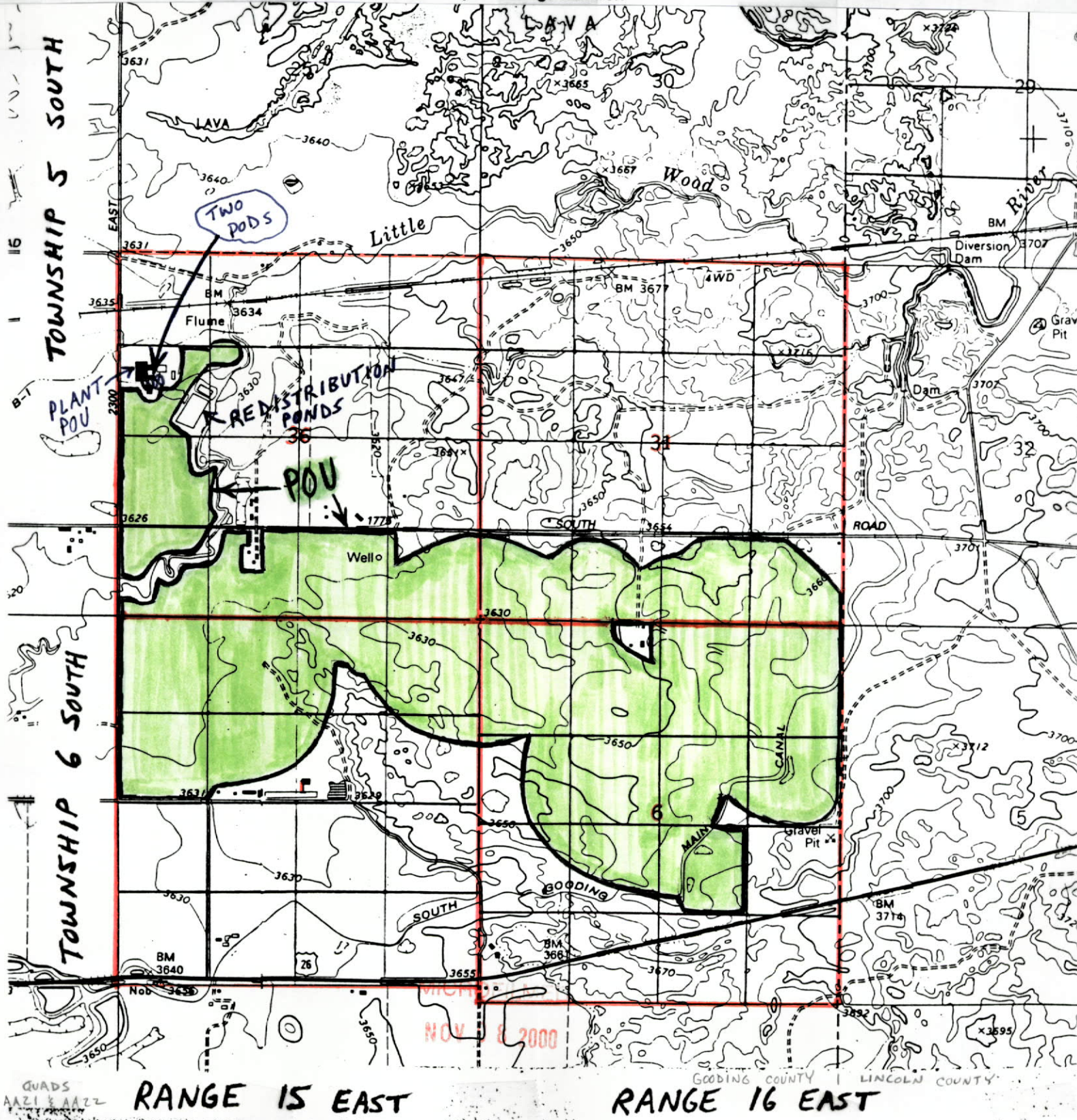


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

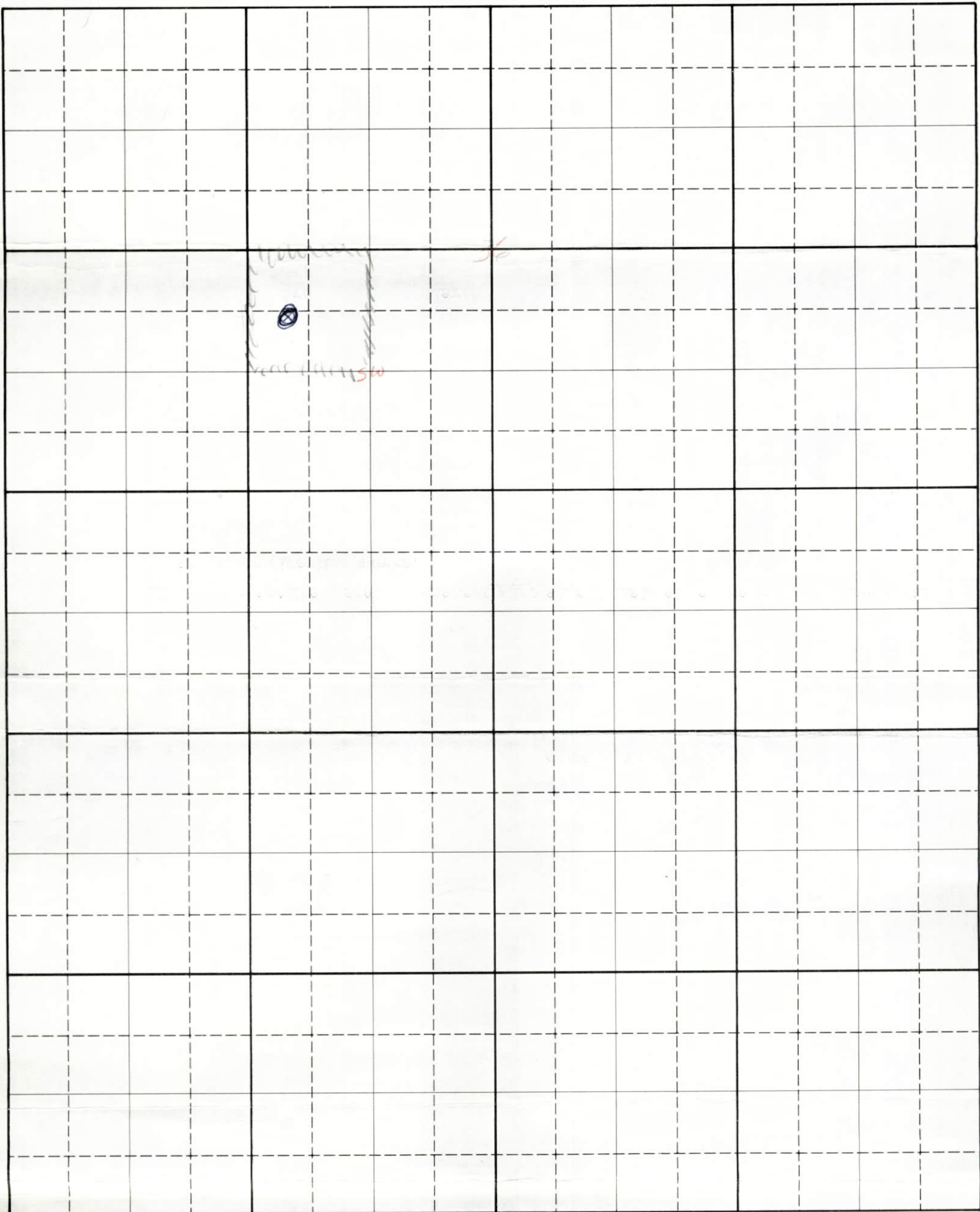
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



11. Map of proposed project:

Range 15

TS
5



Scale: 2 inches equal 1 mile

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

JAMES ALLAN & SONS DBA/

Magic Valley Packing Company

(Applicant)

Manager

E. A. Beach
John H. Allan - Vice Pres.
37 7051

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that James Allan and Sons /dba Magic Valley Packing Co., Box 89, Gooding, Idaho, have on August 27, 1969, applied for permit under application No. 37-7051 to divert 1.0 cubic feet per second of water from a groundwater source. Water will be diverted by well and pipeline within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36 T. 5 S, R. 15 E, B.M. Gooding County and is to be used from January 1 to December 31 for commercial purposes in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 5 S, R. 15 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from last date of this notice.

