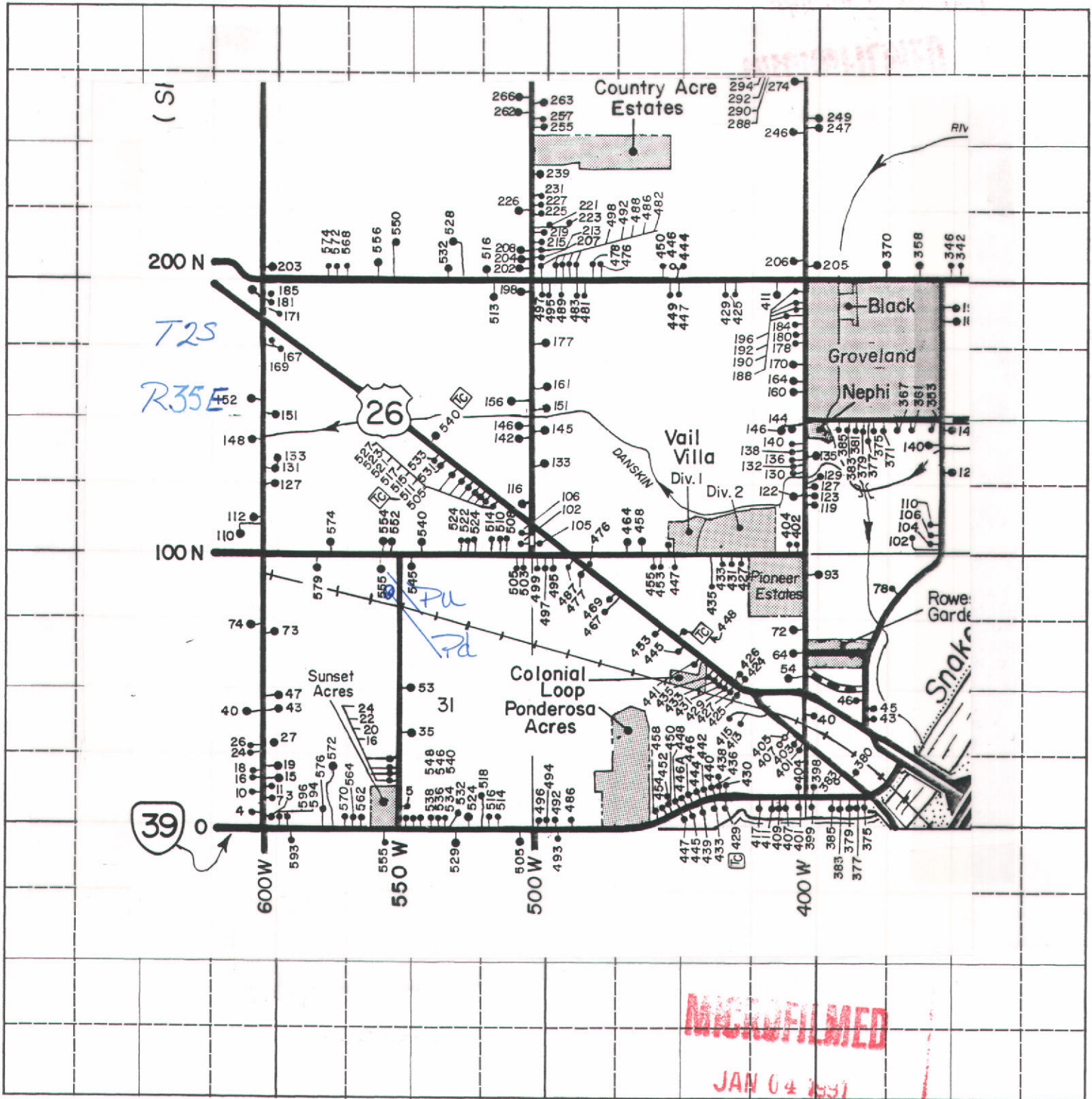


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

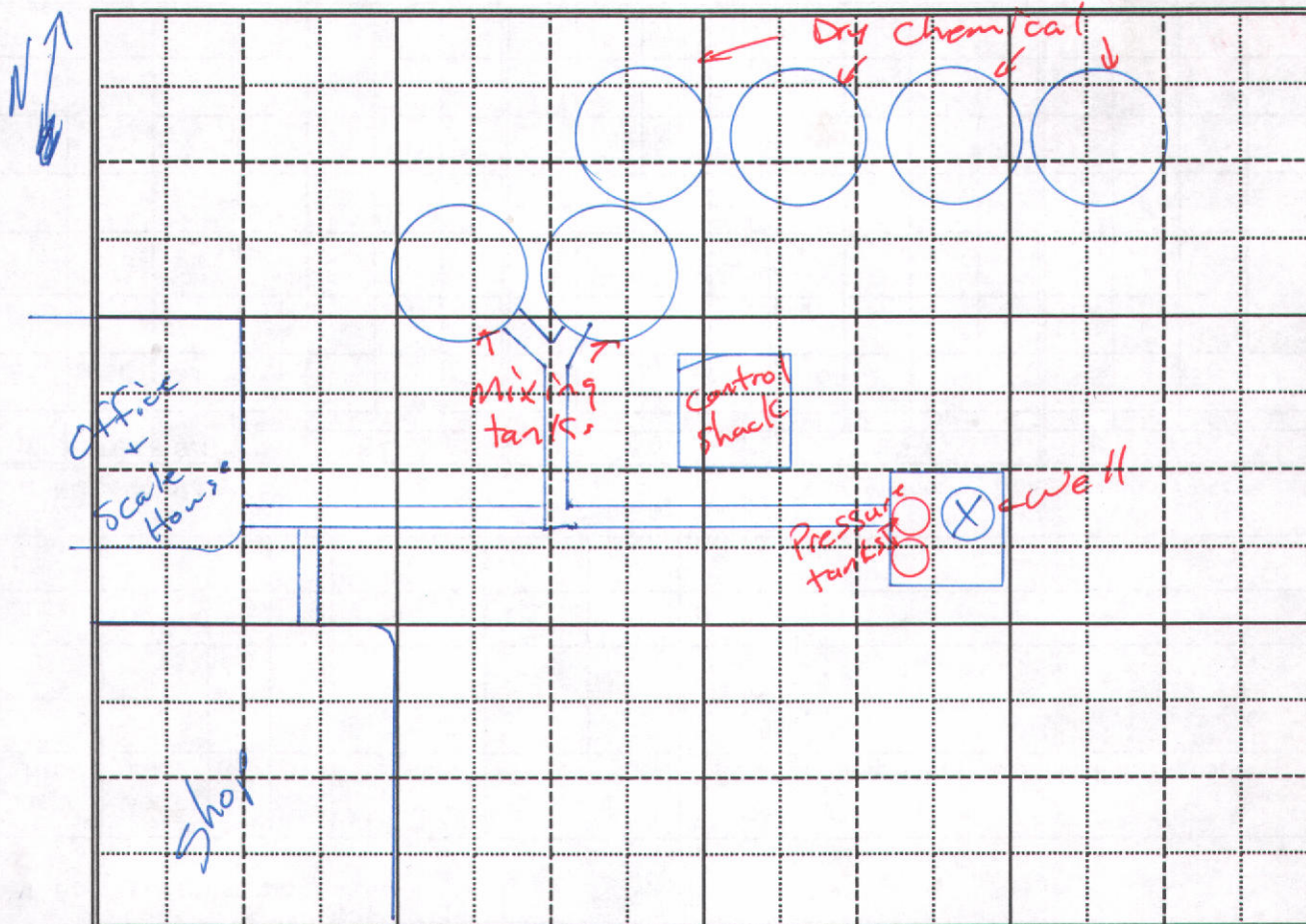


Scale: 2 inches equal 1 mile.

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.

Catharine J. Nelson
(Applicant)

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



