

T5226 BURKE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5226
WATER RIGHT NO. 35-02857B

RECEIVED

MAY 04 1998

Department of Water Resources
Eastern Region

This is to certify that: TODD BURKE
839 W 100 N
BLACKFOOT ID 83221

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>
INDUSTRIAL	01/01 to 12/31	0.23 CFS	34.0 AF

SOURCE
GROUNDWATER

Priority: 01/16/1967

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 32, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

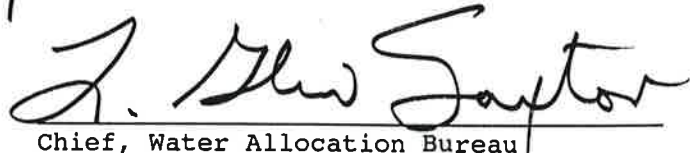
02S 35E 32

SWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, 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.
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. Industrial use is to temper grain for milling purposes.

Dated this 28th day of April, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 35-02857

FROM: Pam Skaggs/*PS* State Office

SUBJECT: Transfer 5226

DATE: April 27, 1998

dc

Transfer 5226 changes the point of diversion, place, nature and season of use under a portion of Right 35-02857, splitting the right into Parts A and B. The applicant is selling a portion of his irrigation right to Koch Industries for use in a grain tempering facility.

Standard diversion and consumptive use volumes were used to evaluate the change in nature of use. Year round use was also allowed for industrial use. Recommended conditions include drilling permit requirements and standard transfer conditions.

Change in Nature of Use Evaluation

	<u>Rate</u>	<u>Acres</u>	<u>Div. Vol./C.U. Vol</u>
35-02857	4.68 cfs	234.0 acres	819.0 afa (@3.5 afa)/702.0 afa
Part A	4.45 cfs	222.5 acres	768.3 afa (@3.5 afa)/667.5 afa
Part B	<u>0.23 cfs</u>	<u>(11.5 acres)</u>	<u>34.0 afa/ ? (34.0 afa maximum)</u>
Total	4.68 cfs	222.5 acres	802.3 afa/ 701.5 afa maximum

Change results in a reduction of irrigated acres, diversion and consumptive use volumes.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant TODD BURKE Phone (208) 684-4258
Post Office address 839 W. 100 N. Blackfoot, ID 83221

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Koch Agriculture is purchasing a portion of my water right to transfer to their facility to temper grain for milling purposes.

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------------|------------------|--------------------|-------------------|----------------------------|
| <u>35-02857(B)</u> | <u>1/16/1967</u> | <u>0.23 cfs</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.23 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Groundwater tributary to _____
- Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	32	2S	35E	Bingham	Koch Agriculture

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>2S</u>	<u>35E</u>	<u>32</u>							<u>I</u>										
<u>2S</u>	<u>34E</u>	<u>7</u>					<u>30.5</u>	<u>33</u>	<u>39</u>	<u>39</u>	<u>39</u>	<u>39</u>	<u>39</u>	<u>38</u>					<u>296.5</u>

* Permissible place of use for 35-02857A + 35-02858B Total acres _____

PART 1

6. General Information:

a. Description of diversion system Well + pump to 3 Facilities for the
tempering of grain

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Done X 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:

This ground will now be dry farm

d. Remarks:

11.5 acres of the original place of use will be dnd up. 0.23 of
originally appurtenant will be transferred to a grain processing
facility.

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 _____

PART 2

TRANS NO. 5226

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-02857

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.68 CFS	819.0 AF

SOURCE

GROUNDWATER

Priority: 01/16/1967

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 7, Township 02S, Range 34E
BINGHAM CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	34E	7	NENW 39	NWNW 39	SWNW 39	
			SEnw 39	NESW 39	NWSW 39	234
				Total number of acres irrigated:		234

CONDITIONS/REMARKS:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

35-02857B

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.23 cfs for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SW NW	7	2S	34E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	34E	7					5.5	6											11.5

Total acres 11.5

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

35-02857A

1. amount 4.45 cfs for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			SW NW	7	2S	34E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	34E	7					30.5	33	39	39	39	39	39	38					296.5

* Limited to 296.5 acres within Permissible P.O.U. Total acres 296.5

208-785-5546 KOCH AG BLACKFOOT 935 P02 MAR 04 '98 09:10

KAC Design and Sizing Spreadsheet

Water Well Sizing

Mills

Large Mill Capacity	12500 cwt/day
Small Mill Capacity	4000 cwt/day
Total Mill Capacity	16500 cwt/day

Days of Operation	350 days/yr
bu/wht → 100lb/flour	2.3
Bushels of wheat Cap.	37950 bu/day
Operation Time	24 hr/day
	1581.25 bu/hr

Water Content

Pre-Tempering	9%
Post-Tempering	16%

Water added 7,963,129 gal/yr

Seed Conditioning

Bushels of wheat Cap.	1008000 bu/yr
Days of Operation	350 days/yr
Operation Time	18 hr/day
Bushels of Wheat Cap.	1200 bu/hr
Percentage Tempered	15%

