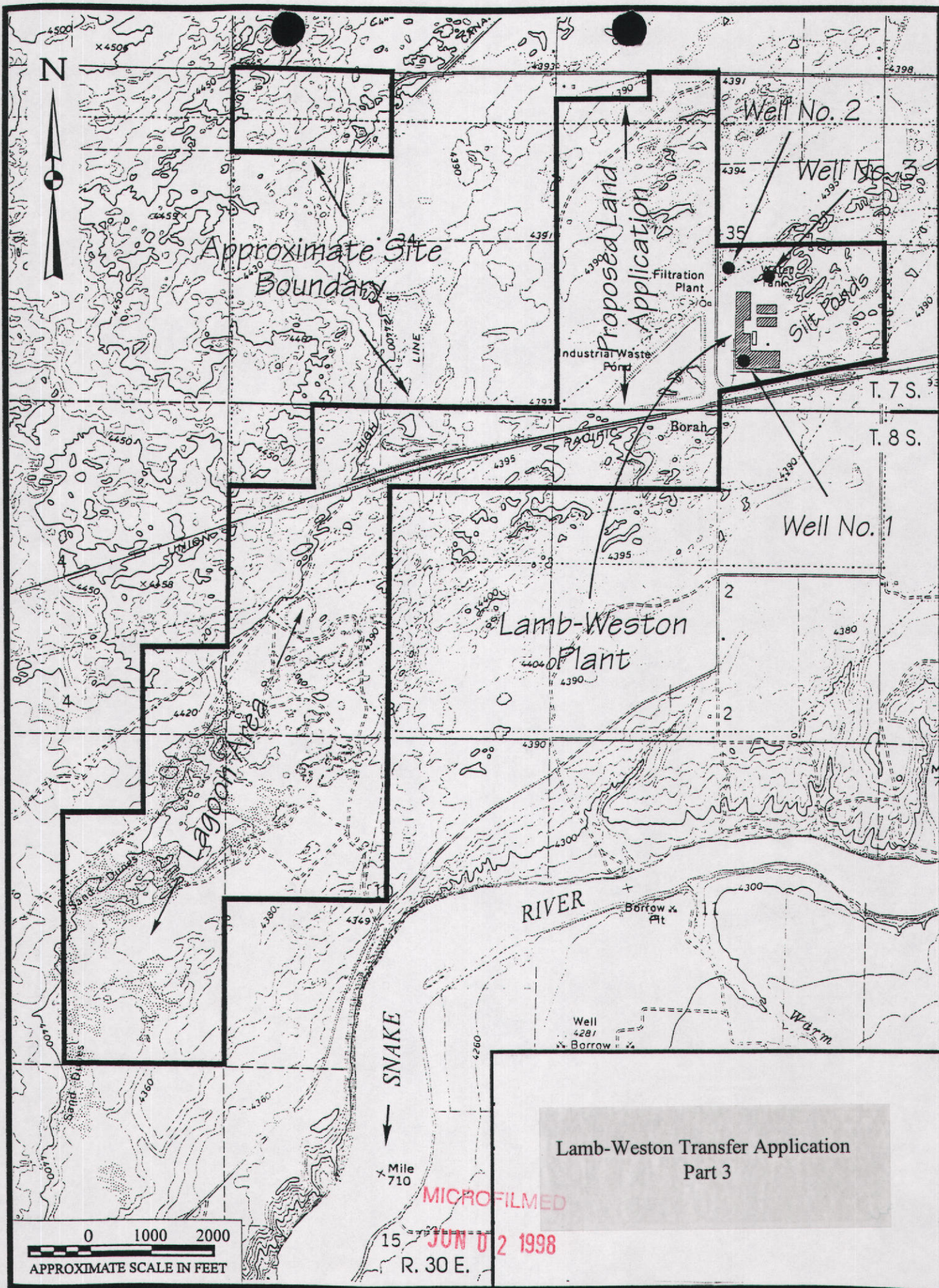
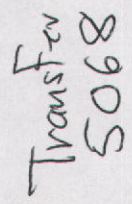
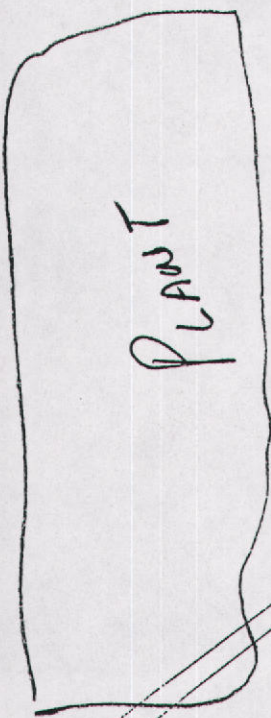




TRanf 5068



SUMMARY OF AVERAGES	
PHOT 1	57.2
PHOT 2	54.2
PHOT 3	57.2
WHEEL LINE 1	9.4
WHEEL LINE 2	6.6
WHEEL LINE 3	12.9
TOTAL	197.5

Lamb-Weston Transfer Application Part 3

NOTICE OF PROPOSED CHANGE OF A
WATER RIGHT NO. T5068

Notice is hereby given that Lamb Weston, Inc., PO Box 489, American Falls, ID 83211 has applied to the Department of Water Resources to add diversion points and place of use of the rights listed below. The rights sought to be changed are recorded as follows:

Claim No.: 35-04127 Source: groundwater
Amount: 6.0 cfs Priority: 08/12/1961
Point(s) of Diversion: NWSE SEC 35 T07S R30E,
POWER COUNTY

The water is used for fire protection from 01/01 to 12/31 within the NWSE SEC 35 T07S R30E, B.M.

License No.: 35-02603 Source: groundwater
Amount: 3.34 cfs Priority: 07/07/1960
Point(s) of Diversion: SWSE SEC 35 T07S R30E,
POWER COUNTY

The water is used for industrial use within the NWSE SEC 35 T07S R30E, B.M.

Claim No.: A35-12670 Source: groundwater
Amount: 6.69 cfs Priority: 08/01/1960
Point(s) of Diversion: NWSE SEC 35 T07S R30E,
POWER COUNTY

The water is used for industrial use within the NWSE SEC 35 T07S R30E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to include wells 1, 2, & 3 located in the SE SEC 35 T07S R30E, as common points of diversion for all the rights listed. Also, the W $\frac{1}{2}$ of SEC 35 T07S R30E will be added as industrial places of use to meet the mandatory land application of process water by the Idaho Dept. of Environmental Quality. This application of water will be three partial pivots and three wheel lines on 197 acres.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: May 1 and 8, 1997

Sworn Affidavit of Publication

OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 29335

Ruby Auderheide being first duly sworn upon oath, depose that I am principle clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per copy attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, beginning with the issue dated 5-1, 19 97, and ending with the issue dated 5-8, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Sunday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

OF IDAHO
COUNTY OF TWIN FALLS

8th day of May in the year of 1997, before me, Ruby Auderheide Public, personally appeared Reva R. Feltman, identified to me to be the person whose name 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 executed the same.

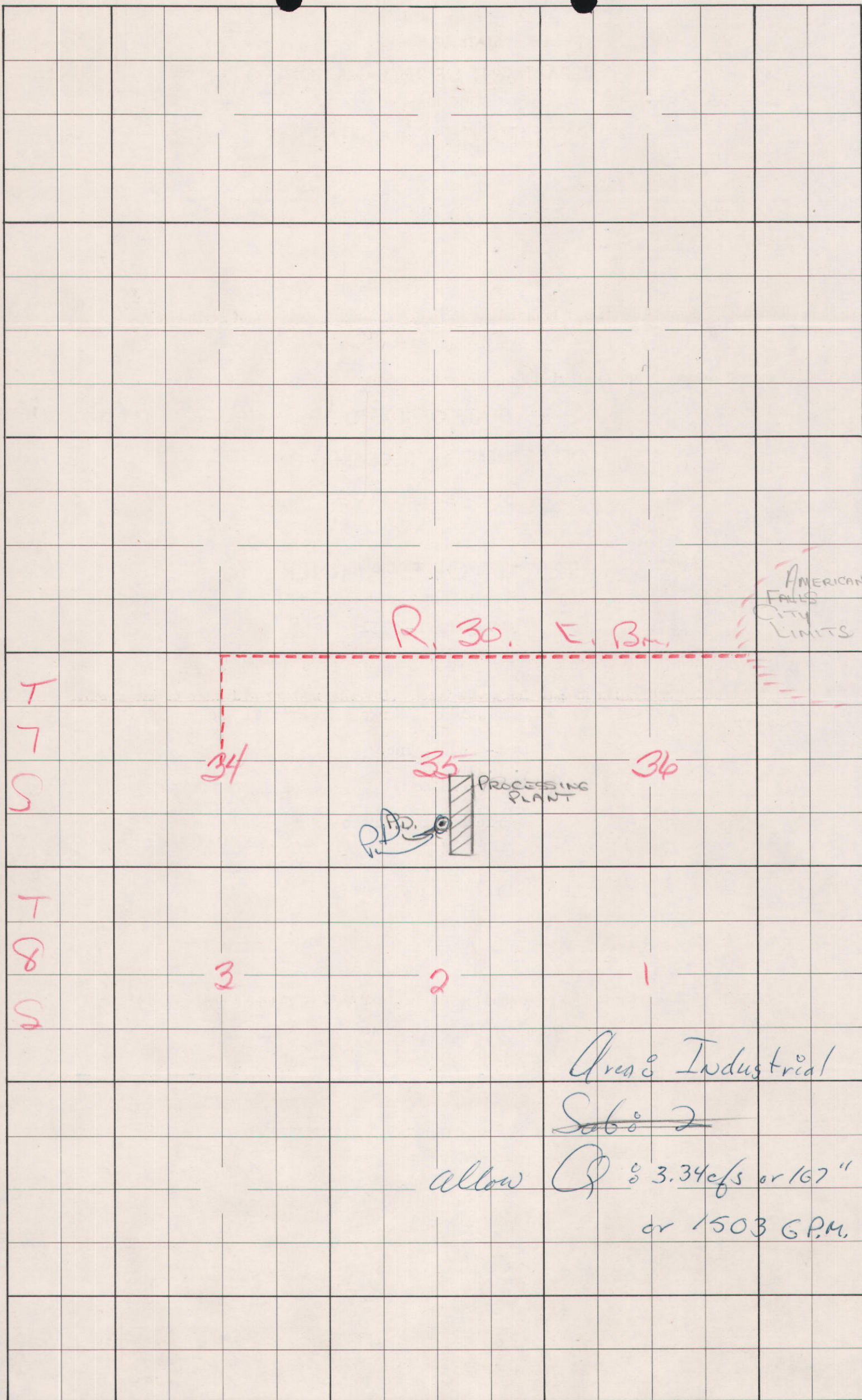
MICROFILMED

JUN 02 1998

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000



ANNUAL STATEMENT

Foreign CORPORATION
Domestic or Foreign

Permit Map No. 28851

As Approved

GEO. N. CARTER

Reclamation Engineer

1960

STATE OF OREGON

County of Umatilla

ss.

I, F. Gilbert Lamb

being first duly sworn, make the following

statement concerning

LAMB-WESTON, INC.

(Name of Corporation)

Address of Principal place of business or office in Idaho:

Box 118

County of Ada

Name of Officers:

Mailing Address of Officers:
(Postoffice box or Street number)

F. Gilbert Lamb

President

P. O. Box 118, Weston, Oregon

Paul Lamb

Vice-President

P. O. Box 118, Weston, Oregon

Reese Lamb

Secretary

P. O. Box 118, Weston, Oregon

Reese Lamb

Treasurer

P. O. Box 118, Weston, Oregon

Name of Directors:

Mailing Address of Directors:
(Postoffice box or Street number)

1. F. Gilbert Lamb

P. O. Box 118, Weston, Oregon

Paul Lamb

P. O. Box 118, Weston, Oregon

W. L. Minnick

P. O. Box 218, Walla Walla, Wash.

Reese Lamb

P. O. Box 118, Weston, Oregon

Clarence Braden

22 W. Alder, Walla Walla, Wash.

H. H. Habner

P. O. Box 118, Weston, Oregon

E. J. Watson

(There must be at least two officers and three directors listed.)

329 Kincaid, Mount Vernon, Washington

Maurice Nelles

490 Pimiento Lane, Santa Barbara, Calif.

Date of annual election of directors

May 13, 1960

Managing agent in Idaho

Richards, Haga & Eberle

P. O. Box 1368, Boise, Ida.

Name

Address

CONDITION OF CAPITAL STOCK

2. The Authorized Capital of said Corporation is - - - - - \$
- Divided into 400,000 shares of the par value of (Stated Value \$3.00) - - - - - \$ No Par
- The amount of Capital Stock subscribed is - - - - - \$ 886,245
- Amount issued \$ 886,245 Amount paid up - - - - - \$ 886,245

3. If a Mining Corporation, state whether the corporation is productive or non-productive.
(The Attorney General has ruled that a mine is productive if ore is being produced regardless of whether a profit is being made. All mining companies selling ore must pay tax.)

4. Is the Corporation a Co-operative Marketing Association? No

5. (a) Is the Corporation non-profit earning?
(Irrigation and telephone corporations and all companies not organized for pecuniary profit must answer this question.)

- (b) If a non-profit earning corporation, COMPLETE STATEMENT ON REVERSE SIDE.

(The 1955 Session of the Idaho Legislature amended Sec. 30-601, Idaho Code, to provide "that corporations not organized for pecuniary profit shall file an additional statement showing the annual salary or wages paid to all directors, officers, agents and employees of such corporations.")

F. Gilbert Lamb

Affiant's Signature.

Subscribed and sworn to before me this

day of

June

1960

(NOTARY SEAL)

Notary Public.

(OVER)

28851

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Ringe being first duly sworn

on oath, states:

That she is the principal clerk of the printer

of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 4 successive weekly issues thereof, the date of the first publica-

tion being the 27th day of May, 1965.

the date of last publication being the

27th day of June, 1965

(Signed)

Subscribed and sworn to before me this

11 day of June, 1965

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

22 day of October, 1967.

Legal Notice

Published in the Power County Press, May 27, June 3, 19, and 17, 1965.

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a.m., on the 25th day of June 1965, at American Falls, County of Power, State of Idaho before Gerald England, Notary Public at Lamb-Weston Inc. Processing Plant American Falls, Idaho, proof will be submitted of the completion of works for the diversion of 3.34 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28851, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lamb-Weston, Inc., P. O. Box 428, American Falls, Idaho.

2. Said works of diversion will be fully completed on the date for such completion and the amount of water which said works are capable of conveying to the place of use is 3.34 cubic feet per second.

3. The use to which said water has been applied is Industrial - Potato Processing purposes and the amount applied to beneficial use is 3.34 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Twp, 7 S., Range 30 E. B. M., County of Power.

5. The place where said water is used is W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 35, Twp 7 S, Range 30 E. B. M.

6. The date of priority which said user is prepared to establish is July 7, 1960.

CARL E. TAPPAN

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5068
WATER RIGHT NO(S). 35-02603/35-04127/35-12670

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

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02603 :			
INDUSTRIAL	01/01 to 12/31	3.34 CFS	2418.1 AF
Priority: 07/07/1960			
Right No. 35-04127 :			
INDUSTRIAL	01/01 to 12/31	4.68 CFS	3388.2 AF
FIRE PROTECTION	01/01 to 12/31	4.68 CFS	
Priority: 08/12/1961			
		4.68 CFS	3388.2 AF
Right No. 35-12670 :			
INDUSTRIAL	01/01 to 12/31	2.01 CFS	1455.2 AF
Priority: 08/24/1962			

TOTAL: * 10.03 CFS * 4408.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 35, Township 07S, Range 30E
SWSE , Sec. 35, Township 07S, Range 30E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 30E 35

NENW
SEnw
SWSW
SWSE

NWNW
NESW
SESW

SWNW
NWSW
NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

JUN 25 1998

TRANSFER NO. 5068
WATER RIGHT NO(S). 35-02603/35-04127/35-12670

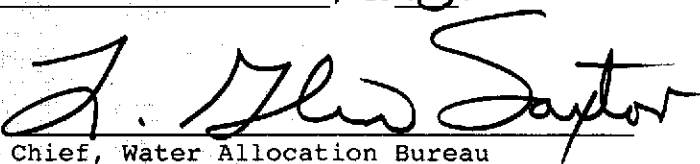
CONDITIONS OF APPROVAL AND REMARKS

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5068 shall not exceed 10.03 cfs, nor a total combined annual volume of 4408.0 af.
- * 6. Rights 35-02603, 35-04127 and 35-12670 when combined shall not exceed a total annual diversion volume of 4408.0 af.
7. Approval of Transfer 5068 does not confirm claimed Rights 35-04127 and 35-12670.
8. The water used for industrial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for industrial use as authorized by these water rights.
9. Industrial use includes a potato processing plant located in the W1/2SE, S35, T07S, R30E.
10. Two points of diversion are located within NWSE, S35, T07S, R30E.

Dated this 15th day of

June

, 1998.


Chief, Water Allocation Bureau

MICROFILMED

JUN 25 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5068
WATER RIGHT NO(S). 35-02603/35-04127/35-12670

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

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02603 :			
INDUSTRIAL	01/01 to 12/31	3.34 CFS	2418.1 AF
Priority: 07/07/1960			
Right No. 35-04127 :			
INDUSTRIAL	01/01 to 12/31	4.68 CFS	3388.2 AF
FIRE PROTECTION	01/01 to 12/31	4.68 CFS	
Priority: 08/12/1961			
		4.68 CFS	3388.2 AF
Right No. 35-12670 :			
INDUSTRIAL	01/01 to 12/31	2.01 CFS	1455.2 AF
Priority: 08/24/1962			
	TOTAL:	* 10.03 CFS	* 4408.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 35, Township 07S, Range 30E
SWSE , Sec. 35, Township 07S, Range 30E
POWER County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

07S 30E 35	NENW	NWNW	SWNW
	SEnw	NESW	NWSW
	SWSW	SESW	NWSE
	SWSE		

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

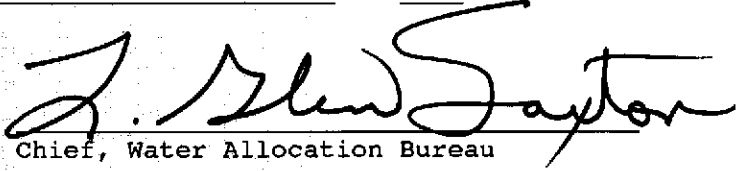
JUN 02 1998

TRANSFER NO. 5068
WATER RIGHT NO(S). 35-02603/35-04127/35-12670

CONDITIONS OF APPROVAL AND REMARKS

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5068 shall not exceed 10.03 cfs, nor a total combined annual volume of 4408.0 af.
- * 6. Rights 35-02603, 35-04127 and 35-12670 when combined shall not exceed a total annual diversion volume of 4408.0 af.
7. Approval of Transfer 5068 does not confirm claimed Rights 35-04127 and 35-12670.
8. The water used for industrial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for industrial use as authorized by these water rights.
9. Industrial use is for a potato processing plant located in the W1/2, S35, T07S, R30E.
10. Two points of diversion are located within NWSE, S35, T07S, R30E.

