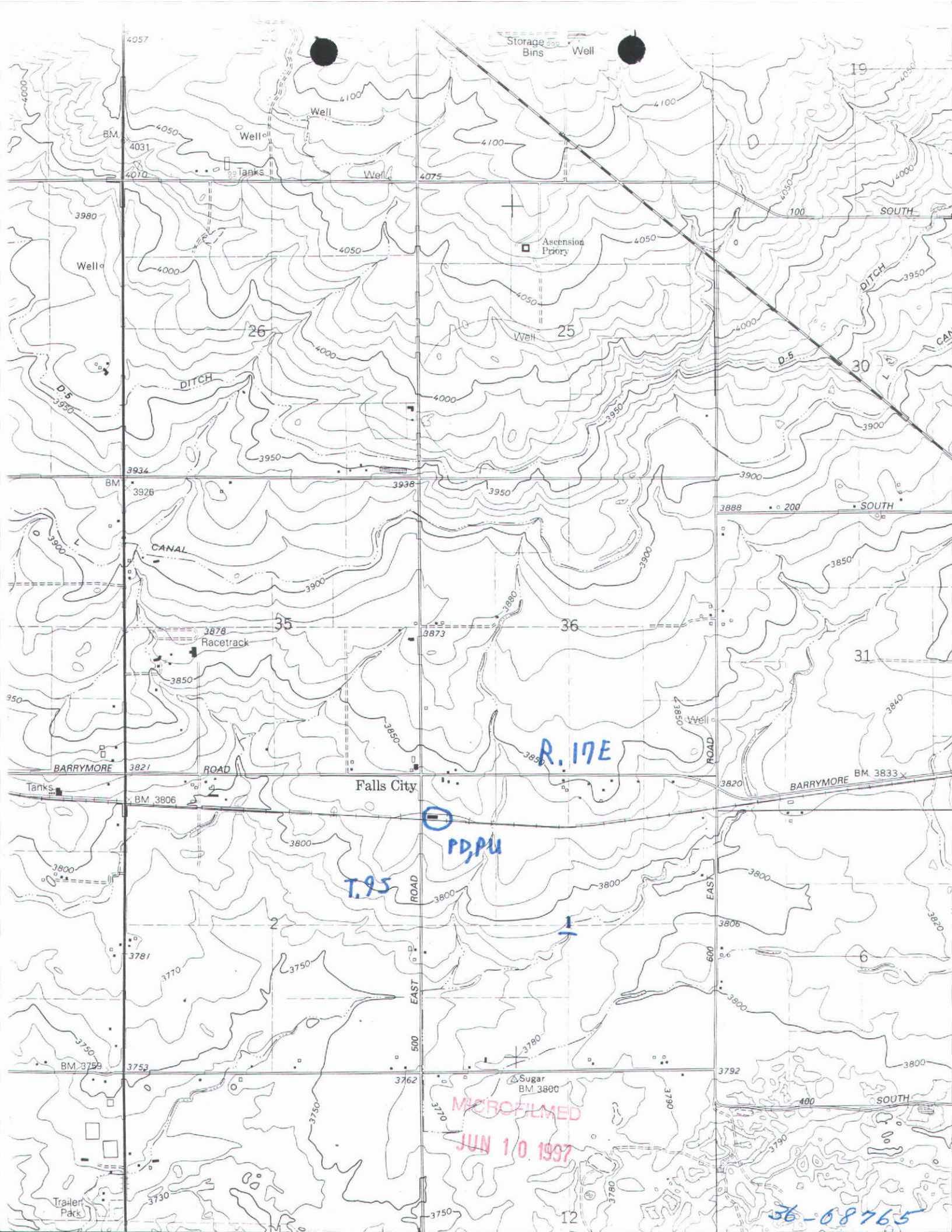




AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Jerome } ss.

APR 25 1997

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 14 day of April, 1997,

and the date of the last publication was on the 23 day of April, 1997.

Patty Nance
Subscribed and sworn to before me this 23rd day of April, 1997.
(SEAL)

Shirley De Voe
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 7¢/Pica
365.06 Lines straight at 21.90 6¢/Pica
365.06 Subsequent lines at 18.25 5¢/Pica
TOTAL COST 42.40

COPY OF NOTICE

(Paste Here)

Permit - Cargill
TITLE OF NOTICE 36-08765

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

CARGILL, INC.
314 S 500 E

JEROME ID 83338

Application for Permit No. 36-08765

Source: groundwater

Diversion Pt(s): Lot 4 (NW1/4NW1/4), S01, T09S, R17E; Jerome County.

