

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78953

This is to certify that: CONAGRA FOODS LAMB WESTON, INC
PO BOX 489
AMERICAN FALLS, ID 83211

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. A summary of the changes is also listed below. 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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-12670	WR/DECREE	8/24/1962	2.010 cfs	1455.2 af	N/A	N/A	GROUND WATER
35-2603	WR/DECREE	7/7/1960	3.340 cfs	2418.1 af	N/A	N/A	GROUND WATER
35-4127	WR/DECREE	8/14/1961	4.680 cfs	3388.2 af	N/A	N/A	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>
35-12670	NO	NO	YES	YES	NO	NO
35-2603	NO	NO	YES	YES	NO	NO
35-4127	NO	NO	YES	YES	NO	NO

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>
35-12670	35-12670	2.010 cfs	1455.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
35-2603	35-2603	3.340 cfs	2418.1 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
35-4127	35-4127	4.680 cfs	3388.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		10.030 cfs	4408.0 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 25th day of February, 2014.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 78953

IN FILE # 35-2603

SCANNED

FEB 27 2014

WATER RIGHT NO. 35-2603**As Modified by Transfer No. 78953**

In accordance with the approval of Transfer No. 78953, Water Right No. 35-2603 is now described as follows:

Right Holder: LAMB WESTON INC
2975 LAMB WESTON RD
PO BOX 489
AMERICAN FALLS, ID 83211

Priority Date: 7/7/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	1/01	to 12/31	3.340 cfs	2418.1 af
			3.340 cfs	2418.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	NWNWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	NWSWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	SENENE	Sec 03 Twp 08S Rge 30E	POWER County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	30E	35					X	X	X	X	X	X	X	X			X	X	
08S	30E	2					X	X											
08S	30E	3	X	X															

CONDITIONS OF APPROVAL

1. Rights 35-2603, 35-4127 and 35-12670 when combined shall not exceed a total diversion rate of 10.03 cfs or a total annual maximum diversion volume of 4,408 af.
2. Industrial use includes a potato processing plant.
3. The place of industrial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in conjunction with the potato processing plant located in T07S, R30E, S35, NWSE and SWSE as authorized by these water rights. The industrial use of water under this right includes the treatment of waste water with fresh water.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120

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WATER RIGHT NO. 35-2603
As Modified by Transfer No. 78953

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to diversion and use of water under Transfer approval 78953, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-4127**As Modified by Transfer No. 78953**

In accordance with the approval of Transfer No. 78953, Water Right No. 35-4127 is now described as follows:

Right Holder: LAMB WESTON INC
2975 LAMB WESTON RD
PO BOX 489
AMERICAN FALLS, ID 83211

Priority Date: 8/14/1961

Source: GROUND WATER

BENEFICIAL USE

FIRE PROTECTION
INDUSTRIAL

From

1/01 to 12/31
1/01 to 12/31

To**Diversion Rate**

4.680 cfs
4.680 cfs
4.680 cfs

Diversion Volume

3388.2 af
3388.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	NWNWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	NWSWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	SENENE	Sec 03 Twp 08S Rge 30E	POWER County

PLACE OF USE: FIRE PROTECTION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	30E	35														X	X		

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	30E	35					X	X	X	X	X	X	X	X			X	X	
08S	30E	2					X	X											
08S	30E	3	X	X															

CONDITIONS OF APPROVAL

1. Rights 35-2603, 35-4127 and 35-12670 when combined shall not exceed a total diversion rate of 10.03 cfs or a total annual maximum diversion volume of 4,408 af.
2. Industrial use includes a potato processing plant.

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WATER RIGHT NO. 35-4127
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CONDITIONS OF APPROVAL

3. The place of industrial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in conjunction with the potato processing plant located in T07S, R30E, S35, NWSE and SWSE as authorized by these water rights. The industrial use of water under this right includes the treatment of waste water with fresh water.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to diversion and use of water under Transfer approval 78953, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-12670
As Modified by Transfer No. 78953

In accordance with the approval of Transfer No. 78953, Water Right No. 35-12670 is now described as follows:

Right Holder: LAMB WESTON INC
 2975 LAMB WESTON RD
 PO BOX 489
 AMERICAN FALLS, ID 83211

Priority Date: 8/24/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	1/01	to 12/31	2.010 cfs	1455.2 af
			2.010 cfs	1455.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	NWNWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	NWSWSE	Sec 35 Twp 07S Rge 30E	POWER County
GROUND WATER	SENE	Sec 03 Twp 08S Rge 30E	POWER County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	30E	35					X	X	X	X	X	X	X	X		X	X		
08S	30E	2					X	X											
08S	30E	3	X	X															

CONDITIONS OF APPROVAL

1. Rights 35-2603, 35-4127 and 35-12670 when combined shall not exceed a total diversion rate of 10.03 cfs or a total annual maximum diversion volume of 4,408 af.
2. Industrial use includes a potato processing plant.
3. The place of industrial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in conjunction with the potato processing plant located in T07S, R30E, S35, NWSE and SWSE as authorized by these water rights. The industrial use of water under this right includes the treatment of waste water with fresh water.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120

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WATER RIGHT NO. 35-12670
As Modified by Transfer No. 78953

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to diversion and use of water under Transfer approval 78953, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one 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.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.