

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☒ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Detailed narrative of the requested change.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78953

OCT 30 2013

Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) ConAgra Foods Lamb Weston, Inc. Phone 208-226-2301 ext. 63735Mailing address 2975 Lamb Weston Road P.O. Box 489 American Falls, Idaho 83211 Email Duane.Elgan@conagrafoods.c

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Norm Young, ERO Resources Inc. Phone 208-373-7983Mailing address 3314 Grace Street, Boise, Idaho, 83703 Email nyoung@eroreources.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Fred Webb - Plant Manager
Print Name and Title if applicable

October 21, 2013
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 Update ownership information
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. ConAgra Foods Lamb Weston, Inc. needs to increase the area used for land application of its industrial effluent to comply with water quality requirements. An additional well is needed to provide freshwater to facilitate operation of the land application part of the industrial process system. Documents are included to change owner's name.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2603	3.34/2418.1	Industrial	1/01 to 12/31	Ground Water
☒ ☐	35-4127	4.68/3388.2	Industrial	1/01 to 12/31	Ground Water
☒ ☐	35-4127	4.68	Fire Protection	1/01 to 12/31	Ground Water
☒ ☐	35-12670	2.01/1455.2	Industrial	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.03 cfs and/or 4408 ac-ft

2. Total amount of water proposed to be transferred or changed 10.03 cubic feet per second and/or 4408 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No		NW	SW	SE	35	7S	30E	Power	Ground Water	Well No. 1
No		NW	NW	SE	35	7S	30E	Power	Ground Water	Well No. 2
No		NE	NW	SE	35	7S	30E	Power	Ground Water	Well No. 3
Yes		SE	NE	NE	03	8S	30E	Power	Ground Water	Well No. 4

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	30E	35																	
8S	30E	02																	
8S	30E	03																	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Three existing wells and a fourth to be added to the system supply water for a food processing plant using pumps and pipelines into and from the plant. Effluent from the plant is treated by land application and treatment ponds. The existing wells are equipped with measuring equipment and the new well will have a device in accordance with IDWR requirements.
- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: N.A.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N.A.
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No effect because land application of industrial effluent will continue on the lands now receiving it.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: N.A.

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____	(cfs/ac-ft) for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-2603

Current Owner: LAMB WESTON INC
Priority Date: 7/7/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	3.34 CFS	2418.1 AF
	<u>Total Diversion</u>	3.34 CFS	2418.1 AF

Location of Point(s) of Diversion

GROUND WATER POWER County	NW1/4SW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
GROUND WATER POWER County	NW1/4NW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
GROUND WATER POWER County	NE1/4NW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.

Place of Use

INDUSTRIAL Within POWER County

T07S R30E S35	NENW	T07S R30E S35	NWNW
T07S R30E S35	SWNW	T07S R30E S35	SENW
T07S R30E S35	NESW	T07S R30E S35	NWSW
T07S R30E S35	SWSW	T07S R30E S35	SESW
T07S R30E S35	NWSE	T07S R30E S35	SWSE

Conditions of Approval:

1. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.03 CFS. COMBINED RIGHT NOS.: 35-02603, 35-04127, 35-12670.
2. THE WATER DIVERTED UNDER THIS RIGHT FOR INDUSTRIAL PURPOSES MUST FIRST BE USED IN ASSOCIATION WITH THE POTATO PROCESSING PLANT LOCATED IN T07S, R30E, S35, NWSE AND SWSE. AFTER WATER IS USED FOR INDUSTRIAL PURPOSES IN ASSOCIATION WITH THE POTATO PROCESSING PLANT, IT MAY BE APPLIED TO AND USED FOR THE IRRIGATION OF THE LAND DESCRIBED IN THE PLACE OF USE FOR INDUSTRIAL PURPOSES IN T07S, R30E, S35, W1/2, TO SATISFY WATER QUALITY REQUIREMENTS. THE INDUSTRIAL USE OF WATER UNDER THIS RIGHT INCLUDES THE TREATMENT OF WASTE WATER WITH FRESH WATER.
3. INDUSTRIAL USE INCLUDES A POTATOE PROCESSING PLANT LOCATED IN THE W1/2SE, S35, T7S, R30E.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4408 AF. COMBINED RIGHT NOS.: 35-04127 AND 35-12670
5. THE CHANGE AUTHORIZED BY TRANSFER NO. 5068 SHALL BE ACCOMPLISHED BY JUNE 15, 1999.
6. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 11/17/2000

