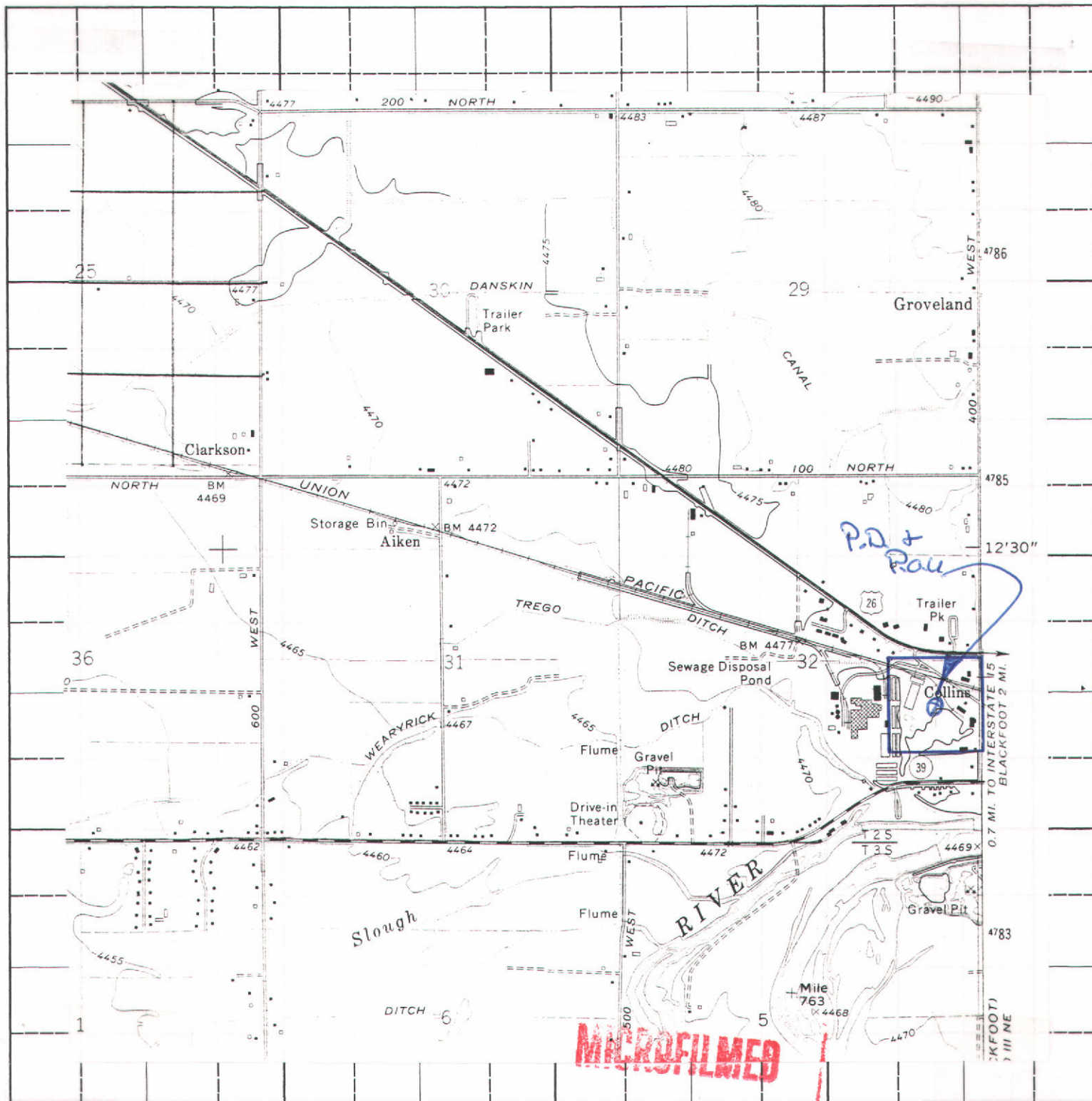


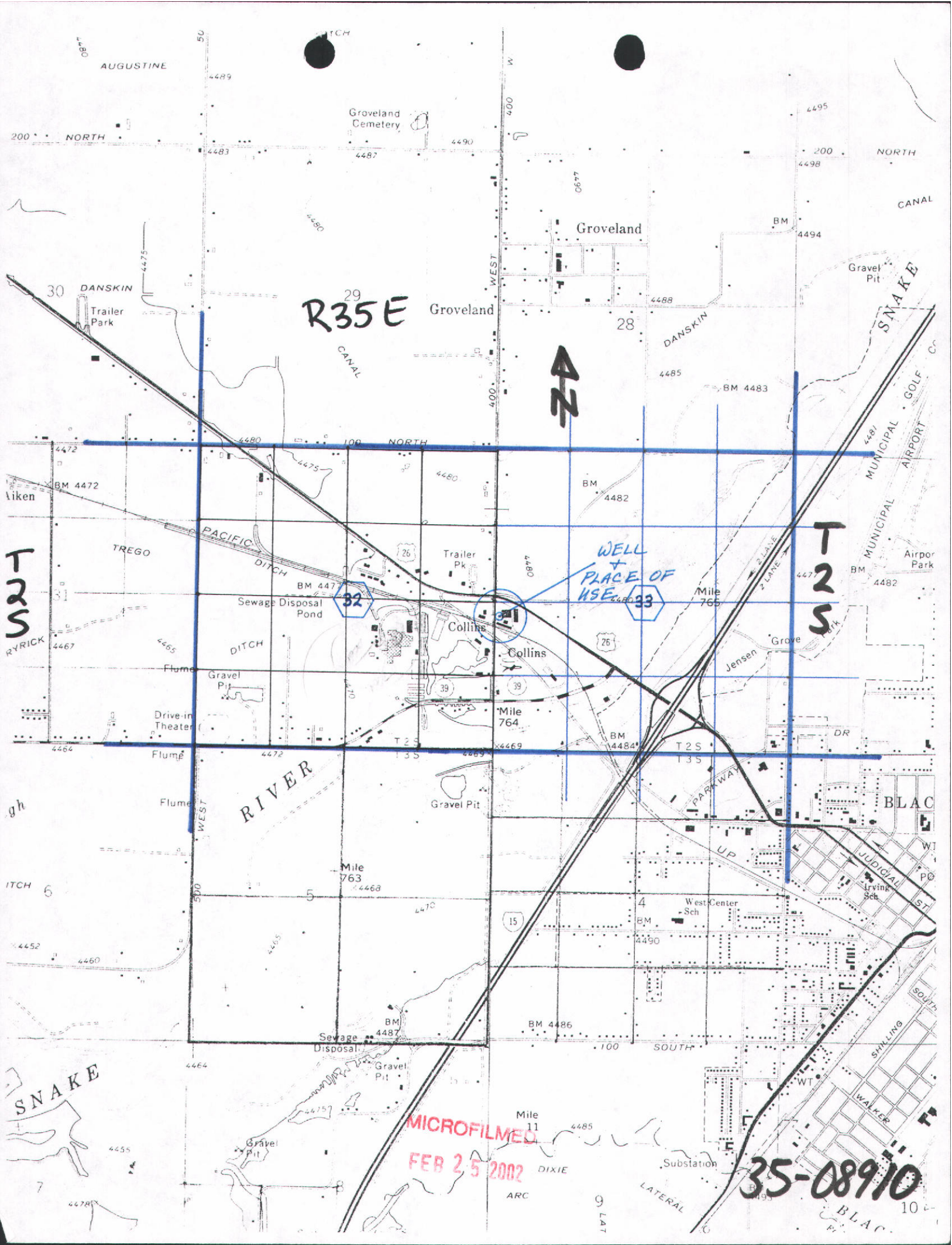
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Walter C. Day
(Applicant)
Title - General Manager



R35E

22

T2S

WELL +
PLACE OF
HSE

32

33

MICROFILMED
FEB 25 2002

35-08910

T12

R35E

1000

T02S, R35E

Treatment Facility

WELL #2 ARE+2
WELL #1 PROCESSY06

PLACE OF USE

WELL #4 FRESH PAK

WELL #3 DEHIDRATOR

WELLS #1 + #2
ARE COMMON SYSTEM
WELLS #3 + #4 ARE
NOT CONNECTED TO
WELLS #1 + #2

Water is comingled
in the wastewater
Treatment facility

MICROFILMED
FEB 25 2002

T02
870

35-08910

IDAHO POTATO PACKERS CORP.
COMMERCIAL / FIRE PROTECTION

141



VIEW OF
INSIDE OF
WELL HOUSE
MAIN WELL
AND PART
OF DISTRIBUTION
SYSTEM.

