

50 3/19/01

Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 68843APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Idaho Supreme Potatoes Inc % Gil Daley Phone (208) 346-4100 ext 112
Post 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 IDEQ LAP000033-02 requires flushing of main transfer lines to pivots + we need that flush water once a week for 2 hours during the non-irrigation season.

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>27-07446 "B"</u>	<u>11/07/1988</u>	<u>1.34 cfs</u>	<u>Industrial</u>	<u>Nov 1 to March 31</u>
<u>27-11908 "C"</u>				

2. Total amount of water being transferred 1.34 * cubic feet per second and/or _____ acre-feet per annum.3. Source of water Groundwater tributary to _____4. Point(s) of Diversion: * This is instantaneous flow for 2 hrs, once a week.

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
9		SW	SE	6	1S	37E	Bingham	
		SE	SE	7	"	"	"	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	37E	6															I		
		7		I			I			I	I					I	I		
		18		I	I					I		I				I			
		19		I	I		I			I	I			I					

Total Acres _____

6. General Information:

a. Description of diversion system 2 wells & pump to flush delivery lines & pivots.

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:

2 acres will not be irrigated. We only need 5 acre feet of water to fulfill our flush needs thru the winter so only 2 acres was dried up.

d. Remarks:

The places of use reflect the pipeline location that brings the flush water thru the systems.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

PART 2

TRANS NO. 68843

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 27-07446

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.34 CFS	868.0 AF

SOURCE

GROUNDWATER

Priority: 11/07/1988

LOCATION OF POINT(S) OF DIVERSION: Lot 9 (SWSE), Sec. 6, Township 01S, Range 37E
SESE, Sec. 7, Township 01S, Range 37E
BINGHAM County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE									
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	37E	6	:					:					:					:						:	
01S	37E	7	:		25	30	02	:	08-25			07-30	:	06-05				:	05	06-35	05-10	05	:	172.0	
																							TOTAL ACRES	217.0	

CONDITIONS/REMARKS:

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

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

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.04 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
9		SW	SE	6	1S	37E	Bingham	
		SE	SE	7	"	"	"	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	37E	7																2	2

Total Acres 2

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

1. amount 4.30 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
9		SW	SE	6	1S	37E	Bingham	

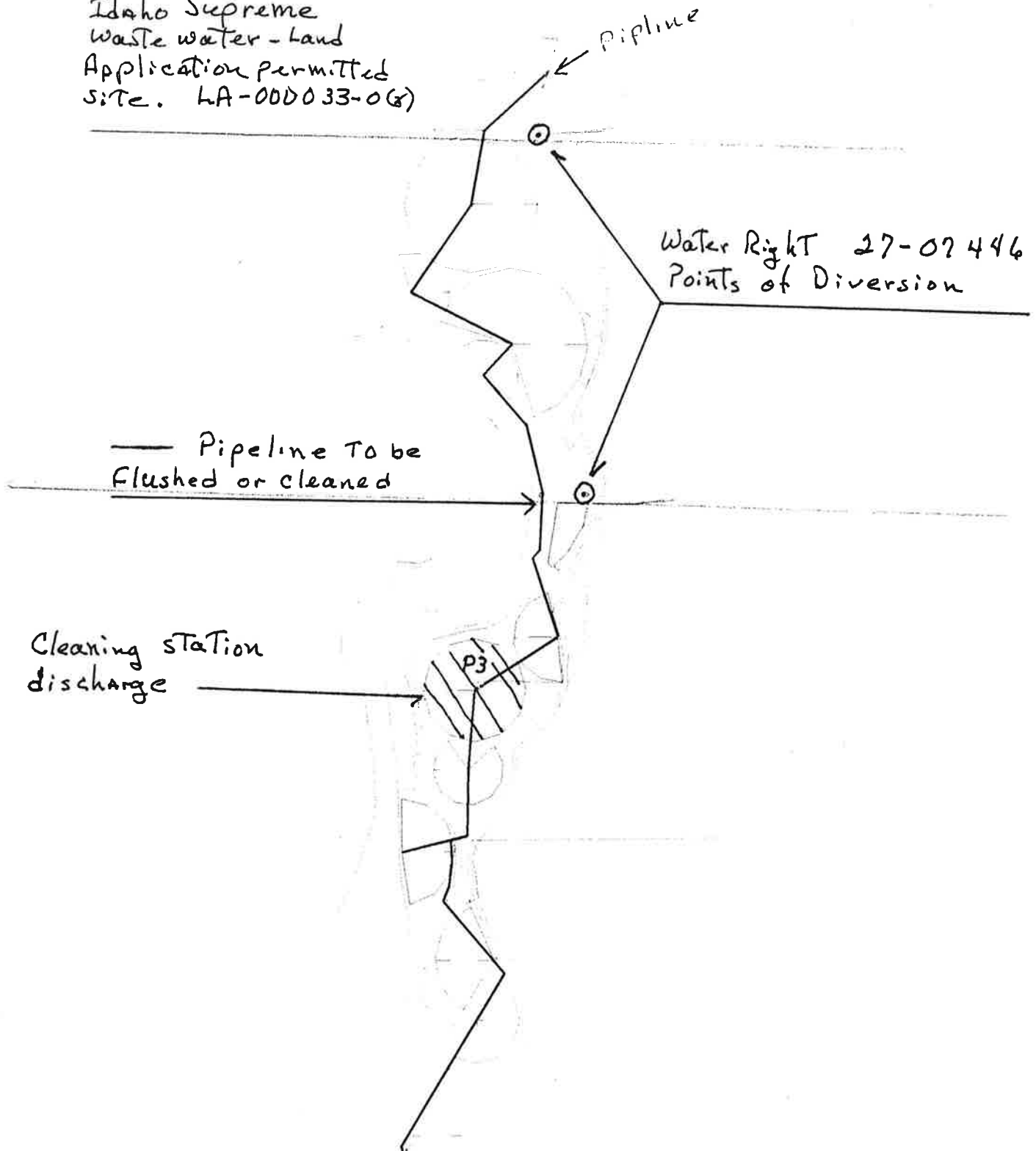
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	37E	6												15		5	25		45
														L-9		L-10	L-13		
		7		25	30	2	25			30	5								
							L-8			L-7	L-6				5	35	10	3	170
																L-6	L-5		

