

RECEIVED

NOV 18 2021
42-222 POD - 07/18
DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
NOV 15 2021
DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.0.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Idaho Fresh Pak C/O Dennis Liekam Phone 208-525-2294
 2. **MAILING ADDRESS** 823 Oneida St City Rupert
 State ID Zip 83350 Email dleikam@idahoan.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 36-8456; 36-2250B; 36-15553

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.53 cubic feet per second and/or 235 acre-feet per annum.
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
X		SW	SW	SW	29	9S	24E	Minidoka	Ground Water	
		SE	SW	SW	29	9S	24E	Minidoka	Ground Water	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

15 HP pump servicing potato processing facility. Wellhead has a flowmeter and is locked.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Dennis Leikam

Signature of applicant or authorized agent

Dennis Leikam, Senior Manager

Print name and title if applicable

11/02/2021

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 16 pages of attachments.

Received by KM

Date 11.15.21

Fee paid 150.00 Date 11.15.21

Received by KM

Receipt # C111307

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Part 3.

Water Right Reports

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2016

WATER RIGHT NO. 36-8456

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO FRESH PAK INC PO BOX 130 LEWISVILLE, ID 83431-0130 (208)754-8100
Original Owner	MAGIC VALLEY FOODS INC PO BOX 475 RUPERT, ID 83350-0475 (208)436-9606

Priority Date: 09/21/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	1/01	12/31	0.27 CFS	179.8 AFA
Total Diversion			0.27 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESWW|Sec. 29|Township 09S|Range 24E|MINIDOKA County

Licensed Diversion Capacity: 0.27

Place(s) of use:

Place of Use Legal Description: COMMERCIAL MINIDOKA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	24E	29		SWSW										

Conditions of Approval:

- Commercial use is for a potato processing plant.
- Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

Dates:

Licensed Date: 03/04/1994

Decreed Date:

Permit Proof Due Date: 2/1/1991

Permit Proof Made Date: 9/27/1990

Permit Approved Date: 1/8/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/21/1989

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

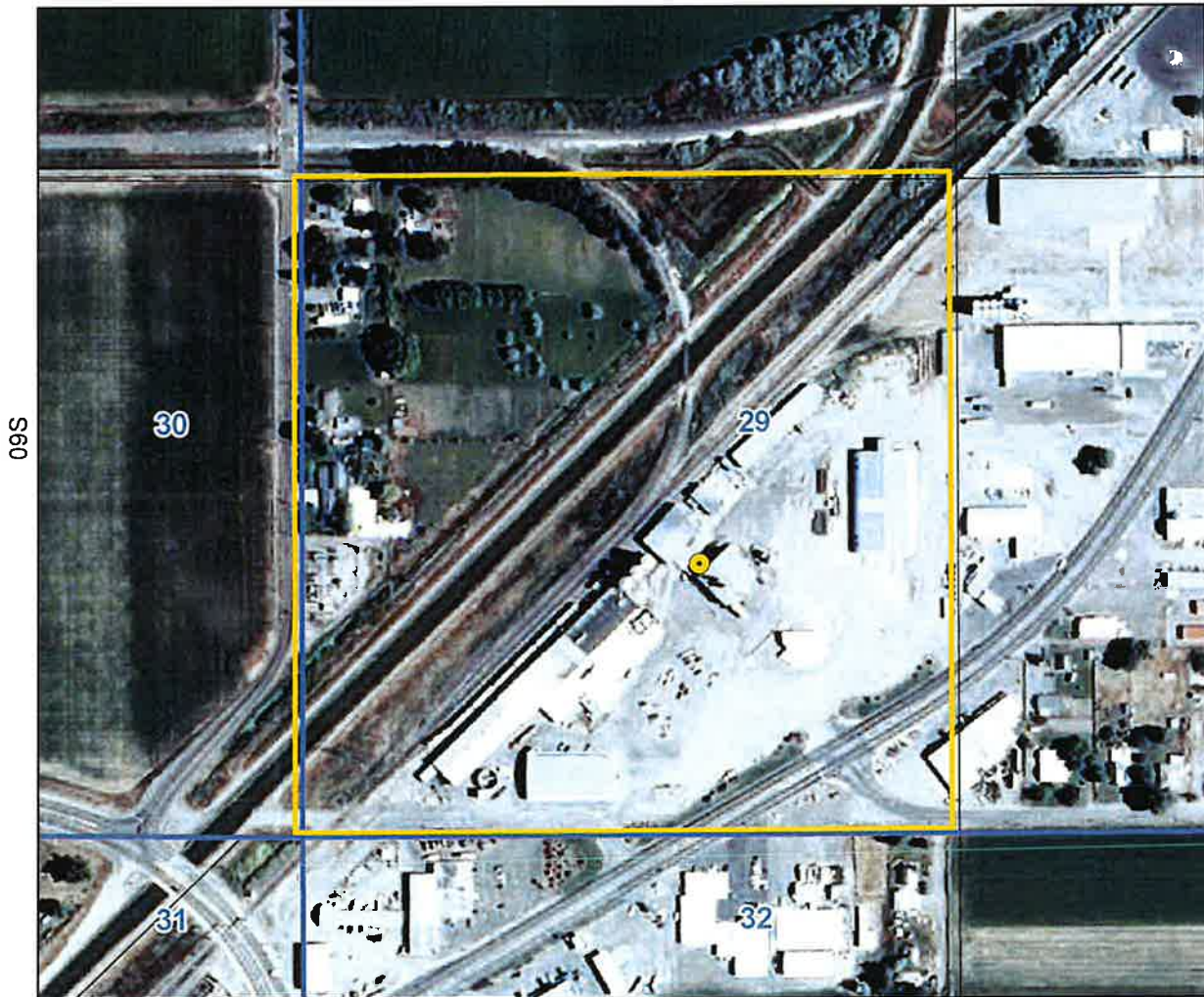
State of Idaho
Department of Water Resources