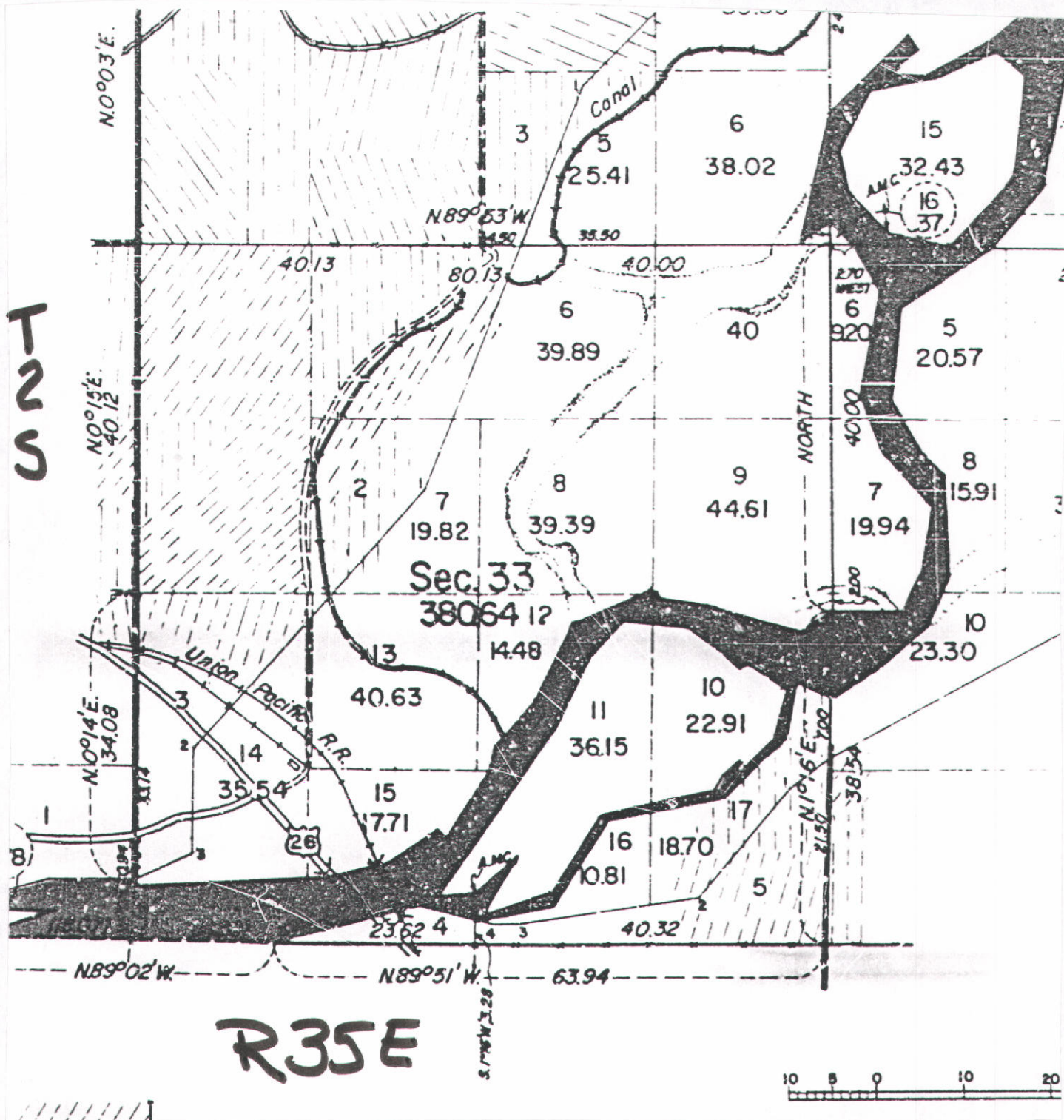


VIEW OF
PLANT
(PARTIAL)

WELL
HOUSE

MICROFILMED
FEB 25 2002

35-08910



MICROFILMED
FEB 25 2002

35-08910

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08910

Priority: August 03, 1990

Maximum Diversion Rate: 1.50 CFS

It is hereby certified that IDAHO POTATO PACKERS CORP
40 N 400 W
BLACKFOOT ID 83221 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 03, 1990; and has
submitted Proof of Beneficial Use on December 18, 1992. An examination indicates that the works have
a diversion capacity of 2.63 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
FIRE PROTECTION

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
1.50 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L3 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp 02S, Rge 35E, B.M., BINGHAM County

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02S 35E 33										X							
										L3							

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
2. Fire protection is for a potato plant.
3. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22ND day of FEBRUARY, 2002.


Acting for KARL J. DREHER
Director

MICROFILMED

FEB 24 2002

RECEIVED

FEB 15 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08910

Department of Water Resources

Date of Priority: August 03, 1990

Maximum Diversion Rate: 1.50 CFS

Comes now IDAHO POTATO PACKERS CORP
40 N 400 W

BLACKFOOT ID 83221 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-08910, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FIRE PROTECTION	01/01 to 12/31	1.50 CFS

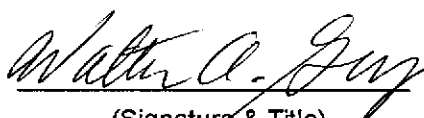
LOCATION OF POINT OF DIVERSION:

GROUND WATER L3 NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp 02S, Rge 35E, B.M., BINGHAM County

PLACE OF USE: FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	35E	33										X							
												L3							

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 13 day of February, 2002.


(Signature & Title)
VP Processing Operations

MICROFILMED

FEB 25 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08910

FOR DEPARTMENT USE ONLY
Preliminary check by Jman Fee = \$50.00 Receipted by Jman # 1059991 Date 2/15/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08910 with the following:

CONDITIONS OF APPROVAL

1. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
2. Fire protection is for a potato plant.
3. 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.

Witness my hand this 22ND day of FEBRUARY, 2002.

Acting for Karl J. Dreher
KARL J. DREHER
Director

MICROFILMED

FEB 25 2002

RECEIVED

DEC 18 1992

Department of Water Resources

OFFICE USE ONLY

Am't. of Fee \$ 125.00
Date 12-18-92
Receipt No. 0026328
Receipt by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08910 Telephone No. 208-785-5880

2. Name(s) of Permit Holder(s): Idaho Potato Packers Corporation

3. Mailing Address: 40 North 400 West Blackfoot, Idaho 83221

4. Source of Water: Ground Water

If **GROUNDWATER**, Well Driller's Name: Independent Drilling Date Drilled: November 2, 1991

OPTIONAL:

Pump horsepower: 40 Pressure (psi): Dynamic pumping level (ft.):

5. Extent of Use (as authorized by the permit):

Domestic (No. of households) Stockwater (No. and type of stock)

Irrigation (No. of acres) Other Industrial, Fire Protection

6. Total rate and/or volume for which proof is submitted 1.5 cfs OR acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? X Yes No

OR

Flow Measurement Port: Required? Yes No Installed? X Yes No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Gary Craft 208-785-5880
Name Telephone No.

