

COPY

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ST-SRBA  
J., IDAHO  
FILED

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

Case No. 39576

SUBCASE NO. 36-02250, 36-02250A,  
36-02250B

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

|                                                        |                                                          |
|--------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Change in Ownership           | <input checked="" type="checkbox"/> Split of Water Right |
| <input checked="" type="checkbox"/> Point of Diversion | <input checked="" type="checkbox"/> Place of Use         |
| <input checked="" type="checkbox"/> Period of Use      | <input checked="" type="checkbox"/> Nature of Use        |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

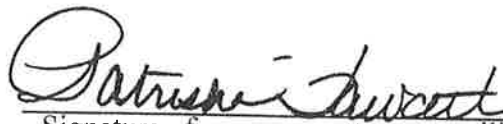
Dated: 11/14/00

*Douglas Fox*  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 11/17, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707
2. One Copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
Magic Valley Foods Inc  
PO Box 475  
Rupert ID 83350
3. One Copy to:  
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One Copy to:  
Each party in the subcase or attorney of record:
5. One Copy to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form

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

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11/06/2000

RIGHT NUMBER: 36-02250

SPLIT RIGHT: SEE RIGHT NOS. 36-02250A AND 36-02250B.

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

11/06/2000

RIGHT NUMBER: 36-2250A

NAME AND ADDRESS: MAGIC VALLEY FOODS INC  
PO BOX 475  
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 4.06 CFS  
1130.4 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-15552 IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 4.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF  
1130.4 AF.

PRIORITY DATE: 03/05/1954

POINT OF DIVERSION: T08S R23E S18 LOT 1 SENWNE Within MINIDOKA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04-01 10-31          | 4.06 CFS<br>1,130.4 AFY |

PLACE OF USE:

IRRIGATION Within MINIDOKA County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T08S R23E S18       | NENE | 37   | T08S R23E S18       | SENE | 29.7 |
| T08S R23E S18 LOT 1 | NWNE | 43   | T08S R23E S18 LOT 2 | SWNE | 35   |
| T08S R23E S7        | NESE | 29.6 | T08S R23E S7        | SESE | 36   |
| T08S R23E S7 LOT 3  | NWSE | 31.3 | T08S R23E S7 LOT 4  | SWSE | 41   |

282.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-15552 IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 282.6 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 222.5 ACRES WITHIN THE PLACE OF USE  
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

RIGHT NO. 36-15552 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Water Right 36-2250A

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

11/06/2000

RIGHT NUMBER: 36-2250B

NAME AND ADDRESS: MAGIC VALLEY FOODS INC  
PO BOX 475  
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 0.26 CFS  
43.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-15553 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.26 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 55.2 AF.

PRIORITY DATE: 03/05/1954

POINT OF DIVERSION: T09S R24E S29 SESWSW Within MINIDOKA County  
2 POINTS OF DIVERSION LOCATED IN T09S, R24E, S29, SESWSW.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>      |
|-----------------------|----------------------|----------------------|
| COMMERCIAL            | 01-01 12-31          | 0.26 CFS<br>43.5 AFY |

PLACE OF USE:

COMMERCIAL Within MINIDOKA County  
T09S R24E S29 SWSW

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

RIGHT NO. 36-15553 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT  
TO SECTION 42-1426, IDAHO CODE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 17, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

MAGIC VALLEY FOODS INC  
PO BOX 475  
RUPERT ID 83350

RE: SRBA Claim(s) 36-02250, 36-11867

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Southern

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5496  
WATER RIGHT NO(S). 36-02250B/36-11867B

**RECEIVED**  
**JUN 23 2000**  
Department of Water Resources  
Southern Region

This is to certify that: **MAGIC VALLEY FOODS INC**  
**PO BOX 475**  
**RUPERT ID 83350**

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. 36-02250B :<br>COMMERCIAL<br>Priority: 03/05/1954 | 01/01 to 12/31       | 0.26 CFS              | 43.5 AF              |
| Right No. 36-11867B :<br>COMMERCIAL<br>Priority: 03/15/1974 | 01/01 to 12/31       | 0.06 CFS              | 11.7 AF              |
| TOTAL:                                                      |                      | * 0.26 CFS            | 55.2 AF *            |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESWSW , Sec. 29, Township 09S, Range 24E  
MINIDOKA County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

09S 24E 29                      SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
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.

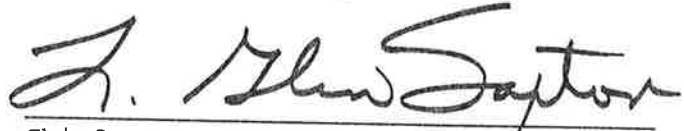
Adm

TRANSFER NO. 5496  
WATER RIGHT NO(S). 36-02250B/36-11867B

CONDITIONS OF APPROVAL AND REMARKS

4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- \* 6. The total instantaneous diversion of water from all points of diversion under Transfer 5496 shall not exceed 0.26 cfs, nor a total combined annual volume of 55.2 af.
7. Right 36-11867B is an enlargement of Right 36-02250B.
8. Right 36-11867B is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
9. The commercial use authorized under this approval shall comply with applicable city, county, state and federal requirements.
10. Commercial use is for a potato processing plant and a co-generation power plant.
11. Two (2) points of diversion are located within SESWSW, S29, T09S, R24E.

Dated this 19<sup>th</sup> day of June, 2000.

  
Chief, Water Allocation Bureau