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-4127

Current Owner: LAMB WESTON INC

Priority Date: 8/14/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	4.68 CFS	3388.2 AF
FIRE PROTECTION	1/01 to 12/31	4.68 CFS	
	<u>Total Diversion</u>	4.68 CFS	3388.2 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
POWER County				
GROUND WATER	NE1/4NW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
POWER County				
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
POWER County				

Place of Use

INDUSTRIAL Within POWER County

T07S R30E S35	NENW	T07S R30E S35	NWNW
T07S R30E S35	SWNW	T07S R30E S35	SEnw
T07S R30E S35	NESW	T07S R30E S35	NWSW
T07S R30E S35	SWSW	T07S R30E S35	SESW
T07S R30E S35	NWSE	T07S R30E S35	SWSE

FIRE PROTECTION Within POWER County

T07S R30E S35	NWSE	T07S R30E S35	SWSE
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Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.03 CFS. COMBINED RIGHT NOS.: 35-02603, 35-04127, 35-12670.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4408 AF. COMBINED RIGHT NOS.: 35-02603 AND 35-12670
4. THE WATER DIVERTED UNDER THIS RIGHT FOR INDUSTRIAL PURPOSES MUST FIRST BE USED IN ASSOCIATION WITH THE POTATO PROCESSING PLANT LOCATED IN T07S, R30E, S35, NWSE AND SWSE. AFTER WATER IS USED FOR INDUSTRIAL PURPOSES IN ASSOCIATION WITH THE POTATO PROCESSING PLANT, IT MAY BE APPLIED TO AND USED FOR THE IRRIGATION OF THE LAND DESCRIBED IN THE PLACE OF USE FOR INDUSTRIAL PURPOSES IN T07S, R30E, S35, W1/2, TO SATISFY WATER QUALITY REQUIREMENTS. THE INDUSTRIAL USE OF WATER UNDER THIS RIGHT INCLUDES THE TREATMENT OF WASTE WATER WITH FRESH WATER.
5. THE CHANGE AUTHORIZED BY TRANSFER NO. 5068 SHALL BE ACCOMPLISHED BY JUNE 15, 1999.
6. INDUSTRIAL USE INCLUDES A POTATOE PROCESSING PLANT LOCATED IN THE W1/2SE, S35, T7S, R30E.

Decreed Date: 11/17/2000

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-12670

Current Owner: LAMB WESTON INC
Priority Date: 8/24/1962
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	2.01 CFS	1455.2 AF
	<u>Total Diversion</u>	2.01 CFS	1455.2 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
POWER County				
GROUND WATER	NW1/4SW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
POWER County				
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 35,	Twp 07S,	Rge 30E B.M.
POWER County				

Place of Use

INDUSTRIAL Within POWER County

T07S R30E S35	NENW	T07S R30E S35	NWNW
T07S R30E S35	SWNW	T07S R30E S35	SEnw
T07S R30E S35	NESW	T07S R30E S35	NWSW
T07S R30E S35	SWSW	T07S R30E S35	SESW
T07S R30E S35	NWSE	T07S R30E S35	SWSE

Conditions of Approval:

1. THE WATER DIVERTED UNDER THIS RIGHT FOR INDUSTRIAL PURPOSES MUST FIRST BE USED IN ASSOCIATION WITH THE POTATO PROCESSING PLANT LOCATED IN T07S, R30E, S35, NWSE AND SWSE. AFTER WATER IS USED FOR INDUSTRIAL PURPOSES IN ASSOCIATION WITH THE POTATO PROCESSING PLANT, IT MAY BE APPLIED TO AND USED FOR THE IRRIGATION OF THE LAND DESCRIBED IN THE PLACE OF USE FOR INDUSTRIAL PURPOSES IN T07S, R30E, S35, W1/2, TO SATISFY WATER QUALITY REQUIREMENTS. THE INDUSTRIAL USE OF WATER UNDER THIS RIGHT INCLUDES THE TREATMENT OF WASTE WATER WITH FRESH WATER.
2. INDUSTRIAL USE INCLUDES A POTATOE PROCESSING PLANT LOCATED IN THE W1/2SE, S35, T7S, R30E.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4408 AF. COMBINED RIGHT NOS.: 35-02603 AND 35-04127
5. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.03 CFS. COMBINED RIGHT NOS.: 35-02603, 35-04127, 35-12670.
6. THE CHANGE AUTHORIZED BY TRANSFER NO. 5068 SHALL BE ACCOMPLISHED BY JUNE 15, 1999.