40 North 400 West Croveland Rd. Blackfoot, Idaho 83221
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

12-14-92
Date

[Signature] Assistant General Manager
Signature (and title, if on behalf of a company or organization)

JAN 20 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08910

Proposed Priority: August 3, 1990 Maximum Diversion Rate: 1.50 CFS
This is to certify, that **IDAHO POTATO PACKERS CORP.**
40 N. 400 W.
BLACKFOOT, ID 83221
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
COMMERCIAL	01/01 to 12/31	1.50 CFS
FIRE PROTECTION	01/01 to 12/31	1.50 CFS
	Totals	1.50 CFS

LOCATION OF POINT(S) OF DIVERSION: NESE Sec. 32, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

02S 35E 32 NESE

PLACE OF USE: FIRE PROTECTION, same as COMMERCIAL use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1993**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior 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 permit and any license subsequently issued to incorporate the use into a water district require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MAINTAINED
JAN 6 1997

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08910

CONDITIONS/REMARKS:

8. Commercial and fire protection uses are for a potato plant.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

31st day of December, 1990

for *A. Keith Higginson*
R. Keith Higginson, Director

RECEIVED
JAN 04 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Potato Packers Corporation Phone 785-5880
Post office address 40 N. 400 W. Blackfoot, ID 83221

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____
Sec. 32 Township 2S Range 35E B.M. Bingham County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.50 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.50 for Fire Protection purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.50 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and pump to Potato plant and
available for fire protection - this is a backup system.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 16 inches; proposed depth of well is 150 feet.

d. Is ground water with a temperature of greater than 90°F being sought? N

7. Time required for the completion of the works and application for proposed beneficial use is
2 years (minimum 1 year).

MICROFILMED

JAN 6 1981

OFFICER List - Chris Abland - Jves

12. Remarks: This is a backup for A35-12062 which covers the same plant.

applicant to make this filing.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

b. Who owns the land to be irrigated or place of use?

11. a. Who owns the property at the point of diversion?

10. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated.

[illegible]

ponding place of use below. See instructions for standard symbols.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

9. Description of place of use:

e. Other, describe fully. Commercial use at potato plant and fire protection.

d. Domestic; show number of households.

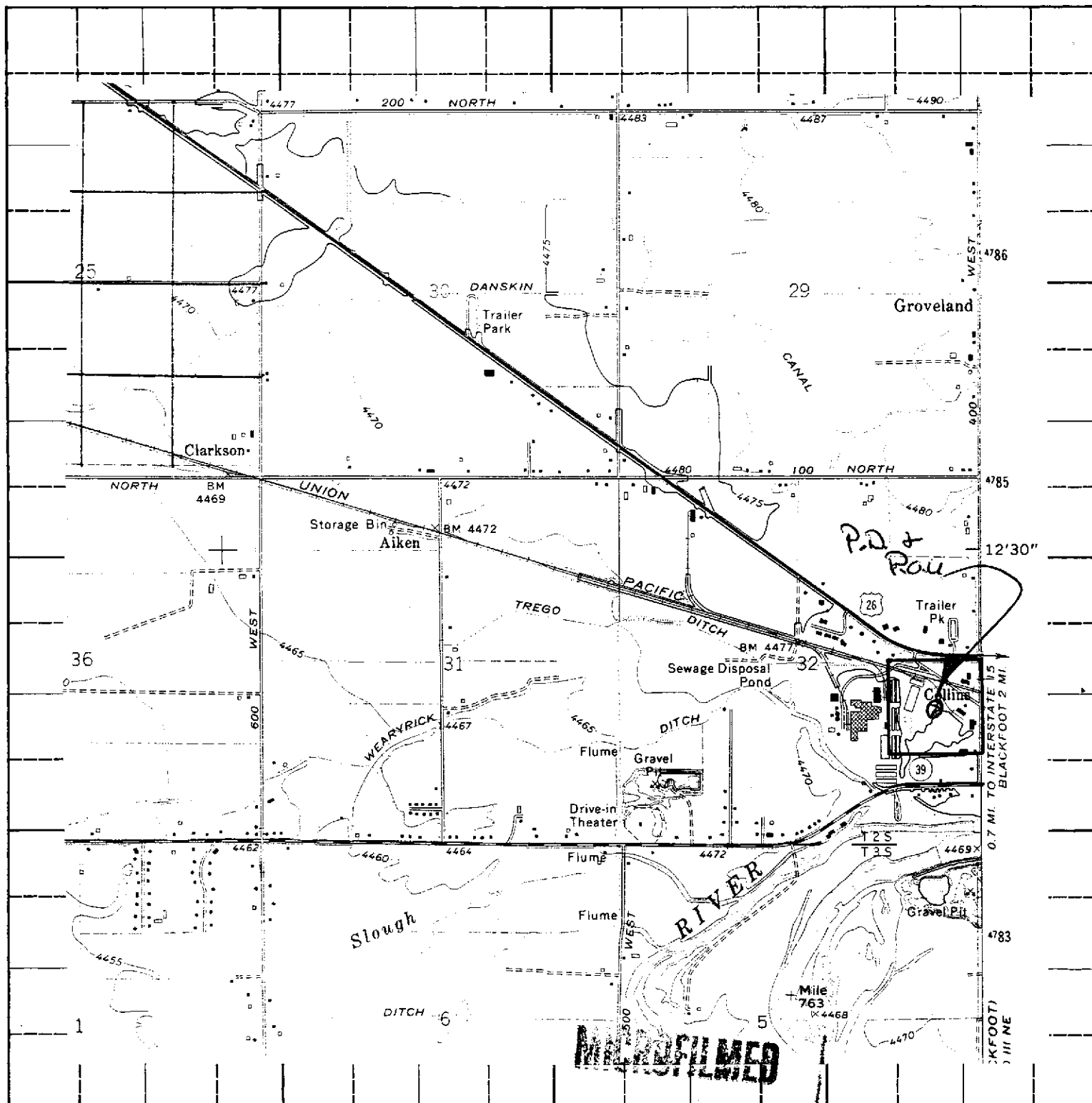
c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

8. Description of proposed uses (if irrigation only, go to item 9):

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



Scale: 2 inches equal 1 mile.

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.

Walter L. Day
(Applicant)
Title - General Manager

1901 4 24

RECEIVED

e. Other:

- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved _____

Publication prepared by _____

Fee \$ _____

Received by _____

Received by _____

Date _____

Preliminary check by _____

Date _____

Published in _____

10-25-90

8-3-90

8-3-90

8-3-90

DEPT. OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed
to appropriate the public waters of the State of
Idaho:

35-08903

DRISCOLL, Wallace W.
DRISCOLL, Maurine D.
2459 West 1100 South
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversion Pt: NWNENW, Sec. 1, T. 05S, R.
31E.
Use: IRRIGATION (1.440 CFS).
Total Diversion: (1.440 CFS).
Date Filed: 8/7/1990.
In: T04S, R31E, S36, Lot 3 (NESE), NWSE,
SWSE, Lot 4 (SESE).
72.0 ACRES TOTAL.

35-08905

GARDNER, Ivan E.
1 SLY, Jerry
E SLY, Geraldine
S 1251 W. Highway 39
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SENW, Sec. 12, T. 03S, R.
33E.
Use: IRRIGATION (.080 CFS).
DOMESTIC (.040 CFS).
Total Diversion (.120 CFS).
Date Filed: 7/12/1990.
In: T03S, R33E, S12, SENW.
2.5 ACRES TOTAL.

35-08909

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SWSWSE, Sec. 28, T. 02S, R.
35E.
Use: COMMERCIAL (.060 CFS).
Total Diversion: (.060 CFS).
Date Filed: 8/3/1990.
In: T02S, R35E, S28, SWSE.

