

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 75382

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant Mart Produce Corp Phone 208-436-0611

Post Office address PO Box 34 100 E 70 N Rupert, ID 83350

RECEIVED

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

JAN 28 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

2. Describe the reason for the proposed changes The added piont of diversion would provide a secondary well that would be used as a backup to the current well.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-8457</u>	<u>09/20/1989</u>	<u>0.16/8.6</u>	<u>Commercial</u>	<u>01/01</u> to <u>12/31</u>
<u>36-8458</u>	<u>09/20/1989</u>	<u>0.01/2.4</u>	<u>Commercial</u>	<u>01/01</u> to <u>12/31</u>
<u>36-16384</u>	<u>02/23/1948</u>	<u>0.19/38.8</u>	<u>Commercial</u>	<u>01/01</u> to <u>12/31</u>
				to _____

2. Total amount of water being transferred 0.36 cubic feet per second and/or 49.8 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NW	SE	NE	21	09S	24E	Minidoka	Current Well
	NE	SE	NE	21	09S	24E	Minidoka	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	
09S	24E	21	C			C													N/A

PART 1**6. General Information:**a. Description of diversion system Pumps and pipes

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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

The additional well will be used as a secondary water source and will only be used
when the primary well is not functional.

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 _____, 20____.

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

Current Water Right No.: 36-8457

Priority Date: 9/20/1989

Origin: Water Right

Basis:	License
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Status: Active

Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
COMMERCIAL	1/01 to 12/31	0.16 CFS	8.6 AF
	Total Diversion	0.16 CFS	8.6 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4

Sec. 21, Twp 09S, Rge 24E B.M.

MINIDOKA CountyPlace of Use

COMMERCIAL Within MINIDOKA County

[illegible]

Total Acres:

Conditions of Approval:

1. Commercial use is for a potato packing plant.

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/27/2009

WATER RIGHT NO. 36-8457

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MART PRODUCE CORP PO BOX 34 100 E 70 N RUPERT, ID 83350 (208)436-0611

Priority Date: 09/20/1989
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	1/01	12/31	0.16 CFS	8.6 AFA
Total Diversion			0.16 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 21|Township 09S|Range 24E|MINIDOKA County

Licensed Diversion Capacity: 0.16

Place(s) of use:

Place of Use Legal Description: COMMERCIAL MINIDOKA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	24E	21		SENE										

Conditions of Approval:

1.||Commercial use is for a potato packing plant.

Dates:

Licensed Date: 10/21/1993

Decreed Date:

Permit Proof Due Date: 1/1/1991

Permit Proof Made Date: 11/6/1990

Permit Approved Date: 12/28/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/20/1989

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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

Current Water Right No.: 36-8458

Priority Date: 9/20/1989

Origin: Water Right

Basis: License

Status: Active

Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
COMMERCIAL	8/01 to 7/01	0.01 CFS	2.4 AF
	Total Diversion	0.01 CFS	2.4 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4NE1/4

Sec. 21, Twp 09S, Rge 24E B.M.

MINIDOKA County

Place of Use

COMMERCIAL Within MINIDOKA County

			NE				NW				SW				SE					
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
09S	24E	21				X														

Total Acres:

Conditions of Approval:

1. Commercial use is for a cellar humidifier.

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/27/2009

WATER RIGHT NO. 36-8458

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MART PRODUCE CORP PO BOX 34 100 E 70 N RUPERT, ID 83350 (208)436-0611

Priority Date: 09/20/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	8/01	7/01	0.01 CFS	2.4 AFA
Total Diversion			0.01 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESENE|Sec. 21|Township 09S|Range 24E|MINIDOKA County

Licensed Diversion Capacity: 0.07

Place(s) of use:

Place of Use Legal Description: COMMERCIAL MINIDOKA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	24E	21		SENE										

Conditions of Approval:

- Commercial use is for a cellar humidifier.