Decreed Date: 11/17/2000

78953

Should questions arise during the processing of this application please contact:
Norm Young - ERO Resources Corp. (208) 373-7983

**STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
<u>35-2603</u>	<u> </u>	<u>No</u>	<u> </u>	<u> </u>	<u> </u>
<u>35-4127</u>	<u> </u>	<u>No</u>	<u> </u>	<u> </u>	<u> </u>
<u>35-8669</u>	<u> </u>	<u>No</u>	<u> </u>	<u> </u>	<u> </u>
<u>35-12670</u>	<u> </u>	<u>No</u>	<u> </u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Lamb Weston Inc.
2975 Lamb Weston Rd., PO Box 489
American Falls, Idaho 83211

4. New Owner/Claimant(s) ConAgra Foods Lamb Weston, Inc.
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address 2975 Lamb Weston Rd., PO Box 489

American Falls, Idaho 83211

New Telephone Number (208) 226-2301 Email: Duane.Elgan@Conagrafoods.com

5. Date you acquired the property May 28, 2007

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Steve Wehl - Plant Manager
(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

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CONAGRA FOODS PACKAGED FOODS, LLC
Assistant Secretary's Certificate

I, Jessica Smith, the duly appointed Assistant Secretary of ConAgra Foods Packaged Foods, LLC ("Company"), am familiar with the facts set forth below and, being authorized to do so, certify that:

1. The Company is a Delaware limited liability company and indirect wholly owned subsidiary of ConAgra Foods, Inc.
2. On September 26, 2004, Lamb-Weston, Inc., a Delaware corporation, merged with and into ConAgra Foods Packaged Foods Company, Inc., a Delaware corporation and wholly owned subsidiary of ConAgra Foods, Inc.
3. ConAgra Foods Packaged Foods Company, Inc., merged with and into the Company, effective May 28, 2007.
4. The Company transferred assets associated with the Lamb Weston operations, including the facilities located below, to ConAgra Foods Lamb Weston, Inc., a wholly owned subsidiary of ConAgra Foods, Inc., via a Purchase Agreement dated May 28, 2007.

American Falls, ID
Twin Falls, ID
Boardman, OR
Hermiston, OR
Connell, WA
Pasco, WA
Prosser, WA
Quincy, WA
Richland, WA

IN WITNESS WHEREOF, I have subscribed my name as Assistant Secretary of the Company this 27th day of February, 2008.

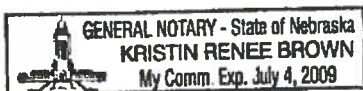

Jessica Smith
Assistant Secretary

STATE OF NEBRASKA

§

COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me this 27th day of February, 2008, by Jessica Smith, known to me to be the Assistant Secretary of the Company.




Notary Public



ConAgra Foods
Lamb Weston
Administrative Office
P.O. Box 1900
Pasco, WA 99301-1900
TEL: (509) 735-4651
FAX: (509) 736-0399

August 6, 2012

Mr. Fred Webb
Plant Manager
ConAgra Foods Lamb Weston, Inc.
American Falls Plant
2975 Lamb-Weston Rd.
American Falls, ID 83211

Dear Fred:

This letter is in accordance with Federal and State regulations regarding signatories for permit applications and reports related to air, water pollution control (process reuse water, domestic wastewater, stormwater) and other environmental programs.

Please consider this letter as my appointment and authorization for you as the American Falls Plant Manager to sign all new permit applications and renewals, all permit-associated reports and correspondence, and any other Federal/State environmental forms or reports.

I certify that I am a responsible corporate officer of ConAgra Foods Lamb Weston, Inc. and have the required authority to make these appointments.

Sincerely,

CONAGRA FOODS LAMB WESTON, INC.

