

4128

MEMORANDUM

TO: FILE 29-02301

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4128

DATE: May 23, 1994

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Transfer No. 4128 was filed to change the points of diversion under Right No. 29-02301, replacing one existing well and correcting the legal description of the other existing well. The place of use is also specifically identified through this transfer.

Recommended conditions include drilling permit and well abandonment requirements, multiple points of diversion limits, measuring devices and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4128
WATER RIGHT NO. 29-02301

This is to certify that: FMC CORP
PO BOX 4111
POCATELLO ID 83202

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>
INDUSTRIAL	01/01 to 12/31	4.00 CFS

SOURCE

GROUNDWATER

Priority: 04/24/1951

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 13, Township 06S, Range 33E
NWNW , Sec. 13, Township 06S, Range 33E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

06S 33E 12	SWSW	SESW	SWSE
	SESE		
13	NENE	NWNE	SWNE
	SENE	NENW	NWNW
	SWNW	SENW	NESE
	NWSE		

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4128
WATER RIGHT NO. 29-02301

CONDITIONS/REMARKS:

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. 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 No. 4128 shall not exceed 4.00 cfs.
7. The well previously used under Right No. 29-02301 shall be abandoned in a manner which complies with Department well abandonment rules.

Dated this 7th day of June, 1994


Chief, Water Alloc. Bureau

5.0. 5-13-94

COPY

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT

Amended

PART 1

Name of applicant FMC CORPORATION Phone 208-236-8200
 Post Office address PO Box 4111, Pocatello, Idaho 83202

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other correct pt. Location for well #3
2. Describe the reason for the proposed changes Water Right No. 29-02301 (formerly 22059) presently diverted from 2 wells identified as Well Nos. 3 and 5. Well No. 5 will be abandoned and replaced by the new well at a new point of diversion; Well No. 3 will continue to be used at the existing point of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-02301</u>	<u>4/24/51</u>	<u>4.0 cfs</u>	<u>Industrial</u>	<u>1/1</u> to <u>12/31</u>
<u>(formerly</u>				
<u>22059)</u>				

2. Total amount of water being transferred 4.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	X	13	6S	33E	POWER	FMC PLANT #3
	NW	NE	X	13	6S	33E	POWER	FMC-6

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	33E	12							I	I							I	I	
		13	I	I	I	I	I	I	I	I					I	I			

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Two wells, 150 hp electric motors, 8" pipe to
10" mainline

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No 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:
N/A - Industrial use unchanged

d. Remarks:

Approximately one-half of water right will be diverted from existing
Well No. 3 at NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, and one-half from new well at NW $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 13, T6S, R33E. B. M. Existing well No. 5 to be abandoned.

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 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 29-02301 (formerly 22059) issued by the Idaho Department of Water Resources.
- c. Claim No. A29-02301 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 4/24/51

5. Water is used for the following purpose:

amount 4.0 cfs for Industrial purposes from 1/1 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.0 cubic feet per second and/or 2800 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	13	06S	33E	Power	FMC Plant

8. Lands irrigated or place of use:

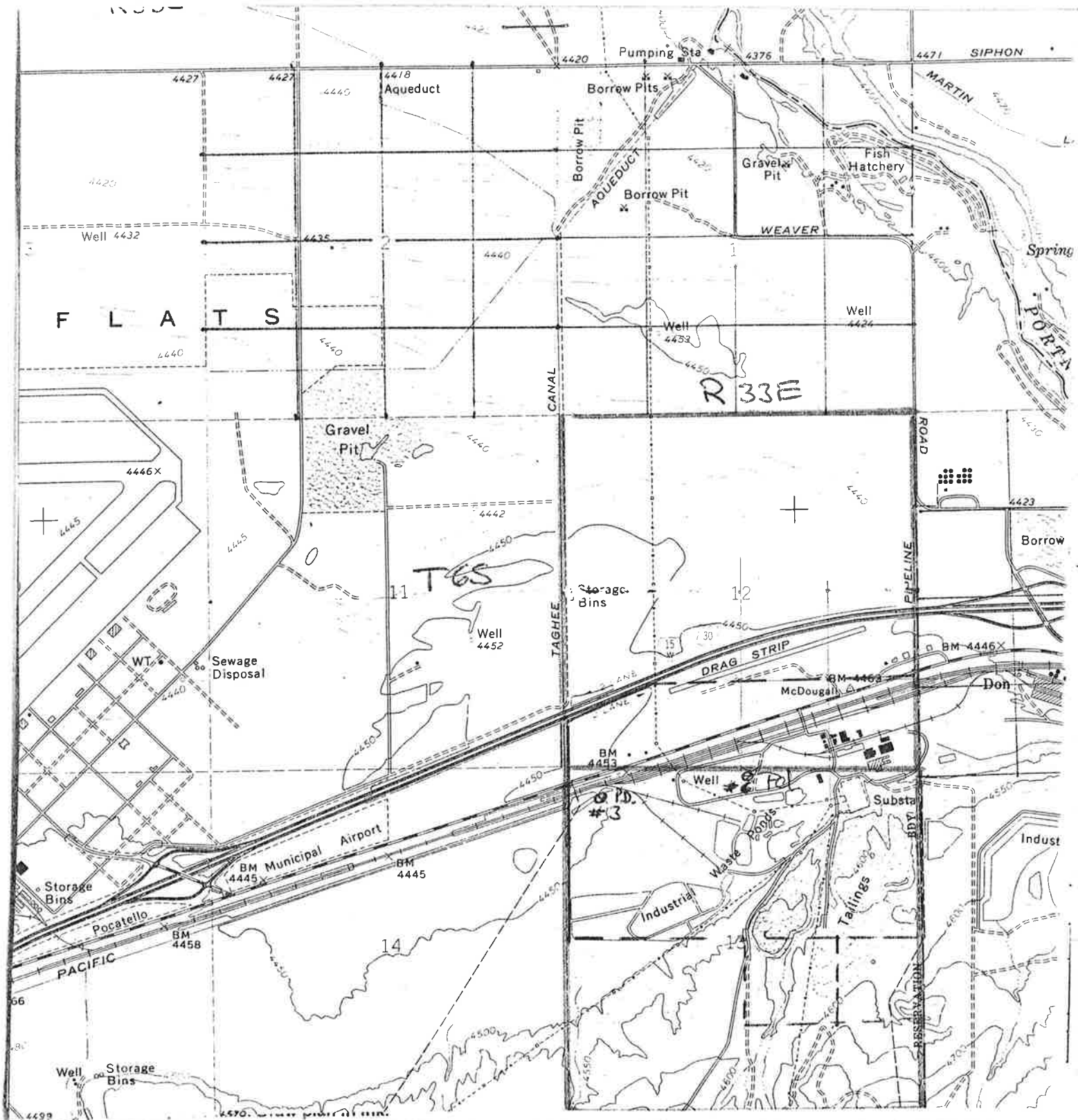
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
06S	33E	12	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
06S	33E	13	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 29-02284

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	NONE			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

NONE - NO CHANGE

3. Describe effects on other water uses resulting from the proposed change:

NONE - NO CHANGE

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant) Title

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DMD Date 9-9-1992 Protest filed by _____Prelim. check by _____ Fee \$50.00 _____Receipted by DMD E017837 Date 9-9-1992 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____