Dated this 1st day of June, 1998.


Chief, Water Allocation Bureau

MICROFILMED

JUN 02 1998

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5068

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT
JUL 16 1997 PART 1

Department of Water Resources

Name of applicant Lamb-Weston, Inc. Phone (208) 226-2301
Post Office address P. O. Box 489, American Falls, ID 83211 (2975 Lamb Weston Road)

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Add land application area to comply with
DEQ water quality requirements. Show
existing Wells #1, #2 and #3 as points of diversion
on all Lamb-Weston water rights.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|----------------|-----------------------|--------------------------|-----------------------|
| <u>X35-02603</u> | <u>7/7/60</u> | <u>3.34</u> | <u>Industrial</u> | <u>01/01 to 12/31</u> |
| <u>A35-12670</u> | <u>8/24/62</u> | <u>2.01</u> | <u>Industrial</u> | <u>01/01 to 12/31</u> |
| <u>X35-04127</u> | <u>8/12/61</u> | <u>4.68</u> | <u>Indus/Fire Protc.</u> | <u>01/01 to 12/31</u> |
| <u>35-08669</u> | <u>4/21/88</u> | <u>1.00</u> | <u>Irrigation (.03)</u> | <u>04/01 to 10/31</u> |
| | | | <u>Industrial (.97)</u> | <u>01/01 to 12/31</u> |
2. Total amount of water being transferred 10.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water ground water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	35	7S	30E	Power	Well No. 1
		NW	SE	35	7S	30E	Power	Well No. 2
		NW	SE	35	7S	30E	Power	Well No. 3

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	30E	35					I	I	I	I	I	I	I	I		I	I		

Total acres 197

PART 1

6. General Information:

a. Description of diversion system Existing wells, pumps and pipeline system with treatment ponds and land application system (see maps).

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See attached Power County tax records, dated 3/14/97.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Land application area in NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 35, T7S, R30E, requested per application processing memorandum no. 61.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

JUN 02 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-04127

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
FIRE PROTECTION	01/01 to 12/31	6.00 CFS

SOURCE

GROUNDWATER

Priority: 08/12/1961

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 35, Township 07S, Range 30E
POWER CountyPLACE OF USE: FIRE PROTECTIONTWN RGE SEC

07S 30E 35 NWSE

CONDITIONS/REMARKS:

MICROFILMED

JUN 02 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-02603

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
INDUSTRIAL	to	3.34 CFS

SOURCE

GROUNDWATER

Priority: 07/07/1960

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 35, Township 07S, Range 30E
POWER CountyPLACE OF USE: INDUSTRIALTWN RGE SEC

07S 30E 35

NWSE

SWSE

CONDITIONS/REMARKS:

MICROFILMED

JUN 02 1988

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. A35-12670

STAGE: **BENEFICIAL USE**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
INDUSTRIAL	01/01 to 12/31	6.69 CFS

SOURCE

GROUNDWATER

Priority: 08/01/1960

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 35, Township 07S, Range 30E
POWER CountyPLACE OF USE: INDUSTRIALTWN RGE SEC

07S 30E 35 NWSE

CONDITIONS/REMARKS:

1. WELL PUMPS ~3000 GPM.
2. A35-04127 USED AS BACKUP WELL FOR INDUSTRIAL USE AND ALSO FOR FIRE PROTECTION.

MICROFILMED

JUN 02 1996

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert G. Bloom
(Signature of Applicant)

Subscribed and sworn to before me this 25th day of March, 19 97.

E. Louis Cluff
(Notary Public)

My commission expires 02/19/98

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by HWT Date 3-27-97 Protest filed by _____

Prelim. check by _____ Fee \$100⁰⁰

Receipted by HWT #EO23063 Date 3-27-97

Published in Lower County Press Copies of protest forwarded by _____

Pub. dates May 1 and 8, 1997 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RD

Copy of transfer sent to lien holder _____

MICROFILMED

JUN 02 1998

Lamb-Weston Transfer Application
Part 2

State of Idaho
License and Certificate of Water Right

Water License No. G-28851

Amount 3.34 c.f.s.

Water District No.

Priority July 7, 1960

THIS IS TO CERTIFY that LAMB-WESTON, INC.

of American Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 7, 1960; that Permit No. G-28851 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.34 second feet, was issued thereunder on April 19, 1967, showing that said works were completed on the 25th day of June, 1965; and that on the 25th day of June, 1965, LAMB-WESTON, INC.

of American Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of industrial - potato processing, under Use Permit No. G-28851 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

14 of Licenses at page 8792, on the 19 day of April, 1967;

The right hereby confirmed dates from July 7, 1960;

The Point of Diversion is located

in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, Tp. 7 S, R. 30 E, B. M., Power County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.34 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	30 E	35	W $\frac{1}{2}$ SE $\frac{1}{4}$ For industrial - potato processing - use.	MICROFILMED JUN 02 1968	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

19th day of April, 1967.

s/ R. Keith Haggins
State Reclamation Engineer.

(SEAL)

25-2603

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36834
Permit No. G- 28851
District No.

1. Name of Applicant: Lamb-Weston, Inc.
Postoffice address: Weston County: Umatilla State: Oregon

2. Quantity of water claimed:
(a) Rate of withdrawal in cubic feet per second 3.34 or Idaho
Miners' inches 167 or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Well

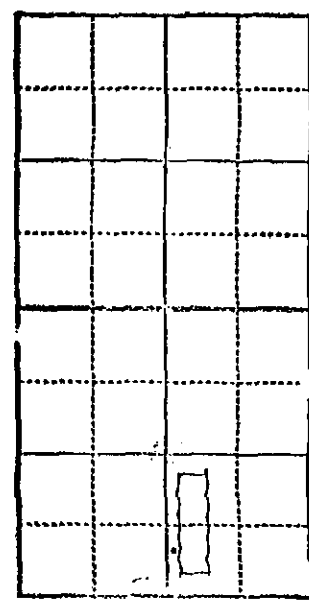
4. Location of point of diversion or well is in the SW 1/4 of the SE 1/4 of Section 35
Twp. 7 S , Rge. 30 E , B.M., County of Powder

5. Water is to be used for: Industrial - Potato Processing

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the SW 1/4 of the SE 1/4 of Section 35 , Twp. 7 S
Rge. 30 E , B.M.

(b) Waste water or sewage effluent is to be returned to Land Area
at a point in the SE 1/4 of the SW 1/4 of Section 35 , Twp. 7 S , Rge. 30 E , B.M.



7. Kind of works: Vertical, Line Shaft, Deepwell Turbine

8. Estimated cost of works: \$ 18,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: June 22, 1960

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new land.

MICROFILMED
JUN 02 1968

Twp.	Range	Sec.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Totals
			Permit No. G-28851 CERTIFICATE OF COMPLETION OF WORKS				
TO ALL WHOM IT MAY CONCERN:							
This is to certify that LAMB-WESTON, INC. of American Falls, County of Power, and State of Idaho, the Holder Permit No. G-28851, issued upon Application No. G-36834 bearing date of priority of July 7, 1960, authorizing the diversion of 3.34 second feet of waters of a well, County of Power, State of Idaho, for industrial, potato process purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.34 second feet of the waters of a well, tributary of subterranean flow; that the point of diversion of said waters is in the SW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 35, T. 7 S., R. 30 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: Industrial use in W$\frac{1}{2}$SE$\frac{1}{4}$, Sec. 35, T. 7 S., R. 30 E., B.M.							
Proof of Completion of Works Made: June 25, 1965.							
Witness my hand this 19th day of April, A. D. 1967.							
S/ R. KEITH HIGGINSON State Reclamation Engineer							
LICENSE ISSUED FOR <u>3.34</u> SEC. FT. LICENSE PAGE NO. <u>8792</u>							
JUN 22 1968							

WATER LICENSE

Water License No. G-32394/35-2780 Priority June 9, 1965 Amount 4.68 c.f.s.

THIS IS TO CERTIFY, that LAMB-WESTON, INC.
of Portland, Oregon, made application for a permit to appropriate the public waters of
the State of Idaho, dated June 9, 1965; that Permit G-32394/35-2780 was issued pursuant
to said application; that the proposed works were completed on or about August 1961
with a storage/or carrying capacity of 4.68 c.f.s., said works consisting of
well, pump, and motor, and that on April 28, 1967
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 140
acre feet per season, with a maximum rate of diversion of 4.68 cubic feet per second of the waters
of ground-water, tributary of _____,
for the purpose of Industrial (potato processing) from January 1 to December 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NW 1/4 SE 1/4 Sec. 35, T. 7 S, R. 30 E, B.M., and
other additional points _____, in the County of
Power; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 140 acre feet per year.

Description and location of place of use:

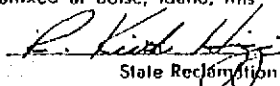
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S	30 E	35														X	X		

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

25th day of November, 1965


State Reclamation Engineer

JUN 12 1966

35 2780

42294
35-2780

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Part 2

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lamb-Weston Inc.

PO Box 489, American Falls, ID 83211

(Name of Claimant)

Telephone No. 226-2301

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) August 12, 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

ground water tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: supply potato processing plant fire protection water at any time during the year. (Both dates inclusive)

(c/s, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Mo., Day)

(Mo., Day)

Quantity 6 cfs Use fire protection Period of Use From 1/1 To 12/31

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

(4) 6 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ SE ¼, Sec. 35 Twp. 7 so. Rge. 30 E B.M., County of Power

Additional points of diversion: none

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, 321' deep, 4 stage pump, 200 HP motor, 285 hp engine, 18" dia. case
220' deep, 3000 gmp capacity

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

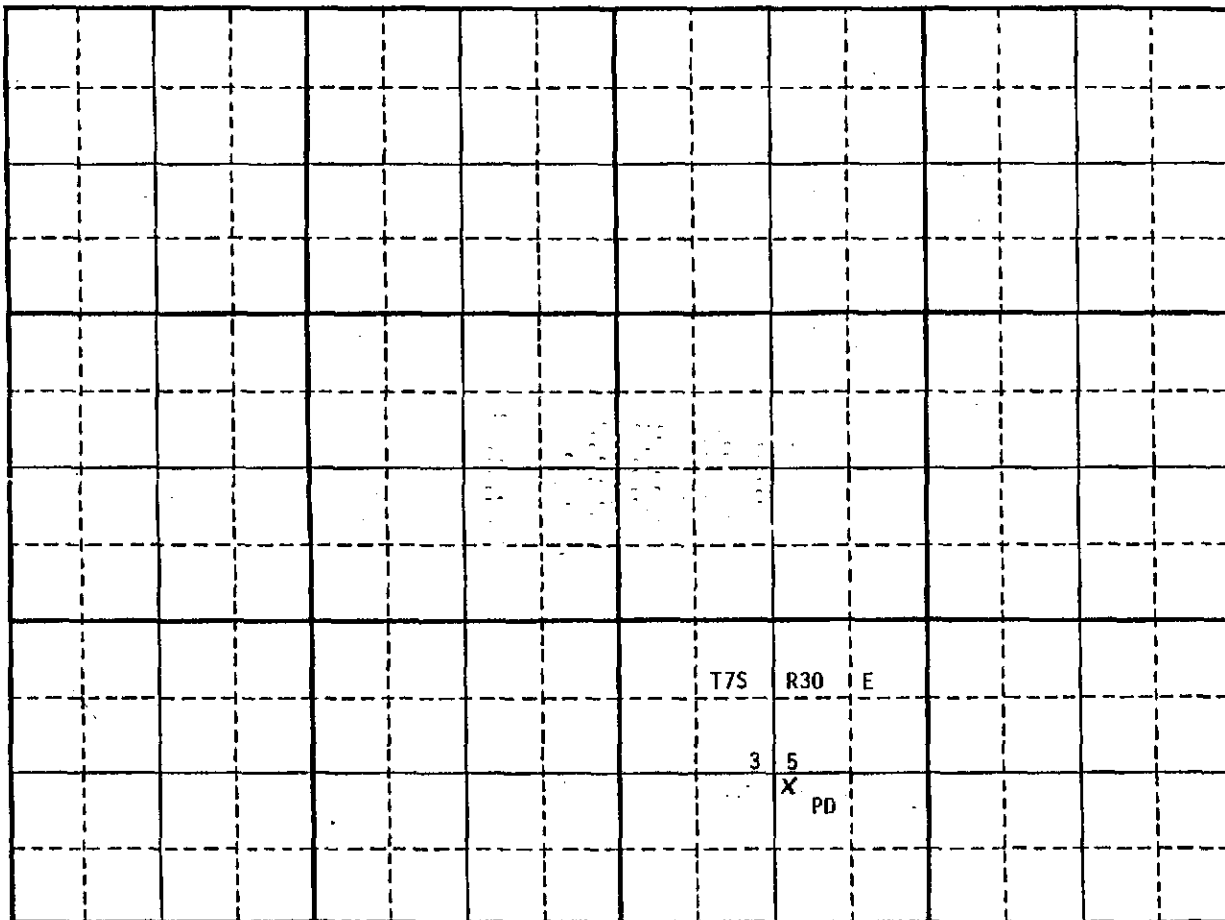
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Fire protection
operated 15 minutes/week. Has been used as backup to our Potato Processing Plant
well for short periods of a few days.

NOTE: Include here the type and number of stock watered: N/A

(7) If you are claiming water as a member of an organization, list name of organization: Lamb-Weston Inc.

JUN 02 1958



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Power) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of October

Lamb Weston Inc
by Howard E. Cion
(Claimant) oper. Mngs.

1981

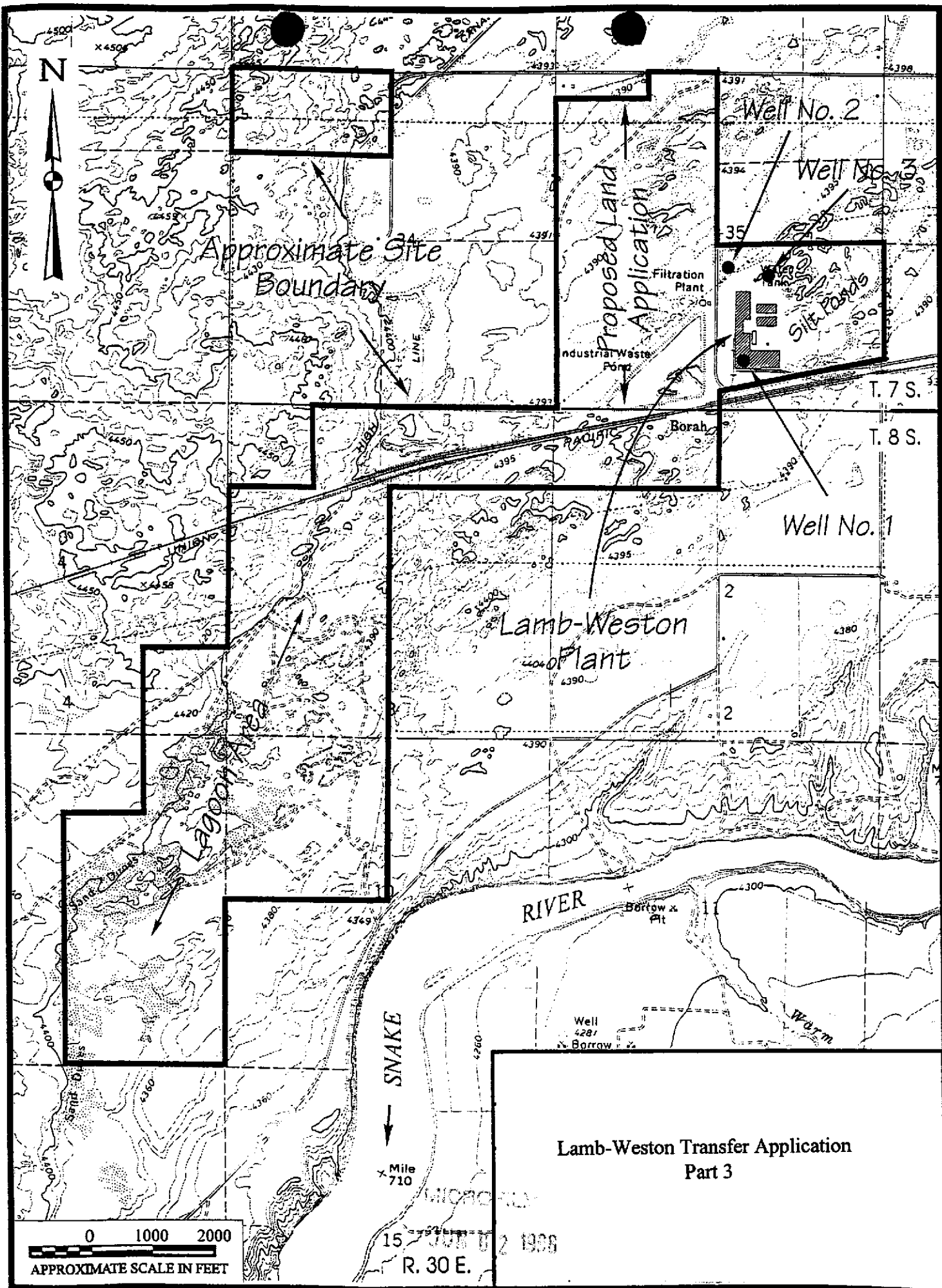
Notary Public

Residing at American Fork, IdahoMy commission expires Nov

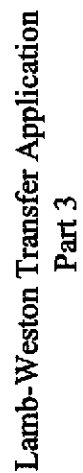
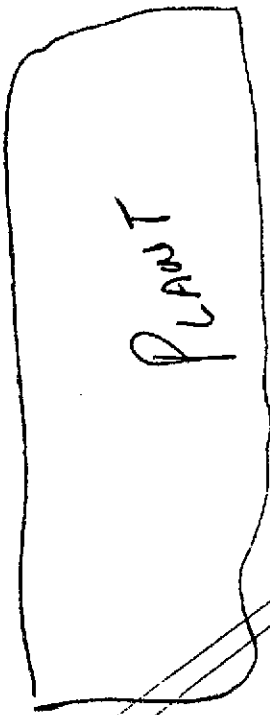
FOR DEPARTMENT USE ONLY

Received by CA Date 10-30-81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Kaw Date 10-30-81 claimant by: _____
\$30.00 fee received by CA Date 10-30-81
Published in Power County News #1943
Dates 11-12 & 11-19-81

JUL 2 1988



TRanf S068



SUMMARY OF AVERAGES	
PROT 1	57.2
PROT 2	54.2
PROT 3	57.2
WHEEL LINE 1	9.4
WHEEL LINE 2	6.6
WHEEL LINE 3	72.9
TOTAL	197.5

Transfer
5068

Josephine P. Beeman
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
Boise, ID 83702-5509
Phone: (208) 388-8900
Fax: (208) 388-8400
e-mail: beehof@micron.net

RECEIVED

MAR 10 1997

Department of Water Resources

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	)	Subcase No. A35-02603, A35-04127
	)	and A35-12670
Case No. 39576	)	
_____	)	AFFIDAVIT OF WALLY BUFFI
		IN SUPPORT OF SRBA CLAIMS

STATE OF IDAHO)
) ss:
COUNTY OF POWER)

I, Wally Buffi, after first being duly sworn upon oath, depose and state that:

(1) My name is Wally Buffi. I have been employed at Lamb-Weston in American Falls, Idaho, since 1962. My current position is Plant Engineer. I have operated or supervised the use of Lamb-Weston's wells since my employment began. Lamb-Weston's American Falls Plant is served by three wells, identified as Well #1, Well #2, and Well #3. Use of the wells has remained generally the same over time.

