period OF USE CHANGED TO Comply w/ Tx 5226, as 01/01 to 12/31.

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

cc: MAIL **PROFILED**

SCANNED 208-525-7177
AUG 12 2005

TO: ALLEN RUBERRY

May 12, 1998

FROM: KEITH C. WILSON

RE: KOCH AGRICULTURAL RIGHT A35-02857B

I CALLED 785-4460 AND TALKED WITH CRAIG GOODWIN. MR GOODWIN TOLD ME THAT THE WELL WOULD BE DRILLED IN THE NEXT COUPLE OF MONTHS, AND WILL GO ON LINE IN DECEMBER 1998.



KEITH C. WILSON
SENIOR RESOURCE AGENT

*Field exam pending development is not needed
per BME 8/25/98. Recommend claim per TX 5226,*



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AUG 12 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 5, 1998

KOCH AGRICULTURE
PO BOX 967
BLACKFOOT ID 83221

RE: Transfer #5226 (water right A35-02857)

Dear Sirs:

The Idaho Department of Water Resources (IDWR) approved Transfer #5226, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice of Claim

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AUG 12 2005

DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

MAY 04 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Water Right Number(s) 35-028578
Adjudication Claim Number(s) A35-02857
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE**, or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY or SURVEY MAP** for parcel of ten acres or less. (These are usually on file with the county.)
 - OR**
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a **USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Todd Burke
839 West 100 North Blackfoot, Id 83221

4. New Owner/Claimant(s) Koch Agriculture Company
New Mailing Address P.O. Box 967
City, State and ZIP Code Blackfoot, Id 83221
New Telephone Number (208) 785-4460

5. Date you acquired the property April 28, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 11.5 Number and type of stock N/A
Diversion rate in CFS 0.23 Number of homes N/A Other uses Industrial
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Chris Welch Date 5/1/98
all Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

PROFIT

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AUG 12 2005

AGREEMENT TO CONVEY WATER RIGHTS

This Agreement between Koch Agriculture Company, a Nebraska corporation with its principal place of business located at 4111 East 37th Street North, Wichita, Kansas 67220 ("Koch") and Todd Burke, an individual with an address of 839 W. 100 N., Blackfoot, ID 83221 ("Burke").

WHEREAS, Koch wishes to purchase and Burke wishes to sell, pursuant to the terms of this Agreement certain described water rights.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, Koch and Burke agree as follows:

I. Conveyance of Water Rights

1.1 **Description of Water Rights.** Burke hereby conveys to Koch and Koch hereby purchases Burke's right, title and interest in the water rights from the two parcels of property described as follows (hereinafter referred to as "Water Rights"):

Right Number: 35-02857(B)

Quantity: 0.23 cfs

Property Descriptions of real estate from where the Water Rights are being conveyed:

East Parcel

Part of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 7, Township 2 South, Range 34 East of the Boise Meridian, Bingham County, Idaho described as follows:

Beginning at the North Quarter corner of said Section 7 and running thence S.89°55'08"W. 819.81 feet along the section line to a point on a curve; thence southeasterly 1211.23 feet along said curve to the right, Curve Data: Delta = 49°45'04", Radius = 1394.91 feet, Chord bearing = S.44°25'11"E. 1173.53 feet to the East line of the Northwest Quarter of said Section 7; thence N.00°06'23"W. 839.34 feet along said East line to the point of beginning.

Parcel contains 5.55 acres.

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AUG 12 2005

West Parcel

Part of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 7, Township 2 South, Range 34 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at the Northwest Quarter of said Section 7 and running thence N.89°55'08"E. 841.57 feet along the section line to a point on a curve; thence southwesterly 1279.59 feet along said curve to the left, Curve Data: Delta = 52°33'32", Radius = 1394.91 feet, Chord bearing = S.42°51'14"W. 1235.19 feet to the West line of said Section 7; thence N.00°05'36"W. 904.32 feet along said West line to the point of beginning.

Parcel contains 5.98 acres and is subject to the existing County Road right-of-way along the West side of the above described property.

1.2 **Seller's Warranty.** Burke hereby warrants that he is the true and lawful owner of the Water Rights described above and such Water Rights are free and clear of any mortgage, lien, security interest, or encumbrance of any other kind. Burke shall make, execute, acknowledge and deliver to Koch, in a form acceptable to Koch's attorneys any document as may be reasonably necessary to transfer all of the purchased Water Rights free and clear of all mortgages, security interests, liens, charges and encumbrances.