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (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
	Franklin	7½	unknown	Franklin	2" discharge

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

D. FLOW MEASUREMENTS

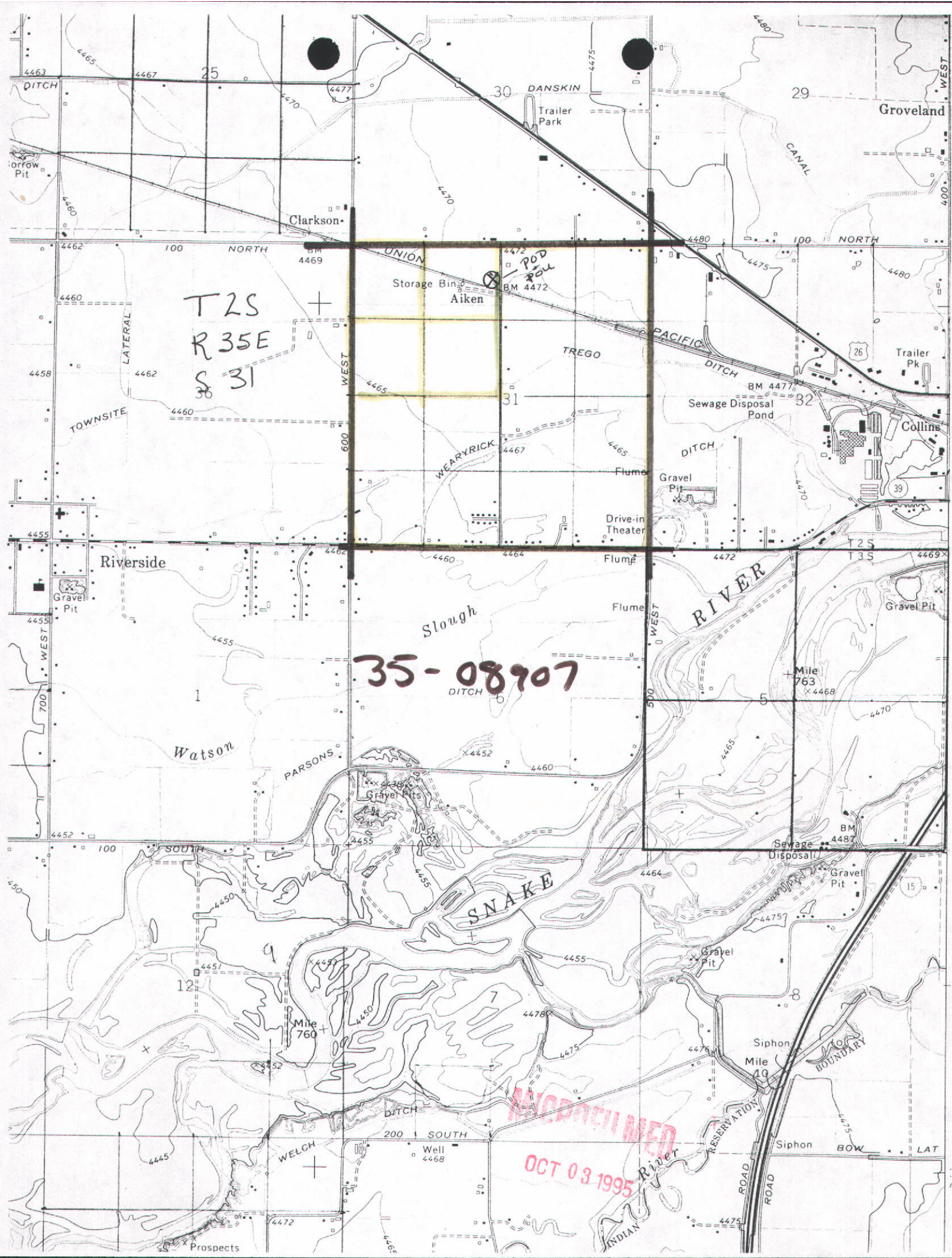
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gage	Fluid	Ashcroft			1/2" psi	