35-08910

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 32, T. 02S, R.
35E.
Use: COMMERCIAL (1.500 CFS).
FIRE PROTECTION (1.500 CFS).
Total Diversion: (1.500 CFS).
Date Filed: 8/3/1990.
In: T02S, R35E, S32, NESE.

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed on the criteria of Sec. 42-203A, Idaho
Code, and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho, 83402, on or before OCTOBER
22, 1990.

R. KEITH HIGGINSON
Director

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)
I, Jacqueline Graham)

do
solemnly

swear that I am the Legal Coordinator of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks

the first publication having been made on the
4th day of October, 1990;

and the last publication having been made on the
11th day of October, 1990;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 17th day of October, in
the year 1990, before me a Notary Public of said State,
personally appeared Jacqueline Graham

known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

R. Keith Higginson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00

JAN 04 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2002

IDAHO POTATO PACKERS CORP
40 N 400 W
BLACKFOOT ID 83221

RE: License No. 35-8910 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

MICROFILMED
SEP 25 2002

CERTIFICATE OF MAILING

I hereby certify that on February 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-8910

**IDAHO POTATO PACKERS CORP
40 N 400 W
BLACKFOOT ID 83221**


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 25 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
FEB 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2002

IDAHO POTATO PACKERS CORP
40 N 400 W
BLACKFOOT ID 83221

RE: Water Right Permit No. 35-08910

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

- ☒ Point(s) of Diversion
- ☒ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED
FEB 25 2002

LICENSE REVIEW CHECKLIST

Permit No. 35-8910

Date: 2-5 7-7-2002 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: Change

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 1.5 cfs
Fee Limit 2.0 cfs
Measured _____ cfs
Theoretical 2.63 cfs

Recommended Total Diversion Rate 1.5

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Fire Prot 1.5 cfs N/A af
Total 1.5 cfs N/A af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msrmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? no-not req'd

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice P49 S06

Comment Report

35-8910

1. kwalker 1/4/2002 Commercial use

Comment: The commercial use filed for under this permit has been decreed under number 35-12853. Therefore, I am not recommending a commercial use under this proposed license.

2. kwalker 2/5/2002 Overlap with 35-2790

Comment: I contacted the permit holder regarding the overlap with the above licensed right that had not been claimed in the SRBA. Mr. Walter Gay called me this morning and said he would like to continue with licensing the fire protection under this permit and disregard the use under 35-2790. License being prepared for fire protection use only. See correspondence in file of 1/7/2001.

MICROFILMED

FEB 25 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 7, 2001

IDAHO POTATO PACKERS CORP
40 N 400 W
BLACKFOOT ID 83221

RE: Permit No. 35-8910

Gentlemen:

While preparing to issue a license on the above referenced permit, I found that there is an older, existing water right license for fire protection uses that has not been claimed in the Snake River Basin Adjudication (SRBA). I am enclosing a copy of License 35-2790 for your information. I found, during some pre-license investigation, that the same serial number was found on the pump identified as the fire protection well, during both field investigations. The field investigation of Right 35-2790 was conducted on August 13, 1970 and a license issued for fire protection purposes on April 2, 1973. It appears to me that you have a couple of options in regard to your fire protection uses at the potato processing plant.

1. You could file a "Notice of Late Claim" with the SRBA Court in Twin Falls on License 35-2790 and if accepted by the Court, end up with a decreed right on this license. If the court accepts your late claim, you could then relinquish the permit and end up with an earlier priority date for this use. If a claim is not filed on License 35-2790 in the SRBA, the water right will be considered no longer valid and will be removed from our records.
2. If you decide not to file a late claim for license 35-2790, we will proceed with preparing a license on Permit 35-8910. If we license that permit, we will recommend a license with a priority date of August 3, 1990, for 1.5 cfs for fire protection purposes within the NWSW, Sec. 33, Twp. 2S, Rge. 35E. We will require a \$50.00 licensing amendment fee to change the location of the point of diversion and place of use to the location found actually being used by our field examiner. Our examiner found that the commercial use under this permit has been covered under Partial Decree 35-12853 so we would not include commercial use under the license.

MICROFILMED

FEB 25 2002

We would like to finalize action on this permit before April 1 of this year. If you could decide which option you would prefer to take and let me know within the next 30 days, I would greatly appreciate it. If you decide on option 1 above, you can get assistance from our office in Idaho Falls in obtaining the forms you will need to file a notice of late claim with the SRBA Court. If I don't hear from you within the 30 day period, I will assume you wish to follow through with Permit 35-8910 and will prepare correspondence to license the permit as described above.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944, or our office in Idaho Falls at (208)525-7161.

Sincerely,

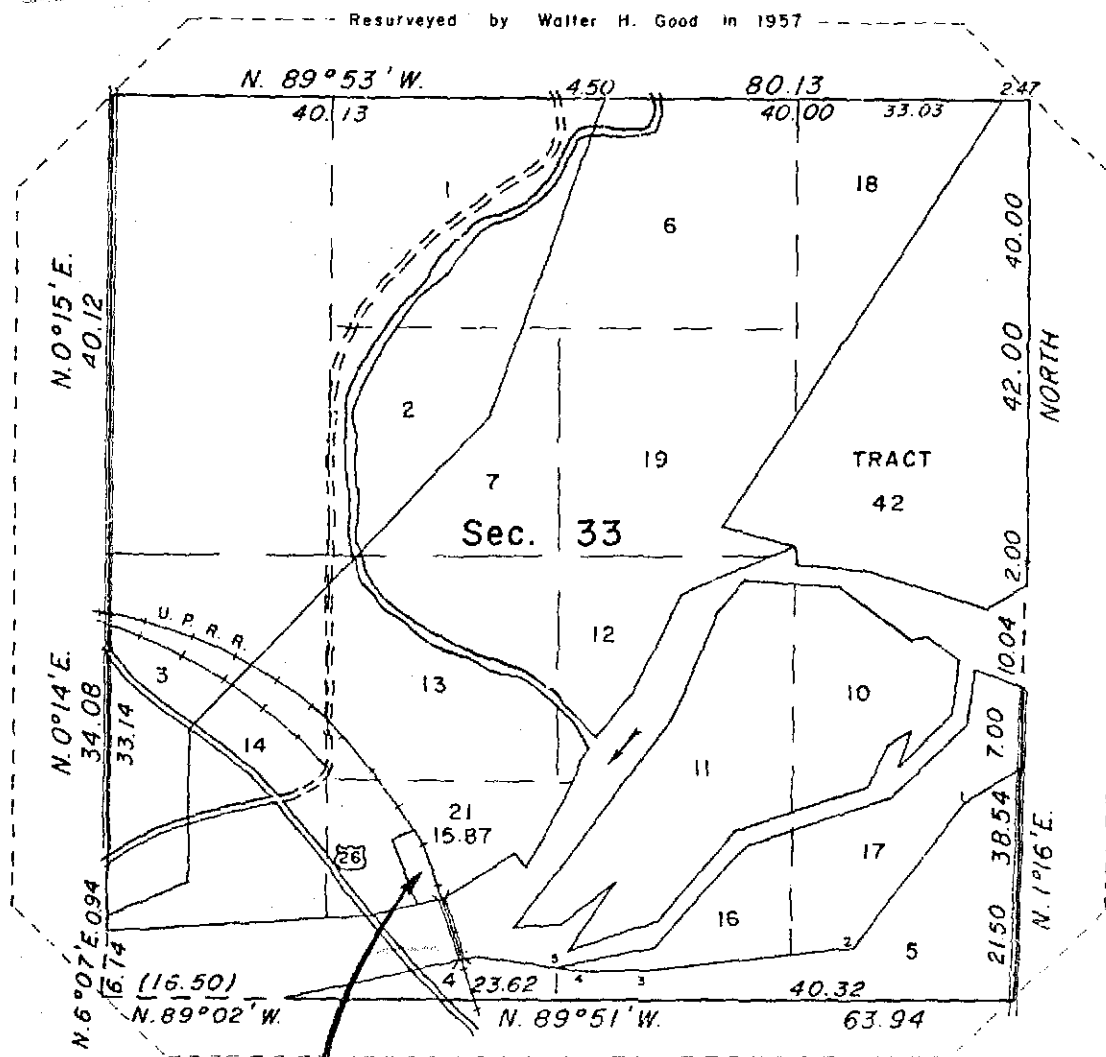
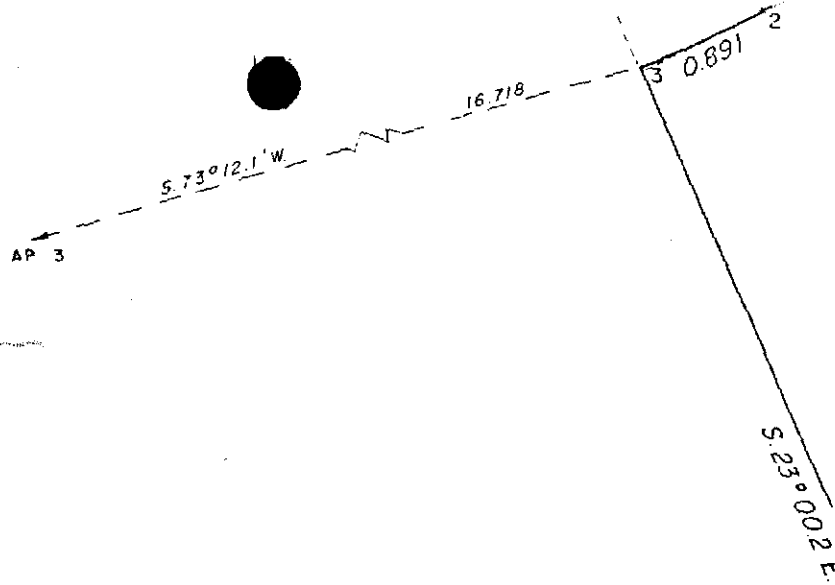


KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

Cc: Eastern Region SRBA
Attn: Ernest Carlsen

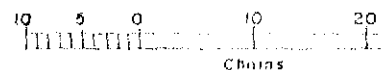
MICROFILMED
FEB 28 2002



SEE ENLARGED DIAGRAM "A"

MICROFILMED

APR 25 1962



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 35-12853

NAME AND ADDRESS: NONPAREIL PROCESSING CORP
40 N 400 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 1.52 CFS
491.00 AFY

PRIORITY DATE: 12/31/1948

POINT OF DIVERSION: T02S R35E S28 LOT 03 (SWSE) Within Bingham County
S32 NESE
S33 LOT 03 (NWNWSW)

TWO POINTS OF DIVERSION LOCATED IN LOT 3 (NWNWSW) S33 T02S
R35E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	1.52 CFS 491.00 AFY

PLACE OF USE:	Commercial	Within Bingham County
	T02S R35E S27 LOT 11 (SWNW)	LOT 10 (SENW)
	LOT 12 (NESW)	LOT 12 (NWSW)
	LOT 15 (SWSW)	
	S28 LOT 04 (NESE)	LOT 05 (SWSE)
	LOT 06 (SESE)	
	S32 NESE	
	S33 NENE	LOT 06 (NWNE)
	LOT 08 (SWNE)	LOT 09 (SENE)
	NENW	LOT 02 (SENW)
	LOT 07 (SENW)	LOT 13 (NESW)
	LOT 03 (NWSW)	LOT 14 (NWSW)
	LOT 12 (NWSE)	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

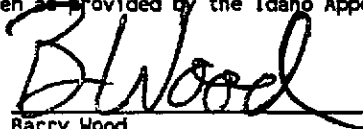
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

MICROFILMED

FEB 23 2002

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

A handwritten signature in dark ink, appearing to read "B. Wood", is written over a horizontal line.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
1999

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2790

WATER RIGHT NUMBER: 35-2790

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO POTATO STARCH CO LTD DIVISION OF PENICK & FORD PO BOX 231 BLACKFOOT, ID 83221

Priority Date: 08/20/1965

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>Annual Volume</u>
FIRE PROTECTION	1/01 to 12/31	2.220 CFS	
	<u>Total Diversion:</u>	2.220 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 33, Twp 02S, Rge 35E, B.M.
BINGHAM County		

Place of Use

FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	35E	33										X							

Conditions of Approval:Remarks:Comments:Dates and Other Information:

MICROFILMED

FEB 25 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2790

Dates and Other Information:

Licensed Date: 8/14/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

MICROFILMED

APR 25 2000

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32495/35-2790

REPORT ON PROOF OF B/U Idaho Potato Starch Company

Hollow shaft : 100 H.P. 3 Ph. 60°

Ser. 1374101

same as
examiner

Worthington Corp.

Size: 12H13SWFC 4 stage

Ser. VTP-14889

Worthington Corp Pump
Vertical Fire Pump

Type 12H-135

Ser. VTP 14889

12" Discharge

Kd.

35 2790

MICROFILMED

FEB 25 2002

There is no way of measuring this well. The water goes directly to the fire system. There is no measuring device installed. There has been no irrigation from this well. They use overhead spray nozzles.

for NWSN, S33, 2S, 35E

Basin	Sequence	Basis	Priority Date	Diversion Rate	Water Use List	Owner List	Source Table
35	4175	Statutory Claim	5/1/1955	0.2	DOMESTIC, INDUSTRIAL	J R SIMPLOT CO (Current)	wrAdjudicationClaim
35	10419	Beneficial Use	6/1/1954	0.04	COMMERCIAL	DEWEY IRRIGATION INC (Current)	wrAdjudicationClaim
35	12062	Beneficial Use	12/31/1957	1	COMMERCIAL	NONPAREIL DEHYDRATED POTATOES INC (Current)	wrAdjudicationClaim
35	12853	Beneficial Use	12/31/1948	1.52	COMMERCIAL	NONPAREIL PROCESSING CORP (Current)	wrAdjudicationClaim
35	12062	Beneficial Use	12/31/1957	1	COMMERCIAL	NONPAREIL DEHYDRATED POTATOES INC (Current)	wrAdjudicationRecommendation
35	12853	Beneficial Use	12/31/1948	1.52	COMMERCIAL	NONPAREIL PROCESSING CORP (Current)	wrAdjudicationRecommendation
35	2790	License	8/20/1965	2.22	FIRE PROTECTION	IDAHO POTATO STARCH CO LTD (Current)	wrWaterRight
35	4175	Decreed	5/1/1955	0.2	DOMESTIC, INDUSTRIAL	JR SIMPLOT COMPANY (Current)	wrWaterRight
35	8910	License	8/3/1990	1.5	FIRE PROTECTION	IDAHO POTATO PACKERS CORP (Current)	wrWaterRight
35	10419	Decreed	6/1/1954	0.04	DOMESTIC	DEWEY IRRIGATION INC (Current)	wrWaterRight

Not Claimed in SRBA?