II. Purchase Price

2.1 **Purchase Price.** As consideration for the conveyance of the water rights as set forth in Article I above, Koch hereby agrees to pay, within 15 days of the date set forth below, the sum of Six Thousand Dollars (\$6,000.00).

2.2 **Taxes.** Burke is responsible for and shall defend, indemnify and hold Koch harmless against all taxes arising by reason of or which are attributable to Burke's sale of the Water Rights.

III. Miscellaneous Provisions

3.1 **Amendment.** This Agreement may be amended, but only by mutual written agreement of the parties. Either party hereto may waive any rights to which it is entitled under this Agreement, but such waiver shall be in writing and be strictly limited to the part waived.

3.2 **Applicable Law.** This Agreement and the legal relations between and among the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho.

PROFILE

SCANNED
AUG 12 2005

3.3 **Entire Agreement.** This Agreement embodies the entire Agreement and understanding of the parties hereto in respect of the subject matter contained in this Agreement; and this Agreement supersedes all prior agreements and understandings between the parties with respect to such subject matter.

3.4 **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which executed counterparts together shall constitute one Agreement.

3.5 **Construction.** This document is prepared at the mutual request and instruction of both parties and shall be interpreted in accordance with equity and good conscience and not strictly against either Burke or Koch. If any portion of this Agreement should be adjudged illegal or unenforceable, the remainder of this Agreement shall continue to be enforceable.

3.6 **Survival of Representations.** All representations and warranties, and covenants contained in this Agreement shall survive the date of this Agreement and be binding upon the heirs, successors or assigns of the parties to this Agreement.

IN WITNESS WHEREOF, Burke and Koch have each caused this Agreement to be signed on the day, month, and year written below.

Koch Agriculture Company:

Todd Burke:



Name:

Title:

Date: 5-4-98

Date:

5/4/98

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AUG 12 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5226
WATER RIGHT NO. 35-02857B

This is to certify that: **TODD BURKE**
839 W 100 N
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>
INDUSTRIAL	01/01 to 12/31	0.23 CFS	34.0 AF

SOURCE
GROUNDWATER

Priority: 01/16/1967

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

02S 35E 32

SWNW

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 accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. Industrial use is to temper grain for milling purposes.

Dated this 28th day of April, 1998.

[Signature]
Chief, Water Allocation Bureau

SEARCHED

AUG 12 2005

PROFILE

MEMORANDUM

TO: File 35-02857

FROM: Pam Skaggs/State Office *7943*

SUBJECT: Transfer 5226 *S.O.*

DATE: April 27, 1998

Transfer 5226 changes the point of diversion, place, nature and season of use under a portion of Right 35-02857, splitting the right into Parts A and B. The applicant is selling a portion of his irrigation right to Koch Industries for use in a grain tempering facility.

Standard diversion and consumptive use volumes were used to evaluate the change in nature of use. Year round use was also allowed for industrial use. Recommended conditions include drilling permit requirements and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Acres</u>	<u>Div.Vol./C.U. Vol</u>
35-02857	4.68 cfs	234.0 acres	819.0 afa (@3.5 afa)/702.0 afa
Part A	4.45 cfs	222.5 acres	768.3 afa (@3.5 afa)/667.5 afa
Part B	0.23 cfs	(11.5 acres)	34.0 afa/ ? (34.0 afa maximum)
Total	4.68 cfs	222.5 acres	802.3 afa/ 701.5 afa maximum

*Should it this
be 4 AF/acre?*

Change results in a reduction of irrigated acres, diversion and consumptive use volumes.

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AUG 12 2005

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

35-02857B

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.23 cfs for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	7	2S	34E	Bingham	

3. 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	34E	7					5.5	6											11.5

Total acres 11.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

35-02857A

1. amount 4.45 cfs for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	7	2S	34E	Bingham	

3. 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	34E	7					30.5	33	39	39	39	39	39	38					296.5

SCANNED
AUG 12 2005

* Limited to 219.5 acres within Permissible P.O.U. Total acres 296.5

PART 1

6. General Information:

a. Description of diversion system Well + pump to 3 Facilities for the
tempering of grain

Done b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:

This ground will now be dry farm

d. Remarks:

11.5 acres of the original place of use will be dned up. 0.23 cfs
originally appurtenant will be transferred to a grain processing
facility.