2. Measurements:

operating pressure 32 psi
dynamic pumping depth 30'

RECEIVED
OCT 03 1995



T2S
R35E
S31

35-08907

OCT 03 1995

35-8807



MICROFILMED 35-8907

OCT 03 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08907

Priority: July 25, 1990

Maximum Diversion Rate:

0.46 CFS

Maximum Diversion Volume:

3.1 AF

This is to certify, that USA FERTILIZER

120 N 12TH ST

POCATELLO ID 83201

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 25, 1990; and has submitted Proof of Beneficial Use on December 16, 1991. An examination indicates that the works have a diversion capacity of 0.460 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.46 CFS	3.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 31, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

02S 35E 31

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

NOT 08 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08907

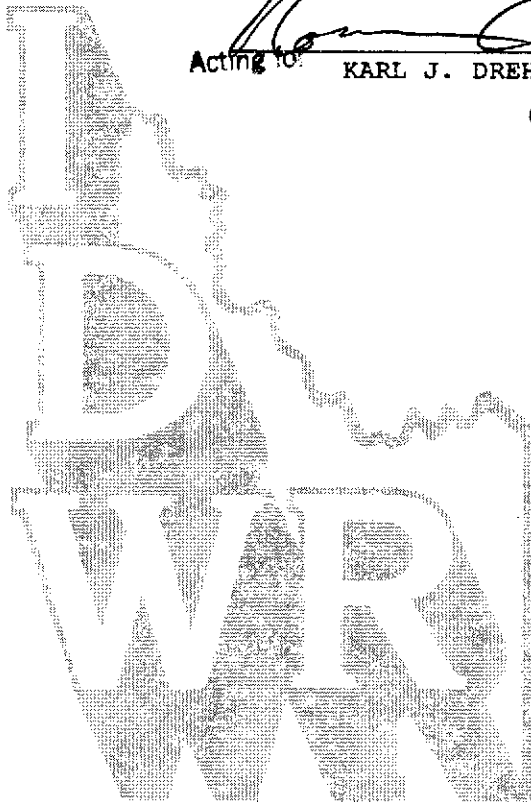
CONDITIONS OF APPROVAL AND REMARKS

8. Commercial use is for a fertilizer plant.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 29TH
day of SEPTEMBER, 1995.

Acting to:

KARL J. DREHER, Director



SEP 28 1995

Form 217
RECEIVED
DEC 16 1991

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 160.00
Date 12-16-91
Receipt No. 8022004
Received by gry

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08907 Telephone No. _____

2. Name(s) of Permit Holder(s): Arthur H Nielson, Jr.

3. Post Office Address: 120 North 12th Street Pocatello, Idaho 83201

4. Source of Water: Ground

a. If ground water, well driller's name: Unknown Date drilled: 1982

b. Pump horsepower: X Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Commercial

6. Total rate and/or volume for which proof is submitted 1.0 cfs _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Lynn Hammond (208) 785-6100

Name

Telephone No.

550 West 86 North Blackfoot, ID 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.

12-13-91
Date

Arthur H Nielson, Jr.
Signature (and title if on behalf of a company or organization)

DEC 23 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08907

Proposed Priority: July 25, 1990 Maximum Diversion Rate: 1.00 CFS

This is to certify, that **USA FERTILIZER**
120 N. 12
POCATELLO, ID 83201

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	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NENW Sec. 31, Township 02S, Range 35E
BINGHAM County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

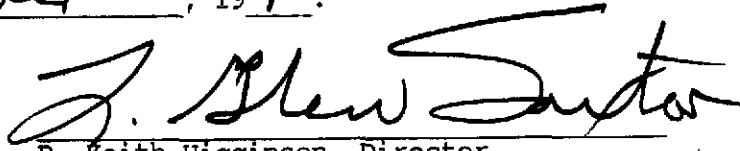
02S 35E 31 NENW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1992**.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. 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.
7. Commercial use is for a fertilizer 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

27th day of December, 1990.


R. Keith Higginson, Director

MICROFILMED

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 USA fertilizer Phone 233-9091

Post office address 120 N 12 Pocatello, Idaho 83201

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 NW 1/4, Govt. Lot _____

Sec. 31 Township 2S Range 35E B.M. Bingham County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 for Commercial purposes from 1 Jan to 31 Dec (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)

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

5. Total quantity to be appropriated is (a) 1.0 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 a distribution system for use in a fertilizer plant. The well was drilled in 1982.

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.