MICROFILMED
FEB 15 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

NOV 27 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08910

1. Owner: Idaho Potato Packers Corp Phone No. 208 785-5880

Current Address: 40 North 400 West Blackfoot, Idaho 83221

2. Accompanied by: Walter Gay EXAM DATE: 29 March 1995

Address: _____ Phone No. _____

Relationship to Permit Holder: Vice President of Processing Operations

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: A35-12853

2. Other water rights with the same point of diversion: A35-12853

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: Not A Gov. Lot

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1;2		NW	NW	SW	33	2S	35E	Bingham	USGS Topo / on site inspection

2. Place(s) of Use: Not A Gov Lot

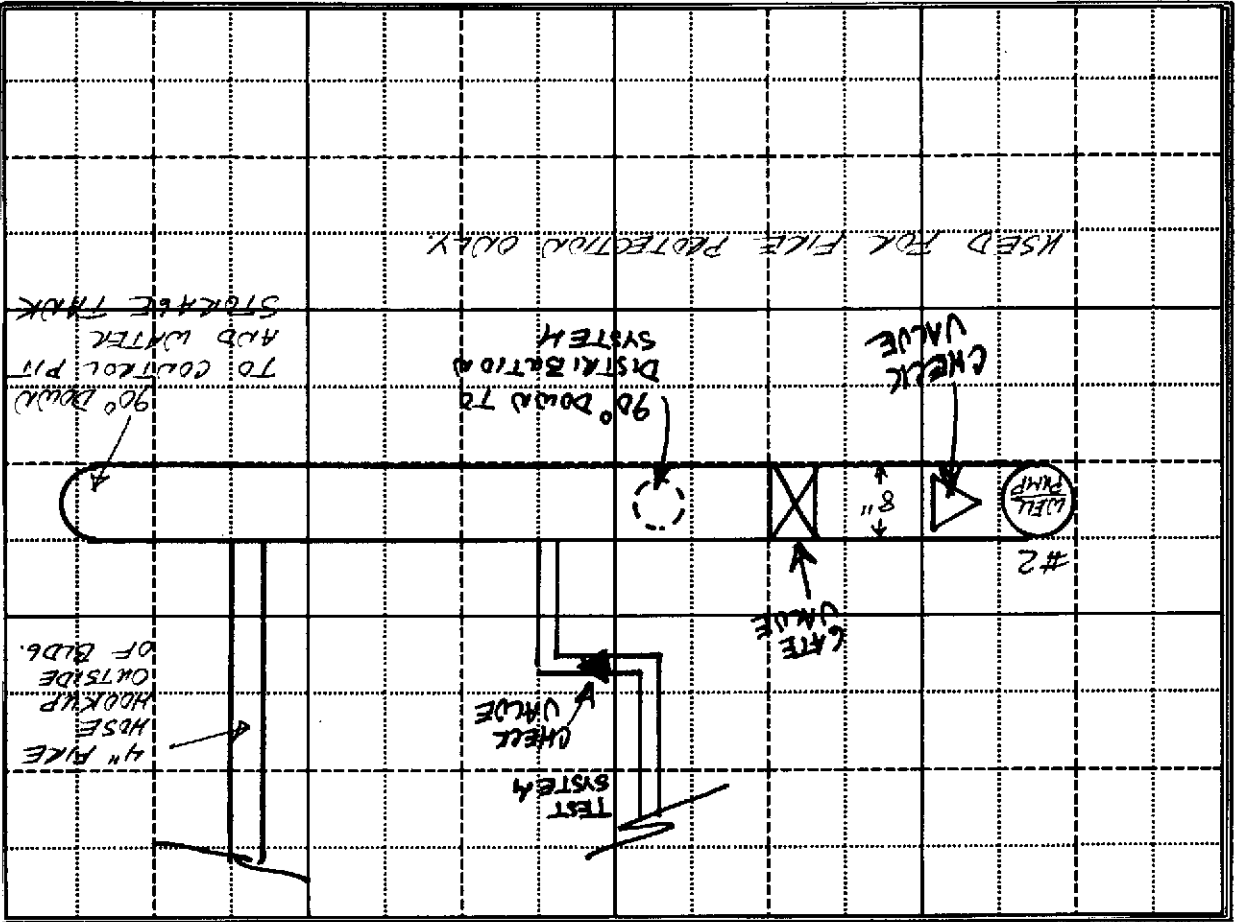
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	35E	33											C/F						

MICROFILMED

FEB 25 2002

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" = _____
 Copy of USGS Quadrangle Attached Showing location(s) of _____
 (points) of diversion and place(s) of use (required).
 Aerial Photo Attached of _____
 (required for irrigation of 10+ acres)
 Photo of Diversion and System Attached _____

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well #2 (Fire)	U.S. Motor	100	1374101		8"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: System design limits/flow measurements. System pressure is set at 80 psi for fire protection.

E. NARRATIVE/REMARKS/COMMENTS

The well is connected to the processing plant via the storage tank. Commercial use is limited to backup in case well number one fails.

A 35-12853 should be modified to reflect an additional Pol.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
SEP 25 2002

SEAL

Reviewer _____ Date _____
Field Examiner's Name Donald Simpkins Date 11-20-96

I. AUTHENTICATION

Change P.D. as reflected above ☒
Change P.U. as reflected above ☒
Add P.D. as reflected above _____
Add P.U. as reflected above _____
None _____
Other _____

2. Recommended Amendments

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Commercial	From 1 Jan To 31 Dec	1.50 cfs	1.50 cfs
Fire Protection	From 1 Jan To 31 Dec	1.50 cfs	1.50 cfs
Totals:		1.50 cfs	

1. Recommended Amounts

H. RECOMMENDATIONS

2. Volume Calculations for Other Uses:

$$V_{LR} = (\text{Acres Irrigated} \times (\text{Irrigation Requirement})) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} =$$

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

$$Q = \frac{100 \text{ hp} \cdot 8.814 \cdot 70}{(40' \text{ static} + 10' \text{ draw}) + (80 \text{ psi} \times 2.308)} = \frac{616.98}{234.64} = 2.63 \text{ cfs}$$

Measured Method:

F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$\begin{aligned} Hp &= \text{Horsepower} = \frac{100}{} \\ Eff &= \text{Efficiency} = \frac{70\%}{} \quad (\text{Usually } 70\%) \\ \text{Lift: } &(\text{Static Level} + \text{Assumed Draw down}) \\ \text{Static Water Level} &= \frac{178}{} \text{ ft.}^* \\ \text{Assumed Draw down} &= + \frac{50}{} \text{ ft.} \\ \text{Lift} &= \frac{228}{} \end{aligned}$$

OR

$$\text{Measured Dynamic Water Level} = \frac{}{} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \frac{80}{} \text{ psi}$$

$$Q_{cfs} = \left[\frac{100}{Hp} \times 8.814 \times \frac{0.7}{Eff} \right] \div \left[\frac{228}{Lift} + \left(\frac{80}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{616.98}{} \right] \div \left[\frac{412.64}{} \right]$$