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 _____

PROFILED

SCANNED
AUG 12 2005

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: A35-02857B
Date Received: 5/17/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: KOCH AGRICULTURE
Address: PO BOX 967
BLACKFOOT ID

83221

208-785-4460

2. Date of Priority: JAN 16, 1967

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	34E	7	SW	SW	NW		BINGHAM

5. Description of diverting works:
WELL W/ 18" CASING AND 200 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	04/01	10/31	0.230		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	35E	32	SW	NW		INDUST	

11. Place of use in counties: BINGHAM

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

A35-02857B

Page

1

SCANNED Date: 05/05/98

AUG 12 2005

PROFILED

A3502857B



13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP 5/30/95/JT/GT

RIGHT IS SPLIT BY TRANSFER 5226, INTO PARTS A AND B AS:

A35-02857, 4.68 CFS, 308.0 AC. T. BURKE

A35-02857A, 4.45 CFS, 296.5 AC T. BURKE

A35-02857B, 0.23 CFS, INDUST. USE, KOCH AGRICULTURE

TOTAL 4.68 CFS, CFS IS CLAIMED IN-FULL
TRANSFER 5226 CHANGES THE PURPOSE OF USE OF 0.23 CFS, TO KOCH AG.

15. Basis of Claim: LICENSE

Water Right Number: 33427

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AUG 12 2005

Water Right Number - R35-028578

Prefix Translation: RESEARCH

Old (D) Number - 33427

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
KOCH AGRICULTURE

1 - PO BOX 967

2 -

3 -

City- BLACKFOOT

State- ID Zip- 83221

Phone - 208-785-4460

*** O - ORIGINAL OWNER ***
BURKE

DARRELL

1 - 480 CLIFFORD

2 -

3 -

City- BLACKFOOT

State- ID Zip- 83221

Phone - 208-785-1813

BURKE

W TODD

1 - 839 W 100 N

2 -

3 -

City- BLACKFOOT

State- ID Zip- 83221

Phone - 208-684-4258

BURKE

VIRGINIA

1 - 839 W 100 N

2 -

3 -

City- BLACKFOOT

State- ID Zip- 83221

Phone - 208-684-4258

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/16/1967 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
02S 34E 7 SW SW NW (11) BINGHAM

| Code | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-------------------------|-------------|---------------------------|-----------|-------------------------------|------------------|
| 07 - INDUSTRIAL | | 04/01 | 10/31 | 0.230 | 34.00 |
| + - Total Div. Rate - + | | + - Total Div. Volume - + | | + - Total Consumptive Use - + | |
| 0.230 | | | | 0.0 | |

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|--------------|
| 02S | 35E | 32 | SW NW | | | 07 INDUSTRIAL | | (11) BINGHAM |

Total Acres:

+ - - Diversion Means - WELL AND PUMP

SCANNED
AUG 12 2005

PROFILED

Water right number - R35-02857B

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
3502857

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -

Date: 05/30/1995 User Id: JTHOMPSO Subject: CHANGED OWNERSHIP
5/30/95/JT

Date: 03/30/1998 User Id: ARUBERRY Subject: COPIED FROM REMARKS
RIGHT NO. 35-02858B IS ALSO DIVERTED THROUGH POINT OF
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 231 ACRES WITHIN
USE OF THIS RIGHT WITH RIGHT NO. 35-02858B IS LIMITED TO A
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 924 AF, AND TO THE
IRRIGATION SEASON.

Date: 05/01/1998 User Id: ARUBERRY Subject: TRANSFER 5226
TRANSFER NO. 5226 SPLIT 35-02857 INTO PARTS A AND B. IT ALSO
REPRESENTS 11.5 AC. OF THE ORIGINAL CLAIM, WHICH IS NO LONGER

DIVERSION DESCRIBED ABOVE.
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1232 AF, A TOTAL
IRRIGATION OF A COMBINED TOTAL OF 308 ACRES IN A SINGLE

CHANGED THE PURPOSE OF USE AND PLACE OF USE. THE DIVERSION RATE
IRRIGATED.

+ - - Audit Fields - - +
05/05/98 JHOAGLAN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 05/17/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - C006833 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

SCANNED
AUG 12 2005

PROFILED