Use: Domestic (0.04 cfs) 1/1-12/31

In: Lot 4(NW1/4NW1/4),

S01, T09S, R17E

Date Filed: 4/7/97

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 5, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the North Side News on 4/16 & 4/23/97.

MICROFILMED

JUN 10 1997
No 7173

16018

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
~~Original Application~~	~~36-08765~~	~~Cargill Inc.~~	~~0.04~~
Full Assignment	36-08765	Westway Trading	0.04

APR 14, 1998

MICROFILMED

JUN 08 1998

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 14 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 36-08765 Telephone No. (208) 324-6601

2. Name(s) of Permit Holder(s): Westway Trading

3. Mailing Address: 314 S. 500 E. Jerome ID 83338

4. Source of Water: Well If GROUNDWATER (well), Date Drilled: mo. 8-25 / yr. 94

a. Well Driller: _____ Drilling Permit Number: 36-94-50235

b. **OPTIONAL:**

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 office Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No ☒
Has the measuring device been installed? Yes _____ or No ☒

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No ☒
Has the measurement port been installed? Yes _____ or No ☒

8. Fee Enclosed: \$ 0 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Mike Zichevsky Telephone Number: 208 324-6601

Address: 314 S 500 E Jerome ID 83338

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

Signature of permit holder: [Signature] Date: 4-13-98
(include your title, if on behalf of company or organization)

MICROFILMED

JUN 08 1998

For Office Use Only
\$25 Filing Fee
Receipt# CD40051
Date 4/14/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED

APR 14 1998

Department of Water Resources

I, Cargill, Incorporated, hereby assign to Westway Trading
of, 3145 500E Jerome ID 883 (209) 324-6601
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 36-08765 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. 36-08765 to appropriate the public waters of the State of Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 4th day of August, 1997.

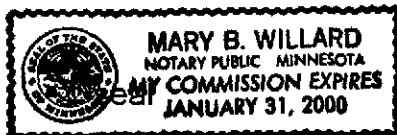


Permit Holder

Roy A. Ross, Vice President and General Manager, Molasses Liquid Products Division

State of Minnesota, ss
County of Hennepin

On this 4th day of August, 1997, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Mary B. Willard

Notary Public residing at

Wright County, Minnesota

My commission expires:

January 31, 2000

MICROFILMED

JUN 08 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08765

Proposed Priority: April 7, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that CARGILL INC

314 S 500 E

JEROME ID 83338

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 1, Township 09S, Range 17E
JEROME County

PLACE OF USE: DOMESTIC

TWN RGE SEC

09S 17E 1 Lot 4 (NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1998.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for employee restrooms and in the manufacturing of dry fertilizer.
5. The daily diversion volume authorized under this right shall not exceed 2,500 gallons per day.

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

22nd day of May, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

JUN 10 1997

RECEIVED

RECEIVED

MAR 24 1997

APR 07 1997

FORM 202

Department of Water Resources
Southern RegionDepartment of Water Resources
STATE OF IDAHO
Southern RegionIdent. No. 36-08765

DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

MAY 13 1997

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant C. Argill, INC Phone 7324 6601
Mailing address 3145 500 E Jerome Idaho 833382. Source of water supply Ground water which is a tributary of N/Am 3. Location of point of diversion is Township 9S Range 17E Sec. 1 in the S2 1/4, NW 1/4, NW 1/4, Govt. Lot 4, B.M., Boyer-Meridian Jerome County;
additional points of diversion if any: None

m 4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

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

5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum

da 6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Existing well and Pump
1000 gal Storage tankb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc. Proposed well diameter is 3.00 inches; proposed depth of well is _____ feetd. Is ground water with a temperature of greater than 85°F being sought? NOe. If well is already drilled, when? 1977; Drilling firm _____;
Well was drilled for (well owner) Synex Limited; Drilling Permit No. _____m 7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

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

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

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Manufacture of animal feed, Horse keeping,drinking, & recreation

JUN 10 1997

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	17E	1					D												
							174												

Total number of acres to be irrigated 10. Describe any other water rights used for the same purposes as described above. 36-1512611. a. Who owns the property at the point of diversion? Warren Schilingtonb. Who owns the land to be irrigated or place of use? Warren Schilingtonc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Lease with owner

12. Remarks: System was developed for 36-15126, manufacture of Fertilizer (Dry) and Domestic use. Application is for water usage over 2500 gal a day. Daily usage will not exceed 5000 gallons when combined with 36-15126. * per telecon w/applicant 4-9-97