$$Q_{cfs} = \frac{1.495}{} \text{ cfs} = 1.50 \text{ cfs}$$

* Maximum Static H₂O Level From Well Logs Sections 32 & 33, T2s
R35E

MICROFILMED
FEB 23 2002

PERMIT NO. 35-08910

AUGUSTINE

Groveland Cemetery

Groveland

R35E

Groveland



28

DANSKIN

BM 4483

MUNICIPAL AIRPORT

MUNICIPAL GOLF

Airport Park

T2S

WELL
+
PLACE OF
USE

Collins

Collins

Mile 764

BM 4484

T2S

T3S

RIVER

Gravel Pit

Mile 763

4468

4470

West Center Sch

BM 4490

4

UP

ST

BLAC

JUDICIAL

IRVING

SCH

WT

SWING

WALKER

BLAC

10

ARC

LATERAL

Substation

Mile 11

4485

DIXIE

6 LAT

35-08910

SNAIL

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ARC

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Substation

Mile 11

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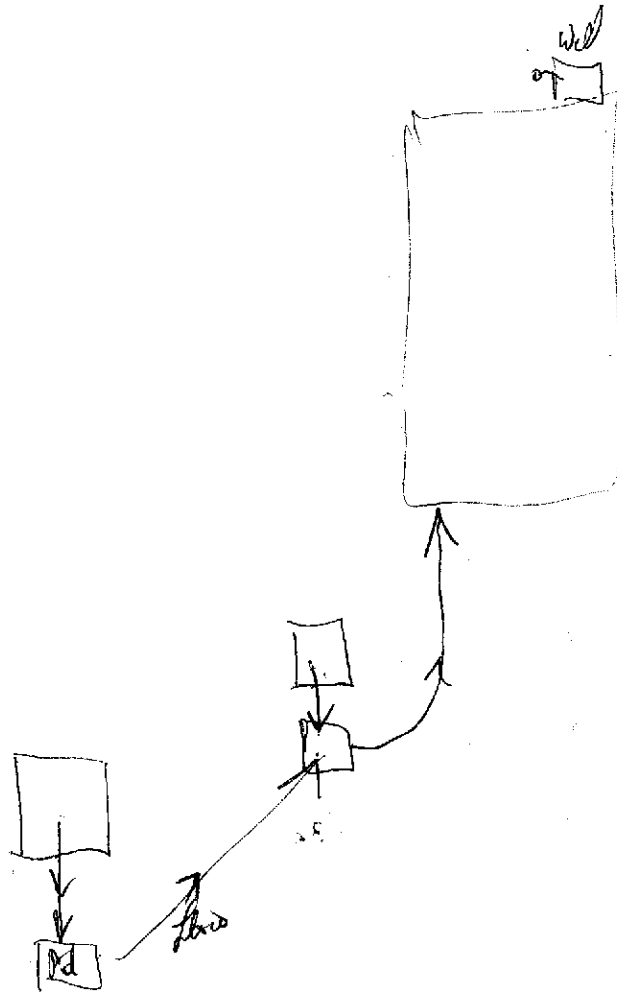
Substation

Mile 11

4485

DIXIE

14



T12

R35E

T025, R35E

Treatment facility

WELL #1
WELL #2
POST #2
PROSSER

PLACE OF USE

WELL #4 FRESH PAK

WELL #3 DEHYDRATION

WELLS #1 + #2
ARE COMMON SYSTEM
WELLS #3 + 4 ARE
NOT CONNECTED TO
WELLS #1 + #2

Water is comingled
in the wastewater
Treatment facility

ERIC Potts

35-08910



Walter Gay
Vice President of
Processing Operations

40 North 400 West
Blackfoot, ID 83221 U.S.A
(208) 785-5880
(800) 824-7607
Fax (208) 785-3656

Matchless Excellence in Potatoes and Food Ingredients

MICROFILMED
FEB 25 1992

35-08910

IDAHO POTATO PACKERS CORP.
COMMERCIAL / FIRE PROTECTION

141



VIEW OF
INSIDE OF
WELL HOUSE
MAIN WELL
AND PART
OF DISTRIBUTION
SYSTEM.

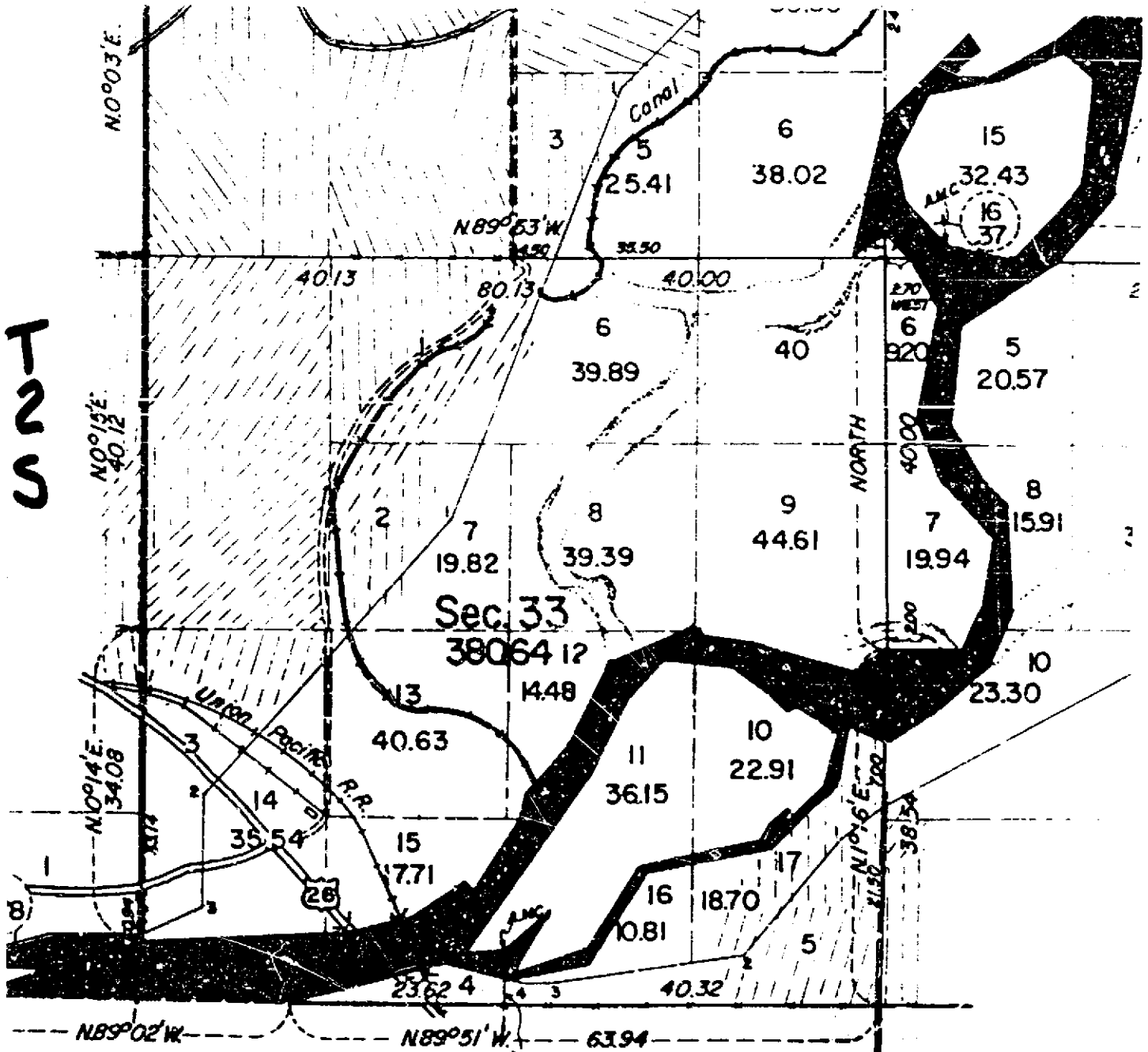


VIEW OF
PLANT
(PARTIAL)

MICROFILMED

35-08910

FEB 26 2001



R35E



35-08910

MICROFILMED
SEP 25 2002

December 23, 1992

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
BLACKFOOT ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08910

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JAN 26 1993

Permit No. 35-08910 Reviewed by klg Date 12/21/92

Proof Made 12/18/92
12/23/92 Klg

PERMIT NUMBER 35-91-E-0003-000 OWNER CODE 0 NAME & ADDRESS IDAHO POTATO PACKERS CORP 40 N 400 W BLACKFOOT, ID 83221 TWP RGE SEC 02S 35E 28 LOT SW SE COUNTY BINGHAM

Subdivision Location and Description: Subdivision Name: Well Site Address: City, State: Geographic Location: Accuracy Code: Lat: N Long: W

Proposed Use of Well: Domestic Proposed Casing Diameter: In. Proposed Depth: Ft.