Existing
a. ~~Proposed~~ well diameter is 10" inches; Existing ~~proposed~~ depth of well is 150' feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

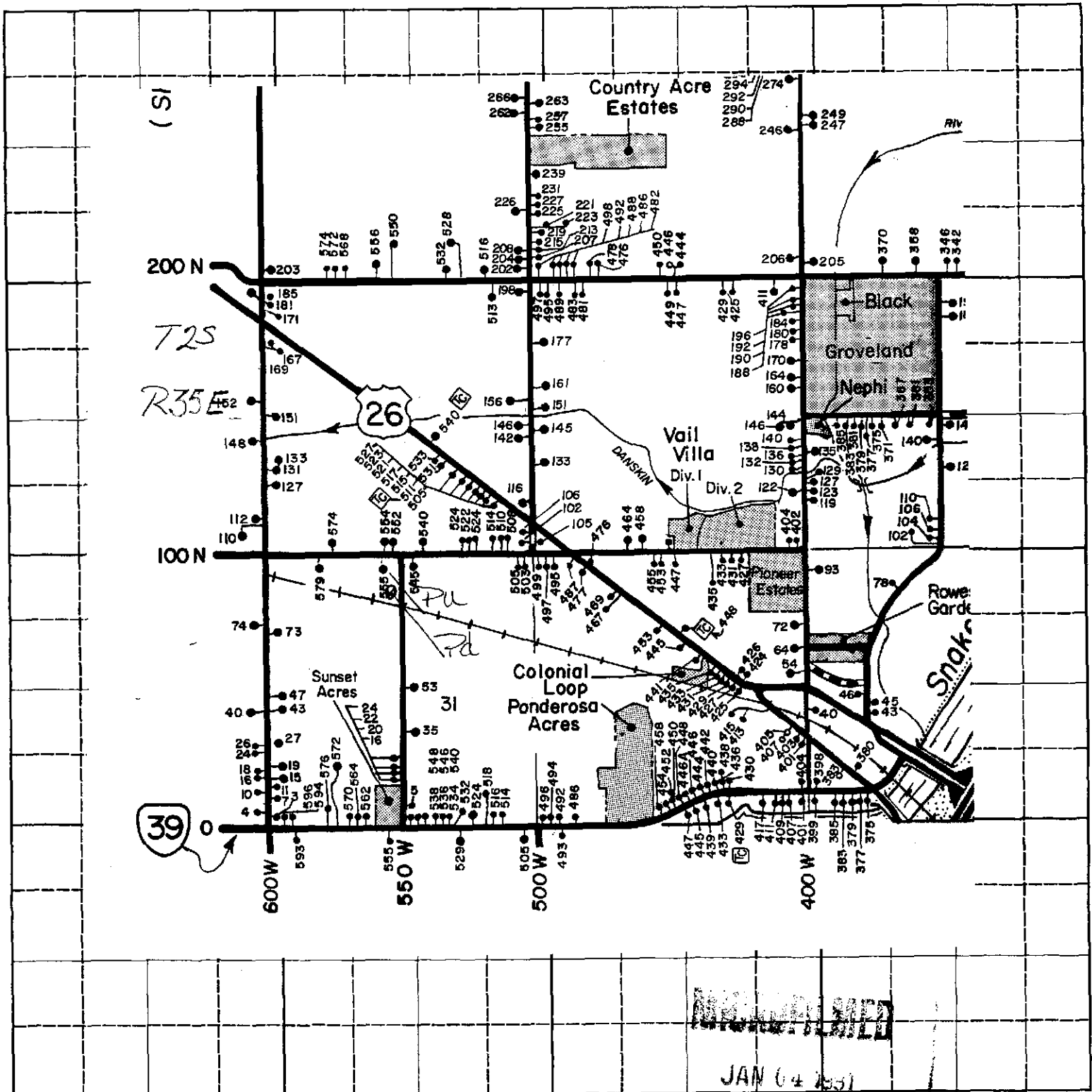
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

NOT RECORDED

JAN 04 1991

0214

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.

[Signature]
(Applicant)

MICROFILMED

JAN 6 1991

e. Other:

permit.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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 *RB* _____

Fee \$ *45.00* _____

Received by *Dms* Date *25 July 90* Time *16:43* Preliminary check by _____

Received by *JP* # *E015036* Date *7-25-90*

Date *10-4-90* Published in *Morning News*

Date *10-25-90*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 2, 1995

USA FERTILIZER
120 N 12TH ST
POCATELLO ID 83201

RE: WATER RIGHT NO. 35-08907

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
OCT 10 1995

OCT 03 1995

LICENSE REVIEW CHECKLIST



PERMIT NO. 35-08907 DATE 7-25-95
9-18-95

NAME	Change ☒ OK		Or Address Change?	
PRIORITY DATE	☒		Advance? ☐ Advanced to: _____	
			Order to reinstate needed? _____	
			Incorrect fee for rate recommended? <u>NO</u>	
SOURCE	☒		Changes or just clarification of originally intended source? _____	
			Notice of Intent to Void necessary? _____	
POINT OF DIV	☒		Amendment needed? _____	
	☒		Overlaps? _____	
PLACE OF USE	☒		Amendment needed? _____	
	☒		Overlaps? _____	
DIV RATE	☒		Permit/fee limits: <u>1 CFS</u>	
			Meas Q = _____ Theo Q = <u>.46</u> Recommend: <u>.46</u>	
			Combined rates exceed capacity _____	
ANNUAL VOLUME			Volume Limit: _____ Season: <u>1-1 to 12-31</u>	
			Calculations: _____	
			Flow limit: _____ cfs x _____ x 1.9835 = _____	
			Combined volumes exceed capacity/allowable _____	
USES	☒		Change in Nature of Use or additional uses? _____	
			Amendment necessary? _____	
ADDITIONAL INFO			Supplemental Groundwater ☒ PPU Scenario _____	
			Irr/Dom Combination ☒ Shared G/W System ☒	
NEW REMARKS	☒		Multiple p/d(s) in 1/4 1/4? _____	
			Other _____	
NEW CONDITIONS	☒		Watermaster control - District _____	
			Measuring/Locking Devices _____	
			Irrigation Overlap _____	
			Other <u>KEEP DON-TRUST</u>	
	☒		Water Quality _____ Heat/Cool/Fish verified _____	

COMMENTS: NEED to write a letter on extent of use to determine volume. 9/18/95 Did not respond to info request so limit to what applicant said to examiner.