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

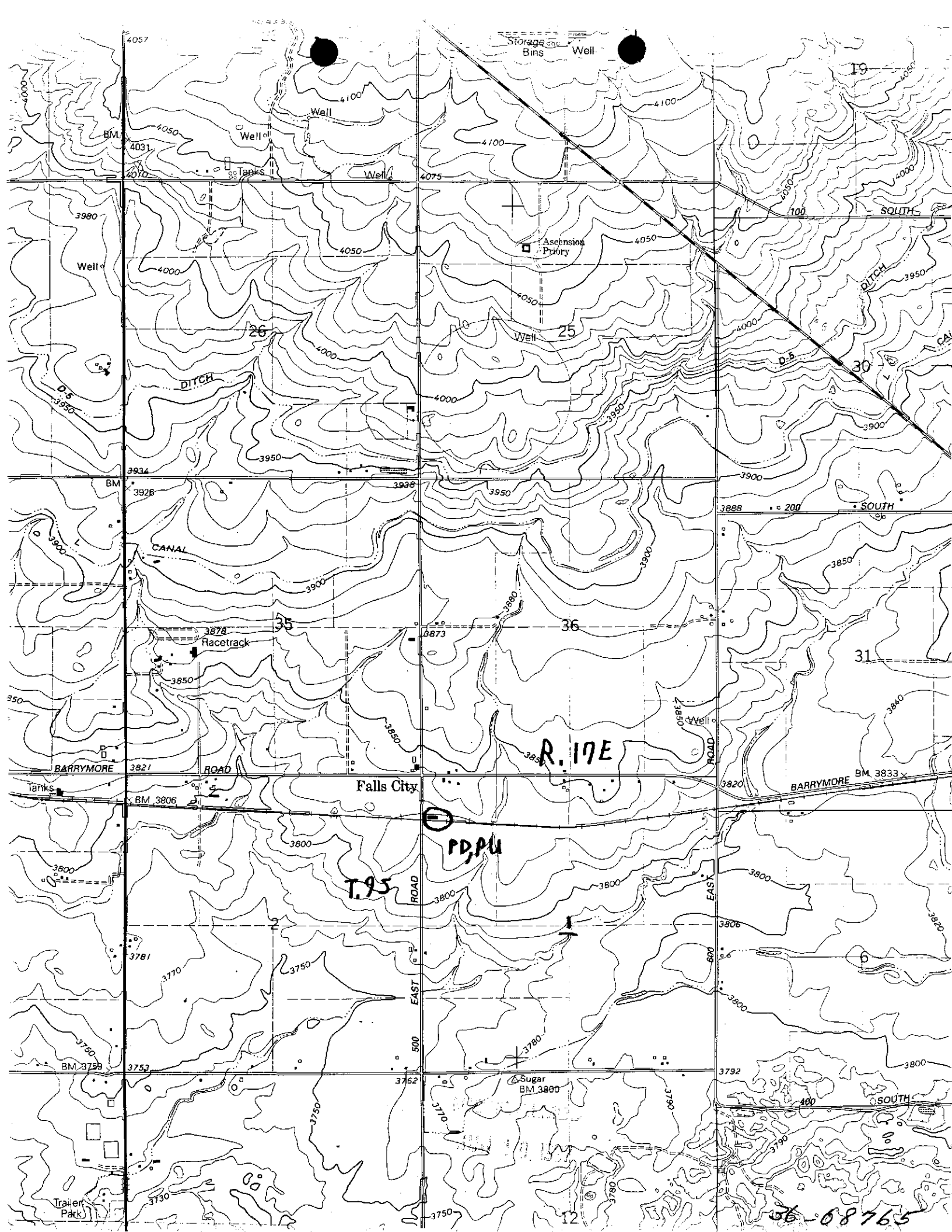
Mike [Signature] Superintendent
Signature of Applicant (and title, if applicable)

Received by IF [Signature] Date 4-7-97 Time 9:45am Preliminary check by [Signature]
Fee \$ 50 Received by [Signature] # 5020001 Date 4-7-97
Publication prepared by MB Date 4/11/97 Published in North Side News
Publication approved MB Date 4/25/97

MICROFILMED

JUN 10 1997

36-08765



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08765 Reviewed by [Signature] Date 6-8-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? -Assignment dom.
yes Address same as permit? _____
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

_____ Surface water source
☒ Ground water source
yes NO Drilling permit required? -1977
_____ Copy in the file? Drilling Permit No. _____
_____ Amount paid for permit _____ Correct?
_____ Well log in the file?