Water Right
36-8456

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

24E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2016

WATER RIGHT NO. 36-2250B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO FRESH PAK INC PO BOX 130 LEWISVILLE, ID 83431-0130 (208)754-8100
Original Owner	MAGIC VALLEY FOODS INC PO BOX 475 RUPERT, ID 83350-0475 (208)436-9606

Priority Date: 03/05/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.26 CFS	43.5 AFA
Total Diversion			0.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESWSW|Sec. 29|Township 09S|Range 24E|MINIDOKA County
GROUND WATER|SESWSW|Sec. 29|Township 09S|Range 24E|MINIDOKA County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	24E	29		SWSW										

Conditions of Approval:

- | | |
|--------|---|
| 1. C18 | 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. |
| 2. F02 | 2 POINTS OF DIVERSION LOCATED IN T09S, R24E, S29, SESWSW. |
| 3. E60 | 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. |
| 4. K01 | RIGHT NO. 36-15553 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. |

Dates:

Licensed Date:

Decreed Date: 01/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 55.2

Combined Rate Limit: 0.26

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

State of Idaho
Department of Water Resources

Water Right

36-2250B

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

24E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/19/2016

WATER RIGHT NO. 36-15553

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO FRESH PAK INC PO BOX 130 LEWISVILLE, ID 83431-0130 (208)754-8100
Original Owner	MAGIC VALLEY FOODS INC PO BOX 475 RUPERT, ID 83350-0475 (208)436-9606

Priority Date: 03/15/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.06 CFS	11.7 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESWSW|Sec. 29|Township 09S|Range 24E|MINIDOKA County
GROUND WATER|SESWSW|Sec. 29|Township 09S|Range 24E|MINIDOKA County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	24E	29		SWSW										

Conditions of Approval:

1.	C11	THIS WATER RIGHT 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.
2.	F02	2 POINTS OF DIVERSION LOCATED IN T09S, R24E, S29, SESWSW.
3.	C18	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.
4.	K02	THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02550B PURSUANT TO SECTION 42-1426, IDAHO CODE.
5.	E60	USE OF THIS RIGHT WITH RIGHT NO. 36-02250B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.26 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 55.2 AF.

