

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85561**

This is to certify that: **PERFORMIX NUTRITION SYSTEMS LLC**
2201 N 20TH ST
NAMPA, ID 83687

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-2122	WR/DECREED	12/24/1948	0.090 cfs	18.9 af	4.8	10.0	GROUND WATER
35-7417	WR/DECREED	5/27/1974	0.060 cfs	22.2 af	5.9	10.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-2122	NO	YES	YES	NO	YES	YES
35-7417	NO	YES	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-2122	36-17195	0.090 cfs	11.9 af	N/A	N/A	N/A				
35-7417	36-17196	0.060 cfs	14.6 af	N/A	N/A	N/A				
COMBINED TOTALS		0.150 cfs	24.8 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 8th day of February, 2022.



Southern Region Manager

SUPPORT DATA

IN FILE # 35-2122

Transfer No. 85561

WATER RIGHT NO. 36-17195
As Modified by Transfer No. 85561

In accordance with the approval of Transfer No. 85561, Water Right No. 36-17195 is now described as follows:

Right Holder: IDAHO WATER COMPANY LLC
1135 VALLEY RD
EDEN, ID 83325-5245

Priority Date: 12/24/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 / 1	to 12/31	0.090 cfs 0.090 cfs	11.9 af 11.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec 25 Twp 09S Rge 23E MINIDOKA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	25													X	X			0.0

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 36-17195 and 36-17196 when combined shall not exceed a total diversion rate of 0.15 cfs and a total annual maximum diversion volume of 24.8 af.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85561

WATER RIGHT NO. 36-17195

As Modified by Transfer No. 85561

CONDITIONS OF APPROVAL

6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 36-17196
As Modified by Transfer No. 85561

In accordance with the approval of Transfer No. 85561, Water Right No. 36-17196 is now described as follows:

Right Holder: IDAHO WATER COMPANY LLC
 1135 VALLEY RD
 EDEN, ID 83325-5245

Priority Date: 5/27/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 / 1	to 12/31	0.060 cfs	14.6 af
			0.060 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec 25 Twp 09S Rge 23E MINIDOKA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	25													X	X			0.0

CONDITIONS OF APPROVAL

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 36-17195 and 36-17196 when combined shall not exceed a total diversion rate of 0.15 cfs and a total annual maximum diversion volume of 24.8 af.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85561

WATER RIGHT NO. 36-17196

As Modified by Transfer No. 85561

CONDITIONS OF APPROVAL

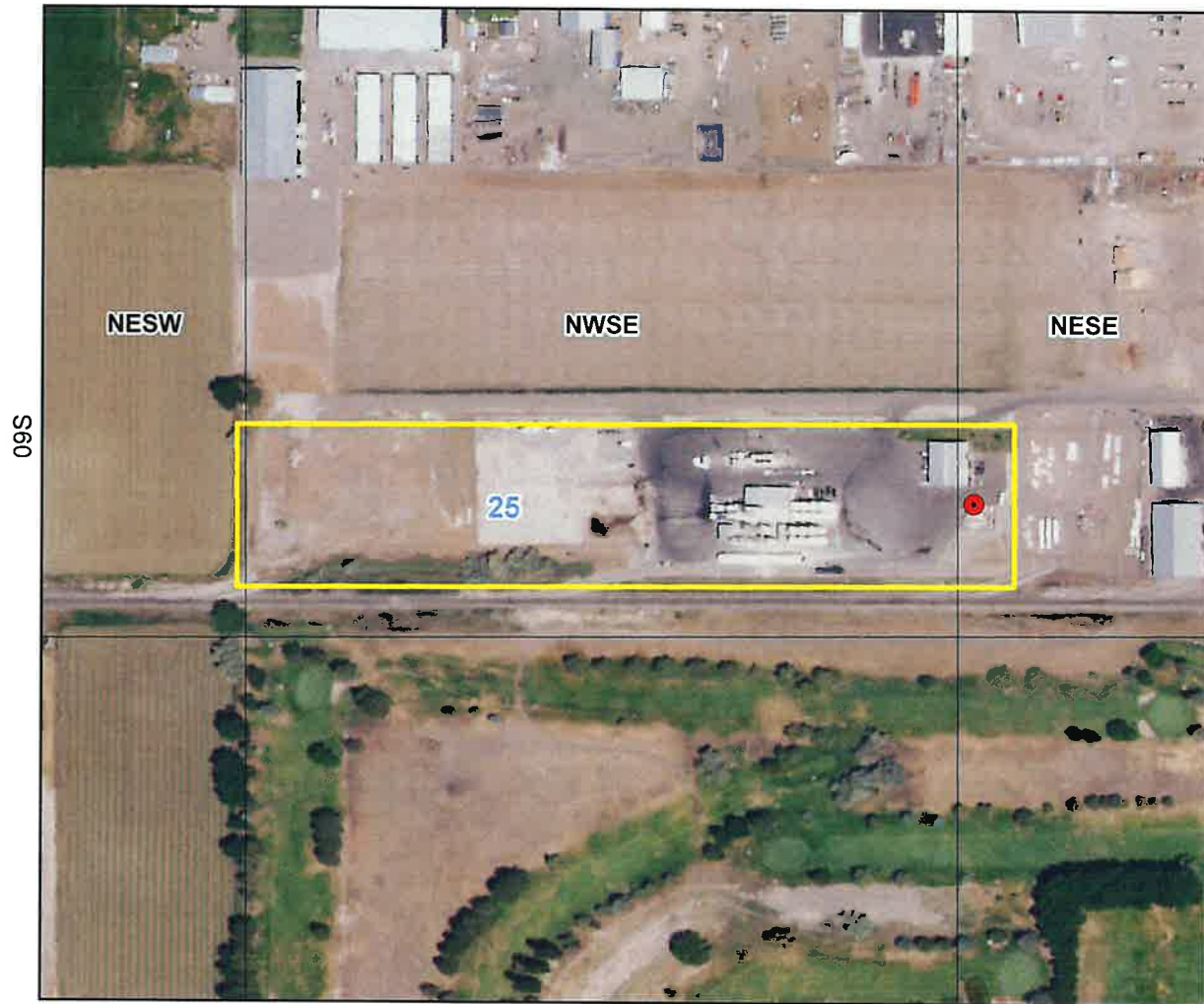
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer # 85561
36-17195 and 37-17196

This map depicts the COMMERCIAL place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

23E



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

0 0.04 0.08 0.16 Miles





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

February 10, 2022

PERFORMIX NUTRITION SYSTEMS LLC
2201 N 20TH ST
NAMPA ID 83687

Re: Transfer No: 85561
Water Right No(s): 35-2122, 35-7417

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

IDAHO WATER COMPANY LLC
1135 VALLEY RD
EDEN ID 83325-5245

WATER DISTRICT 120
C/O IDAHO DEPT OF WATER RESOURCES
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85561

Water Right No(s): 35-2122, 35-7417

PERFORMIX NUTRITION SYSTEMS LLC
2201 N 20TH ST
NAMPA ID 83687

IDAHO WATER COMPANY LLC
1135 VALLEY RD
EDEN ID 83325-5245

WATER DISTRICT 120
C/O IDAHO DEPT OF WATER RESOURCES
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: January 10, 2022
To: Transfer 85561
From: Bill Mills
Re: Evaluation of Sufficiency Memorandum

Application proposes changing the nature of use, period of use, point of diversion (POD) and place of use (POU) for 10 acres from two combined irrigation ground water rights diverted from two wells. Current PODs and POU are on a farm that is generally located 11.9 to 13.1 miles west and 2.4 to 2.9 miles south of the intersection of W Judicial St and Main St in Blackfoot. The proposed change in nature of use and period of use is from irrigation to year-round commercial use at the Performix Nutrition Systems' Rupert facility located approximately 1.7 to 2.0 miles west and 0.2 to 0.3 miles south of the intersection of Oneida St and F St in Rupert. An existing well at the facility will be used to divert up to 0.15 cfs and 24.8 acre-feet per year.

The change in nature of use analysis from irrigation to industrial use examined acre to volume conversion utilizing the METRIC analysis tool on the Department's website. The results indicated an acceptable CIR (crop irrigation requirement) of 2.48 af/ac should be utilized for the change in nature of use conversion from irrigation to commercial use.

Both the current farm and the proposed transfer location are located within the ESPA model boundary. The provided model analysis was performed utilizing a higher volume of 31.8 acre feet because the original transfer application based the nature of use conversion on the METRIC ET data and not the CIR data. The transfer application was returned to the applicant's representative. When the updated transfer application was resubmitted, the ESPA modeling hadn't been updated with the new transfer application. However, the modeling indicated that transferring that volume from the Blackfoot area to Rupert would not require mitigation. Running the model in office indicated no mitigation would be required, and as such the modeling results were acceptable.

The water rights are currently located in Water District 120 and the transfer proposes moving them to property located in Water District 130. Watermaster comments were solicited from both water districts. The Watermaster for Water District 120 indicated that approximately 5.2 acres of water rights 35-2122 and 35-7417 may be combined with shares from the Aberdeen Springfield Canal Company (ASCC) and opposes approval of this transfer "if the intent is to unstack the portions of the water rights that overlap" these shares. These rights were leased to the Water Supply Bank (WSB) in 2019 and 2020, so they are currently protected from forfeiture. The POU for these rights does not appear to have been irrigated since at least 2017 in aerial imagery. If these rights did overlap with ASCC shares at one time, those shares aren't currently being utilized on the grounds associated with the POU for these rights. As such, these rights do not appear to be "stacked" with ASCC shares. I recommend approving this transfer as proposed based on the WSB leases and the apparent lack of any irrigation at the current POU.

The Watermaster for Water District 130 did not oppose approval of this transfer provided the owners install a measuring device and report to Water District 130. I have placed condition R43

on the water rights which requires a measuring device and lockable controlling works. I have also placed condition R05 on the water rights, indicating these water rights will be regulated by the watermaster of Water District 130.

- **Authority to File:** According to IDWR records the Applicant is the current owner of the property the water rights are proposed to be transferred to. An agreement for purchase and sale of water rights was submitted with the application indicating the applicants will file for change of ownership of the water rights after the transfer is approved.
- **Water Right Validity:** Water rights 35-2122 & 35-7417 were decreed in the SRBA on 2/15/2002. Both water rights were leased to the water supply bank in 2020.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
There is a decrease in volume as a result of the change in nature of use process which precludes potential enlargement of the changed portion of the water right.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 85561
Water Right No: 35-2122, ETC.
Applicant Name: PERFORMIX NUTRITION SYSTEMS, LLC

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
- b) ☒ I do not oppose approval of this application under the following terms:

Transfer 85561 combined with water supply bank application No. 594 will place the allowed diversion rate from the well above the measurement requirement. The owner will be required to install a measuring device and report to Water District 130.

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: January 6, 2022

Water District 130



Nathan Erickson, Watermaster

PROOF OF PUBLICATION Bingham News Chronicle

RECEIVED
JAN 03 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
County of Bingham

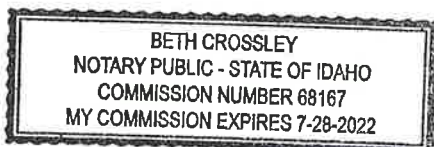
I, ~~Dawn Giannini~~ or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~ or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Bingham News Chronicle, a newspaper of general circulation, published 4 days, Tuesday-Wed-Friday and Sunday, at Blackfoot, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Bingham News Chronicle for 2, first publication having been made on 12/17/2021 last publication having been made on 12/24/2021, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Signature]

Subscribed and sworn to before me, on this 27th day of December, 2021

Beth Crossley



Notary Public
My commission expires:

attached jurat _____

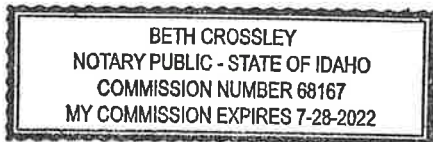
STATE OF IDAHO

SS.

COUNTY OF BINGHAM

On this 27th day of December, 2021 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Beth Crossley

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ dm 1-7-2022

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85561**

PERFORMIX NUTRITION SYSTEMS LLC, 2201 N 20TH ST, NAMPA, ID 83687 has filed Application No. 85561 for changes to the following water rights within Bingham County(s): Right No(s). 35-2122, 35-7417; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use, period of use, point of diversion (POD) and place of use (POU) for 10 acres from two combined irrigation ground water rights diverted from two wells. Current PODs and POU are on a farm that is generally located 11.9 to 13.1 miles west and 2.4 to 2.9 miles south of the intersection of W Judicial St and Main St in Blackfoot. The proposed change in nature of use and period of use is from irrigation to year-round commercial use at the Performix Nutrition Systems' Rupert facility located approximately 1.7 to 2.0 miles west and 0.2 to 0.3 miles south of the intersection of Oneida St and F St in Rupert. An existing well at the facility will be used to divert up to 0.15 cfs and 24.8 acre-feet per year.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before January 3, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in Bingham News Chronicle on December 17th & 24th, 2021 and Times News on December 16th & 23rd, 2021.
(179075-63307)

✓ *dm* 1-7-2022

* * Proof of Publication * *

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 122258

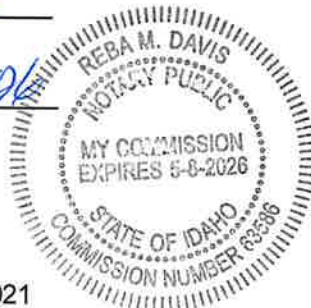
RECEIVED
DEC 30 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

Sherrri Davis
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 24th day of December in the year of 2021 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 12/16/2021, 12/23/2021

TOTAL AD COST: 190.88

FILED ON: 12/23/2021

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

45-14540
KEVIN SMYER ✓
PO BOX 482
ALBION, ID 83311
Point of Diversion SWSWNE S16 T12S R25E CASSIA County Source
UNNAMED STREAM Tributary SINKS
Use: GROUND WATER RECHARGE 1101 to 03%1 2 CFS
Total Diversion: 2 CFS
Date Filed: 11-02-2021
Place Of Use: GROUND WATER RECHARGE
T12S R25E S16 NE (ALL)
Application proposes to divert up to 2.0 cfs from an unnamed stream for groundwater recharge during the non-irrigation season. The point of diversion is located approximately 1.8 miles east and 2.3 miles south of the Highway 77 and East North Street intersection in Albion. The place of use is located approximately 1.8 to 2.3 miles east and 1.8 to 2.3 miles south of the same intersection.

45-14541
KEVIN SMYER ✓
PO BOX 482
ALBION, ID 83311
Point of Diversion SWSWNE S16 T12S R25E CASSIA County Source
UNNAMED STREAM Tributary SINKS
Use: GROUND WATER RECHARGE 1101 to 03%1 2 CFS
Total Diversion: 2 CFS
Date Filed: 11-02-2021
Place Of Use: GROUND WATER RECHARGE
T12S R25E S16 NE (ALL)
Application proposes to divert up to 2.0 cfs from an unnamed stream for groundwater recharge during the non-irrigation season. The point of diversion is located approximately 2.0 miles east and 2.3 miles south of the Highway 77 and East North Street intersection in Albion. The place of use is located approximately 1.8 to 2.3 miles east and 1.8 to 2.3 miles south of the same intersection.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**
TRANSFER NO. 85561
PERFORMIX NUTRITION SYSTEMS LLC, 2201 N 20TH ST, NAMPA, ID 83687 has filed Application No. 85561 for changes to the following water rights within Bingham County(s): Right No(s). 35-2122, 35-7417. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use, period of use, point of diversion (POD) and place of use (POU) for 10 acres from two combined irrigation ground water rights diverted from two wells. Current PODs and POU are on a farm that is generally located 11.9 to 13.1 miles west and 2.4 to 2.9 miles south of the intersection of W Judicial St and Main St in Blackfoot. The proposed change in nature of use and period of use is from irrigation to year-round commercial use at the Performix Nutrition Systems' Rupert facility located approximately 1.7 to 2.0 miles west and 0.2 to 0.3 miles south of the intersection of Oneida St and F St in Rupert. An existing well at the facility will be used to divert up to 0.15 cfs and 24.8 acre-feet per year.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights & proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before January 3, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH December 16th & 23rd

✓ DM 1-7-2022

- Newspaper glitch w/season of use dates. OK to move forward.
DM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

Return Services Requested

RECEIVED

DEC 13 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

BOISE ID 837

08 DEC 2021 PM 1:17

FIRST-CLASS



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DEC 08 2021

IDAHO WATER COMPANY LLC
DEL KOHTZ
PO BOX 191190
BOISE ID 83719-1190

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RETURN TO SENDER
: IDAHO WATER COMPANY
1079 ELKHORN CIR N
TWIN FALLS ID 83301-8355

RETURN TO SENDER

Returned mail associated with Transfer #85561 (35-2122, etc.)

Advertising Acknowledgement Letter mailed 12/8/2021

Per phone conversation with Del Kohtz 12/14/2021 – PO Box above is his son's old address and was put on the transfer application mistakenly.

** Forwarding address above is for Del's son – not Del.

Del asked that we use his address in Eden: 1135 Valley Rd S.

Advertising acknowledgement letter was mailed again 12/15/2021.

DM