Total Acres 215

PIPELINE LAYOUT

Idaho Supreme
waste water - Land
Application permitted
site. LA-000033-0(x)



PART 3

B. CHANGES IN NATURE OF USE

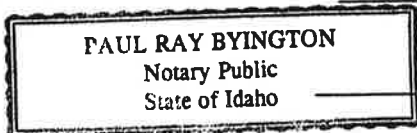
- | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|---------------------------|
| <u>Industrial</u> | <u>0.04 cfs / 4.7</u> | <u>2hr/week</u> | <u>Nov. 1 to March 31</u> |
- Quantity and quality of return flows and location of discharge:
Return quality degraded - LAP 000033 - ox Flushwater. Location of
discharge is pivot site #3 which will spread water over 46 acres
- Describe effects on other water uses resulting from the proposed change:
1/ N.A.
2/ Even though 0.04 cfs is our basic rate, the actual use will
be at 1.34 cfs for 2hrs/week over 5 months + utilize
4.7 af.

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]
 (Signature of Applicant)

Subscribed and sworn to before me this 11 day of Jan, 20 01.



Paul Ray Byington
 (Notary Public)

My commission expires _____

MY COMMISSION EXPIRES
November 30, 2005
 BONDED THE NOTARY PUBLIC UNDERWRITERS

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 31 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by KCW 1/16/01 Fee \$100.00

Received by Cheri Date 1-12-01 EO 216430

Published in Morning News Copies of protest forwarded by _____

Pub. Dates Feb 1 & 8th, 2001 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68843

RECEIVED

JUN 28 2001

Department of Water Resources
Eastern Region

This is to certify that: IDAHO SUPREME POTATOES INC
C/O GIL DAYLEY
PO BOX 246
FIRTH ID 83236
(208)346-4100 x112

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. 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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
27-7446	WR/License	11/07/1988	4.34 cfs	868.0 af	217.0	217.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

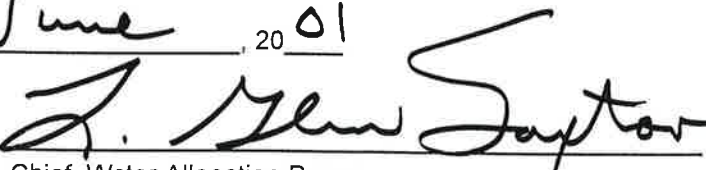
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
27-7446	NO	NO	YES	NO	YES	YES

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>
27-7446	27-7446	4.34 cfs	864.8 af	215.0	215.0		N/A	N/A	N/A	N/A
TOTALS		4.34 cfs	864.8 af	215.0	215.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of June, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 27-7446
As Modified by Transfer No. 68843

In accordance with the approval of Transfer No. 68843, Water Right No. 27-7446 is now described as follows.

Right Holder: IDAHO SUPREME POTATOES INC
 PO BOX 246
 FIRTH ID 83236

Priority Date: 11/07/1988

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	4.30 CFS	860.0 AF
INDUSTRIAL	11/01 to	03/31	1.34 CFS	4.8 AF
			4.34 CFS	864.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 7 Twp 01S Rge 37E BINGHAM County

GROUND WATER Lot 9 SWSE Sec. 6 Twp 01S Rge 37E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	37E	6												15.0			5.0	25.0	45.0
														L 9			L 10	L 13	
01S	37E	7	25.0	30.0	2.0	25.0		30.0	5.0						5.0	35.0	10.0	3.0	170.0
						L 8		L 7	L 6							L 6	L 5		

Total Acres: 215

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	37E	6																X	
01S	37E	7		X			X		X	X							X	X	
01S	37E	18		X	X				X		X						X		
01S	37E	19		X	X		X		X	X			X						

WATER RIGHT NO. 27-7446
As Modified by Transfer No. 68843

CONDITIONS OF APPROVAL

1. 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.
2. The total instantaneous diversion of water from all points of diversion under Right 27-7446 shall not exceed 4.34 cfs, nor total combined annual volume of 864.8 af.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Diversion of water for industrial use is limited to a total weekly volume of 0.22 af.
5. Industrial use under this approval provides water to flush waste from the delivery system and shall comply with applicable water quality standards of the Department of Environmental Quality.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right 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.

Dated this 22nd day of June, 2001


Chief, Water Allocation Bureau