Dates:

Licensed Date:

Decreed Date: 01/16/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 55.2

Combined Rate Limit: 0.26

Civil Case Number:

Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

State of Idaho
Department of Water Resources

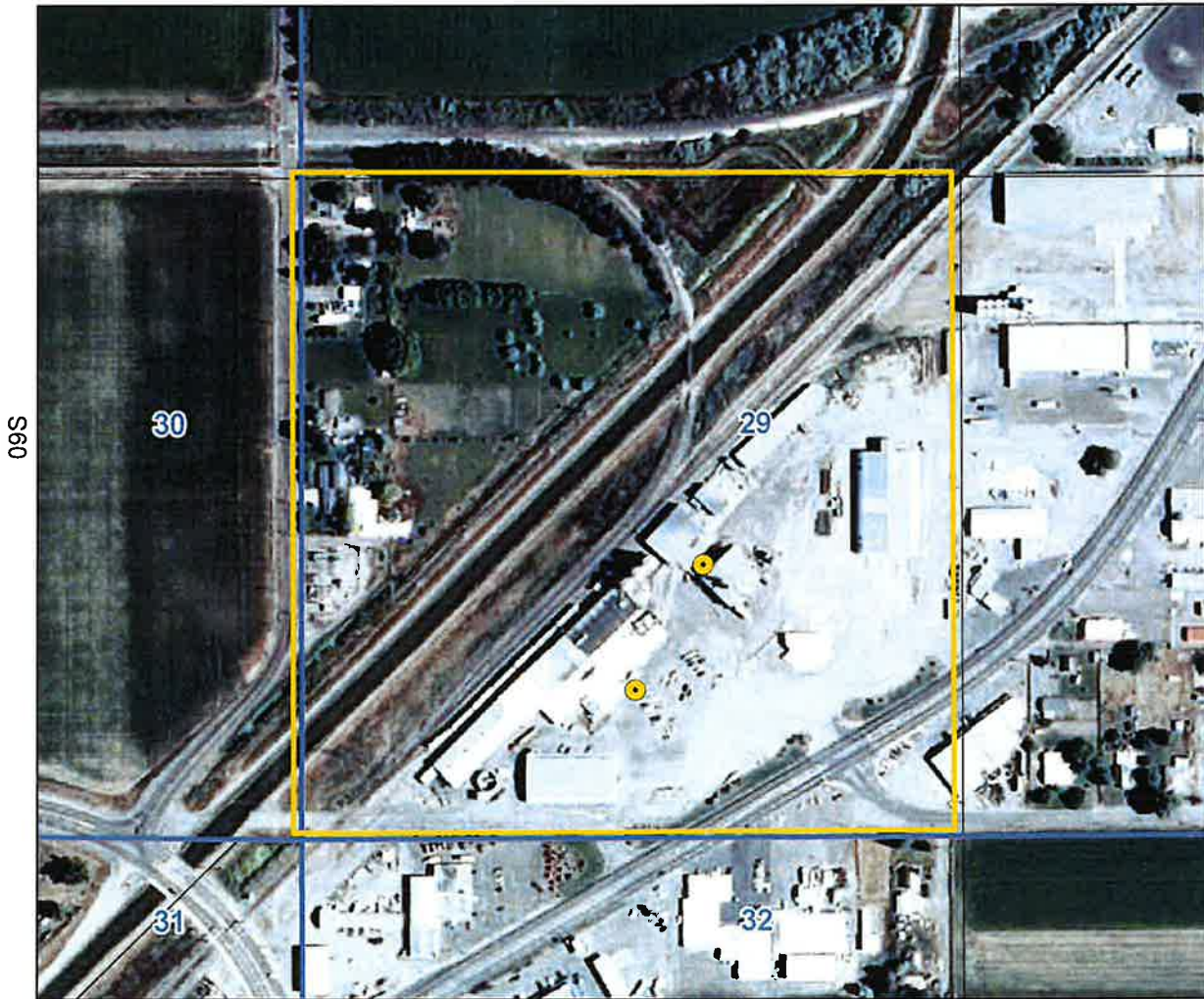
Water Right

36-15553

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

24E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



Part 7. Maps

Idaho Fresh Pak POD Change Map



The USDA-FSA Aerial Photography Field office asks to be credited in derived products. Idaho Department of Water Resources



Skinner, Corey

From: Skinner, Corey
Sent: Tuesday, January 25, 2022 7:59 AM
To: IdwrPayable
Subject: Request for Refund

We need a \$150.00 refund issued to Racine Olson, PLLP for a transfer application that was not acceptable for processing and was returned to them. The receipt number is C111307. Their address is...