Richard A. Martin
Vice President Global Operations

Lamb-Weston Application for Transfer



APPLICATION FOR TRANSFER OF WATER RIGHT

ATTACHMENT NO. 9

NARRATIVE DESCRIPTION OF PROPOSED CHANGE

Water rights Nos. 35-2603, 35-4127, and 35-12670 were decreed by the SRBA court to Lamb Weston, Inc. When the decrees were issued, Lamb Weston, Inc. was a wholly owned subsidiary of ConAgra Foods, Inc. and has since been merged into a combined company named ConAgra Foods Lamb Weston, Inc. Documents to update the name of the owner of the water rights are included with the application for transfer.

The purpose of the application for transfer is to allow industrial effluent from the applicant's food processing facility to be land applied to a parcel of land the applicant owns adjacent to and just south of the parcel used for land application (W1/2 Section 35 T7S R30E). The applicant understands that an application for transfer is needed in accordance with the memorandum entitled "Transfer Processing Policies and Procedures" dated December 21, 2009, Page 3, because the parcel upon which land application of the effluent does not have a "full existing water right for irrigation." However, the applicant further understands that the application will not be considered to be an enlargement of the industrial use authorized by the applicant's existing rights (Reference: "Transfer Processing Policies and Procedures" dated December 21, 2009, Page 31, Paragraph (9)).

Although an additional diversion from the ESPA is requested, an attachment setting forth the "time series of calculated depletions" has not been included per the guidance in "Transfer Processing Policies and Procedures" dated December 21, 2009, Page 13, because the new well is located in a model grid cell adjacent to the grid cell containing the existing wells as located using the ESPA model grid location tool available at: idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.

Bergendorf, Scott

From: Norman Young [nyoung@erresources.com]
Sent: Friday, December 06, 2013 1:51 PM
To: Bergendorf, Scott
Cc: Dave Shaw; Duane.Elgan@conagrafoods.com
Subject: RE: ConAgra Foods Lamb Weston, INC Transfer

Scott:

Thank you for your help on the transfer application. You are correct that the plat submitted with the application incorrectly shows the E1/2 of the SE1/4, Section 35 within the existing place of use. Table B4 in Part 1 of the application correctly lists the place of use requested after approval of the transfer application. Please continue processing of the application with this understanding.

Norm Young

From: Bergendorf, Scott [Scott.Bergendorf@idwr.idaho.gov]
Sent: Wednesday, December 04, 2013 11:50 AM
To: Norman Young; Dave Shaw
Subject: RE: ConAgra Foods Lamb Weston, INC Transfer

These files will work perfectly.

Thanks,

Scott

From: Norman Young [<mailto:nyoung@erresources.com>]
Sent: Tuesday, December 03, 2013 9:57 AM
To: Dave Shaw; Bergendorf, Scott
Subject: RE: ConAgra Foods Lamb Weston, INC Transfer

Dave, Thank you for locating and sending the files. I am not able to open the documents on this computer so I am not able to direct Scott to the appropriate files.

Scott, If you are not able to locate the shape files that you need without a lot of work, please let me know. The paper copy of the map included with the transfer shows an October 13, 2013 date.

Norm

From: Dave Shaw
Sent: Tuesday, December 03, 2013 8:42 AM
To: Norman Young; scott.bergendorf@idwr.idaho.gov
Subject: RE: ConAgra Foods Lamb Weston, INC Transfer

Norm,

These are the most recent files I have. I have included Scott on this email.
Hope you had a good Thanksgiving even with too much football.

Dave

David Shaw

ERO Resources Corporation

208.365.7684 dshaw@eroresources.com | www.eroresources.com

From: Norman Young

Sent: Monday, December 02, 2013 6:44 PM

To: Dave Shaw

Subject: FW: ConAgra Foods Lamb Weston, INC Transfer

Dave: Do you have easy access to the shapes that Scott is requesting? Hope you had a great holiday. I have been busy getting my yard at home in shape for winter, but watched way too much football, too. Norm

From: Bergendorf, Scott [Scott.Bergendorf@idwr.idaho.gov]

Sent: Monday, December 02, 2013 2:06 PM

To: Norman Young

Subject: ConAgra Foods Lamb Weston, INC Transfer

Hey Norm,

I'm currently preparing the transfer for advertising. Do you have the shapefiles for the transfer map that you created? If you could email the New POU and the New POD files to me that would help a great deal in keeping my information accurate as I prepare the transfer.

Thanks,

Scott R. Bergendorf

Water Resource Agent

Eastern Regional Office

Idaho Department of Water Resources

Phone (208) 525-7161

scott.bergendorf@idwr.idaho.gov