(2) Well #1 is the main well for the plant. During my employment, Well #1 has run continuously, except for repairs and maintenance. It supplies water for potato processing when the plant is in production (about 300 to 340 days per year). Well #1 also supplies water to the cold storage condensers year-round; this water returns to the plant and is the source of water for potato production when the plant is in operation.

(3) Well #2 is used to provide backup in the event Well #1 is undergoing repair or

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JUN 02 1998

maintenance. In addition, Well #2 is used along with Well #1 for cleanup and fire protection. Cleanup operations have typically occurred at least one day per week since the plant began operation in the fall of 1961.

(4) Well #1 operates regardless of whether the Lamb-Weston plant is in production, because the condensers in cold storage must continue to operate. The actual production days themselves in a year can vary depending upon growing conditions and market conditions. The production season typically lasts at least 300 days a year, but has exceeded 340 days in some years. This mode of operation has occurred since the plant began operation.

(5) I have seen the November 7, 1969 letter from Rodger Rosenquist, Production Manager at Lamb-Weston, to the Department of Reclamation (predecessor to the Idaho Department of Water Resources) in which Mr. Rosenquist estimated that Well #1 operated ten months per year. From my personal knowledge, I know that Well #1 operated year round since 1962. Mr. Rosenquist was describing the production season of the Lamb-Weston plant. He apparently did not consider the year-round use of Well #1 to supply water for the condensers in cold storage.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 6 day of March, 1997.

Wally Buffi
WALLY BUFFI

SUBSCRIBED AND SWORN before me on this 6 day of March, 1997.

Robert G. Bloom
Notary Public for Idaho
Residing at Chubbuck, Idaho
Commission Expires: 4-17-98

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JUN 9 2 1998

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POWER

PAGE 1
03/14/97 15:03:36

DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D0734-00 A YEAR 1996

BILL# 3007

TXPKEY: RPD0734-00 A

NAME NORTHWESTERN ICE & COLD STORAG
% LAMB WESTON, INC

CODE AREA 300
BANK FLB

ACCOUNT TYPE
OWNER PUP

ADDRESS 8701 W. GAGE BLVD.

P.O. BOX C1900

TRI-CITIES WA 99302

MARKET VALUE 1,332,871

HARDSHIP

HOMEOWNER

NET MARKET 1,332,871

TAX AMOUNT 16,896.22

LEGAL S35 T7S R30E

T-42,43,

LESS: CIRCUIT

PLUS: SPECIALS

NET TAX BILLED 16,896.22

TAX PAYMENTS 8,448.11

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE 8,448.11

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

JUN 02 1998

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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D0734-01 A YEAR 1996

BILL# 3008

TXPKEY: RPD0734-01 A

NAME METLIFE CAPITAL LTD.

CODE AREA 300

ACCOUNT TYPE

PARTNERSHIP

BANK

FLB

OWNER

PUP

% LAMB WESTON, INC

+

MARKET VALUE

1,626,933

ADDRESS P.O. BOX 1900

HARDSHIP

8701 WEST GAGE BOULEVARD

HOMEOWNER

TRI-CITIES

WA 99302

NET MARKET

1,626,933

LEGAL LEASED PROPERTY- LAMB WESTON

TAX AMOUNT

20,623.90

RAW PRODUCT STORAGE

LESS: CIRCUIT

PLUS: SPECIALS

NET TAX BILLED

20,623.90

TAX PAYMENTS

10,311.95

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

10,311.95

RP

A

OR

NEXT BILL# RP

1996

F3=EXIT F14=OTHER TAXES

F5=PAYMNT ACTIVITY

F6=TRANS ACTIVITY

F24=MORE

MONITOR

JUN 02 1998

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PAGE 1
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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D1156-00	A	YEAR 1996	BILL#	3612
TXPKEY: RPD1156-00	A			
NAME	LAMB-WESTON		CODE AREA	300
			BANK	FLB
			ACCOUNT TYPE	
			OWNER	PUP
ADDRESS	8701 W. GAGE BLVD.		MARKET VALUE	40,560
	P.O.BOX C1900		HARDSHIP	
	TRI-CITIES	WA 99302	HOMEOWNER	
			NET MARKET	40,560
LEGAL	S9 T85 R30E		TAX AMOUNT	514.14
	E2NE, SWNE, SE4,		LESS: CIRCUIT	
			PLUS: SPECIALS	
			NET TAX BILLED	514.14
			TAX PAYMENTS	257.07
			TAX CANCELLED	
			SPEC CANCELLED	
			REMAINING TAX DUE	257.07

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

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PAGE 1
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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D0725-00 A YEAR 1996

BILL# 2998

TXPKEY: RPDC725-00 A

NAME LAMB-WESTON INC.

CODE AREA	300	ACCOUNT TYPE
BANK	FLB	OWNER PUP

ADDRESS 8701 W. GAGE BLVD.

P.O. BOX C1900

TRI-CITIES WA 99302

LEGAL S34 T7S R30E
N2NW,

MARKET VALUE	1,620
HARDSHIP	
HOMEOWNER	
NET MARKET	1,620
TAX AMOUNT	20.50
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	20.50
TAX PAYMENTS	10.25
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	10.25

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D0729-00 A YEAR 1996

BILL# 3002

TXPKEY: RPD0729-00 A

NAME LAMB-WESTON INC.

CODE AREA 300
BANK FLB

ACCOUNT TYPE
OWNER PUP

ADDRESS 8701 W. GAGE BLVD/
P.O. BOX C1900
TRI-CITIES WA 99302

MARKET VALUE 8,067,846

HARDSHIP

HOMEOWNER

NET MARKET

8,067,846

TAX AMOUNT

102,272.62

LEGAL S35 T7S R30E
W2 EXC T-45
SE4 EXC T-42,43,46,77,78
T-47

LESS: CIRCUIT

PLUS: SPECIALS

NET TAX BILLED

102,272.62

TAX PAYMENTS

51,136.31

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

51,136.31

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

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TAX MASTER INQUIRY

PMPKEY: RP D0733-00 A YEAR 1996
TXPKY: RPD0733-00 A
NAME LAMB-WESTON INC.

BILL# 3006

CODE AREA 300 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS 8701 W. GAGE BLVD.
P.O. BOX C1900
TRI-CITIES WA 99302

MARKET VALUE 797,539
HARDSHIP
HOMEOWNER
NET MARKET 797,539
TAX AMOUNT 10,110.04
LESS: CIRCUIT
PLUS: SPECIALS
NET TAX BILLED 10,110.04
TAX PAYMENTS 5,055.02
TAX CANCELLED
SPEC CANCELLED
REMAINING TAX DUE 5,055.02

LEGAL S35 T7S R30E
T-46

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D1122-00 A YEAR 1996 BILL# 3583

TXPKEY: RPD1122-00 A

NAME LAMB-WESTON INC.

CODE AREA 300 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS 8701 W. GAGE BLVD.

P.O.BOX C1900

TRI-CITIES WA 99302

MARKET VALUE 1,240

HARDSHIP

HOMEOWNER

NET MARKET 1,240

TAX AMOUNT 15.68

LEGAL S2 T8S R30E

N2NW,

LESS: CIRCUIT

PLUS: SPECIALS

NET TAX BILLED 15.68

TAX PAYMENTS 7.84

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE 7.84

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

JUN 02 1998

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PAGE 1
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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D1128-00 A YEAR 1996

BILL# 3587

TXPKEY: RPD1128-00 A

NAME LAMB-WESTON INC.

CODE AREA 300
BANK FLB

ACCOUNT TYPE
OWNER PUP

ADDRESS 8701 W. GAGE BLVD.
P.O. BOX C1900
TRI-CITIES WA 99302

MARKET VALUE 35,788

HARDSHIP

HOMEOWNER

NET MARKET

35,788

TAX AMOUNT

453.62

LEGAL S3 T8S R30E
N2NE, NENW, S2NW, SW4,

LESS: CIRCUIT

PLUS: SPECIALS

NET TAX BILLED

453.62

TAX PAYMENTS

226.81

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

226.81

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

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PAGE 1
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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D1137-00 A YEAR 1996
TXPKEY: RPD1137-00 A
NAME LAMB-WESTON INC.

BILL# 3594

CODE AREA 300 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS 8701 W. GAGE BLVD.
P.O. BOX C1900
TRI-CITIES WA 99302

MARKET VALUE 6,240
HARDSHIP
HOMEOWNER
NET MARKET 6,240
TAX AMOUNT 79.04
LESS: CIRCUIT
PLUS: SPECIALS
NET TAX BILLED 79.04
TAX PAYMENTS 39.52
TAX CANCELLED
SPEC CANCELLED
REMAINING TAX DUE 39.52

LEGAL S4 TBS R30E
SESE,

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D1157-00 A YEAR 1996 BILL# 3613
TXPKY: RPD1157-00 A
NAME LAMB-WESTON INC.

CODE AREA 300 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS 8701 W. GAGE BLVD.
P.O. BOX C1900
TRI-CITIES WA 99302

MARKET VALUE 18,720
HARDSHIP
HOMEOwner
NET MARKET 18,720
TAX AMOUNT 237.26
LESS: CIRCUIT
PLUS: SPECIALS
NET TAX BILLED 237.26
TAX PAYMENTS 118.63
TAX CANCELLED
SPEC CANCELLED
REMAINING TAX DUE 118.63

LEGAL S10 T8S R30E
NW4,

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

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JUN 02 1998

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DISPLAY DEVICE : T4
USER : PONCHO

TAX MASTER INQUIRY

PMPKEY: RP D0736-00 A YEAR 1996

BILL# 3011

TXPKEY: RPD0736-00 A

NAME LAMB-WESTON, INC.

CODE AREA 300
BANK FLB

ACCOUNT TYPE
OWNER PUP

ADDRESS 8701 W. GAGE BLVD.
P.O. BOX C1900
TRI-CITIES WA 99302

MARKET VALUE	25
HARDSHIP	
HOMESHIP	
NET MARKET	25
TAX AMOUNT	.28
LESS: CIRCUIT	
PLUS: SPECIALS	
NET TAX BILLED	.28
TAX PAYMENTS	.14
TAX CANCELLED	
SPEC CANCELLED	
REMAINING TAX DUE	.14

LEGAL S35 T7S R30E
T-83

RP A OR NEXT BILL# RP 1996
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

JUN 02 1998

State of Idaho

License and Certificate of Water Right

Water License No. G-28851 Priority July 7, 1960 Amount 3.34 c.f.s.

THIS IS TO CERTIFY that **LAMB-WESTON, INC.**

of **American Falls, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **July 7**, 19 **60**; that Permit No. **G-28851** was issued under said application; that Certificate of Completion of Works, with a carrying capacity of **3.34** second feet, was issued thereunder on **April 19**, 19**67**, showing that said works were completed on the **25th** day of **June**, 19 **65**; and that on the **25th** day of **June**, 19 **65**, **LAMB-WESTON, INC.**

of **American Falls**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a **well**,

a tributary of **subterranean flow**, for the purpose of **industrial - potato processing**, under Use Permit No. **G-28851** of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **14** of Licenses, at Page **8792**, on the **19th** day of **April**, 19**67**.

The right hereby confirmed dates from **July 7**, 19 **60**.

The Point of Diversion is located

in the **SW 1/4 SE 1/4, Sec. 35**, Twp. **7 S**, R. **30 E**, B.M., **Power** County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **3.34** cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	30 E	35	W 1/2 SE 1/4 For industrial - potato processing - use.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this **19th** day of **April**, 19 **67**.

R. Keith Higgins
State Reclamation Engineer.

35 2003

28851

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. G-28851

To Lamb-Weston, Inc.

American Falls, Idaho

Source of Supply Subterranean

Power County

Amount 3.34 Sec. Ft.

Point of Diversion SW¹/₄ Sec. 35,

T. 7 S., R. 30 E., B.M.

Place of Use W¹/₄ Sec. 35,

T. 7 S., R. 30 E., B.M.

Purpose Industrial - potato processing

Date of Priority July 7, 1960

Recorded April 19, 1967

in Book 14 of Licenses, Page 8792

State of Idaho
License and Certificate of Water Right

Water License No. G-28851

Amount 3.34 c.f.s.

Water District No. _____

Priority July 7, 1960

THIS IS TO CERTIFY that **LAMB-WESTON, INC.**

of **American Falls, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **July 7**, 19 **60**; that Permit No. **G-28851** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **3.34** second feet, was issued thereunder on **April 19**, 19**67**, showing that said works were completed on the **25th** day of **June**, 19**65**; and that on the **25th** day of **June**, 19 **65**, **LAMB-WESTON, INC.**

of **American Falls**, State of **Idaho**, made proof to the satisfaction of the **State Reclamation Engineer** of Idaho, of the right to use the waters of **a well**, **a tributary of subterranean flow**, for the purpose of **industrial - potato processing**, under Use Permit No. **G-28851** of the **Department of Reclamation**, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

14 of Licenses at page **8792**, on the **19** day of **April**, 19 **67**;

The right hereby confirmed dates from **July 7**, 19 **60**;

The Point of Diversion is located

in the **SW 1/4 SE 1/4, Sec. 35**, Twp. **7 S**, R. **30 E**, B. M., **Power County**.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **3.34** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	30 E	35	W 1/2 SE 1/4 For industrial - potato processing - use.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

19th day of **April**, 19 **67**.

s/ R. Keith Haggins
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36834
 Permit No. G- 28851
 District No.

1. Name of Applicant: Lamb-Weston, Inc.
 Postoffice address: Weston County: Umatilla State: Oregon *Idaho*

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 3.34 or Idaho
 Miners' inches 167 or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Well

4. Location of point of diversion or well is in the SW 1/4 of the SE 1/4 of Section 35
 Twp. 7 S, Rge. 30 E, B.M., County of Power

5. Water is to be used for: Industrial - Potato Processing

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the SW 1/4 of the SE 1/4 of Section 35, Twp. 7 S
 Rge. 30 E, B.M.

(b) Waste water or sewage effluent is to be returned to Land Area
 at a point in the SE 1/4 of the SW 1/4 of Section 35, Twp. 7 S, Rge. 30 E, B.M.

7. Kind of works: Vertical, Line Shaft, Deepwell Turbine

8. Estimated cost of works: \$ 18,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: June 22, 1960

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

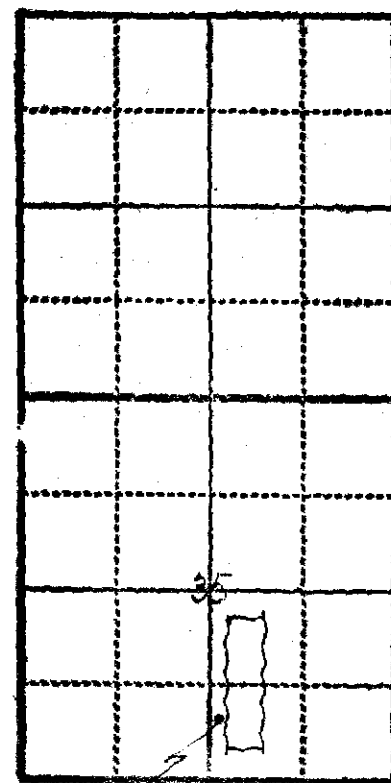
(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks:

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.

s/ Lamb-Weston, Inc. Applicant.

By F. Gilbert Lamb, Pres. Agent.

Date of first receipt at Department of Reclamation: 3:00 P.M. July 7, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28851

Recorded in Book 101 Page 28851 Approved July 8, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 8, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 8, 1965

Witness my hand this 8th day of July, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 8th day of July, 1960.

Countersigned:

(SEAL)
By s/ ARNOLD WILLIAMS

Secretary of State.

STATE OF IDAHO
By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
Permit No. G-28851 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN: This is to certify that LAMB-WESTON, INC. of American Falls, County of Power, and State of Idaho, the holder of Permit No. G-28851, issued upon Application No. G-36834 bearing date of priority of July 7, 1960, authorizing the diversion of 3.34 second feet of waters of a well, County of Power, State of Idaho, for industrial, potato processing purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.34 second feet of the waters of a well, tributary of subterranean flow; that the point of diversion of said waters is in the SW 1/4, Sec. 35, T. 7 S, R. 30 E, B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: Industrial use in W 1/2 SE 1/4, Sec. 35, T. 7 S, R. 30 E, B.M. Proof of Completion of Works Made: June 25, 1965. Witness my hand this 19th day of April, A. D. 1967. S/ R. KEITH HIGGINSON State Reclamation Engineer LICENSE ISSUED FOR 3.34 SEC. FT. LICENSE PAGE NO. 8792																			



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1998

LAMB WESTON INC
PO BOX 489
AMERICAN FALLS ID 83211

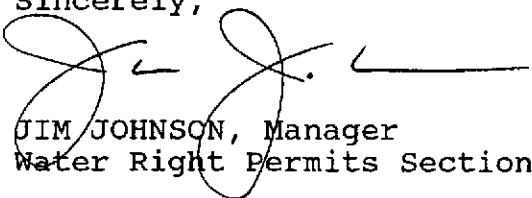
RE: Water Rights 35-02603/35-04127/35-12670 (Transfer 5068)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Amended Transfer of Water Right for the above referenced water rights (Transfer 5068). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

Also, please be advised that the accompanying **amended transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to Section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

MICROFILMED

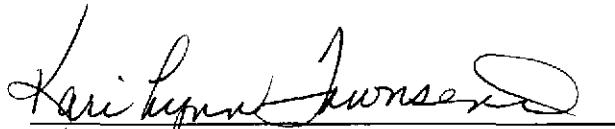
JUN 25 1998

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 35-02603/35-04127/35-12670

**LAMB WESTON INC
PO BOX 489
AMERICAN FALLS ID 83211**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", is written over a horizontal line.

Kari Lynn Townsend
Secretary

MICROFILMED

JUN 25 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 stop the effectiveness or enforcement of the order under appeal.

MICROFILMED

JUN 25 1998

BEEHAN & HOFSTETTER, P.C.

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Phone: (208) 388-8900

Fax: (208) 388-8400

beehof@micron.net

FAX COVER SHEET

Jim
Johnson
Please follow-up

Neq
Done 6/16/98
Jim

DATE: June 11, 1998TO: IDWR Fax: 327-7866FROM: Jo Beeman

CLIENT: _____

MESSAGE: Please make another copy
for Jim Johnson
Thanks

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 4

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL JOYCE AT (208) 388-8900.

