

T5326 IDAHO SUPREME POTATOES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5326
WATER RIGHT NO. 27-02152

RECEIVED
DEC 09 1998

Department of Water Resources
Eastern Region

This is to certify that: IDAHO SUPREME POTATOES INC
PO BOX 246
FIRTH ID 83236

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	1.07 CFS	774.7 AF

SOURCE

GROUNDWATER

Priority: 10/03/1966

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 19, Township 01S, Range 37E
BINGHAM County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

01S 37E 19

SESW

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. 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.

TRANSFER NO. 5326
WATER RIGHT NO. 27-02152

CONDITIONS OF APPROVAL AND REMARKS

6. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5326 shall not exceed 1.07 cfs, nor a total combined annual volume of 774.7 af.
8. Diversion volume is limited to that amount of water actually applied to beneficial use for the authorized industrial use.
9. Two points of diversion are located within SESW, S19, T01S, R37E.

Dated this 3rd day of December, 1998


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 27-02152

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5326

JS

DATE: December 2, 1998

Transfer 5326 adds a second point of diversion under Right 27-02152. A new well will be drilled and connected to the existing system serving the waste treatment plant.

Recommended conditions include drilling permit requirements, multiple points of diversion/measuring devices, measure & annually report, license condition, and standard transfer conditions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 17, 1998

Gilbert Dayley
Idaho Supreme Potatoes, Inc.
P.O. Box 246
Firth, ID 83236

RE: TRANSFER NO. 5326 OF WATER RIGHT NO. 27-02152

Dear Mr. Dayley:

Your Petition for Reconsideration (petition) dated December 7, 1998 to Karl Dreher has been referred to me for response. The petition was filed in connection with Transfer No. 5326 which the department approved on December 3, 1998. In your petition you object to Condition of Approval No. 7 which reads as follows:

The total instantaneous diversion of water from all points of diversion under Transfer 5326 shall not exceed 1.07 cfs, nor a total combined annual volume of 774.7 af.

As brief background in this matter, on June 6, 1972, the department issued License No. 27-02152 authorizing a maximum diversion rate of 1.07 cfs and a maximum annual volume of 774.7 acre feet. The rate of 1.07 cfs was determined to be the diversion capacity during the department's field examination conducted on December 23, 1971. The volume was mathematically determined as the largest volume of water which could be produced assuming the pump operated continuously.

On September 25, 1998, you filed Application for Transfer No. 5326 with the department seeking approval to add a point of diversion (new well) to licensed water right no. 27-02152. On December 3, 1998, the department approved the transfer including Condition of Approval No. 7.

Section 42-222, Idaho Code, authorizes the department to approve a transfer of water right provided the proposed changes a) will not injure other water rights, b) do not constitute an enlargement in use of the original right, c) are in the local public interest and d) are consistent with the conservation of water resources within the state of Idaho.

The department is aware that in connection with Section 42-1426, Idaho Code, you have filed Snake River Basin Adjudication (SRBA) claim No. A27-10080 in which you claim a rate of 2.93 cfs as an enlargement claim. Although the claim has not yet been investigated by SRBA staff, as presently filed, the claim can not be allowed, since

Section 42-1426, Idaho Code, provides that an enlargement claim can not increase the rate of diversion.

You are correct that the question of administration of delivery of water by authorized rate of diversion or by volume was and still is an unresolved issue in connection with the draft Water Management Rules. This question, however is a different matter than the amount of water which has been established under a water right.

The transfer can not be approved under terms of Section 42-222, Idaho Code, with a diversion rate larger than 1.07 cfs or an annual volume larger than 774.7 af. Hence, your petition for reconsideration is denied. Enclosed is information titled Explanatory Information which describes potential actions you may pursue in connection with denial of the petition for reconsideration.

In connection with your use of water in excess of that authorized under the transfer, you need to obtain or develop a water right. Possibilities include obtaining part of other existing water rights or filing an application for permit for the excess water.

If you have questions, please feel free to contact the department.

Sincerely,



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: IDWR - E. Region
Ron Carlson
Adjud. Bur. - E. Region
File A27-10080
Water Meas. Sec.

RECEIVED
DEC 21 1998
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Idaho Supreme Potatoes, Inc. Phone 208 346 6841Post Office address P.O. Box 246, Firth, ID 83236

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 _____

2. Describe the reason for the proposed changes The New well will be used in place of existing water lines. Water will be used in our waste treatment facility for operation and cleaning. The water will also be used for sanitary and personal use and for emergency & fire protection.