R. Keith Higginson
State Reclamation
Engineer

9-11-2tc



TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 6/22/00

Trans # 5625 WR No(s) 37-07051 ^(WR) SRBA has only A file
Resulting Splits N/A

Name: Granbia Foods Correct Fee Pd ☒ Ad ok ☒

AREA OF CONCERN: No/Yes

ESPA Moratorium
GWMA
TRUST/NON-TRUST

XFER TYPE: B - Change p/d
C - Add p/d
D - Change p/u
E - Change use

F - Change use period
G - Other
H - Change p/d & add p/d
I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT

All wells - 046

Basin 34 - 085

WMD - North/East/West

~~≤ 0.24 cfs/5 acres~~ - No MD

> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104

Supp irr (+ other uses) - 100-105

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M

SURFACE WATER:

WD - R04 (WD# _____)

≤ 0.20 cfs/others - R02, 01P or No MD

> 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or 01Q

LOCATION:

Boise Front LoGeo - 058 (<85 GW)

Mitigation - 121

Trust - 051 (consumptive uses)

Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-R02-01P-18B-NA

IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

~~5 ac~~ - R62/R63/R64/R65 (0.02 cfs/ac)

STOCKWATER - R37 (BLM/USFS)

MINING - 054-081

FISH PROP - 029(70'S only)-007-042-081

HEAT/COOL - R07(injection well)

FIRE/PROT. - 077

Commercial

USES:

POWER - 17H-17K (+uses)-025--081

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)

27A (Payette R)

> 1 in restricted area - 070-071-075(no parks/common areas, etc)

Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop

T08 - comply or rescind

T09 - on-going Snake River Basin Adjudication

T17 - measure all p/d's (used with WB4)

Protested - 020-W19

Multiple pd's per 1/4 - W32 (2)

Non-consumptive - 027

Water Quality - 081-R07

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60

Use definitions - W02 example - S/50 range

Single p/d intended - 076

Zoning ord. (dairys only) - 082

W51 - 2+ yrs to develop

W54 - forfeited ac/rate (used rarely)

W55 - (transfer shrinks total water to less ac)

W57 - no right-of-way

W58 - pending claim (statutory or AJ b/u claim)

W59 - measure p/d's (source changed to original trib)

WB4 - + p/ds, cfs & afa (used with T17)

WD5 - remaining right (only if specifically requested, i.e. protest)

WD6 - measure & report "

WD7 - irr ac removed "

Special T17 & R43 combined - multiple pds in WD

01Q - used instead of 01M when there is another meas. Condition (i.e. T17 & 01M)

IRRIGATION SEASON 3/15 - 11/15 (Per updated map)