ORIGINAL BY MAIL: YES X NO _____

MICROFILMED

JUN 25 1998

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

June 11, 1998

RECEIVED

JUN 15 1998

*Via Facsimile 327-7866
and U.S. Mail*

Department of Water Resources

Norman Young
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Lamb-Weston Water Right Nos. 35-02603, 35-04127, and 35-12670
(Transfer 5068)

Dear Norm:

I appreciate being able to talk with you on Friday, June 5, 1998, regarding the preliminary order approving Lamb-Weston's transfer of its industrial water rights to add a land application area to comply with DEQ water quality requirements. The transfer also conforms three of Lamb-Weston's water rights (35-02603, 35-04127, and 35-12670) with its SRBA claims. A fourth right, Permit 35-08669, still remains to be licensed, and Lamb-Weston will work with the Eastern Regional office for IDWR to conclude that process.

When we spoke on June 5, we discussed a sentence within proposed Condition 8 of the approved transfer. The sentence states that, "Water shall not irrigate growing plants unless the water is first beneficially used for industrial use as authorized by these water rights." I wanted to confirm my understanding that the industrial use of these water rights includes fresh water to dilute waste water to facilitate land application. In particular, Lamb-Weston needs to add fresh water to its process waste water to keep nitrogen loading down, prevent odor complaints from the neighbors, and prevent damage to the land application equipment which occurs if the full strength process water is applied. Also, crop uptake is better when the nitrogen concentrations are diluted with fresh water.

MICROFILMED

JUN 25 1998

Norman Young
Re: 35-02603, 35-04127, 35-12670
June 11, 1998
Page 2

This understanding about the use of fresh water to dilute the processed waste water is based on IDWR's September 27, 1996 Administrator's Memorandum: Application Processing Memorandum No. 61 regarding "Water Right Filing Requirements For Industrial Waste Water Use And Treatment (Interim Policy)." Lamb-Weston understands this policy, as specifically articulated at page 3 of the Memorandum, Principle #5, to provide that the industrial user may divert fresh water to dilute waste water if the total diversion of fresh water and process water does not exceed the industrial right's diversion rate, annual diverted volume, and season of use. In other words, the diversion of fresh water to dilute the process waste water is still part of the industrial water right when all diversions of the industrial water right, including the fresh water dilution, are within the combined diversion rate, combined annual diverted volume, and season of use of the existing industrial rights. Lamb-Weston's SRBA claims and this transfer present this situation. OK
Jung
K

Lamb-Weston's SRBA Claims A35-02603, A35-04127, and A35-12670 for industrial use seek the same rates of diversion, diverted volume, and season of use as are listed for these three rights on the Transfer Application and the preliminary order approving the transfer. The annual diverted volume is 4,408.0 acre-feet. In other words, the total diversion of water for industrial uses, including the use of fresh water to dilute the process waste water, is within the rates of diversion and volume limits listed on the transfer. Lamb-Weston anticipates that these same rates of diversion and diverted volume will also be confirmed in the adjudication process since IDWR and Lamb-Weston worked over a two-year period from 1995 to 1997 to verify the historical rates of diversion and diverted volume for the Lamb-Weston processing plant in American Falls.

Accordingly, Lamb-Weston does not plan to file a petition for reconsideration of Condition #8 with the understanding expressed above. I enclose with the mailed letter a copy of the September 27, 1996 Administrator's Memorandum to be included in the Lamb-Weston transfer file.

There is one clerical error in Condition #9. The potato processing plant is located in the E1/2 of Section 35, T7S, R30E. Condition #9 states that the processing plant is located in the west half. This letter can stand as a petition for reconsideration unless IDWR notifies me that a formal petition for reconsideration is necessary. June 16th is the petition deadline since the order was served by mail on June 2, 1998. JR

MICROFILMED
JUN 25 1998

Norman Young
Re: 35-02603, 35-04127, 35-12670
June 11, 1998
Page 3

Please call me if you have any questions.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Josephine P. Beeman

JPB:ja
Enclosures
cc: Jim Johnson
Bob Bloom
D:1785\2194

MICROFILMED
JUN 25 1998

**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

ADMINISTRATOR'S MEMORANDUMPHILIP E. BATT
GOVERNORKARL J. DREHER
DIRECTOR**APPLICATION PROCESSING MEMORANDUM NO. 61**

TO: WATER ALLOCATION BUREAU, ADJUDICATION BUREAU
AND REGIONAL OFFICES

FROM: NORM YOUNG

SUBJECT: WATER RIGHT FILING REQUIREMENTS FOR INDUSTRIAL
WASTE WATER USE AND TREATMENT (INTERIM POLICY)

DATE: September 27, 1996

PURPOSE OF MEMORANDUM

Because much of southern Idaho is included within areas covered by moratoriums or other designations that prevent or limit approval of new applications to appropriate water, water users are seeking innovative ways of using water for new and expanded projects. The waste water from industrial processes is one source of water for such uses. In addition, more restrictive water quality requirements are causing industrial water users to implement land disposal methods, create wetlands, capture and reuse waste water, and to provide for on-site containment of waste water.

The administrative requirements addressing the use of industrial waste water have not been clearly set forth. Direction is needed to guide staff and water users concerning the types of applications, if any, that need to be made, the criteria for considering such applications, and conditions that may be appropriate for approved applications. This memorandum addresses the water right filing requirements for the treatment of waste water and the reuse of waste water from industrial processes.

This memorandum provides interim guidance pending additional determination of policy and requirements through changes to law, adoption of rules or court rulings. Because a basic premise of this memorandum is that the consumptive use authorized by a water right for industrial purposes can be 100% of the amount diverted, depending on particular factual issues, this memorandum does not apply to waste water from uses which could not be 100% consumptive.

MICROFILMED
JUN 25 1998

Handwritten notes:
Date to be
filed in
2000
10/1/96
10/1/96
10/1/96

Application Processing Memorandum, Page 2

For purposes of this memorandum "waste water" is effluent, treated or untreated, from authorized beneficial uses under an industrial or other potentially 100% consumptive water right, prior to its being returned to a public water source. Waste water may contain solid waste and other contaminants, but for purposes of this memorandum it is a liquid, fluid enough to flow in an open channel or unpressurized pipeline

AN EXAMPLE OF A TYPICAL SITUATION

An industrial user has for many years disposed of waste water diverted from the aquifer under a licensed right through a series of ponds which evaporate part of the water with the remainder seeping to the regional aquifer. In this instance, DEQ is requiring that water not be allowed to seep to the aquifer and has suggested land application. The land available for disposing of the waste is in sagebrush and does not have an irrigation water right. Each gallon of waste water land applied will have to be diluted with 3 to 4 gallons of fresh water. The net depletion from the aquifer will be increased 400 af/yr by the new water treatment requirements. Are water right related approvals required from IDWR to authorize surface disposal of the waste water?

LEGAL PRINCIPLES

The continuum of options for considering this matter is bounded by two principles. At one end of the continuum, the treatment necessary to comply with water quality requirements may be a part of the diversion and beneficial use authorized under the industrial water right. If the industrial right is a fully consumptive right, then as water quality requirements require a change in treatment, the amount of the water consumed can be increased. However, the diversion rate, annual volume diverted, and season of use established under the right cannot be increased. Any fresh water needed to dilute the waste water must be within the quantity elements of the industrial right or be covered by another water right.

At the other end of the continuum, the industrial right may be construed to authorize only the beneficial use established and historically used under the industrial right. Any increase in consumptive use (or other element of the right) would require a new water right. Depending upon the availability of water for appropriation, this may require the holder of the industrial right to mitigate injury to other users or obtain an existing right to cover the expanded consumption.

A brief review of the legal and administrative precedents (see Phil Rassier's attached memorandum) indicates that the existing law in Idaho does not provide strong guidance as to whether the land application of industrial waste water initiated to comply with water quality requirements should be considered to come within the original purpose of use of the industrial right, whether it should be treated as an added beneficial use of the water requiring a new water right, or whether some intermediate consideration should be used.

MICROFILMED

JUN 25 1998

Application Processing Memorandum, Page 3

APPLICATION OF PRINCIPLES

IDWR will apply the following policies until or unless further guidance is provided:

1. Waste water treatment necessary to meet adopted state water quality requirements will be considered to be a part of the use authorized under the industrial right. The method of treatment must be "reasonable." IDWR will consider a treatment method to be reasonable if it is in accordance with best management practices recognized by Idaho Division of Environmental Quality, the U.S. Environmental Protection Agency, or other responsible state or federal agency.
2. Consumptive use can increase up to the amount determined to be consistent with the original water right as reasonably necessary to meet treatment requirements. Diversion rate, annual volume diverted, and season of use cannot exceed the permitted, licensed or decreed amounts for these parameters.
3. If the treatment method for industrial waste water is changed to land application on cultivated fields or any other method that beneficially uses the water, the industrial right must be changed to include the new use. This will require a transfer application to be filed, processed and approved in accordance with Section 42-222, Idaho Code, to include a new location for a waste treatment practice, such as land application, and other conditions of approval that may be necessary to prevent injury to other valid water rights.
4. For new uses of industrial waste water that are not necessary to meet water quality requirements, an application for permit to appropriate water should be filed as required by Section 42-107, Idaho Code.
5. Fresh water required to dilute the waste water for treatments such as land application must be diverted in accordance with a water right. This can be the industrial right if adequate rate and volume are available under the right. If not, another right must be provided. In areas where new allocations are limited or prevented by moratorium orders or other designations, establishment of a new right will require appropriate provisions to mitigate the depletion from the source.

Attachment: P. Rassier's Memorandum

MICROFILMED

JUN 25 1998

MEMORANDUM

TO: Norm Young

FROM: Phil Rassier *PJZ*

RE: Land Application of Industrial Effluent

DATE: September 5, 1996

You have asked for legal guidance regarding the water right implications created when a private industrial water user elects to land apply its industrial effluent because the company is required by environmental constraints to prohibit its waste water effluent from continuing to reach a public water source. The water rights issue created when an industrial water user adopts a land-application method of disposing of its effluent is whether the change results in an impermissible enlargement of its underlying water right by increasing the amount of water consumptively used. Previously, some percent of the water in the effluent was returned to a public stream or allowed to percolate into the ground water. The goal of land application of the effluent is that it all will be absorbed by the growing crops or evaporated to the atmosphere. The use of water under the industrial water right thus becomes 100 percent consumptive where before it was not.

The case law addressing this issue appears to deal almost exclusively with the disposal of municipal effluent. In the case of municipalities, the majority view is that the proper disposal of effluent from waste treatment facilities comes within the parameters of the beneficial use of a municipal water right. One of the most frequently cited cases is *Arizona Public Service Co. v. Long*, 773 P.2d 988 (Ariz. 1989). In this case, the owners of downstream junior water rights that had historically used the effluent for irrigation following upstream discharge sued the City of Phoenix alleging that the city had no right to contract with a utility for the transport and use of the effluent in the cooling towers of a nuclear power plant. The court upheld the contract, holding that sewage effluent was neither surface water nor ground water, but was simply a noxious by-product which the city must dispose of without endangering the public health and without violating any federal or state pollution laws. In reaching its decision, the Arizona Court quoted from a much earlier Wyoming decision which upheld the sale by a city of effluent discharged directly into the buyer's ditch, but also held that effluent discharged into a stream became public water subject to appropriation. *Wyoming Hereford Ranch v. Hammond Packing Co.*, 236 P.2d 764 (Wy. 1925). The *Arizona Public Service* case generally holds that cities may put their sewage effluent to any reasonable use that would allow them to maximize their use of the appropriated water and dispose of it in an economically feasible manner. Beck, *Waters and Water Rights*, § 16.04(c)(6) (1991).

In an even more recent Arizona case, the court upheld a city contract for the disposal of its effluent noting that the effluent from the city of Bisbee delivered to Phelps Dodge for copper leaching operations was not useable for drinking water, irrigation, or fire protection purposes and

MICROFILMED

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Memorandum
September 5, 1996
Page 2

that it was only useful for the leaching operation. The city contract had been challenged by the local water utility that otherwise would have provided water for the leaching operation.

Other cases reviewed have reached results similar to that in Arizona for municipal entities without as much emphasis on the distinct character of effluent. In a more recent Wyoming case, the court held that the City of Roswell could recapture its sewage effluent before it is discharged as waste or drainage and reuse it for municipal purposes. *Reynolds v. City of Roswell*, 654 P.2d 537 (Wy. 1982). The court characterized sewage effluent as artificial water and therefore primarily private and subject to beneficial use by the owner and developer thereof because treated sewage effluent depends upon the acts of man.

In the early Colorado case of *Pulaski Irrigation Ditch Co., et al v. City of Trinidad, et al*, 203 P. 681 (Colo. 1922), the court held that where a city had voluntarily chosen to treat its effluent in a manner that produced surplus water, it did not have the right to sell its purified water. The court went on to recognize, however, that where there is no other practicable method of disposing of the sewage, public policy might permit its disposal by the evaporation of the water. 203 P. at 683. A more recent Colorado case, *Metropolitan Denver Sewage Disposal District No. 1 v. Farmers Reservoir & Irrigation Co.*, 499 P.2d 1190 (Colo. 1972) merely holds that changes in the points of return of waste water to a stream are not governed by the same rules as changes of points of diversion and that there is no vested right in downstream appropriators to maintenance of the same point of return of irrigation waste water or effluent from a municipality or a sanitation district. In *Barrack v. City of Lafayette*, 829 P.2d 424 (Colo. App. 1992), the court held that impossibility of performance relieved the city from any obligation to deliver effluent to plaintiffs after state regulation made such delivery illegal. The court concluded that plaintiffs had no property right to the delivery of untreated water that could no longer be legally delivered.

In 1991, Nevada and Oregon each enacted legislation addressing the reuse of effluent or reclaimed water. The Oregon statute defines "reclaimed water" as "water that has been used for municipal purposes and after such use has been treated in a sewage treatment system and that, as a result of treatment, is suitable for a direct beneficial purpose or a controlled use that could not otherwise occur. OR REV. STAT. § 537.131. The new legislation requires any person who is using or intends to use reclaimed water to file a Reclaimed Water Registration form with the Oregon Water Resources Department. The statute provides the circumstances under which potentially affected water users must be notified of the proposal and of their rights of preference to the use of the water under certain circumstances. The Nevada statute, by contrast, merely provides a statement of legislature policy encouraging and promoting the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River. N.R.S. § 533.024.

The review of existing case law provides significant guidance with respect to the handling

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of municipal effluent. None of the reported cases I have reviewed, however, address whether the same or some different analysis should be applied when the effluent is produced by a private industrial user rather than by a municipality. This issue was raised but not addressed in *Wyoming, et al v. Husky Oil Company*, 575 P.2d 262 (Wy. 1978). The case arose as an action for declaratory relief by Husky Oil seeking a determination that its plan to impound and evaporate effluent water rather than continue to discharge it to a natural stream was not subject to the jurisdiction of the State Engineer and did not infringe upon any rights of downstream water appropriators. The majority of the Court voted to remand the case to the trial court for a full factual trial and to join other indispensable parties to the action. A lengthy dissent, however, proceeded to analyze the merits of the case. The dissent characterized the proposed change as an expansion of the original industrial water right for the refining process to now include the additional use of pollution abatement. The dissent concluded that Husky should be required to apply to the State Engineer for a permit for the additional use.

Before the Department, we have the precedence of issuing waste water permit nos. 29-7437 and 29-7431 to the J.R. Simplot Company and to the City of Pocatello respectively in 1978. The two permits were for the use of waste water from the city's sewage treatment plant and from the Simplot Fertilizer Plant at Pocatello. The waste water from both facilities was previously discharged to the Portneuf River. The applications specified 3,124 acres of land on which the water would be used for irrigation. Some 1,613 of these acres were not owned by the city or the J.R. Simplot Company but were covered by user agreements with the owners of the land. The decision does not address any concern that may have existed about discontinuing the practice of discharging the effluent to the river. The concerns with the project revolved more around the health and safety implications of the project.

Existing law in Idaho does not provide strong guidance as to whether the land application of industrial effluent initiated to comply with water quality requirements should be considered to come within the original purpose of use of the industrial water right, or should be treated as an added beneficial use of the water requiring a new water right to be obtained or established. If the Department determines that a new separate water right should be required, the option of allowing the user to appropriate the industrial waste water for the new purpose of pollution abatement through land application of the effluent should be considered. This approach is consistent with that taken by the Department in 1978 with the City of Pocatello and J. R. Simplot filings.

Please let me know if you desire further review or discussion of these issues.

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JUN 25 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

June 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LAMB WESTON INC
PO BOX 489
AMERICAN FALLS ID 83211

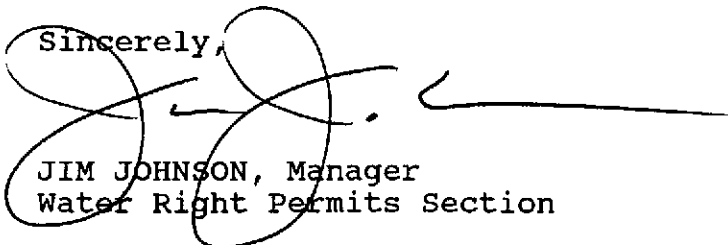
RE: Water Rights 35-02603/35-04127/35-12670 (Transfer 5068)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5068). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer.

Also, please be advised that the accompanying **transfer approval** should be considered and treated as a **preliminary order** of the department issued pursuant to Section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

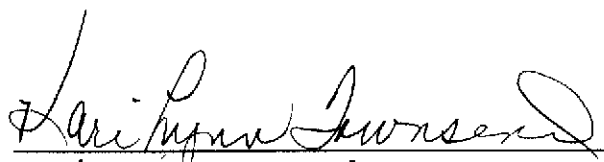
MICROFILMED
JUN 02 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 35-02603/35-04127/35-12670

**LAMB WESTON INC
PO BOX 489
AMERICAN FALLS ID 83211**


Kari Lynn Townsend
Secretary

MICROFILM
JUN 02 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JUN 02 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MEMORANDUM

TO: Files 35-02603, 35-04127 & 35-12670

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5068

DATE: May 26, 1998

Transfer 5068 adds points of diversion and changes the place of use under Rights 35-02603, 35-04127 and 35-12670. The applicant is identifying the place of use for the land application area needed to comply with water quality requirements and the use of the three wells and rights as a single combined system.

The priority of A3⁵12670, fire protection use on 35-04127, diversion rates under 35-04127 and 35-12670, and diversion volume were adjusted according to SRBA recommendations, the transfer application and current standards. The additional place of use described for land application is not considered an enlargement of the use of these rights when water is first used for industrial use in the potato processing plant.

Recommended conditions include multiple points of diversion limits, measuring & reporting, land application limits and standard transfer conditions.

SRBA CLAIMS
NOT DECIDED
AS OF 6-1-98
[Signature]

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JUN 02 1998

TRANSFER REVIEW SHEET

(04-98)

Transfer # 5068

Date Reviewed 5-22-98 28

Right(s) 35-02603

35-04127 } Rates Reduced per SRBA 'R' records & Xfer Application.
A35-12670

☒ WRQ/Split Summary

NA Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

☒ J: Add P/D & Change P/U

Proof of Ownership 96 tax records - Owners original P/U

Transfer ☒ All of Right AS recommend 'R' on AJ ☐ Portion of Right
Resulting Split(s) None

Check Transfer Against Recorded Right

Season/Vol. NA

① ☐ Priority ② ☐ Use ③ ☒ Season ④ ☐ Rate ⑤ ☐ Volume

(6) ☒ Source ⑦ ☐ P/D ⑧ ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

Aberdeen American Falls GW District & East ESPA WM District
(11) NO Water District (12) NO Pertinent Conditions (13) NO Expansion
Combined Vol. recommended. w/limits

① Priority of A31-12670 as recommended & xfer app. instead of Claim date

② 35-04127 has Ind. use added per SRBA Claim & 'R' record

④ Rates under 35-04127 & A35-12670

⑤ 35-02603 = 2418.1 aka 35-04127 = 3388.2 aka A35-12670 = 1455.2 aka
All volumes = VDR Combined rt. limit 4408.0 aka per 'R' records.