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	
<u>Commercial</u>	<u>.46</u>	<u>3.1</u>	Adjustment Memo Needed	<u>NO</u>
_____	_____	_____	LICENSE	☒
_____	_____	_____	1ST AMEND LETTER	_____
_____	_____	_____	2ND AMEND LETTER	_____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

July 25, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

USA FERTILIZER
ARTHUR H NIELSON JR
120 N 12TH
POCATELLO ID 83201

RE: PERMIT NO. 35-08907

Dear Mr Nielson:

Permit No. 35-08907 is currently being reviewed for licensing. The Beneficial Use Field Exam that was conducted on the property in May of 1993 provided information that requires some additional clarification.

When a permit is licensed, an annual diversion volume is assigned based on usage. I need to have some additional information on the amount of water used in the various areas of your operation, i.e., the number of gallons used in each mixing tank and the number of times they are filled, etc. It would also assist in the evaluation to know how many fixtures and/or hydrants there are in the office and shop areas.

I will hold the file from any further processing for 14 days to give you time to respond. Thank you for your assistance and if you have any questions, do not hesitate to call me at (208) 327-5452.

Sincerely,

Brenda L. Chapman
Water Resource Agent

RECEIVED
OCT 03 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 13 1995

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-8907

1. Owner: USA Fertilizer Phone No. 233-9091

Current Address: 120 N. 12 Pocatello, Id. 83201

2. Accompanied by: Blain Cathey EXAM DATE: 5-27-93

Address: Same Phone No. Same

Relationship to Permit Holder: Plant Manager

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 35-08762

2. Other water rights with the same point of diversion: 35-08762

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NW	31	25	3SE	Bingham	USGS Quad map

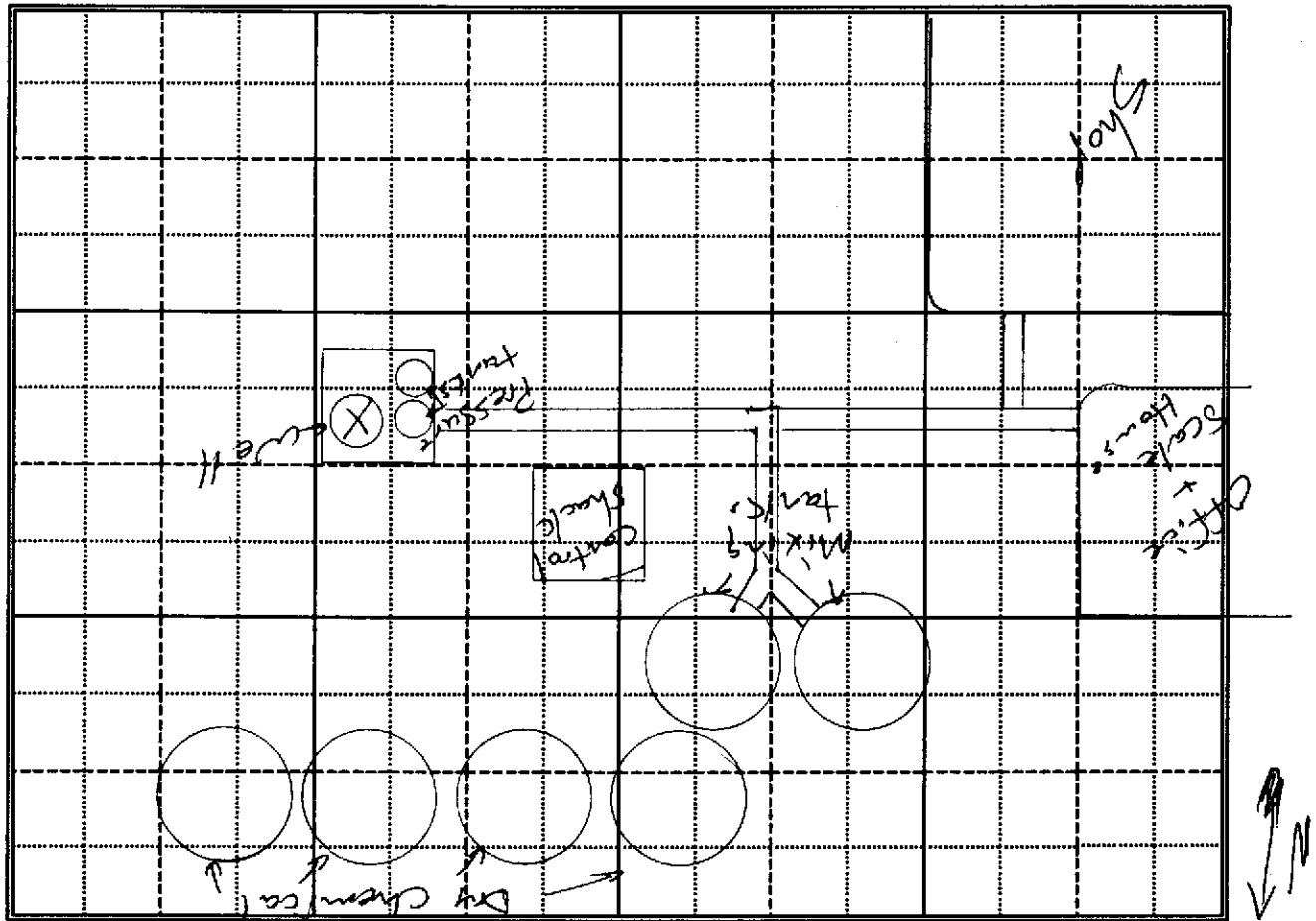
2. Place(s) of Use:

Indicate Method of Determination USGS Quad map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23	35E	31					C												

OCT 08 1995

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



Scale: 1" = _____

Copy of USGS Quadrangle Attached Showing location(s) of point(s) 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
	Franklin	7 1/2	McQuay	Franklin	2" discharge

*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
Pressure gage	Fluid	Adco			1/2 in.	