Well Use Comments:

Driller License No: 0343 Firm Name: INDEPENDENT DRILLING Official: NOLAN BRENT HENDRICKS

Permit Status: Verbal Issue Date: Receipt No. Receipt Date Fee Date Received: Date Approved: Proposed Start Date: Extension Date: Extension Expiration:

Permit Remarks:

WELL DRILLER'S LOG REPORT

Drilling Permit No: 35-91-E-0003-000 Water Right No: Injection Permit No:

Nature of Work: NEW WELL Construction Method: ROTARY Number of Monitor Wells: Casing Diameter: 8 In. Static Water Level: 30 Ft. Actual Start Date: 01/23/1991 Depth of Casing: 19 Ft. Temperature: F. Well Finish Date: 01/23/1991 Total Depth: 84 Ft. Production Rate: 40.00 GPM Log Received Date: 03/28/1991 Screen Installed? Certification Date: Field Inspection Date: Inspector:

Well Log Remarks:

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APR 26 1991

1. WELL OWNER Name <u>INDIAN POINT PACKERS CORP.</u> Address <u>46 N 400 W BLACKFOOT IDA. 83321</u> Owner's Permit No. <u>35-41E-003</u>	7. WATER LEVEL Department of Water Resources Eastern District Office Static water level <u>30</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF, Quality _____ Describe aries an or temperature zones below																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement Well diameter increase _____ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">46</td> <td></td> <td></td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	46																												
Discharge G.P.M.	Pumping Level	Hours Pumped																															
46																																	
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (Specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yes/No</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>8"</td> <td>0</td> <td>8</td> <td>SAND & GRAVEL</td> <td></td> </tr> <tr> <td></td> <td>8</td> <td>50</td> <td>HARD GRAY BASALT</td> <td></td> </tr> <tr> <td></td> <td>50</td> <td>74</td> <td>HARD RED BASALT</td> <td></td> </tr> <tr> <td></td> <td>74</td> <td>80</td> <td>RED CLINDERS</td> <td></td> </tr> <tr> <td></td> <td>80</td> <td>84</td> <td>HARD GRAY BASALT</td> <td></td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water Yes/No	From	To	8"	0	8	SAND & GRAVEL			8	50	HARD GRAY BASALT			50	74	HARD RED BASALT			74	80	RED CLINDERS			80	84	HARD GRAY BASALT	
Bore Diam.	Depth		Material	Water Yes/No																													
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. Work started <u>1-23-91</u> finished <u>2-5-91</u>																																
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>2.50 inches</td> <td>8 inches</td> <td>1 foot</td> <td>19 feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth: <u>18'</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☒ Pudding clay ☐ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata For tie-in access (port)	Thickness	Diameter	From	To	2.50 inches	8 inches	1 foot	19 feet	inches	inches	feet	feet	inches	inches	feet	feet	inches	inches	feet	feet	Number	From	To	perforations	feet	feet	perforations	feet	feet	perforations	feet	feet	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>INDEPENDENT DRILLING</u> Firm No. <u>343</u> Address <u>664 W. 3RD N. BLK 20A</u> Date <u>2-23-91</u> Signed by (Firm Official) <u>Brent Hendrick</u> and (Operator) <u>Robert J. Whitcher</u>
Thickness	Diameter	From	To																														
2.50 inches	8 inches	1 foot	19 feet																														
inches	inches	feet	feet																														
inches	inches	feet	feet																														
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Number	From	To																															
perforations	feet	feet																															
perforations	feet	feet																															
perforations	feet	feet																															
6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ <u>BIRCHM</u>																																	

FOR INFORMATIONAL PURPOSES ONLY. IF NECESSARY, FORWARD THE WHITE COPY TO THE DEPARTMENT.

State of Idaho
Department of Water Resources

RECEIVED
APR 01 1991

APPLICATION FOR DRILLING PERMIT

Department of Water Resources

1. Applicant (please print) IDAHO POTATO PACKERS CORP.
2. Mailing Address 40 N 400 W BLACKFOOT IDAHO 83221
Telephone 785-5880

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location SW 1/4 SE 1/4, or Gov't Lot No. _____

Sec. 28, Twp. 2 S, Rge. 35 E, County BINGHAM County

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

☒ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

() Non-Domestic: Any beneficial use not included within the definition of domestic.

() Injection

() Monitoring - A well bore schematic and map is required for each well.

No. of proposed wells: _____

5. Well construction information:

A. ☒ New well () Deepen () Replace - See Condition 9

B. Proposed Surface Diameter 8" Proposed Maximum Depth 100'

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

6. Construction Start Date JANUARY 23 1991

7. Anticipated Well Driller INDEPENDENT DRILLING
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Vanita Henderson Date JANUARY 15 1991

Title Firm Rep.

(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 29 March 1991
If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.

2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.

4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

5. Approval of this drilling permit does not authorize trespass on the land of another party.

6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative

Title

Dr. Wade Resource Agent

Receipt No. E015877 Received by HWS Fee 35.00 Date 3-28-91

EXTENSION OF DRILLING PERMIT

JAN 26 1993

Approval Date

Extension approved by

October 31, 1992

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
BLACKFOOT ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 35-08910

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

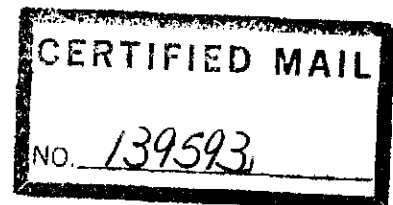
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



JAN 26 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 2, 1991

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
BLACKFOOT, ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08910

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

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JAN 6 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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JAN 04 1991

APPLICATION FOR PERMIT REVIEW

Application #: 35-8910
Date: 12-20-90

Reviewer: Pam Skaggs *CS*

Existing:

No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included - 046-P23(All GW, even existing wells)

Location:

Water Districts - WD No. 01
Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

Swan Falls Flag - 1 (1 or Blank)

Trust - 051-052-053-P74(Cons.), 041(DCMI)

Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 11D-P72

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
Power - (less than 25cfs P18), 01F-P19, 08A(Req.),

- 017K, 017G-017M(Choose One), 025

Mining - 06A, 006, 09E-P10, 010, 54

Storage - 18A-P09(In W.D.), 18B-P09(Size)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 01-01-1993

Other Conditions Recommended _____

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

35-8910

INITIAL REVIEW BY HWS DATE 9-11-90 APPLICATION NUMBER 35-8910

ID Potato Packers Corp.

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Need the names of corporate officers - OK

Date Requested OCT 29 1990

Department of Water Resources

RECEIVED

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 10-22-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 8-03-90

By HWJ Date 10-25-90

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

Condition: L0167

LOCAL PUBLIC INTEREST

Comments received from:

<u>City</u>	<u>Idaho Fish & Game</u>	<u>Irrigation District</u>
<u>County</u>	<u>Idaho Health & Welfare</u>	<u>Canal Company</u>
<u>Reservations</u>	<u>Division of Environment</u>	<u>Other</u>

Project impacts/implications report

COMMENTS

19-Sep-1990

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
BLACKFOOT, ID 83221

RE: Application for Permit No. 35-8909 & 35-8910

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News on OCTOBER 4 & 11, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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JAN 04 1991

35-08910

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt:

NESE Sec 32 T 02S R 35E

Use: COMMERCIAL
FIRE PROTECTION

(1.500 CFS)
(1.500 CFS)
(1.500 CFS)

Total Diversion:

Date Filed: 8/ 3/ 1990

In: T02S R35E S32

NESE

35-08910

IDAHO POTATO PACKERS CORP.
40 N. 400 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER

Diversion Pt: NESE, Sec. 32, T. 02S, R.
35E.

Use: COMMERCIAL (1.500 CFS).

FIRE PROTECTION (1.500 CFS).

Total Diversion: (1.500 CFS).

Date Filed: 8/3/1990.

In: T02S, R35E, S32, NESE.

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before OCTOBER 22, 1990.

R. KEITH HIGGINSON
Director

(944)
Pub.: 10/4, 11

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JAN 04 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 22, 1990.

R. Keith Higginson, Director

Published 10/ 4/1990 & 10/11/1990

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JAN 04 1991