⑦ Add/Combine all P/Ds - 3 existing wells

⑧ Change P/U to include WY 5.35 for land application.

Combined Vol. limit 4408.0 aka per 'R' records.

2 P/Ds NWSE (W35) Ind - Potato processing plant located in Wase, S35. & related land application.
Transfer Remarks Land Application Condition (W58) - 3504127 (W34) MAINT 047
Conditions 707, 708, 709 A35-12670 ITT

Database/Processing Notes

Standard ☐ Non-Standard ☒

IT files each rt. Copy T35-12670 to an "X" on AT database when approved.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval 6-15-98 Memo/Form Files Deleted ☒
Amended

WR0749NP
No. T35-02603

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC PO BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	07/07/1960	INDUSTRIAL	01/01 12/31	3.340 CFS	2418.10 AFA
TOTAL DIVERSION:					3.340 CFS	2418.10 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R30E S35 NWSE SWSE POWER County

Point of Diversion Name(s):

Name	Rate	Number
T07S R30E S35 NW SE		WELL NOS. 2 & 3
S35 SW SE		WELL NO. 1

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
07S 30E 35 :															

Power County: POWER

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 067 - The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer 5068 shall not exceed 10.03 cfs, nor a total combined annual volume of 4408.0 af.

Rights 35-02603, 35-04127 and 35-12670 when combined shall not exceed a total annual diversion volume of 4408.0 af.

~~Approval of Transfer 5068 does not confirm claimed Rights 35-04127 and 35-12670.~~

The water used for industrial use under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for industrial use as authorized by the water rights.

these

All rts. modified per LGS 6-1-98 GS

Delete when approved 6-15-98

WR0749NP
No. T35-02603

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/98
PAGE: 2

Remarks: Industrial use is for a potato processing plant located in the
W1/2, S35, T07S, R30E.
Two points of diversion are located within NWSE, S35, T07S, R30E.

Dates: App. Received: Priority Date: 07/07/1960
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/07/1979

Misc: Water District Number: Field Exam Fee:

Comments: Date: 05/22/1998 User-ID: PSKAGGS Subject: TRANSFER 5068
Transfer 5068 adds points of diversion & changes the place of use
under Rights 35-02603, 35-04127 & SRBA Claim 35-12670.

Audit: 04/25/97 RBODELL 05/22/98 PSKAGGS

WR0749NP
No. T35-04127

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC PO BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	08/12/1961	INDUSTRIAL FIRE PROTECTION	01/01 12/31 01/01 12/31	4.680 CFS 4.680 CFS	3388.20 AFA ~~3388.20 AFA~~
TOTAL DIVERSION:					4.680 CFS	3388.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R30E S35 NWSE SWSE POWER County

Point of Diversion Name(s):

	Name	Rate	Number
T07S R30E S35	NW SE		WELL NOS. 2 & 3
S35	SW SE		WELL NO. 1

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE											
T	R	S	: Lt Ac	NENE	NWNE	SWNE	SENE	: Lt Ac	NENW	NWNW	SWNW	SENW	: Lt Ac	NESW	NWSW	SWSW	SESW	: Lt Ac	NESE	NWSE	SWSE	SESE	: Lt Ac
07S	30E	35	:					:					:					:					:

Place of use location for FIRE PROTECTION is the same location as described for: INDUSTRIAL

Pou County: POWER

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 067 - The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer 5068 shall not exceed 10.03 cfs, nor a total combined annual volume of 4408.0 af.
Rights 35-02603, 35-04127 and 35-12670 when combined shall not exceed a total annual diversion volume of 4408.0 af.
Approval of Transfer 5068 does not confirm claimed Rights 35-04127 and 35-12670.
The water used for industrial use under this right is applied to

Remarks: and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for industrial use as authorized by the water right.
Industrial use is for a potato processing plant located in the W1/2, S35, T07S, R30E.
Two points of diversion are located within NWSE, S35, T07S, R30E.

Dates: App. Received: Priority Date: 08/12/1961
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 05/22/1998 User-ID: PSKAGGS Subject: TRANSFER 5068
Transfer 5068 adds points of diversion & changes the place of use under Rights 35-02603, 35-04127 & SRBA Claim 35-12670.

Audit: 04/25/97 RBODELL 05/22/98 PSKAGGS 05/22/98 PSKAGGS 05/22/98 PSKAGGS
05/22/98 PSKAGGS

WR0749NP
No. T35-12670

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC PO BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	08/24/1962	INDUSTRIAL	01/01 12/31	2.010 CFS	1455.20 AFA
TOTAL DIVERSION:					2.010 CFS	1455.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R30E S35 NWSE SWSE POWER County

Point of Diversion Name(s):

Name	Rate	Number
T07S R30E S35 NW SE		WELL NOS. 2 & 3
S35 SW SE		WELL NO. 1

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07S	30E	35	:						I	I	I	I		I	I	I	I		I	I			

Pou County: POWER

Other Rights: A35-04127, PERMIT 35-08669

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 067 - The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer 5068 shall not exceed 10.03 cfs, nor a total combined annual volume of 4408.0 af.
Rights 35-02603, 35-04127 and 35-12670 when combined shall not exceed a total annual diversion volume of 4408.0 af.
Approval of Transfer 5068 does not confirm claimed Rights 35-04127 and 35-12670.
The water used for industrial use under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants

WR0749NP
No. T35-12670

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/98
PAGE: 2

Remarks: unless the water is first beneficially used for industrial use as
authorized by the water right.
Industrial use is for a potato processing plant located in the
W1/2, S35, T07S, R30E.
Two points of diversion are located within NWSE, S35, T07S, R30E.

Dates: App. Received: Priority Date: 08/24/1962
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 06/23/1993 User-ID: FRITSCHL Subject: COPIED FROM REMARKS
WELL PUMPS ~3000 GPM.
A35-04127 USED AS BACKUP WELL FOR INDUSTRIAL USE AND ALSO FOR
FIRE PROTECTION.

Date: 05/22/1998 User-ID: PSKAGGS Subject: TRANSFER 5068
Transfer 5068 adds points of diversion & changes the place of use
under Rights 35-02603, 35-04127 & SRBA Claim 35-12670.

Audit: 05/22/98 PSKAGGS 05/22/98 PSKAGGS 05/22/98 PSKAGGS 05/22/98 PSKAGGS

SD-0611-2 Basin: 35 Starting Water Right: 02603

S	Water	Name	W	Priority	STG/	Use	S
L	Right No.	Last, First	N	Date	STS	Desc	S
—	35-02603	LAMB WESTON INC.	C	07/07/1960	L/	GROUNDWATER	INDUST WR
—	T35-02603	LAMB WESTON INC	C	07/07/1960	L/	GROUNDWATER	INDUST WR
—	A35-02603	LAMB WESTON INC	C	07/07/1960	L/	GROUNDWATER	INDUST AJ
—	R35-02603	LAMB WESTON INC	C	07/01/1960	L/	GROUNDWATER	INDUST AJ
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(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)

WR5809NP
No. 35-02603

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC. TECHNICAL SERVICES BLDG. 2005 SAINT ST. P.O. BOX 780 RICHLAND WA 99352	07/07/1960	INDUSTRIAL	00/00 00/00	3.340 CFS	
TOTAL DIVERSION:					3.340 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R30E S35 SWSE POWER County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	30E	35	:																	:

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
T35-02603 T35-04127 T35-04127B T35-12670B

Dates:	App. Received:	Priority Date:	07/07/1960
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/07/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/21/88 CONVERT 03/06/89 CURTIS

T. 531.0

AJ5809NP
No. A35-02603

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC 2975 LAMB WESTON RD PO BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	07/07/1960	INDUSTRIAL	01-01 12-31	3.34 CFS	
TOTAL DIVERSION:					3.34 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R30E S35 NWNWSE SWNWSE POWER County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	30E	35	:																	:

POU County: POWER

Non-Irrigation Uses: POTATO PRODUCTS MANUFACTURING

Other Rights: A35-04127, A35-12670, PERMIT 35-08669

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	C
Audit:	03/18/97 CFRITSCH		

AJ5809NP
No. R35-02603

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC 2975 LAMB WESTON RD PO BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	07/01/1960	INDUSTRIAL	01-01 12-31	3.34 CFS	
TOTAL DIVERSION:					3.34 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R30E S35 NWNWSE SWNWSE POWER County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:			
07S	30E	35	:																	:			

POU County: POWER

Other Rights: 35-04127, 35-08669

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4408.0 AF.
COMBINED RIGHT NOS.: 35-04127 AND 35-12670

USE POTATO PRODUCTS MANUFACTURING

Dates: Exam Made Date: 06/18/1991 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/24/1993 User-ID: FRITSCHL Subject: COPIED FROM REMARKS
WELL PUMPS ~3000 GPM.
A35-04127 USED AS BACKUP WELL FOR INDUSTRIAL USE AND ALSO FOR
FIRE PROTECTION.

Date: 02/26/1997 User-ID: ECARLSEN Subject: ORIGINALLY FILED AS 35-12670.
SEE ABOVE

Audit: 06/23/93 FRITSCHL 06/24/93 FRITSCHL 07/02/93 FRITSCHL 03/30/95 POST-STD
02/26/97 ECARLSEN 04/03/97 CFRITSCH

SD-0611-2 Basin: 35 Starting Water Right: 04127

S	Water	Name	O	Priority	STG/	Use	S
E	Right No.	Last, First	W	Date	STS	Desc	Y
L			N		Source		S
-	35-04127	LAMB WESTON INC.	C	08/12/1961	S/	GROUNDWATER	WR
-	T35-04127	LAMB WESTON INC.	C	08/12/1961	S/	GROUNDWATER	WR
-	~~T35-04127A~~	LAMB WESTON INC.	C	08/12/1961	S/	GROUNDWATER	WR
-	~~T35-04127B~~	LAMB WESTON INC.	C	08/12/1961	S/	GROUNDWATER	WR
-		LAMB WESTON INC.	C				
-	A35-04127	LAMB WESTON INC.	C	08/12/1961	J/	GROUNDWATER	AJ
-	R35-04127	LAMB WESTON INC.	C	08/14/1961	J/	GROUNDWATER	AJ
-						FIRE	
-						FIRE	
-							
-							
-							
-							
-							
-							

(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)

New mail on node DWR03 from DWR03:;PSKAGGS

WR5809NP
No. 35-04127

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC. TECHNICAL SERVICES BLDG. 2005 SAINT ST. P.O. BOX 780 RICHLAND WA 99352	08/12/1961	FIRE PROTECTION	01/01 12/31	6.000 CFS	
TOTAL DIVERSION:					6.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R30E S35 NWSE POWER County

Place of use Legal Description for: FIRE PROTECTION

NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	30E	35	:																	:
			:																	:

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

35-02780 35-08669 L35-08669 T35-02603 T35-04127 T35-04127A T35-04127B T35-12670A T35-12670B

Dates:	App. Received:	Priority Date:	08/12/1961
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 11/12/81 05/21/88 CONVERT 03/06/89 CURTIS

T5068

AJ5809NP
No. A35-04127

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC C/O DAVID MEARES BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	08/12/1961	INDUSTRIAL FIRE PROTECTION	01-01 12-31 01-01 12-31	6.00 CFS 6.00 CFS	
TOTAL DIVERSION:					6.00 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R30E S35

NWSE

POWER County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	30E	35	:																

Place of use Legal Description for: FIRE PROTECTION

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	30E	35	:																

POU County: POWER

Non-Irrigation Uses: I/POTATOE PRODUCTS MANUFACTURING

Other Rights: A35-12670, PERMIT 35-08669

Remarks: GEN WELL PUMPS ~3000 GPM.
STATUTORY CLAIM FOR FIRE PROTECTION COMBINED WITH BENEFICIAL USE
FOR INDUSTRIAL...USED AS BACKUP WELL FOR POTATOE PROCESSING
PLANT.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: C

Audit: 01/23/90 WHITE 03/30/95 POST-STD

AJ5809NP
No. R35-04127

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC 2975 LAMB WESTON RD PO BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	08/14/1961	INDUSTRIAL FIRE PROTECTION	01-01 12-31 01-01 12-31	4.68 CFS 4.68 CFS	
TOTAL DIVERSION:					4.68 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R30E S35 NWNWSE SWNWSE POWER County

Place of use Legal Description for: INDUSTRIAL

				NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---		:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
07S	30E	35	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	I	:	:	:	:	

Place of use Legal Description for: FIRE PROTECTION

				NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---		:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
07S	30E	35	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	F	:	:	:	:	

POU County: POWER

Other Rights: 35-02603, 35-08669

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4408.0 AF.
COMBINED RIGHT NOS.: 35-02603 AND 35-12670

USE POTATO PRODUCTS MANUFACTURING

Dates: Exam Made Date: 06/18/1991 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/24/1993 User-ID: FRITSCHL Subject: COPIED FROM REMARKS
WELL PUMPS ~3000 GPM.

[illegible]

T.5068

AJ5809NP
No. A35-12670

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC C/O DAVID MEARES BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	08/01/1960	INDUSTRIAL	01-01 12-31	6.69 CFS	
TOTAL DIVERSION:					6.69 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R30E S35

NWSE

POWER County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE											
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
---	---	---	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:
07S	30E	35	:					:					:					:					:

POU County: POWER

Non-Irrigation Uses: I/POTATOE PRODUCTS MANUFACTURING

Other Rights: A35-04127, PERMIT 35-08669

Remarks: GEN WELL PUMPS ~3000 GPM.
A35-04127 USED AS BACKUP WELL FOR INDUSTRIAL USE AND ALSO FOR
FIRE PROTECTION.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 01/23/90 WHITE 03/30/95 POST-STD

75068

AJ5809NP
No. R35-12670

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAMB WESTON INC 2975 LAMB WESTON RD PO BOX 489 AMERICAN FALLS ID 83211 (208) 226-2301	08/24/1962	INDUSTRIAL	01-01 12-31	2.01 CFS	
				TOTAL DIVERSION:	2.01 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R30E S35 NWNWSE SWNWSE POWER County

Place of use Legal Description for: INDUSTRIAL

	NE				NW				SW				SE			
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S 30E 35	:		:		:		:		:		:		:		:	

POU County: POWER

Other Rights: A35-04127, PERMIT 35-08669

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4408.0 AF.
COMBINED RIGHT NOS.: 35-02603 AND 35-04127

USE POTATO PRODUCTS MANUFACTURING

Dates: Exam Made Date: 06/18/1991 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/23/1993 User-ID: FRITSCHL Subject: COPIED FROM REMARKS
WELL PUMPS ~3000 GPM.
A35-04127 USED AS BACKUP WELL FOR INDUSTRIAL USE AND ALSO FOR
FIRE PROTECTION.

Audit: 06/23/93 FRITSCHL 04/03/97 CFRITSCH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

3-31-97
STATEWIDE
Advising

T 5068

INITIAL REVIEW BY: HWT

1. Right number 35-2603 etc Applicant Lamb-Worton
2. Type of right: ☐ Decree ☒ License ☒ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☐ Purpose ☐ Period of use
 - b. ☐ Description of original point of diversion.
 - c. ☐ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☐ Check for expansion in use of right. Comments Need data from Lamb-Worton on
consumptive use of water during
Normal process.
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

250-260 dec 15

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

NOV 5-19-97

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

RECEIVED

JUL 16 1997

Department of Water Resources

4. By ELB Date 5/13/97

AD 50 4-29-97
COPY 50 4-30-97

* All uses within Watermaster Districts require special conditions.

T5068

**NOTICE OF PROPOSED CHANGE OF A
WATER RIGHT NO. T5068**

Notice is hereby given that Lamb Weston, Inc., PO Box 489, American Falls, ID 83211 has applied to the Department of Water Resources to add diversion points and place of use of the rights listed below. The rights sought to be changed are recorded as follows:

Claim No.: 35-04127 Source: groundwater
Amount: 6.0 cfs Priority: 08/12/1961
Point(s) of Diversion: NWSE SEC 35 T07S R30E,
POWER COUNTY

The water is used for fire protection from 01/01 to 12/31 within the NWSE SEC 35 T07S R30E, B.M.

License No.: 35-02603 Source: groundwater
Amount: 3.34 cfs Priority: 07/07/1960
Point(s) of Diversion: SWSE SEC 35 T07S R30E,
POWER COUNTY

The water is used for industrial use within the NWSE SEC 35 T07S R30E, B.M.

Claim No.: A35-12670 Source: groundwater
Amount: 6.69 cfs Priority: 08/01/1960
Point(s) of Diversion: NWSE SEC 35 T07S R30E,
POWER COUNTY

The water is used for industrial use within the NWSE SEC 35 T07S R30E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to include wells 1, 2, & 3 located in the SE SEC 35 T07S R30E, as common points of diversion for all the rights listed. Also, the W $\frac{1}{2}$ of SEC 35 T07S R30E will be added as industrial places of use to meet the mandatory land application of process water by the Idaho Dept. of Environmental Quality. This application of water will be three partial pivots and three wheel lines on 197 acres.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: May 1 and 8, 1997

Affidavit of Publication

OF IDAHO

CITY OF TWIN FALLS } SS.

Ruby Alderheide

being first duly sworn upon oath, depose that I am Principle Clerk of the TIMES-NEWS, published daily, at alls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per attached, was published in the regular and entire issue of said newspaper, and not in any part thereof, for two consecutive weeks, beginning with the issue dated 5-1, 19 97, ending with the issue dated 5-8, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except both of which newspapers prior to consolidation had been published under said names in said city and county singly and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each eof, Thursday is announced as the day on which said legal notices will be published.

OF IDAHO
CITY OF TWIN FALLS

8th day of May in the year of 1997, before me, public, personally appeared Ruby Alderheide, identified to me to be the person whose name subscribed to the within instrument, and being by me first duly declared that the statements therein are true, and acknowledged to me that he executed the same.

Barbara K. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

RECEIVED
MAY 09 1997
Department of Water Resources
Eastern Region

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:
That he is the editor and co-publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:
That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 22 day of April 1997 and the date of the last publication being the 7 day of May 1997.

Signed Brett Crompton

State of Idaho

County of Power

On this 8 day of May in the year of 1997, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name 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 executed the same.

Dolly Moore
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: January 21, 2003

MICROFILMED
JUN 02 1998

Lamb Weston plans water right change

Published in The Power County Press
April 30, and amended for May 7, 1997.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5068

Notice is hereby given that Lamb Weston, Inc., P.O. Box 489, American Falls, ID 83211 has applied to the Department of Water Resources to add diversion points and place of use of the rights listed below. The rights sought to be changed are recorded as follows:

Claim No.: 35-04127

Source: groundwater

Amount: 6.0 cfs

Priority: 08/12/1961

Point(s) of Diversion: NWSE SEC 35
T07S R30E, POWER COUNTY

The water is used for fire protection
from 01/01 to 12/31 within the NWSE
SEC 35 T07S R30E, B.M.