2. Measurements:

operating pressure 32 psi
dynamic pumping depth 30'

E. NARRATIVE/REMARKS/COMMENTS

7 1/2 Hp submersible pump to 2' waterline
supplying water to office culinary use
and used in fertilizer plant operations

1) may need to gather more data to determine volume for
commercial use etc

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

001 93 1080

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q = \frac{(7.5)(8.814)(.9)}{(30) + (32)(2.308)} = 0.57 \text{ cfs}$$

$$Q = \frac{(7.5)(8.814)(.7)}{(30) + (32)(2.308)} = 0.457 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

Applicants say 1,000,019 gallons ^{Year} or 3.1 afa

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	01-01	12-31	0.46 cfs	3.1
Totals:			0.46 cfs	3.1 afa

2. Recommended Amendments

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

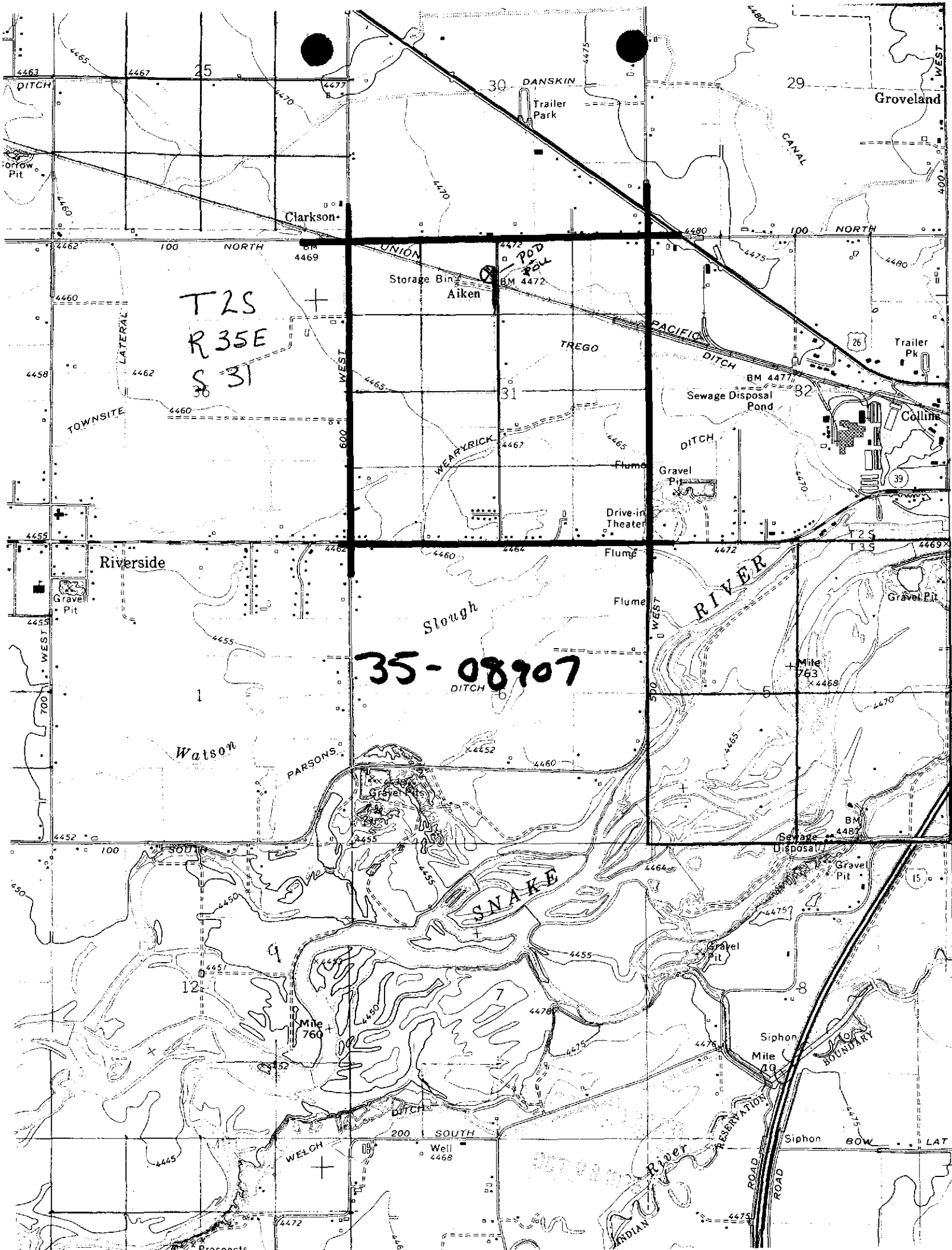
I. AUTHENTICATION

Field Examiner's Name Gary Buess Date 5-27-93

Reviewer Robert E. Foster Date 1-18-95

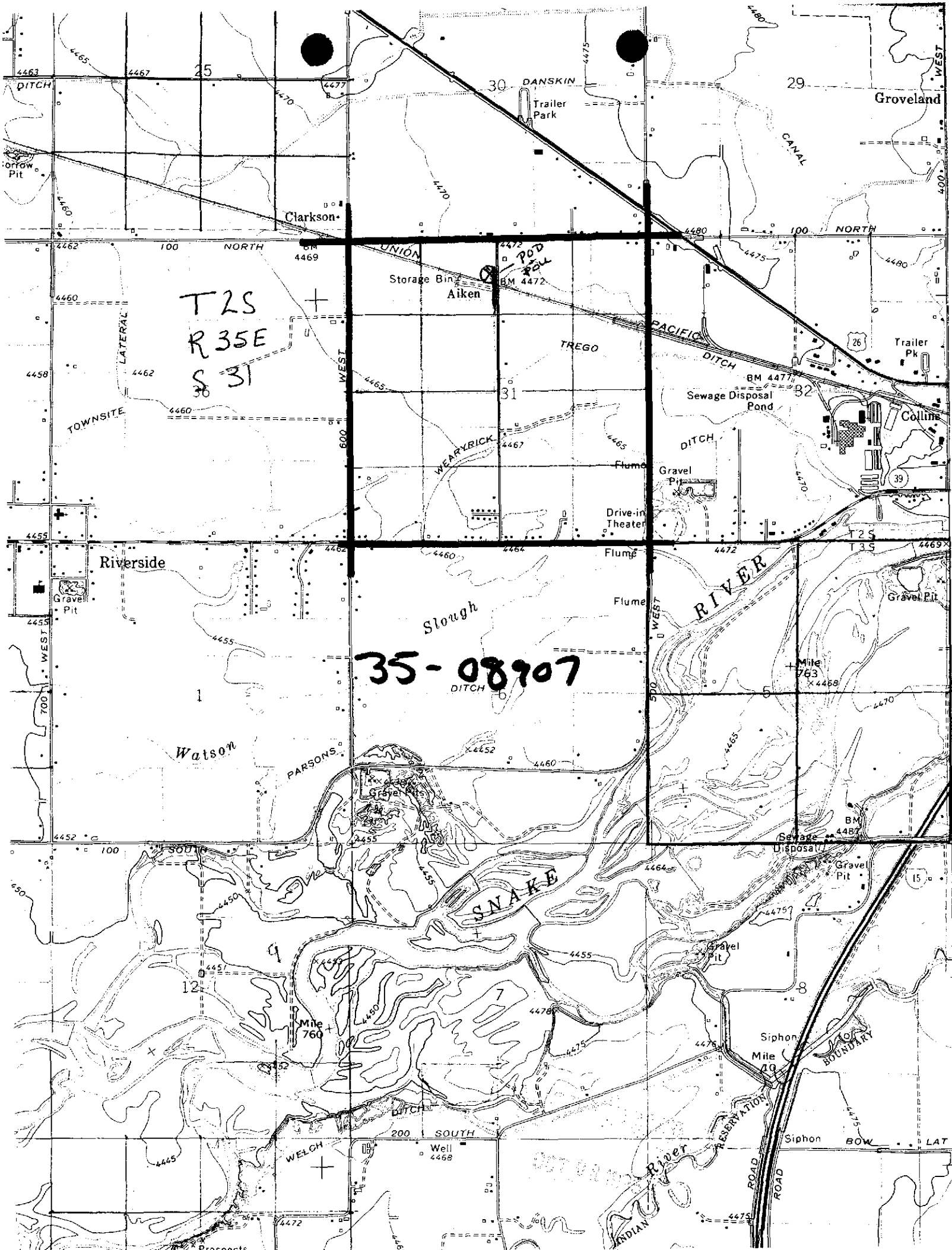
SEAL

OCT 03 1995

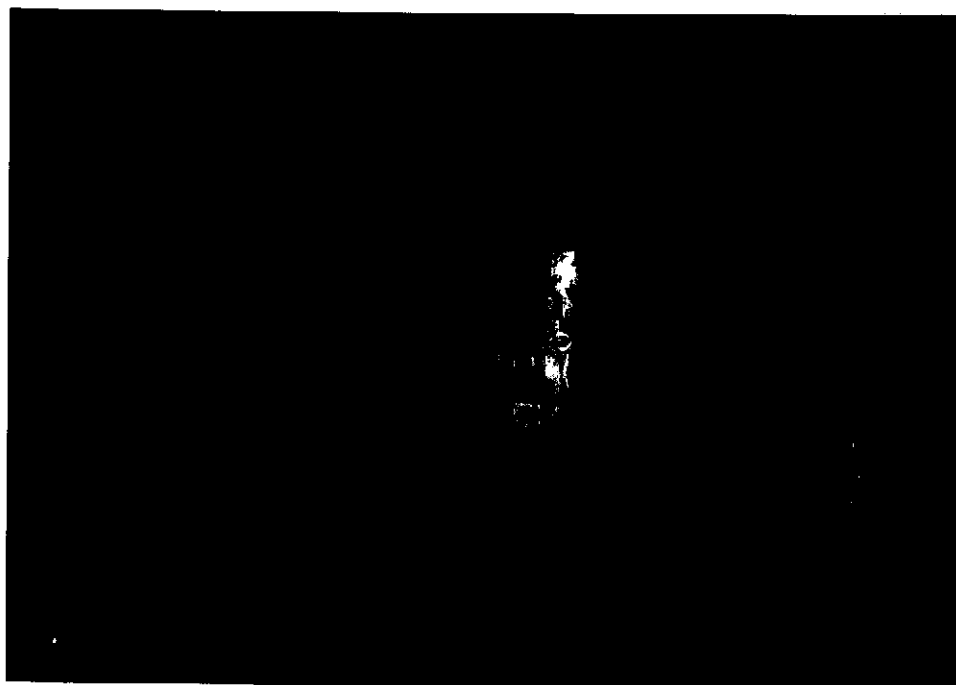


T2S
R35E
S31

35-08907



35-8807



35-8907

OCT 28 1960



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 10, 1992

Mr. Arthur Nielson Jr.
USA Fertilizer Inc.
120 North 12th Avenue
Pocatello, ID 83201

Re: Permit No.: 35-08907

Dear Permit Holder:

I am writing in response to your request of January 6, 1992 requesting removal of the condition of your permit which states, in part, that a flow measurement port must be installed.