LICENSE EXAMINATION FEE

NO Required?
_____ Amount Submitted
_____ Correct?

MEASURING DEVICE

NO Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [X] Proof Made 4-14-98



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 8, 1998

Westway Trading
314 S 500 E
Jerome ID 83338

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08765

Dear Permit Holder:

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

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JUN 08 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

April 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WESTWAY TRADING
314 S 500 E
JEROME ID 83338

RE: ASSIGNMENT OF PERMIT 36-08765

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence changing the ownership of the above referenced water right to Westway Trading.

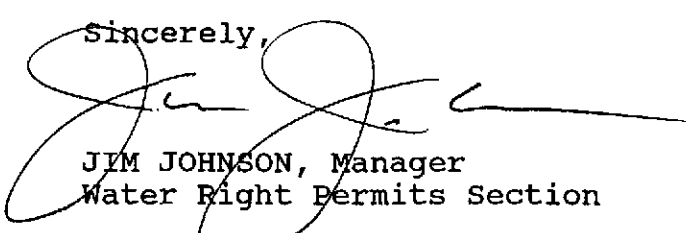
We have modified our computer records to reflect this change in ownership.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

If you have any questions, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED

JUN 08 1998

March 31, 1998

CARGILL INC
314 S 500 E
JEROME ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 36-08765

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

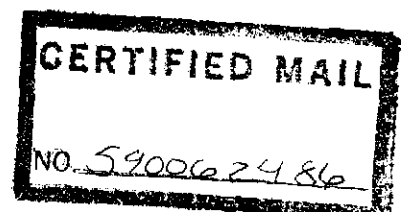
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 08 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 1997

CARGILL INC
314 S 500 E
JEROME ID 83338

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08765

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

RECEIVED
JUN 10 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

FILED
JUN 10 1967

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 36-08765

CARGILL INC
314 S 500 E
JEROME ID 83338


Kari Lynn Townsend
Secretary

100-100
JUN 10 1997

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

05/97

No.: 36-08765 Name: Cargill Inc. Date: 5/20/97 Ad OK? ✓ / Gvmt Lts: ✓

AREA OF CONCERN?

PROTESTED:

SYSTEM COMPLETED:

Yes/proof filed
1 year/no proof
+1 year

- No/Yes: ESRP Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

- NA
- P16
- 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.24 cfs
=/- 0.24 cfs
+ 5 a.

- 01M (may report) or 028 (shall report) or Remark (within reporting district)
- No MD
- 01M or 028; 065-079 (if GW use SW 1st-statewide)

DRILLING PERMIT:

Existing well 977
Included w/permit
No WD permit?
irr. in WD

- NA (pre 7/1/87; ✓ WDQ3)
- Permit No. _____, P99
- 046-46B-P23 (post 7/1/87)
- P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Source in/below Min. Str. Flow ?
Water District (dom)
+ 0.24 cfs
=/- 0.24 cfs
~~in WD~~ + 0.24 cfs
=/- 0.24 cfs
+ 5 a. irr.

- <SEE MAP & LISTING> (modify remark *WB9)
- R04 (req) WD # _____ <SEE MAP & LISTING>
- 01J (meas dev)-P08
- 01H (lock dev)-P01 or No MD
- 01M or No MD (in-stream stock or power)
- No MD
- 01M

RIVER BASINS (*Surface water):

Snake R (01)
(02/03-irr)
Boise River (63)
Payette River (65)

- 11A-P04, NA
- 007-P07 (w/ remark *WB9 if above Weiser), NA
- 05A (if WD), 11E (not 42-111 use), NA
- 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface)
Domestic (+1 in concern area)
Fish Propagation
Irr <POU> =/- 5 a
+ 5 a

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 070-071
- 07A-042 (req)-09E (WQ)-P10; 044 (North of 1000 Springs)
- 057 (0.03 cfs/acre)
- 03A (0.02 cfs/acre)
- 054 (req) & 09E-P10

Mining
Municipal (restricted areas)
Power

- 022 (+memo?)
- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; +25 cfs-P18
- 072 (req); 18A (multiple MD within district), 18B-P09 (+10' dam),

Storage (✓3 compo.)