License No.: 35-02603

Source: groundwater

Amount: 3.34 cfs

Priority: 07/07/1960

Point(s) of Diversion: SWSE SEC 35
T07S R30E, POWER COUNTY

The water is used for industrial use
within the NWSE SWSE SEC 35 T07S
R30E, B.M.

Claim No.: A35-12670

Source: groundwater

Amount: 2.01 cfs

Priority: 08/24/1962

Point(s) of Diversion: NWSE SEC 35
T07S R30E, POWER COUNTY

The water is used for industrial use
within the NWSE SEC 35 T07S R30E,
B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to include wells 1, 2, & 3 located in the SE SEC 35 T07S R30E, as common points of diversion for all the rights listed. The total cfs amount will not exceed 10.03 cfs. Also, the W1/2 of SEC 35 T07S R30E will be added as industrial places of use to meet the mandatory land application of process water by the Idaho Dept. of Environmental Quality. This application of water will be three partial pivots and three wheel lines on 197 acres.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 05/08/97INVOICE NO. 142344Account No. 446600Description 142344NOTICEOFPROPOSED**LEGAL ADVERTISING
INVOICE**Times 2Lines 36

Tab. Lines _____

\$ 108.00

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

RECEIVED
MAY 12 1997

Department of Water Resources
Eastern Region

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT**

142344

NO. T5068

Notice is hereby given that Lamb Weston, Inc., P.O. Box 489, American Falls, ID 83211 has applied to the Department of Water Resources to add diversion points and place of use of the rights listed below. The rights sought to be changed are recorded as follows:

Claim No.: 35-04127

Source: groundwater

Amount: 6.0 cfs

Priority: 08/12/1961

Point(s) of Diversion: NWSE SEC 35 T07S R30E, POWER COUNTY

The water is used for fire protection from 01/01/ to 12/31 within the NWSE SEC 35 T07S R30E, B.M.

License No.: 35-02603

Source: groundwater

Amount: 3.34 cfs

Priority: 07/07/1960

Point(s) of Diversion: SWSE 35 T07S R30E, POWER COUNTY

The water is used for industrial use within the NWSE SWSE SEC 35 T07S R30E, B.M.

Claim No.: A35-12670

Source: groundwater

Amount: 6.69 cfs

Priority: 08/01/1960

Point(s) of Diversion: NWSE SEC 35 T07S R30E, POWER COUNTY

The water is used for industrial use within the NWSE SEC 35 T07S R30E, B.M.

TO BE CHANGED AS FOLLOWS:

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KARL J. DREHER
Director

Published in the Lewiston Morning Tribune on May 1 & 8, 1997.

OF IDAHO, ss.
of Nez Perce

_____ being duly sworn, deposes and says, I am a Clerk of the Tribune Publishing Company, a corporation and existing under and by virtue of the laws of the Idaho, publishers of the LEWISTON MORNING TRIBUNE, paper of general circulation published at Lewiston, Nez Perce County, at the said Lewiston Morning Tribune is an established newspaper been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for more than 21 consecutive years; that the 142344NOTICEOFP attached hereto and which is made his affidavit was published in the said Lewiston Morning Tribune, on or after the date of publication being on 05/01, or once a WEEK consecutive WEEK, the first publication thereof being on 05/01, and the last publication thereof being on 05/08, and said 142344NOTICEOFP was so published in the said entire issue of said newspaper and was not in a supplement and was so published in every issue and number of the said newspaper during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1997

MICROFILMED

JUN 12 1998

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 05/08/97

INVOICE NO. 142344

Account No. 446600

Description 142344NOTICEOFFPROPOSED

**LEGAL ADVERTISING
INVOICE**

Times 2

Lines 36

Tab. Lines _____

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

\$ 108.00

RECEIVED

MAY 12 1997

Department of Water Resources
Eastern Region

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

**NOTICE OF PROPOSED CHANGE OF A WATER
NO. T5068**

Notice is hereby given that Lamb Weston, Inc., P.O. Box 4
ID 83211 has applied to the Department of Water Resources
points and place of use of the rights listed below. The rights s
are recorded as follows:

Claim No.: 35-04127 Source: groundwater
Amount: 6.0 cfs Priority: 08/12/1961

Point(s) of Diversion: NWSE SEC 35 T07S R30E, POWER C
The water is used for fire protection from 01/01/ to 12/31 w
35 T07S R30E, B.M.

License No.: 35-02603 Source: groundwater
Amount: 3.34 cfs Priority: 07/07/1960

Point(s) of Diversion: SWSE 35 T07S R30E, POWER COUN
The water is used for industrial use within the NWSE S
R30E, B.M.

Claim No.: A35-12670 Source: groundwater
Amount: 6.69 cfs Priority: 08/01/1960

Point(s) of Diversion: NWSE SEC 35 T07S R30E, POWER C
The water is used for industrial use within the NWSE S
B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to include wells 1, 2, & 3 located in t
R30E, as common points of diversion for all the rights liste
SEC 35 T07S R30E will be added as industrial places of use to
ry land application of process water by the Idaho Dept of Env
This application of water will be three partial pivots and three
acres.

Any protests against approval of the proposed change m
Idaho Department of Water Resources, 900 N. Skyline Dr., Ida
together with a protest fee of \$25 on or before May 19, 1997.
also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Lewiston Morning Tribune on May 1 & 8, 1

21. Clier

25. Soat

26. King

STATE OF IDAHO, ss.

County of Nez Perce

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Karen Lewis, being duly sworn, deposes and says, I am
the Legal Clerk of the Tribune Publishing Company, a corporation
organized and existing under and by virtue of the laws of the
State of Idaho, publishers of the LEWISTON MORNING TRIBUNE,
a newspaper of general circulation published at Lewiston, Nez Perce County,
Idaho; That the said Lewiston Morning Tribune is an established newspaper
and has been published regularly and issued regularly at least once a day
for more than 21 consecutive years next immediately preceding the first
publication of this notice, and has been so published uninterrupted for
said period; that the 142344NOTICEOFF attached hereto and which is made
a part of this affidavit was published in the said Lewiston Morning Tribune,
2 time(s). Publication being on 05/01, or once a WEEK
for 2 consecutive WEEK, the first publication thereof being on
the 05/01/97, and the last publication thereof being on
the 05/08/97, and said 142344NOTICEOFF was so published in the
regular and entire issue of said newspaper and was not in a supplement
thereof and was so published in every issue and number of the said
paper, during the period and times of publication as set forth above.

Par tl

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1997

MICROFILMED

JUN 12 1998

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

RECEIVED

MAY 14 1997

Department of Water Resources
Eastern RegionThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$71.64

Account Number/Trans. #

Identification

100564

Notice of Proposed Change of a Water Right No. T5068

Ordered By

P.O. Number

Rate

Run Dates

Rita Bodell

NT

May 1, 8, 1997

Rita Bodell

Estimated Inches

Real Inches

STATE OF IDAHO

Department of Water Resources

900 N. Skyline Drive

Idaho Falls ID 83402-1718

Affidavits

Legal Number

1

7556

PB

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF
WATER RIGHTS T5068

Notice is hereby given that Lamb Weston, Inc., P.O. Box 489, American Falls, ID 83211 has applied to the Department of Water Resources to add diversion points and place of use of the rights listed below. The rights sought to be changed is evidenced by a license and recorded as follows:

Claim No.: 35-04127 Source: groundwater
Amount: 6.0 cfs Priority: 08/12/1961
Point(s) of Diversion: NESE SEC 35 T07S R30E, POWER COUNTY The water is used for fire protection from 01/01 to 12/31 within the NWSE SEC 35 T07S R30E, B.M.

License No.: 35-02603 Source: groundwater
Amount: 3.34 cfs Priority: 07/07/1960
Point(s) of Diversion: SWSE SEC 35 T07S R30E, POWER COUNTY

The water is used for industrial use within the NWSE SEC 35 T07S R30E, B.M.

Claim No. A35-12670 Source: groundwater
Amount: 2.01 cfs Priority: 08/24/1962
Point(s) of Diversion: NWSE SEC 35 T07S R30E, POWER COUNTY

The water is used for industrial use within

the NWSE SEC 35 T07S R30E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to include wells 1, 2, & 3 located in the SE SEC 35 T07S R30E, as common points of diversion for all the rights listed. The total cfs amount will not exceed 10.03 cfs. Also, the W1/2 of SEC 35 T07S R30E will be added as industrial places of use to meet the mandatory land application of process water by the Idaho Dept. of Environmental Quality. This application of water will be three partial pivots and three wheel lines on 197 acres.

Any protests against approval of the proposed change must be filed with the Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. May 1 & 8, 1997

7556

JANICE HILDRETH

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two

☒ consecutive weekly

single

☐ consecutive daily☐ odd skip

insertion(s) beginning with the issue of

May 1

1997

and ending with the issue of

May 8

1997

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 8th day of May in the year of 1997, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

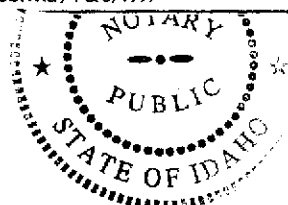
Janice Madie

Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

5703



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET
OMNIFAX

TO: Karen Lewis FROM: Lita Bodell
DOCUMENT DESCRIPTION: Corrections for legal notice

TOTAL NUMBER OF PAGES (Including this page): 2

*
* BILLING ADDRESS: _____ *
* _____ *
* _____ *
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____ *

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JUN 02 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET
OMNIFAX

TO: Power County Press FROM: Rita Bodell
DOCUMENT DESCRIPTION: Corrections for legal notice

TOTAL NUMBER OF PAGES (Including this page): 2

*
* BILLING ADDRESS: _____
*
*
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____

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EASTERN REGION
IDAHO FALLS ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

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OMNIFAX

TO: Ruby Ausderheide FROM: Rita Bodell
DOCUMENT DESCRIPTION: Corrections for legal notice

TOTAL NUMBER OF PAGES (Including this page): 2

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* BILLING ADDRESS: _____
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* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____

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EASTERN REGION
IDAHO FALLS ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

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OMNIFAX

TO: Sinda Porter FROM: Lita Bodell
DOCUMENT DESCRIPTION: Corrections for legal notice

TOTAL NUMBER OF PAGES (Including this page): 2

*
* BILLING ADDRESS: _____ *
* _____ *
* _____ *
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____ *

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JUN 02 1998

PLEASE MAKE THE CORRECTIONS I HAVE INDICATED IN **BOLD** FOR MAY 8, 1997. thanks!!

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5068

Notice is hereby given that Lamb Weston, Inc., P.O. Box 489, American Falls, ID 83211 has applied to the Department of Water Resources to add diversion points and place of use of the rights listed below. The rights sought to be changed are recorded as follows:

Claim No.: 35-04127 Source: groundwater
Amount: 6.0 cfs Priority: 08/12/1961
Point(s) of Diversion: NWSE SEC 35 T07S R30E, POWER COUNTY
The water is used for fire protection from 01/01 to 12/31 within the NWSE SEC 35 T07S R30E, B.M.

License No.: 35-02603 Source: groundwater
Amount: 3.34 cfs Priority: 07/07/1960
Point(s) of Diversion: SWSE SEC 35 T07S R30E, POWER COUNTY
The water is used for industrial use within the NWSE SEC 35 T07S R30E, B.M.

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Amount: 2.01 cfs Priority: 08/24/1962
Point(s) of Diversion: NWSE SEC 35 T07S R30E, POWER COUNTY
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KARL J. DREHER
Director

Published on May 1 & 8, 1997.

MICROFILMED

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Director

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MICROFILM

JUN 02 1998

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KARL J. DREHER
Director

Published in the Idaho Statesman on May 1 & 8, 1997.

MICROFILMED

JUN 02 1998

BEEMAN & HOFSTETTER, P.C.

Josephine P. Beeman
Dana L. Hofstetter

608 West Franklin Street
Boise, Idaho 83702-5509

Telephone: (208) 388-8900
Facsimile: (208) 388-8400
e-mail: beehof@micron.net

April 30, 1997

*Via Facsimile (208) 525-7177
and U.S. Mail*

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402
(208) 525-7161

RECEIVED

MAY 02 1997

Department of Water Resources
Eastern District Office

Re: Lamb-Weston Transfer Application
SRBA Claims A35-02603, A35-12670 and A35-04127

Dear Mr. Jones:

You asked me to explain why two of the three adjudication claims on Lamb-Weston's Transfer Application differ from the water right licenses for the same industrial operation. As I explain below, the three adjudication claims on the transfer are the result of investigation by the Snake River Basin Adjudication (SRBA) Unit at the Idaho Department of Water Resources (IDWR). In particular, Carter Fritschle at the IDWR headquarters in Boise and I have worked over the last two years with the staff at Lamb-Weston to make the SRBA claims as accurate as possible a reflection of the actual and historic water use. As you can see from the discussion which follows, sometimes the well use predated the date of the water right license for the same well and sometimes the well use may have been greater than was listed on an existing license. Therefore, some adjudication claims in the four thousand and twelve thousand series replaced or augmented previously existing licenses for the same water use.

Well #1 is the main production well for Lamb-Weston's operation and is represented by two SRBA claims. Claim A35-02603 is for 3.34 cfs with a priority date of July 7, 1960. SRBA Claim A35-12670 is for 2.01 cfs with a priority date of August 24, 1962. In other words, Well #1 has claims totaling 5.35 cfs.

Initially, the only SRBA claim for Well #1 was A35-12670. License 35-02603 was not claimed in the SRBA; however, IDWR discovered License 35-02603 in the process of investigating beneficial use claim A35-12670. Since the 1960 license

JUN 02 1998

Mr. Harold Jones
Re: Lamb-Weston
April 30, 1997
Page 2

35-02603 was for 3.34 cfs, the Adjudication Unit recommended that Lamb-Weston file a claim for 3.34 cfs with a 1960 priority date. Since the field exam for License 35-02603, conducted March 22, 1967, showed 2,400 gallons per minute (5.35 cfs), the additional 2.01 cfs was claimed under beneficial use claim A35-12670 because Lamb-Weston was able to demonstrate that the additional capacity (2.01 cfs) was installed on August 24, 1962. Wally Buffi at Lamb-Weston's American Falls plant provided the data to confirm that the additional capacity was in use as of August 24, 1962.

Well #2 is the backup well for Lamb-Weston and is represented by SRBA Claim 35-04127 for 4.68 cfs with a priority date of August 12, 1961. License 35-02780 originally covered this well with a priority date of June 9, 1965. Lamb-Weston was able to demonstrate that the well actually had an earlier priority date, August 12, 1961. However, the license was for 4.68 cfs and the SRBA claim was for 6.0 cfs. Due to an April 28, 1967 deposition filed by Lamb-Weston in support of the beneficial use under license 35-02780, IDWR has recommended that SRBA claim 35-04127 list 4.68 cfs.

The current transfer reflects the fact that Lamb-Weston has an integrated system and wants to show all three of its wells as points of diversion for all of its existing water rights. On the licensing side, Permit 35-08669, when it is ready to be licensed, will also show all three wells as points of diversion.

Both Carter Fritschle and I should be able to answer any questions you have about the three SRBA claims listed on the Transfer Application. Please let me know if there is additional explanation we can provide.

Sincerely,

BEEMAN & HOFSTETTER, P.C.


Josephine P. Beeman

JPB:ja
cc: Bob Bloom/Wally Buffi (via fax)
Carter Fritschle, IDWR (via mail)
D:\1785\2\1336

RECEIVED

JUN 02 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 28, 1997

LAMB WESTON INC
PO BOX 489
AMERICAN FALLS ID 83211

RE: Notice of Application for Transfer No. 5068

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for transfer of water rights. This office is currently in the process of advertising the application statewide and in the Power County Press May 1 & 8, 1997. The advertisement will be published once a week 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 transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about twelve weeks.

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILM
JUN 02 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

April 25, 1997

CLASSIFIED ADS
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS ID 83211

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 19, 1997.

Yours truly,

Rita Bodell
Secretary

Enc.

Filed 4-25-97

RECORDED

JUN 02 1997

BEEMAN & HOFSTETTER, P.C.

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 388-8900

Fax: (208) 388-8400

FAX COVER SHEET

April 23, 1997

**TO: HAROLD JONES
IDWR**

FAX: (208) 525-7177

**MESSAGE: Following is another letter regarding Lamb-Weston's
Transfer Application.**

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

FROM: Josephine P. Beeman

FILE NO.: 1785.1

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 3

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MICROFILMED

JUN 02 1998

BEEMAN & HOFSTETTER, P.C.

608 West Franklin Street
Boise, Idaho 83702-5509

Josephine P. Beeman
Dana L. Hofstetter

Telephone: (208) 388-8900
Facsimile: (208) 388-8400
e-mail: beehof@micron.net

April 23, 1997

Via Facsimile (208) 525-7177

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402
(208) 525-7161

Re: Lamb-Weston Transfer Application
SRBA Claims A35-02603, A35-12670 and A35-04127

Dear Mr. Jones:

This letter will confirm our discussions regarding the advertisement which will describe Lamb-Weston's transfer application.

On April 17 you faxed to me the following statement which I have amended as shown to include a further description of the land application system (the added material is shaded):

To be changed as follows: The applicant intends to include Wells 1, 2 and 3 located in the SE 1/4 of Section 35, T7S, R30E as common points of diversion for all the rights listed. Also the west half of Section 35, T7S, R30E will be added as industrial places of use to meet the mandatory land application of process water by the Idaho Department of Environmental Quality. This application of water will be through three partial pivots and three wheel lines on 197 acres.

The three water rights listed on the transfer application together total 10.03 cfs: A35-02603 (3.34 cfs), A35-12670 (2.01 cfs), and A35-04127 (4.68 cfs). Since *Idaho Code* § 42-203A(2) provides that any transfer application in excess of 10 cfs must be published state-wide, the transfer will be published in the Lewiston Tribune, the Idaho Statesman, and the Idaho Falls Post Register in addition to the Power County Press.

UNRECORDED

JUN 8 2 1998

Mr. Harold Jones
Re: Lamb-Weston
April 23, 1997
Page 2

I appreciate the review which you, Glen Saxton, Norm Young, and Carter Fritschle made today at my request regarding the 10.03 cfs combined rate of diversion and the state-wide publication. I understand that to safeguard this combined rate of diversion, the transfer must be advertised state-wide as the statute requires; however, the annual volume limitation of 4,408 acre feet for the three rights recognizes that 10.03 cfs is not diverted continuously. The 4,408 acre foot volume is a preliminary figure which IDWR would recommend as part of the Director's Report for these rights in the Snake River Basin Adjudication. The acre foot volume would not appear in the current transfer proceeding.

Again, Lamb-Weston appreciates the opportunity to discuss these matters with you as their transfer application is being processed.

Sincerely,

BEEMAN & HOFSTETTER, P.C.


Josephine P. Beeman

JPB:ja
cc: Bob Bloom/Wally Buffi (via fax)
Carter Fritschle, IDWR (via mail)
DA1785/211322

MICROFILMED

JUN 02 1998

BEEMAN & HOFSTETTER, P.C.