We will consider your request if there is another means by which the rate of diversion can be measured during the field exam.

Before I can take action on your request, I will need to be advised if a measuring device has been or can be installed on the system.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson".

Karen L. Gustafson
Secretary/Records Manager

RECEIVED
OCT 03 1995

INTER-DEPARTMENT MEMO

1/2

TO: Koren

SUBJECT: _____

FROM: Wen

DATE: 1-10-92

- using the flowchart of app processing memo no. 51, the use under this permit needs to be meas in some manner during the field examination.

- I suggest we write the permit holder & advise that the dept will waive the ~~access~~ port installation requirement IF there is another means by which the rate of div can be measured during the field exam.

() For your information

() Response required

signature

(move)

INTER-DEPARTMENT MEMO

2/2

TO: _____

SUBJECT: _____

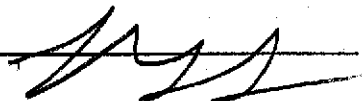
FROM: _____

DATE: _____

ask permit holder to advise
you accordingly before we
further consider the waiver
request

() For your information

() Response required



signature



Urea Sulfuric Acid "The Leading Edge of Technology"

RECEIVED
JAN 08 1992

Department of Water Resources

January 6, 1992

Karen Gustafson
Department of Water resources
1301 North Orchard Street, Statehouse Mail
Boise, Idaho 83720-9000

RE: PERMIT NO. 35-0890/7

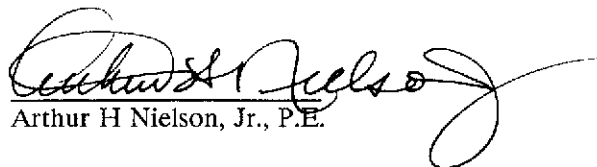
It is herein requested that the installation of a "flow measurement port" be waived on this installation because the system is unaccessible (underground) and is only used for product mixing water. The use would not exceed 6000 gallons per day for 50 days a year.

If you have an questions please call.

Thanks for your cooperation.

Sincerely,

NIELSON ENGINEERING, INC.


Arthur H Nielson, Jr., P.E.

AHN/th

RECEIVED

OCT 03 1995

December 20, 1991

USA FERTILIZER
120 N. 12
POCATELLO ID 83201

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08907

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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
DEC 23 1991

138150
October 31, 1991

USA FERTILIZER
120 N. 12
POCATELLO ID 83201

PROOF DUE NOTICE

RE: PERMIT NO. 35-08907

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, 1992. (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,

Nina Shields
Secretary/Records Manager

Enclosures

RECEIVED

DEC 23 1991



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

December 28, 1990

USA FERTILIZER
120 N. 12
POCATELLO, ID 83201

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08907

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

NOT FILMED

JAN 04 1991

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
Diversión Pt: NWNENW, Sec. 1, T. 05S, R.
31E.
Use: IRRIGATION (1.440 CFS).
Total Diversión: (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.
16 W. River Road
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: NWSW, Sec. 14, T. 02S, R.
35E.
Use: IRRIGATION (1.140 CFS).
Total Diversión (1.140 CFS).
Date Filed: 8/7/1990.
In: T02S, R35E, S14, NESW, NWSW,
SWSW, SESW.
57.0 ACRES TOTAL.

35-08906

NONPAREIL PROCESSING CORP.
40 N. 400 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: SESWSE, Sec. 28, T. 02S, R.
35E.
Use: IRRIGATION (2.200 CFS).
Total Diversión (2.200 CFS).
Date Filed: 8/3/1990.
In: T02S, R35E, S28, SWSE, SESE, S33,
NENE, NWNE, SWNE, NENW, SENW, NESW,
NWSE.
210.0 ACRES TOTAL.

35-08907

USA FERTILIZER
120 N. 12th
Pocatello, Idaho 83201
Source: GROUNDWATER
Diversión Pt: NENW, Sec. 31, T. 02S, R.
35E.
Use: COMMERCIAL (1.000 CFS).
Total Diversión: (1.000 CFS).
Date Filed: 7/25/1990.
In: T02S, R35E, S31, NENW.

35-08908

SLY, Jerry
SLY, Geraldine
1251 W. Highway 39
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: SENW, Sec. 12, T. 03S, R.
35E.
Use: IRRIGATION (.080 CFS).
DOMESTIC (.040 CFS).
Total Diversión (.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
Diversión Pt: SWSWSE, Sec. 28, T. 02S, R.
35E.
Use: COMMERCIAL (.060 CFS).
Total Diversión: (.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
Diversión Pt: NESE, Sec. 32, T. 02S, R.

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)
I, Jaqueline 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

Jaqueline 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.

Ray E. Taylor
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00

35-08907

USA FERTILIZER
120 N. 12
POCATELLO, ID 83201

Source: GROUNDWATER

Diversion Pt: NENW Sec 31 T 02S R 35E

Use: COMMERCIAL (1.000 CFS)
Total Diversion: (1.000 CFS)

Date Filed: 7/25/ 1990

In: T02S R35E S31 NENW

35-08907
USA FERTILIZER
120 N. 12th
Pocatello, Idaho 83201
Source: GROUNDWATER
Diversion Pt: NENW, Sec. 31, T. 02S, R.
35E.
Use: COMMERCIAL (1.000 CFS).
Total Diversion: (1.000 CFS).
Date Filed: 7/25/1990.
In: T02S, R35E, S31, NENW.

MICROFILMED

JAN 04 1991

19-Sep-1990

USA FERTILIZER
120 N. 12
POCATELLO, ID 83201

RE: Application for Permit No. 35-8907

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

MICROFILMED
JAN 04 1991