LOCATION:

42-248 area
Boise Front LoGeo
In-stream dev.
Irr Dist/Canal Co.
Swan Falls Flag
Trust
Non-Trust <1>

- P84 (if in 20/30/40/50/60/70/80 (87) basin)
- 058 (-85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)
- _____ <SEE CODE CHART>
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU) Warren Schillington/Rease

OWNERSHIP: Non-owner

OTHER CONDITIONS:

STANDARD REMARKS:

- ① Domestic / manu. dry fertilizer ② W03

BENEFICIAL USE DUE:

- 6/1/1997

COMMENTS:

- Corp off

Cryell, Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY *J. Stanton* DATE 4-9, 1997
APPLICATION NO. 36-08765

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block description, subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt
- PROPOSED PRIORITY DATE
4-9, 1997

ADDITIONAL INFORMATION

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

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

RECEIVED

MAY 13 1997

Department of Water Resources

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

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest _____
N/A ☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☒ Yes ☐ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below.

See memo 5/9/97

See below for additional information

Date of priority recommended 4/7, 19 97
By AD Date 5/9, 19 97

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 ____

ADDITIONAL INFORMATION:

FROM: Allen Merritt *Am*
TO: Application No. 36-08765
In the Name of: Cargill Inc.

DATE: May 9, 1997

RECEIVED

MAY 13 1997

SUBJECT: Review and Recommendation

Department of Water Resources

This application proposes development of a 2500 gpd use associated with manufacturing of fertilizer at an existing plant. This use appears to qualify under the domestic part B definition of 42-111. The application was advertised without protest.

In reviewing the file it is found that the current fertilizer plant utilizes a water right recorded under 36-15126 with a priority of 8/1/1977 as decreed in the SRBA. It appears this application is for expansion of use at the plant which is not presently covered under 36-15126. Daily use will not exceed 5000 gpd at the expanded facility.

In analyzing this situation, close attention must be paid to paragraph 3 of 42-111.

(3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code.

One interpretation of the above paragraph would be that we cannot process or approve this application since it is being added to an existing domestic right and in combination they would result in a total use exceeding the domestic definition. I do not agree with this interpretation. I base my interpretation on the following items:

i) The recent SRBA D&S decrees recognize that multiple domestic rights can exist on the same property for the use of a dairy.

ii) The above paragraph's stated purpose is to prevent uses being established without going through the permitting process. This application is obviously going through the permitting process.

iii) There is no demonstrated intent that the plant presently

*10-10-97
10-10-97*

needs more than an increment of 2500 gpd.

RECOMMENDATION

I recommend that the administrators &/or lawyers review this application. I recommend that the application be approved subject to the following conditions:

- This right is limited to 2500 gpd.

- This right when combined with 36-15126 is limited to 0.04 cfs total diversion rate and a total daily limit of 5000 gpd.

RECEIVED
JUN 16 1967

05/08/97 10:11:51
Page 1

Old (D) Number -

+ Address +

State- MN Zip- 551640089

+ - - • Status - - - - +

+ - - - - - Tributary - - - - - +

N06 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
- GALLONS PER DAY.

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Jerome } ss.

APR 25 1997

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

16 day of April, 1997.

and the date of the last publication was on the 23 day of

April, 1997.

Patty Nance

Subscribed and sworn to before me this 23rd day of

April, 1997.

(SEAL)

Thomas De Voe

NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 28

Applicant fee \$1.25

365.06 Lines tabular at _____ 7¢/Pica

365.06 Lines straight at 21.90 6¢/Pica

365.06 Subsequent lines at 18.25 5¢/Pica

TOTAL COST 42.40

COPY OF NOTICE

(Paste Here)

Permit - Cargill
TITLE OF NOTICE 36-08765

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

CARGILL, INC.

314 S 500 E

JEROME ID 83338

Application for Permit No. 36-08765

Source: groundwater

Diversion Pt(s): Lot 4 (NW1/4NW1/4), S01, T09S, R17E; Jerome County.

Use: Domestic (0.04 cfs) 1/1-12/31

In: Lot 4(NW1/4NW1/4),

S01, T09S, R17E

Date Filed: 4/7/97

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 5, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the North Side News on 4/16 & 4/23/97.

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JOB 10 882

No 7173

16018

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Karl J. Dreher, Director

**Published in the North Side News on
4/16 & 4/23/97.**

RECORDED

JUL 10 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

April 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN North Side News
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

RECORDED
JUN 19 1997

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Karl J. Dreher, Director

Published in the North Side News on 4/16 & 4/23/97.

4/16/97

4/23/97



State of Idaho

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April 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CARGILL INC
314 S 500 E
JEROME ID 83338

Re: Application for Permit No. 36-08765

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the North Side News for 4/16 & 4/23/97. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

APR 16 1997

S. Region
3/96

Application No. 36-08765

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 035.03.b, i)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten (10) days of the second publication date, no additional delay should be incurred in processing.