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

1. Right Number A27-02152 Priority 1966 Amount (cfs/ac-ft) 1.07 Nature of Use Industrial Period of Use 1/1 to 12/31
 _____ to _____
 _____ to _____
1.07 ~~0.08~~ 774.7 ~~57~~
2. Total amount of water being transferred 0.08 cubic feet per second and/or 57 acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	1	SE	SW	19	15	37E	Bingham	Idaho Supreme Potatoes, Inc
		SE	SW	19	15	37E	" "	New Well

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	
15	37E	19																	

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Well & Pump
will be 8" casing $\approx$ 100' deep with 5 hp pump. Additional capacity of pump is for emergency fire protection.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ 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:

NOT Affected

d. Remarks:

Partners { Pres.- Wilford Chapman
 - John Chapman
 - Wayne Allen
Business Mgr - Wade Chapman

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. 5326

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 27-02152

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	1.07 CFS	774.7 AF

SOURCE

GROUNDWATER

Priority: 10/03/1966

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 19, Township 01S, Range 37E
BINGHAM CountyPLACE OF USE: INDUSTRIALTWN RGE SEC

01S 37E 19

SESW

CONDITIONS/REMARKS:

1. VOLUME IS LIMITED TO THAT AMOUNT ACTUALLY PLACED TO A BENEFICIAL USE.

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.

See ATTACHED map
(Page 9)

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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:

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.

Little & Dingle
(Signature of Applicant) Tech Services Mgr

Subscribed and sworn to before me this 23 day of 9, 19 98

Paul Ray Byington
(Notary Public)

My commission expires Nov 30, 1999

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by ALJ Date 9-25-1998 Protest filed by _____

Prelim. check by _____ Fee \$100⁰⁰

Receipted by ALJ #E024485 Date _____

Published in Morning News Copies of protest forwarded by _____

Pub. dates Oct 15 & 22, 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by BPC

Copy of transfer sent to lien holder _____

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33242/27-2152 Priority Oct. 3, 1966 Amount 1.07 cfs

THIS IS TO CERTIFY, that Idaho Supreme Potatoes, Inc.
of Firth, Idaho, has complied with the terms and conditions of Permit
No. 33242/27-2152 issued pursuant to Application for Permit dated October 3, 1966
and has submitted proof to the Department of Water Administration on October 6, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.07 cfs and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____ is hereby confirmed in the following amounts:

Amount 1.07 cfs for Industrial from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 1.07 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE1SW1 Sec. 19, Twp. 1 S, Rge. 37 E, D. M.
in the county of Bingham; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 774.7 acre feet per year XX

Description and location of place of use:

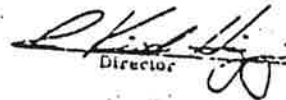
TWP	RANGE	SEC	N 1/4				N 1/2				S 1/4				S 1/2				TOTAL
			N 1/4	N 1/2	S 1/4	S 1/2	N 1/4	N 1/2	S 1/4	S 1/2	N 1/4	N 1/2	S 1/4	S 1/2	N 1/4	N 1/2	S 1/4	S 1/2	
1 S	37 E	19												X					

Total number of acres irrigated _____

Volume is limited to that amount actually placed to a beneficial use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6th day of
June, 19 72.


Director



RONALD SIMMONS
BINGHAM COUNTY ASSESSOR
P.O. BOX 310
BLACKFOOT, ID 83221

IMPORTANT NOTICE-PLEASE READ

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
BLACKFOOT, ID 83221
PERMIT NO. 196

ADDRESS CORRECTION REQUESTED

TAX CODE

26-00

CATEGORY DESCRIPTION

LOTS/ACRES

MARKET VALUE

14 RURAL IND TR
36 BLDG IND TR

157,842
3,011,768

3,169,610*

1998

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE

LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 22, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

CORRECTED ASSESSMENT NOTICE

PROPERTY ADDRESS
PARCEL NUMBER

RP 0514400

T1S R37E SEC 19
T-1318, 1319, 4381,
T-1334, 1315
PP9044602

A

Mail To:

IDAHO SUPREME POTATOES INC

PO BOX 246

FIRTH

ID 83236

Attachment "A"