Water Content

Pre-Tempering	9%
Post-Tempering	14%

Water added 2,810,775 gal/yr

Total Water Usage 10,773,904 gal/yr

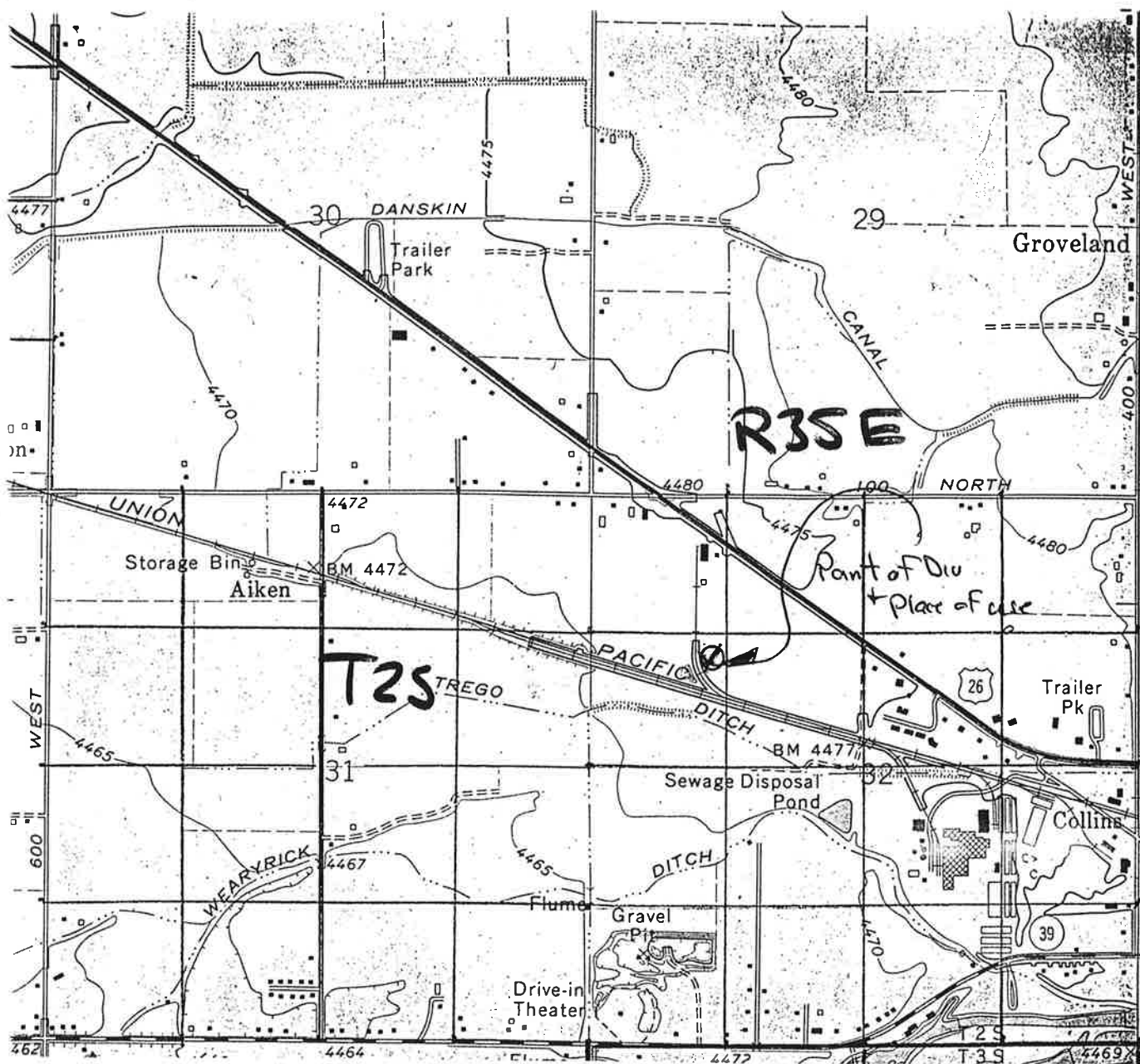
Total Water Usage 33 acre-ft/yr

Add. Water Usage 650 gpd
(Water Usage for Office) 0.72865 acre-ft/yr

Revised Total w/ Office 34 acre-ft/yr

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

* See attached sheet

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	* Industrial	34 af	16 hrs/350 days/y	to _____ to _____

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

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

None

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.

Todd Burke
(Signature of Applicant)

Subscribed and sworn to before me this 6th day of March, 19 98.

Mary Craft
(Notary Public)

My commission expires 8-19-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by H&J Date 3-6-98 Protest filed by _____Prelim. check by _____ Fee \$100.00Received by H&J # EO23941 Date 3-6-98

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 _____