608 West Franklin Street

Boise, Idaho 83702

Phone: (208) 388-8900

Fax: (208) 388-8400

FAX COVER SHEET

April 10, 1997

**TO: HAROLD JONES
IDWR**

FAX: (208) 525-7177

**MESSAGE: Following is another letter regarding Lamb-Weston's
Transfer Application.**

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

FROM: Josephine P. Beeman

FILE NO.: 1785.1

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 2

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UNLESS REQUESTED BY THE RECIPIENT.**

MICROFILMED
JUN 02 1998

BEEMAN & HOFSTETTER, P.C.

Josephine P. Beeman
Dana L. Hofstetter

608 West Franklin Street
Boise, Idaho 83702-5509

Telephone: (208) 388-8900
Facsimile: (208) 388-8400
e-mail: beehof@micron.net

April 10, 1997

Via Facsimile (208) 525-7177

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402
(208) 525-7161

Re: Lamb-Weston Transfer Application
SRBA Claims A35-02603, A35-12670 and A35-04127
Permit No. 35-08669

Dear Mr. Jones:

In my letter to you on April 9, 1997, I neglected to confirm one of the pieces of information that we talked about on April 8 regarding an initial determination of the combined diverted volume for the three SRBA claims (A35-02603, A35-12670 and A35-04127) remaining on the transfer application. This figure was 4,408 acre feet per year. I understand this is a preliminary figure developed by Carter Fritschle at the State office for IDWR based on the Lamb-Weston data and Wally Buffi's affidavit submitted with the SRBA claims.

Again, we appreciate your assistance and information regarding the transfer and the SRBA claims.

Sincerely,

BEEMAN & HOFSTETTER, P.C.


Josephine P. Beeman

JPB:ja
cc: Bob Bloom/Wally Buffi (via fax)
Carter Fritschle, IDWR (via mail)
D:\1785\2\1284

MICROFILM

JUN 02 1998

Law Offices

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY

U.S. BANK OF IDAHO BUILDING
330 SHOLP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

DATE: April 10, 1997**TIME:** 5:50 p.m.**TO:** Idaho Department of Water Resources**FAX #:** 525-7177**FROM:** Charles A. Horner**FAX #:** (208) 523-9518**RE:****ITEMS SENT:** Letter**NO. OF PAGES INCLUDING TRANSMITTAL SHEET:** 3**MESSAGE:****ORIGINALS:** Sent by Mail ☐ Kept on File ☒**If you do not receive all of the pages, please call back as soon as possible (208) 523 - 0620.**

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by collect telephone at (208) 523-0620, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Telecopier Operator

Joan Timberlake

G:\WPDATA\CAH\HID\BUDWR.FAX.jht

RECEIVED
JUN 02 1998

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FAIRER
STEPHEN E. MARTIN
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U.S. BANK OF IDAHO BUILDING
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IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0820
FACSIMILE (208) 523-9518
E-MAIL: HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

April 10, 1997

VIA FACSIMILE NO. 525-7177

Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

Gentlemen:

Would you please provide to me as soon as possible a water right proof reading report and adjudication of claims proof reading report pertaining to the following described property:

Parcel 1:

Township 2 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho;
Section 8: Southwest quarter; West 250 feet of the West half of the Southeast quarter;
Section 17: West half; West 250 feet of the East half;
Section 20: North half of the Northwest quarter; Southeast quarter of the Northwest quarter; West 250 feet of the West half of the Northeast quarter.

Parcel 2:

Township 2 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho;
Section 16: W½ W½;
Section 21: W½ NW¼;
Section 20: N½ SE¼, that portion of the NE¼ lying East of a roadway which is East 250 feet, more or less, from the West line of said NE¼;

ENCLOSURE

JUN 8 2 1998

Idaho Department of Water Resources

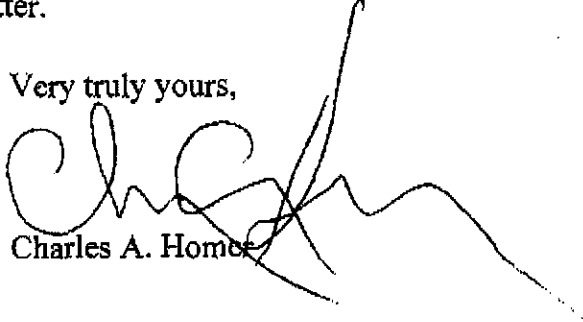
April 10, 1997

Page 2

- Section 17: That portion of the E $\frac{1}{2}$ lying East of an existing roadway which is East 250 feet, more or less, from the West line of said E $\frac{1}{2}$;
- Section 8: That portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying East of an existing roadway which is East 250 feet, more or less, from the West line of the SE $\frac{1}{4}$;
- Section 9: Beginning at the Southwest corner of Section 9, Township 2 North, Range 36, East of the Boise Meridian, thence North along the Section line 450 feet; thence South 45° East 636 feet, more or less, to the South line of said Section 9, which is 450 feet East of the said Southwest Quarter corner; thence West along the Section line 450 feet to the point of beginning.

Thank you for your assistance in this matter.

Very truly yours,



Charles A. Homer

G:\WPDATA\CAH\0188\DW\0410.LTR.jhl

RECORDED
JUN 8 2 1997

BEEMAN & HOFSTETTER, P.C.

Josephine P. Beeman
Dana L. Hofstetter

608 West Franklin Street
Boise, Idaho 83702-5509

Telephone: (208) 388-8900
Facsimile: (208) 388-8400
e-mail: beehof@micron.net

March 24, 1997

RECEIVED

MAR 27 1997

Department of Water Resources
Eastern District Office

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402
(208) 525-7161

Re: Lamb-Weston Transfer Application
SRBA Claims A35-02603, A35-12670 and A35-04127
Permit No. 35-08669

Dear Mr. Jones:

This letter accompanies Lamb-Weston's transfer application to add land application to its existing ground water rights to comply with DEQ water quality requirements. The transfer application is requested pursuant to the Idaho Department of Water Resources ("IDWR") September 27, 1996 Application Processing Memorandum No. 61. The land application is scheduled to begin as soon as late April or early May. A Lamb-Weston check for the processing fee of \$100.00 is enclosed. The transfer also seeks to add Well #3 as a point of diversion on all Lamb-Weston's water rights.

Lamb-Weston's ground water use at its processing facility in American Falls occurs within the boundaries of the Snake River Basin Adjudication ("SRBA"). However, because Lamb-Weston's 4 ground water rights are located in basin 35, they have had an SRBA field exam by IDWR, but have not yet been reported in a Director's Report to the SRBA court. Three of the water rights are represented by SRBA claims (A35-02603, A35-12670, and A35-04127) and the fourth is a permit (35-08669) which is in the final stages of licensing. Therefore, in order to complete the transfer application, I have attached copies of the 3 SRBA claims and the 1 permit. To conform to IDWR

RECEIVED
JUN 02 1997

Mr. Harold Jones
Re: Lamb-Weston
March 24, 1997
Page 2

processing requirements, we attach, in Part 2, copies of original licenses 35-02603 and 35-02780, and statutory claim 35-04127.

Carter Fritschle at the IDWR state office and I have been working on the Lamb-Weston SRBA claims, so the attached SRBA claims incorporate rates of diversion and priority dates already verified by Lamb-Weston records. We had not yet completed combined rates of diversion and combined diverted volume numbers, but Carter indicated that these could be determined during the transfer process, if necessary. The attached Affidavit of Wally Buffi was recently submitted to IDWR for purposes of helping establish combined rates of diversion and combined diverted volume numbers for the three SRBA claims.

Sincerely,

BEEMAN & HOFSTETTER, P.C.


Josephine P. Beeman

JPB:ja
Enclosures
cc: Carter Fritschle, IDWR (w/o enc.)
D:\1785\2\1208

140000-0000
JUN 02 1998

Lamb Weston
INTEROFFICE COMMUNICATIONS

February 15, 1988

RECEIVED

FEB 17 1989

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard St.
Boise, Idaho 83706-2237

Recently, Lamb-Weston moved their Corporate Headquarters from the State of Oregon to the State of Washington. The new address is as follows:

Lamb-Weston Inc.
Technical Services Bldg.
2005 Saint St.
P.O. Box 780
Richland, WA 99352

Phone: (509) 375-5820

Enclosed you will find a copy of the old address label. Please change your records effective immediately. Thank you.

Sincerely,

Ramona Turner
Eng. Tech. Secretary

Enclosure
/rt

35-8669
35-2603
35-2780
35-4127

RECORDED

JUN 02 1988

June 29, 1965

Re: Permit No. G-28851
Lamb-Weston Inc.

Lamb-Weston, Inc.
P. O. Box 428
American Falls, Idaho

Gentlemen:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the POWER COUNTY PRESS, all submitted in proof of completion of works and beneficial use on Permit No. G-28851.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR: et

28851

April 10, 1967

RE: Permit No. G-28851

Lamb-Weston, Inc.
Box 428
American Falls, Idaho

Gentlemen:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28851 shows the well(S) is (~~267~~) capable of conveying 267 miner's inches, or 5.34 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

Upon receipt of the statutory fees, totaling \$ 10.00 , we will issue the Certificate of Completion of Works for 3.34 c.f.s. and the License and Certificate of Water Right for 3.34 c.f.s. confirming the right, with priority of July 7, 1960 , to the use of subterranean water with the point of diversion in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, T. 7 S, R. 30 E, B.M. for industrial (potato processing) use.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWMinw

ok
DW

28851

April 19, 1967

Re: Permit No. G-28851

Lamb-Weston, Inc.
Box 428
American Falls, Idaho 83211

Gentlemen:

Enclosed are your Certificate of Completion of Works and License and Certificate of Water Right on the above numbered permit.

Also enclosed is departmental receipt No. G-11542 in the amount of \$10.00 covering the fees.

Thank you.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:dj

Enclosures: Certificates
Receipt

28851

Permit No. G-28851.....

**Certificate of Completion
of Works**

Dated April 19....., 19 67...

Stream ... Subterranean.....

County ... Power.....

Amount ... 3,34 c.f.s.....

Date of Priority July 7, 1960.....

Recorded in Book 101.....

of Permits....., page 28851.....

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

~~GARY CUDDEFORD~~
LAMB-WESTON, INC.
6600 S. W. HAMPTON ST.
PORTLAND, OR 97223

LAM 00 03072091 02/07/89
NOTIFY SENDER OF NEW ADDRESS
LAMB-WESTON INC
8701 WEST GAGE BLVD. #C1900
TRI-CITIES WA 98302



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

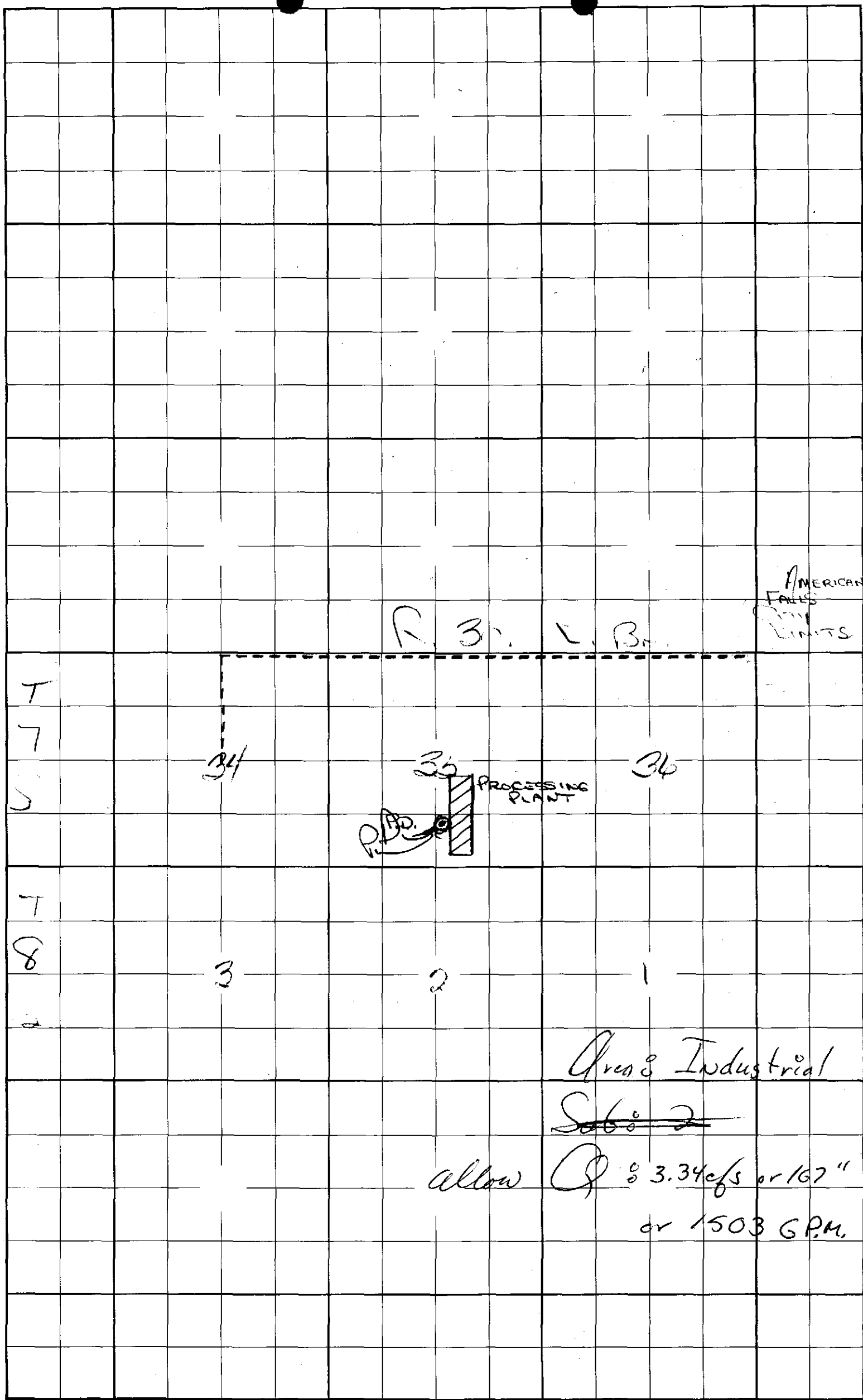
PERMIT NO. G-28851 ✓

REPORT ON PROOF OF Completion of Works & Beneficial Use ✓

Lamb-Weston, Inc. ✓
P. O. Box 109 ✓
Weston, Idaho ✓
Box 428 ✓
American Falls, Idaho ✓

32394

28851



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G28851

This proof is for Completion of Works & Bene. Use

In Water District No. _____

1. Name of applicant Lamb-Weston, Inc.
2. Source of water supply: well
3. Location of point of diversion: Is in the SW 1/4 SE 1/4 of Section 35
T. 7S R. 30E County of Power

4. Describe works as they exist, giving dimensions and capacities of same: C.S. Hollow Shaft

Motor 150 H.P. @ 1800 R.P.M. Ser # 1279639
Berkley Pump B.M. # 3124 Ser # 6107595 Rated 2400 G.P.M.
Well 16" x 220' H=74'
Test of well 3000 G.P.M. D.D. 10'
Well driller George Dolner

5. Water is used for: industrial - potato processing

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Plant usage 2400 G.P.M.
Total consumption 1/2 or 480 G.P.M.
Returned to surface 1920 G.P.M.

Reported by Ralph Ramsey

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? S Snake River

Remarks: Mr. Magers along contacted Mr. Ralph Ramsey

Waste water runs into settling ponds then by
open ditch to canals & the Snake River
Residue from process water is feed to livestock.

System produces 2400 G.P.M.

This examination was made on the 22 day of 3, 1967

(Signed) Donald E. Elborne

Examiner.

plat

DW 28851

US Hollashaft Motor
150 HP
1800 RPM
Ser 1279639

Barkely Pump
115 hp
Q.M. No. 3124
Ser 6107595
2400 GPM

enclosed system
Ralph Ramsey & his Meyers May
16" x 220' dia
H=74'
To 4. 3000 GPM D.D. 10'
George Volmer D.D. 10'

28851

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Ind. Division
Lamb-Weston, I.C. 16" C.R. x 250 ft
Box 428
American Falls, Idaho
Permit No. G-28851
from 193 to 1965

Examination for Comp. of Works & Bene. Use

County Power

Sec. 35 T. 7S R. 30E

Quantity: 3.34 CFS

Source: WELL

P.D.: S.W.S.E. Sec. 35, 7S-30E

Use: INDUSTRIAL & POTATO PROCESSING

Extension: -

Protest: -

Completion of Works: -

Other Rights: -

Filed: July 7, 1960

Due: July 8, 1965

Made: June 25, 1965

Priority: July 7, 1960

STATE OF IDAHO

Department of Reclamation

N^o G-11542Boise, Idaho, April 18, 1967RECEIVED
FROMLamb-Weston Inc. of American Falls, IdahoTen Dollars and 00/100 DOLLARS

FOR

Well Driller's License Fee	- \$	
Application No.	- - - \$	
Proofs <u>G-28851</u>	- - - \$	<u>10 00</u>
Certified Copy	- - - \$	
Recording Assignment	- - - \$	
TOTAL	- - - \$	<u>10 00</u>

Mary Leader
STATE RECLAMATION DEPARTMENT

Lamb-Weston, Inc.
Box 428
American Falls, Idaho

Gentlemen:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28851 shows the well(~~8~~) is (~~3.34~~) capable of conveying 267 miner's inches, or 5.34 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

Upon receipt of the statutory fees, totaling \$ 10.00, we will issue the Certificate of Completion of Works for 3.34 c.f.s. and the License and Certificate of Water Right for 3.34 c.f.s. confirming the right, with priority of July 7, 1960, to the use of subterranean water with the point of diversion in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, T. 7 S, R. 30 E, B.M. for industrial (potato processing) use.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

28851

Lamb-Weston, inc.

FREEZERS AND CANNERS

P. O. BOX 109 - WESTON, OREGON - PHONE LOgan 6-3511

June 29, 1960

RECEIVED
JUN 30 1960

Department of Reclamation

State of Idaho
Department of Reclamation
Capitol Building
Boise, Idaho

Gentlemen:

Enclosed is Form No. 3, Application for Permit to
Appropriate the Subterranean Waters of the State of Idaho,
along with our check in the amount of \$5.75 to cover Filing
Fee.

Yours very truly,

Nelson Howard
Nelson Howard *NH*

NH:ls
Encls.

"Shelled-at-Plant" Peas

28851

July 1, 1960

RE: Application for Permit

Lamb-Weston, Inc.
Box 109
Weston, Oregon

Attention: Nelson Howard

Dear Mr. Howard:

Returned herewith is your application for permit with attached check for the \$5.75 filing fee which you submitted.

The number of miner's inches under 2 has been changed to 167. There are 50 miner's inches in each cubic foot per second in this state.

The time under 10 has been changed to 5 years; however the proofs can be made at any prior time.