Racine Olson
PO Box 1391
Pocatello, ID 83204

Thanks,

Corey

Idaho Department of Water Resources Receipt

Receipt ID: C111307

Payment Amount	\$150.00	Date Received	11/15/2021	Region	STATE
Payment Type	Check	Check Number	7476		
Payer	RACINE OLSON, PLLP				
Comments	TRANSFER OF WATER RIGHTS FOR POINT (S) OF DIVERSION FOR: IDAHO FRESH PAK C/O DENNIS LIEKAM WR# 36-8456; 36-2250B; 36-15553 DOCUMENT NUMBER: D220415				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$150.00	TRANSFERS	56105	0229	21		1155

Signature Line (Department Representative)



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 6, 2021

TJ Budge
Racine Olson
PO Box 1391
Pocatello, ID 83204

Dear Mr. Budge:

Please find enclosed a water right transfer application, in the name of "Idaho Fresh Pak", that you recently filed with our office. The application is being returned because it cannot be accepted for processing. The following items need to be addressed before the application can be accepted for processing.

The applicant is listed on the application as "Idaho Fresh Pak". The rights involved with the application all list Idaho Fresh-Pak, Inc. as the owner of the rights. While attempting to verify if the signature on the application was from someone who has authority to sign on behalf of "Idaho Fresh Pak", it was discovered that Idaho Fresh-Pak, Inc. is an inactive business entity according to the Idaho Secretary of State's website. Information from Minidoka County indicates that the property involved with the transfer, and likely the water rights involved with the transfer, are owned by Idaho Fresh-Pak LLC. It appears that an ownership change needs to be filed with IDWR to update the ownership of the water rights and the transfer application needs to be modified accordingly. Note that this can be accomplished through the transfer process if the necessary supporting documentation is included with the application. It should also be noted that the Idaho Secretary of State's website does not indicate that Dennis Leikam has authority to sign on behalf of Idaho Fresh-Pak LLC.

The application appears to propose diverting three water rights, 36-2250B, 36-8456, and 36-15553, from two wells. Rights 36-2250B and 36-15553 currently list two wells and it appears that the application is changing one of these diversion locations (from SESWSW to SWSWSW). However, right 36-8456 currently only lists one well in the SESWSW as a point of diversion. It appears that for this right, the application is adding a second well (in the SWSWSW) as an additional point of diversion. If this is the case, then the "add diversion point(s)" box at the top of the application should also be checked.

The three water rights, 36-2250B, 36-8456, and 36-15553, allow for a total combined diversion rate of 0.53 cfs. The transfer fee schedule indicates that the filing fee required for 0.53 cfs is \$500.00. Note that only \$150.00 was submitted with the application (IDWR receipt # C111307). In addition, updating the ownership of the three rights from Idaho Fresh Pak, Inc. to Idaho Fresh Pak LLC would require another \$75.00 (\$25.00 per right).

Page 2
Idaho Fresh Pak Transfer Return Letter
December 6, 2021

IDWR will allow you 30 days to submit a replacement application addressing the items outlined in this letter. If a replacement application is not received within 30 days, a refund of the \$150.00 fee that was paid (IDWR receipt # C111307) will be issued to Racine, Olson, PLLP.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner, PE
IDWR Southern Region Manager

Enclosure

cc: Idaho Fresh Pak (823 Oneida St, Rupert, ID) w/o Enclosure



November 10, 2021

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Application for Transfer of Water Right – Point(s) of Diversion

To whom it may concern,

Enclosed please find the original and extra copy of an Application for Transfer of Water Right – Point(s) of Diversion, together with a check in the amount of \$150. Please file the original and conform stamp and return the copy to me in the enclosed envelope. If you have any questions regarding this matter, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'T.J. Budge'.

T.J. BUDGE

RECEIVED

NOV 15 2021

DEPARTMENT OF
WATER RESOURCES

RECEIVED

NOV 18 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION