

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

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) Basic American Inc Phone 208.785.8572

2. MAILING ADDRESS 2999 Oak Rd, Ste 800 City Walnut Creek

State CA Zip 94597-2054 Email janderson@bat.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) 22-2204, 22-7391

- ☒ 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 3.30 cubic feet per second and/or _____ 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*.

[illegible]

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:

Two existing wells (aka Main & Kipper), proposed replacement well, pumps, pressurized system. Measuring devices and controlling works will be accommodated upon Department request and standards.

- 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.

[Signature]
Signature of applicant or authorized agent

Jennifer Anderson
Vice President, General Counsel
Print name and title if applicable

11/1/21
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 _____ pages of attachments.

Received by _____ Date _____

Fee paid \$740.00 Date 11/12/21

Received by CAH

Receipt # E047529

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)

Path: S:\PROJECTS\IA thru D\Projects\Basic American\18000040_Rexburg Plant\WellPROJECT\GIS\ArcMap\Projects\WFR_Map.mxd



Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 22-2204

Current Owner: BASIC AMERICAN INC
Priority Date: 3/30/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
INDUSTRIAL	01/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
2.66 CFS	1925.8 AF
2.66 CFS	1925.8 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4NE1/4 Sec. 19, Twp 06N, Rge 40E B.M.

MADISON County

GROUND WATER

NW1/4NE1/4NE1/4 Sec. 19, Twp 06N, Rge 40E B.M.

MADISON County

GROUND WATER

NW1/4NE1/4NE1/4 Sec. 19, Twp 06N, Rge 40E B.M.

MADISON County

Place of Use

INDUSTRIAL Within MADISON County

T06N R40E S19

NENE

T06N R40E S19

NWNE

Conditions of Approval:

1. Industrial use is for potato processing. The water diverted under this right for industrial purposes must first be used in association with potato processing. Use in association with potato processing may include the treatment of process water with fresh water. After water is used for these industrial purposes it may be applied to land to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right, which normally provides a full supply of water for irrigation.
2. 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.
3. Place of use may also include other lands upon which the process water may be applied for land application purposes to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right, which normally provides a full supply of water for irrigation. Water diverted shall not be used for land application unless the water is first used in association with potato processing as authorized by the water right. The industrial use of water under this right includes treatment of process water with fresh water.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. E53 Right Nos. 22-2204 and 22-7391 are limited to a total combined annual diversion volume of 2389.1 AF.

Decreed Date: 6/12/2008

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 22-7391

Current Owner: BASIC AMERICAN INC
Priority Date: 2/23/1982
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
INDUSTRIAL	01/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>
0.64 CFS
0.64 CFS

<u>Annual Volume</u>
463.3 AF
463.3 AF

Location of Point(s) of Diversion

GROUND WATER
MADISON County
GROUND WATER
MADISON County
GROUND WATER
MADISON County

NW1/4NE1/4NE1/4	Sec. 19,	Twp 06N,	Rge 40E B.M.
NW1/4NE1/4NE1/4	Sec. 19,	Twp 06N,	Rge 40E B.M.
NW1/4NE1/4NE1/4	Sec. 19,	Twp 06N,	Rge 40E B.M.

Place of Use

INDUSTRIAL Within MADISON County

T06N R40E S19 NENE

T06N R40E S19 NWNE

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. Industrial use is for potato processing. The water diverted under this right for industrial purposes must first be used in association with potato processing. Use in association with potato processing may include the treatment of process water with fresh water. After water is used for these industrial purposes it may be applied to land to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right, which normally provides a full supply of water for irrigation.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Place of use may also include other lands upon which the process water may be applied for land application purposes to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right, which normally provides a full supply of water for irrigation. Water diverted shall not be used for land application unless the water is first used in association with potato processing as authorized by the water right. The industrial use of water under this right includes treatment of process water with fresh water.
5. E53 Right Nos. 22-2204 and 22-7391 are limited to a total combined annual diversion volume of 2389.1 AF.
6. 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.

Decreed Date: 6/12/2008



November 5, 2021

Mike Holliday, Eastern Region
Idaho Department of Water Resources
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718

Subject: Application for Transfer – Basic American Inc.

Dear Mike:

On behalf of Basic American Inc., enclosed please find an *Application for Transfer of Water Right – Point of Diversion*. The applicants have two water rights that authorize diversion from three wells in the NWNENE, Section 19, T6N, R40E. They wish to replace one of the three wells. This application is being filed to allow the replacement well be drilled in the SWNENE, rather than the NWNENE as currently authorized.

A check for \$740 is enclosed for the application filing fee. Please contact me with any questions or if you need additional information. We appreciate your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Sr. Water Rights Specialist

Enclosure: Transfer application and filing fee

Cc: John Kirkpatrick, P.E., Basic American Foods

Project No. 180.0040



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 17, 2021

BASIC AMERICAN INC
2999 OAK RD STE 800
WALNUT CREEK, CA 94597-2054

RE: Transfer No. 85513
Water Right No(s). 22-2204, 22-7391

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the REXBURG STANDARD JOURNAL on 11/26/2021 and 12/3/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706-6660

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 17, 2021 3:03 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Standard Journal
Attachments: 85513 Standard Journal.docx

LEGAL NOTICE DEPARTMENT
REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG, ID 83440

RE: Transfer No. 85513
Water Right No(s). 22-2204, 22-7391

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/13/2021. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85513**

BASIC AMERICAN INC, 2999 OAK RD STE 800, WALNUT CREEK, CA 94597-2054 has filed Application No. 85513 for changes to the following water rights within MADISON County(s): Right No(s). 22-2204, 22-7391; 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: change point of diversion. The proposed points of diversion are in SWNENE (new) and NWNENE (2 wells), Sec 19 T06N R40E for 3.30 cfs from ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/13/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/26/2021 and 12/3/2021