Page 8 of 9

145324

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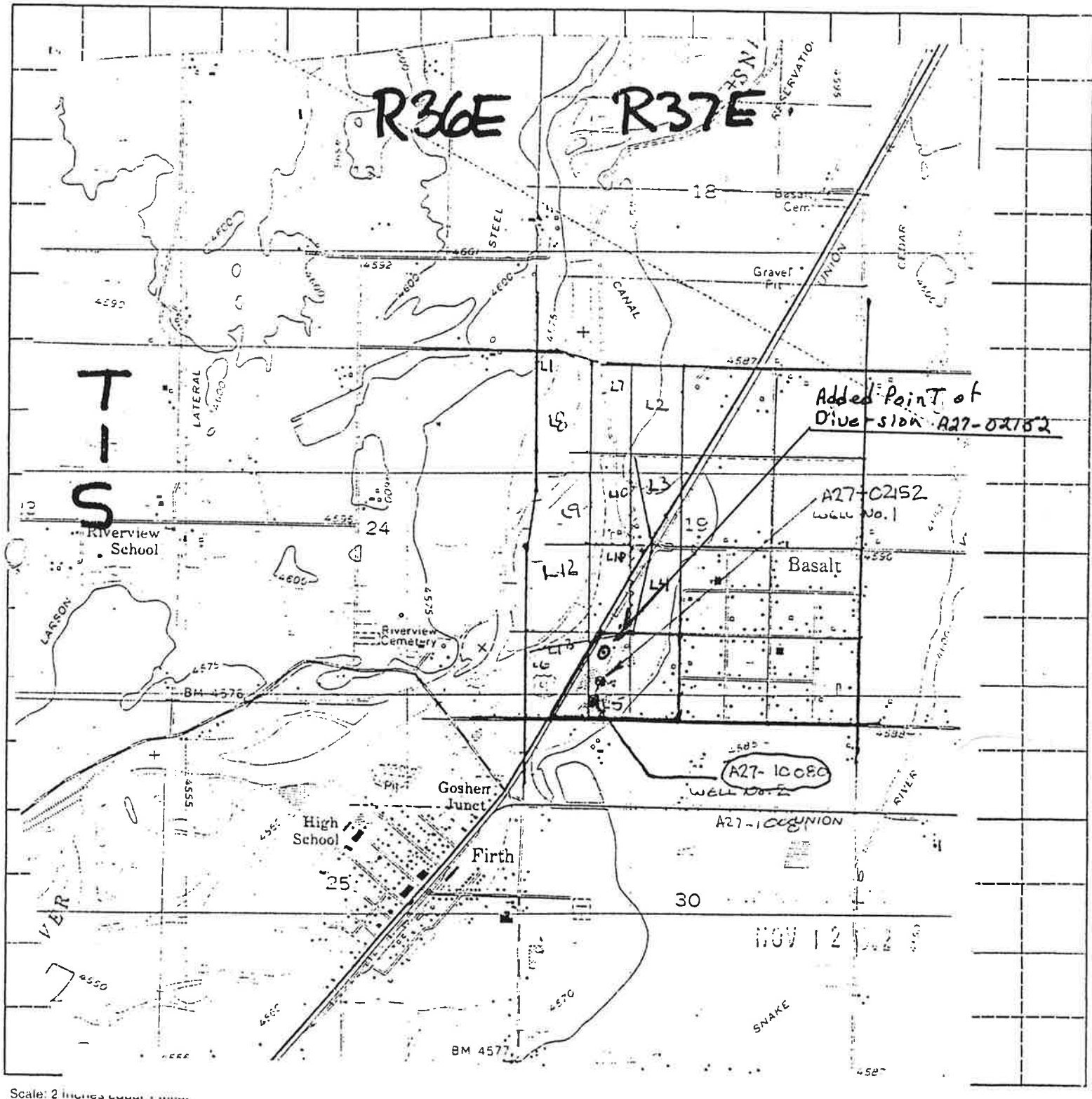
C

19

19

19

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Bill F. Wray
(Applicant)
Technical Services Mgr.

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 12, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gilbert Dayley
Idaho Supreme Potatoes, Inc.
P.O. Box 246
Firth, ID 83236

RE: TRANSFER NO. 5326 OF WATER RIGHT NO. 27-02152

Dear Mr. Dayley:

I have reviewed your letter dated December 22, 1998 which the department received on January 11, 1999. I believe that I understand the concern expressed in your first letter dated December 17, 1998 and in your most current letter.

The maximum authorized rate of diversion for License No. 27-02152 can not exceed 1.07 cfs (480 gallons per minute). An increase in this rate of diversion is not discretionary on the part of the department. Neither enlargement claim no. A27-10080 which you filed in the Snake River Basin Adjudication (SRBA) nor approved transfer 5326 authorizes a rate of diversion in excess of 1.07 cfs. The rate is fixed under terms of Idaho water law.

In your letter you asked what happens to your water right during times when you are not diverting the water. The water which you don't divert either remains in the aquifer or is used by other water rights.

I recognize that you filed SRBA Claim No. A27-10080 to cover capacity in your well in excess of 1.07 cfs. Section 42-1426, Idaho Code, does provide for the filing of a claim for enlarged use provided the original rate of diversion (in this case, 1.07 cfs) is not increased. Hence, the Claim No. A27-10080 does not and will not authorize a rate of diversion in excess of 1.07 cfs of water when considered together with License No. 27-02152.

You inquired about the status of an application for permit which you filed with the department. Department records show that on November 14, 1994 you filed Application for Permit No. 27-07576 seeking authorization to divert 1.86 cfs of groundwater. The department advertised the application which was protested on December 23, 1994, by Twin Falls Canal Company and Northside Canal Company. The department has not scheduled a conference and hearing on the protested application, since approval of the application is further encumbered by a moratorium issued on January 6, 1993, in the non-trust water area of the Snake Plain Aquifer. This protested application does not provide a basis for you to divert water in excess of 1.07 cfs.

As I described to you in my December 17, 1998 letter, it appears to me that you need to obtain a water right to authorize diversion in excess of 1.07 cfs. As suggested in your letter, an alternative would be to build additional storage capacity for water diverted at the authorized rate of 1.07 cfs.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, P.E.

Chief, Water Allocation Bureau

c: IDWR - E. Region
Ron Carlson
Adjud. Bur. - E. Region
File A27-10080
Water Meas. Sec.

RECEIVED

JAN 15 1999

Department of Water Resources
Eastern Region