According to the map, the answer under 6 should be W¹SE¹ of Section 35. Kindly answer 7 and 8, sign the application on page 3 and return to this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

RT:EPR:mr
Enc. application
check

28851
RT

Lamb-Weston, inc.
FREEZERS AND CANNERS
P. O. BOX 109 - WESTON, OREGON - PHONE LOGAN 6-3511

RECEIVED
JUL 7 1960
Department of Reclamation

July 6, 1960

State of Idaho
Department of Reclamation
State Building
Boise, Idaho

Re: Application for Permit

Gentlemen:

We are returning herewith the application for permit on which we have made the suggested corrections and/or additions as per your letter of July 1, 1960.

We are also returning our check No. 6132 to cover filing fee.

Yours very truly,

Nelson Howard
Nelson Howard *N.H.*

1s
encls.

"Shelled-at-Plant" Peas

28851

ANNUAL STATEMENT

F. C. L. CORPORATION
Domestic or ForeignPermit Map No. 28851
As Approved
JUL 8 1960
GEO. N. CARTER
Reclamation EngineerSTATE OF OREGON
County of Clatsop ss.

I, F. C. L. Carter, being first duly sworn, make the following statement concerning LAMAR WESTON, INC.

(Name of Corporation)

Address of Principal place of business or office in Idaho: County of Ada

Name of Officers:

Mailing Address of Officers:
(Postoffice box or Street number)

F. C. L. Carter President

P. O. Box 119, West, Oregon

Paul Lamb Vice-President

P. O. Box 119, West, Oregon

Reese Lamb Secretary

P. O. Box 119, West, Oregon

Reese Lamb Treasurer

P. O. Box 119, West, Oregon

Name of Directors:

Mailing Address of Directors:
(Postoffice box or Street number)

1. F. C. L. Carter

P. O. Box 119, West, Oregon

Paul Lamb

P. O. Box 119, West, Oregon

W. L. Adams

P. O. Box 218, Walla Walla, Wash.

Reese Lamb

P. O. Box 119, West, Oregon

Clarence Braden

22 W. Alden, Walla Walla, Wash.

H. H. Halmer

P. O. Box 119, West, Oregon

E. C. Watson

329 K. St., Walla Walla, Washington

(There must be at least two officers and three directors listed.)

Maurice DeLoe

441 P. St., Santa Barbara, Calif.

Date of annual election of directors August 1, 1959

Managing agent in Idaho

Name

Address

CONDITION OF CAPITAL STOCK

2. The Authorized Capital of said Corporation is - \$ -
 Divided into 400,000 shares of the par value of (Stated Value \$2.00) - \$ No Par
 The amount of Capital Stock subscribed is - \$ 885,245
 Amount issued \$ 885,245 Amount paid up - \$ 885,245

3. If a Mining Corporation, state whether the corporation is productive or non-productive.
 (The Attorney General has ruled that a mine is productive if ore is being produced regardless of whether a profit is being made. All mining companies selling ore must pay tax.)

4. Is the Corporation a Co-operative Marketing Association? No

5. (a) Is the Corporation a non-profit earning corporation?
 (Irrigation and telephone corporations and all companies not organized for pecuniary profit must answer this question.)

(b) If a non-profit earning corporation, COMPLETE STATEMENT ON REVERSE SIDE.

(The 1955 Session of the Idaho Legislature amended Sec. 30-601, Idaho Code, to provide "that corporations not organized for pecuniary profit shall file an additional statement showing the annual salary or wages paid to all directors, officers, agents and employees of such corporations.")

F. C. L. Carter

Affiant's Signature.

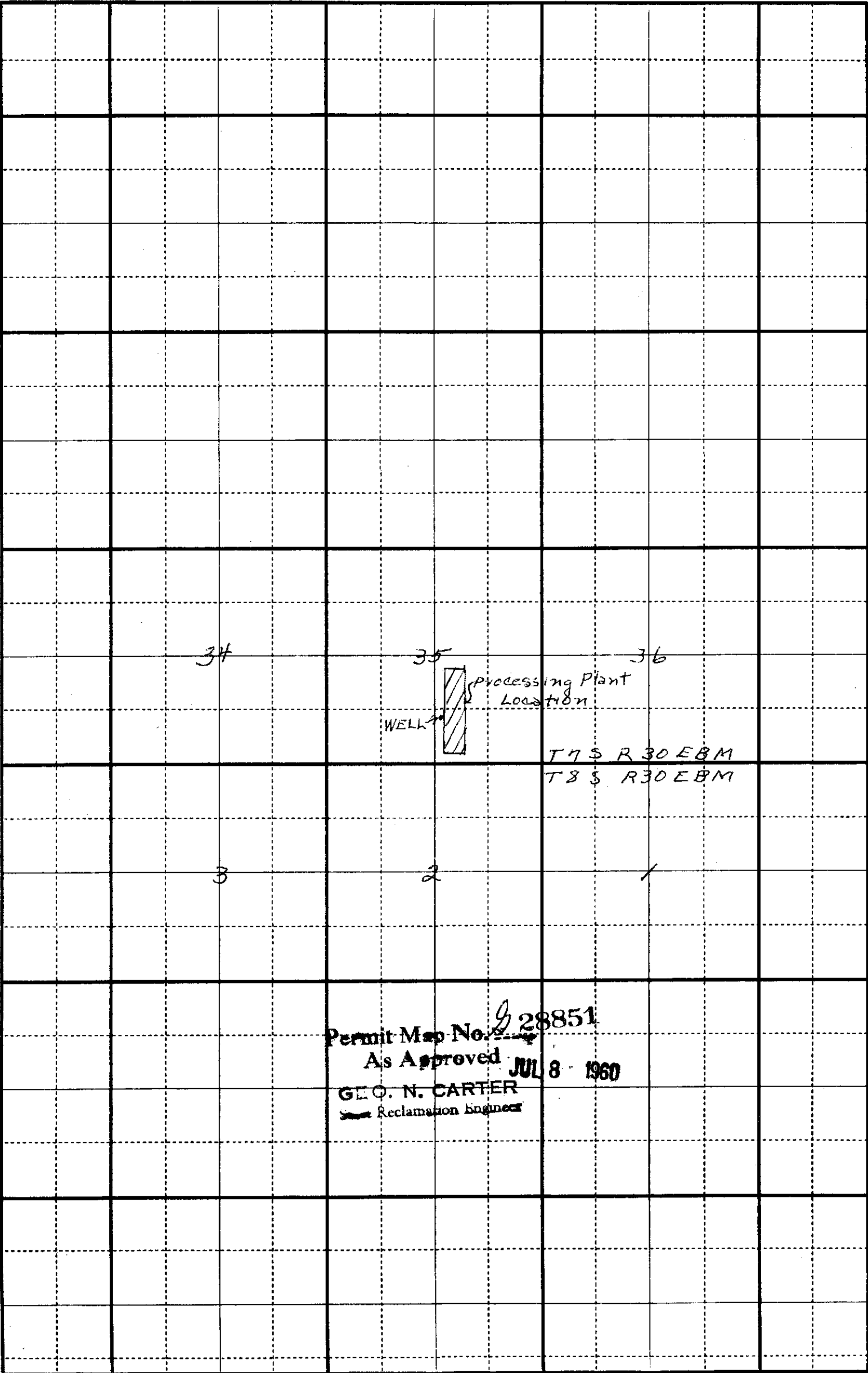
Subscribed and sworn to before me this 1st day of June, 1960.

(NOTARY SEAL)

Notary Public.

(OVER)

28851



July 19, 1960

Re: Permit No. G-28851

Lamb-Weston, Inc.,
Box 109,
Weston, Oregon.

Attention: Nelson Howard

Gentlemen:

We enclose Permit No. G-5005 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-5005 which was issued covering payment in the amount of \$5.75 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

28851

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28851

April 30, 1965

Lamb-Weston, Inc.
Box 109
Weston, Idaho

Gentlemen:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28851 are due not later than **July 8, 1965**

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

Carl E. Tappan

State Reclamation Engineer

Enclosures Form 36 and 11

28851

RECEIVED
MAY 17 1965

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 14, 1965

(P. O.) P. O. Box 428, American Falls, Idaho

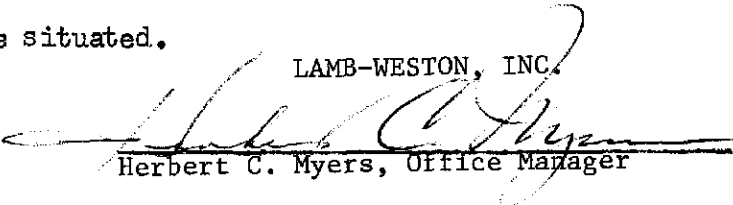
TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Power County Press of American Falls, Idaho, published in the county in which the works are situated.

LAMB-WESTON, INC.


Herbert C. Myers, Office Manager

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

28851

RECEIVED
MAY 17 1965

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10 A. M., on the 17th day of June
1965, at American Falls, County of Power, State of Idaho
before Gerald England, Notary Public, at (address) Lamb-Weston, Inc.
Processing Plant
American Falls, Idaho, proof will be submitted of the completion
of works for the diversion of 3.34 cubic feet per second of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. G 28851, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lamb-Weston, Inc., P. O. Box 428, American Falls, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 3.34 cubic feet per second.

3. The use to which said water has been applied is Industrial - Potato Processing
_____, purposes and the amount applied to beneficial use is
3.34 cubic feet per second.

4. The point of diversion of said water is SW¹/₄ of the SE¹/₄ of Section 35, Twp. 7S,
Range 30 E, B. M., County of Power

5. The place where said water is used is W₁ of the SE₄ of Section 35, Twp. 7S,
Range 30 E, B. M.

6. The date of priority which said user is prepared to establish is July 7, 1960.

Carl E. Tappan
State Reclamation Engineer

28851 /

Re: Permit No. G-28851
Lamb-Weston, Inc.,

Date: May 17, 1965

Power County Press,
American Falls, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to June 25, 1965
the date set for proof; the expense of the publication is to be paid
by the applicant Lamb-Weston, Inc.,
of P.O.Box 428, American Falls, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

28851

Legal Notice

Published in the Power
County Press, May 27, June
3, 19, and 17, 1965.

NOTICE OF PROOF OF COMPLETION OF WORKS and

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that
at 10 a.m., on the 25th day
of June 1965, at American
Falls, County of Power, State
of Idaho before Gerald Eng-
land, Notary Public at Lamb-
Weston Inc. Processing Plant
American Falls, Idaho, proof
will be submitted of the com-
pletion of works for the di-
version of 3.34 cubic feet per
second of underground water
from a well, and of the appli-
cation to beneficial use of
said water, in accordance
with the terms and conditions
of Permit No. G-28851, here-
tofore issued by the De-
partment of Reclamation of
the State of Idaho.

1. The name and postoffice
address of the person or cor-
poration holding said permit
is Lamb-Weston, Inc., P. O.
Box 428, American Falls,
Idaho.

2. Said works of diversion
will be fully completed on
the date for such completion
and the amount of water which
said works are capable of
conveying to the place of use
is 3.34 cubic feet per second.

3. The use to which said
water has been applied is In-
dustrial - Potato Processing
purposes and the amount ap-
plied to beneficial use is 3.34
cubic feet per second.

4. The point of diversion of
said water is SW $\frac{1}{4}$ of the
SE $\frac{1}{4}$ of Section 35, Twp, 7 S,
Range 30 E. B. M., County of
Power.

5. The place where said wa-
ter is used is W $\frac{1}{2}$ of the SE $\frac{1}{4}$
of Section 35/Twp 7 S, Range
30 E. B. M.

6. The date of priority
which said user is prepared
to establish is July 7, 1960.

CARL E. TAPPAN
State Reclamation Engineer

(office yellow copy)

Re: Permit No. **G-28851**

May 17, 1965

**Lamb-Weston, Inc.,
P. O. Box 428,
American Falls, Idaho.**

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. **G-28851**. The proofs are to be made at **10:00** o'clock **A.M.**, on the **25th** day of **June**, 19 **65**, before **Gerald England, Lamb-Weston, Inc., Processing Plant, American Falls, Idaho.** Notary Public.

As of this date, we have mailed the Notice to the **Power County Press** **American Falls, Idaho**, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

28851

Lamb-Weston, inc.

P.O. BOX 428, AMERICAN FALLS, IDAHO • PHONE 226-2301 AREA CODE 701

June 25, 1965

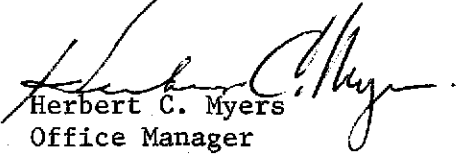
Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. Tappan:

Enclosed are the completed depositions and affidavit of
Publication concerning our well permit number G-28851.

Very truly yours,

Lamb-Weston, Inc.


Herbert C. Myers
Office Manager

HCM/mr

Enclosures - Deposition of Holder (1)
Deposition of Witness (2)
Affidavit of Publication (1)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28851

* * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: _____

Herbert C. Myers, American Falls, Idaho - Office Manager - 228 Tyler

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Lamb-Weston, Inc. - General Offices, Portland, Oregon - Office Manager at American Falls, Idaho

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G-28851 Approval date July 8, 1960, Priority Date July 7, 1960

Ques. 4. State source of water supply: Well

Give location of point of diversion, showing subdivision, section, township and range:

SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Twp. 7 S, Range 30 E, B. M. County of Power

Ques. 5. Describe your works of diversion: Vertical, Line Shaft, Deepwell Turbine

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 3.34 Cf. per section name of canal or ditch or other works by which water is conducted to such place of use: None

_____ ; if a well, state depth of well 220 Feet ; depth and size of casing: 16" O. D. x .250 to 202 feet

ing: 14" O. D. x .250 from 193 to 208 ft; depth to water 74 feet ; if pump is used,

state discharge of pump: 1500 G.P.M. ; tell how it was measured or determined: 8" orifice at

the end of a 10" discharge pipe, if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Industrial - Potato Processing

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : _____

None

State nature of all improvements which have been made as a direct result of said use:

Industrial Potato Processing

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: George Vollmer, Route 1, American Falls, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:

Industrial - Potato Processing

Ques. 8. What is the minimum amount of water required for the purpose specified above:

3.34 Cu. feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder: Mr. F. Gilbert Lamb, President of Lamb-Weston, Inc., moved to our General Offices located in Portland, Oregon. I, Herbert C. Myers, Office Manager, am signing for Lamb-Weston, Inc.

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: September 1961 @ 3.34 Cu. Ft/min Time used since first use:

Three years and ten months

Ques. 11. Describe all other water rights appurtenant to same place of use:

None

(sign) Herbert C. Myers

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

American Falls, Idaho, County of Power

State of Idaho, on this 25th day of June, A.D. 1965

My Commission expires: July 16, 1966

JUN 29 1966

STATE OF IDAHO

Department of Reclamation

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G28851

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Jack L. Smith 31 442 Sunbeam Rd., Am. Falls, Idaho Banking

Ques. 2. Are you acquainted with Herbert C. Myers -- Lamb-Weston, Inc., the holder of
Permit No. G28851? How long have you known him and where does he reside:

228 Tyler American Falls, Idaho

Ques. 3. Have you read or heard said Permit No. G28851 read, and are you familiar
with its provisions and conditions: Yes: X No: _____

Ques. 4. State source of water supply: Well

State place of diversion: SW 1/4 of the SE 1/4 of Section 35, TWP 7 S Rge 30 E. B.M.
County of Power

Describe works for conveying water to place of use: Pumped from a well.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 3.34 Cu ft per Sec. How much water have you seen being so
conveyed: 3.34 Cu ft. per Sec.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

28851

Ques. 7. If for power or other purposes than irrigation, state how water has been used.

Industrial -- Potato Processing

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: July, 1963

Other times you have seen such use: On all visits & inspection tours.

(Signed)

Jack J. Smith

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in American Falls

 , County of Power, State of Idaho, on this 25th day of June,

A. D., 1965.
1965

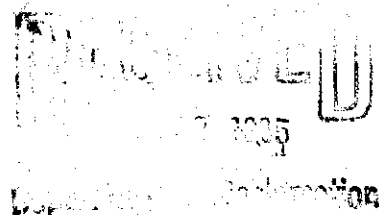
David H. Ceylan

Notary Public for State of Idaho

Residing: American Falls, Idaho

My commission expires: July 16, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G28851



PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Roger N. Cole 26 377 Monroe, Am. Falls, Idaho Banking

Ques. 2. Are you acquainted with Herbert C. Myers, Lamb-Weston, Inc., the holder of
Permit No. G28851 ? How long have you known him and where does he reside:

228 Tyler American Falls, Idaho

Ques. 3. Have you read or heard said Permit No. G28851 read, and are you familiar
with its provisions and conditions: Yes: X No: _____

Ques. 4. State source of water supply: Well

State place of diversion: SW 1/4 of the SE 1/4 of Section 35, TWP 7 S Rge 30 E. B.M.
County of Power

Describe works for conveying water to place of use: Pumped from a well.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 3.34 Cu ft. per Sec. How much water have you seen being so
conveyed: 3.34 Cu ft per Sec.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Ques. 7. If for power or other purposes than irrigation, state how water has been used.

Industrial -- Potato Processing

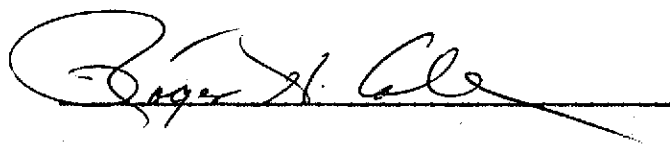
Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: April, 1964

Other times you have seen such use: On all visits and inspection tours.

(Signed)



I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in American Falls

 , County of Power, State of Idaho, on this 25th day of June,

A. D., ~~1966~~.
1965



Notary Public for State of Idaho

Residing: American Falls, Idaho

My commission expires: July 16, 1966

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF POWER. }

ss.

Thyllis Dingo being first duly sworn

on oath, states:

That she is the principal clerk of the printer

of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for successive weekly issues thereof, the date of the first publica-

tion being the 10th day of June, 1965.

the date of last publication being the

17th day of June, 1965.

(Signed)

Thyllis Dingo

Subscribed and sworn to before me this

11 day of June, 1965.

W. B. Smith
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

22 day of October, 1967.

Published in the
County Press, May 27, June 3, 19, and 17, 1965.

NOTICE OF PROOF OF COMPLETION OF WORKS and

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a.m., on the 25th day of June 1965, at American Falls, County of Power, State of Idaho before Gerald England, Notary Public at Lamb-Weston Inc. Processing Plant American Falls, Idaho, proof will be submitted of the completion of works for the diversion of 3.34 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28851, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lamb-Weston, Inc., P. O. Box 428, American Falls, Idaho.

date for such completion the amount of water which works are capable of conveying to the place of use is 3.34 cubic feet per second.

The use to which said water has been applied is Industrial - Potato Processing purposes and the amount

applied to beneficial use is 3.34 cubic feet per second.

4. The point of diversion of said water is SW 1/4 of Section 35, Twp, Range 30 E. B. M., County of Power.

5. The place where said water is used is W 1/2 of the Section 35, Twp 7 S, Range 30 E. B. M.

6. The date of proof which said user is prepared to establish is July 7, 1965.

CARL E. TAYLOR