Dates:

Licensed Date: 09/07/1993

Decreed Date:

Permit Proof Due Date: 1/1/1991

Permit Proof Made Date: 11/6/1990

Permit Approved Date: 12/28/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/20/1989

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Page _____ of _____

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

Current Water Right No.: 36-16384

Priority Date: 2/23/1948

Origin: Water Right

Basis: Decreed

Status: Active

Source

Tributary

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Annual Volume
COMMERCIAL	01/01 to 12/31		0.19 CFS	38.8 AF
	Total Diversion		0.19 CFS	38.8 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4SE1/4NE1/4

Sec. 21, Twp 09S, Rge 24E B.M.

MINIDOKA County

Place of Use

COMMERCIAL Within MINIDOKA County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	21				X													

Total Acres:

Conditions of Approval:

1. R05 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. 130.
2. X36 Right 36-8457 is also diverted through the point of diversion described above.
3. 115 Prior to the diversion and use of water under Transfer approval 72395, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. X01 Commercial use is for a potato packing plant.
6. T19 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.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/27/2009

WATER RIGHT NO. 36-16384

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MART PRODUCE CORP PO BOX 34 100 E 70 N RUPERT, ID 83350 (208)436-0611
Original Owner	PKD PROPERTIES LC
Original Owner	THE DUNCAN LIMITED PARTNERSHIP 750 E 100 S RUPERT, ID 83350 (208)436-1214

Priority Date: 02/23/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	12/31	0.19 CFS	38.8 AFA
Total Diversion			0.19 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWSENE|Sec. 21|Township 09S|Range 24E|MINIDOKA County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL MINIDOKA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09S	24E	21		SENE										

Conditions of Approval:

1. R05 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. 130.
2. 115 Prior to the diversion and use of water under Transfer approval 72395, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
3. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. X36 Right 36-8457 is also diverted through the point of diversion described above.
5. X01 Commercial use is for a potato packing plant.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 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.

Dates:

Licensed Date:

Decreed Date: 11/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And
Water District Number: 130
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

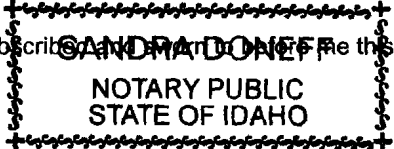
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:
N/A
3. Describe the effects on other water uses resulting from the proposed change:
N/A

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.

Subscribed and sworn to before me this 28th day of January, 20 09.

 Sandra Doneff
 NOTARY PUBLIC
 STATE OF IDAHO

[Signature]
 (Signature of Applicant)

[Signature]
 (Notary Public)

My commission expires 11/3/2014

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 1/28/09 Protest filed by _____

Prelim. check by [Signature] Fee \$250.00

Receipted by [Signature] Date 1/29/09 5030660

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 _____



MART PRODUCE -TRANSFER MAP
TO Location:36-8457, 36-8458, 36-12216
NAIP 2006 AERIAL

- Legend**
- Points of Diversion
 - Place of use
 - Sections
 - T09s24e.shp



LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Jeffrey Harper (General Manager) of Mart Produce, hereby nominate and appoint Greg Sullivan of Brockway Engineering as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

All transfers water right applications and associated data related to water right
36-8457, 36-8458 and 36-16384.

in Minidoka County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 23 day of January 2009.

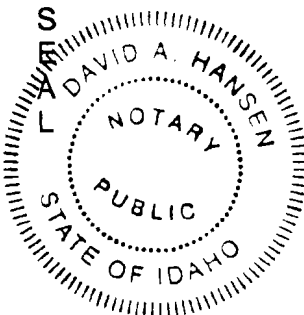
Jeffrey C. Harper
Signature

Signature

State of Idaho)
County of Cassia) ss.

On this 23 Day of January, 2009, before me, a Notary Public in and for said County and State, personally appeared Jeffrey C. Harper, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



David A. Hansen
Notary Public
In and for said State and County

12/11/2012
My Commission Expires