IRRIGATION VOLUME/AC 4.0

OTHER CONDITIONS/REMARKS

Chester manufacturing & processing plant

WDB

COMMENTS

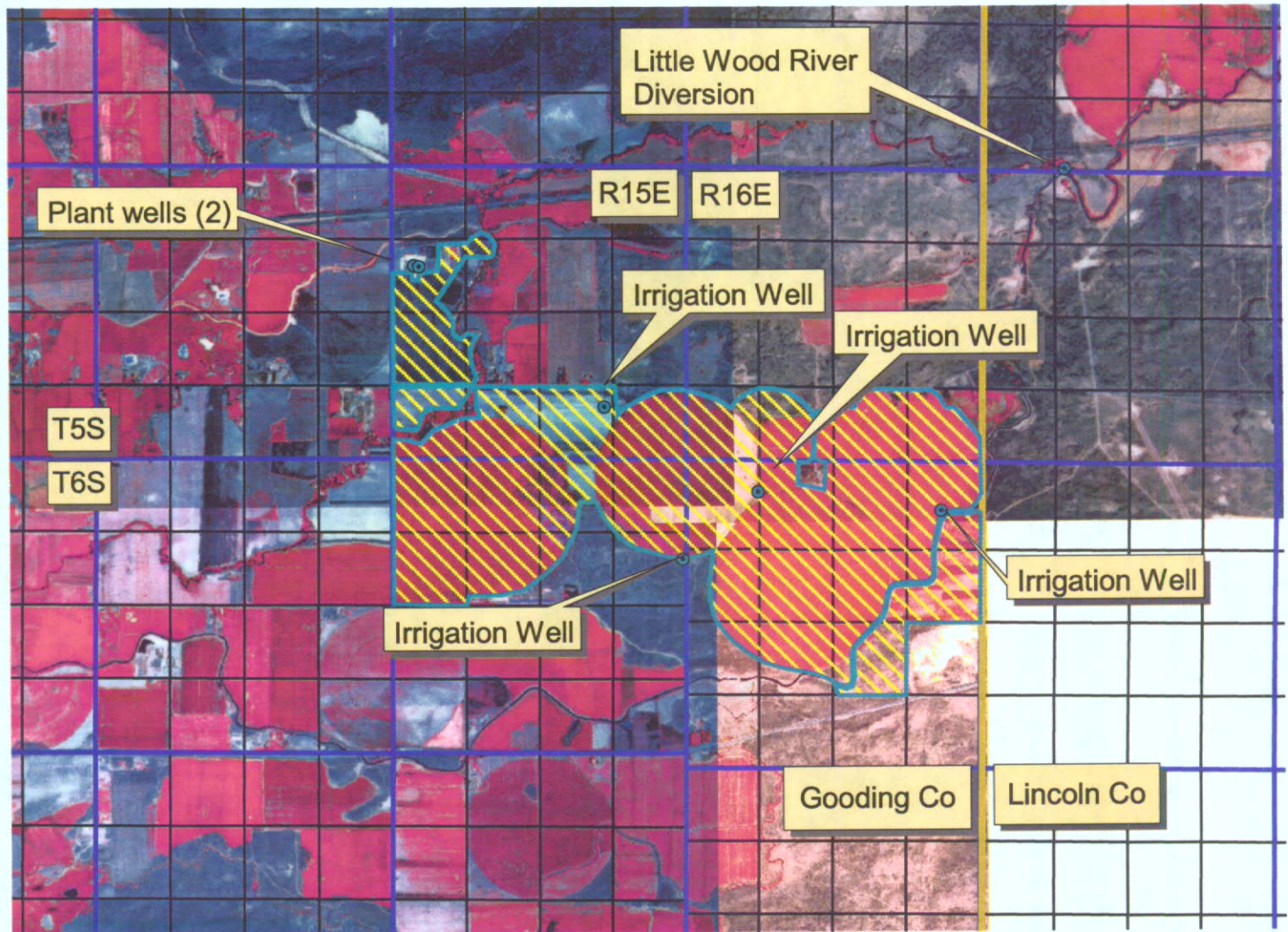
T files created/updated ☒ Approval form printed _____ Transfer Memo _____

Post approval update drop T

IDAHO DEPARTMENT OF WATER RESOURCES

AVONMORE WEST INC

T5622, T5623, T5625 & 37-07051



- B37-pod.shp
- B37-pou.shp
- Counties.shp
- T05e15e-sec.shp
- T05e15eqq.shp
- T05e16e-sec.shp
- T05e16eqq.shp
- T06e15e-sec.shp
- T06e15eqq.shp
- T06e16e-sec.shp
- T06e16eqq.shp

BY: ADM
Date: 3/22/2000



MICROFILMED

NOV 08 2000

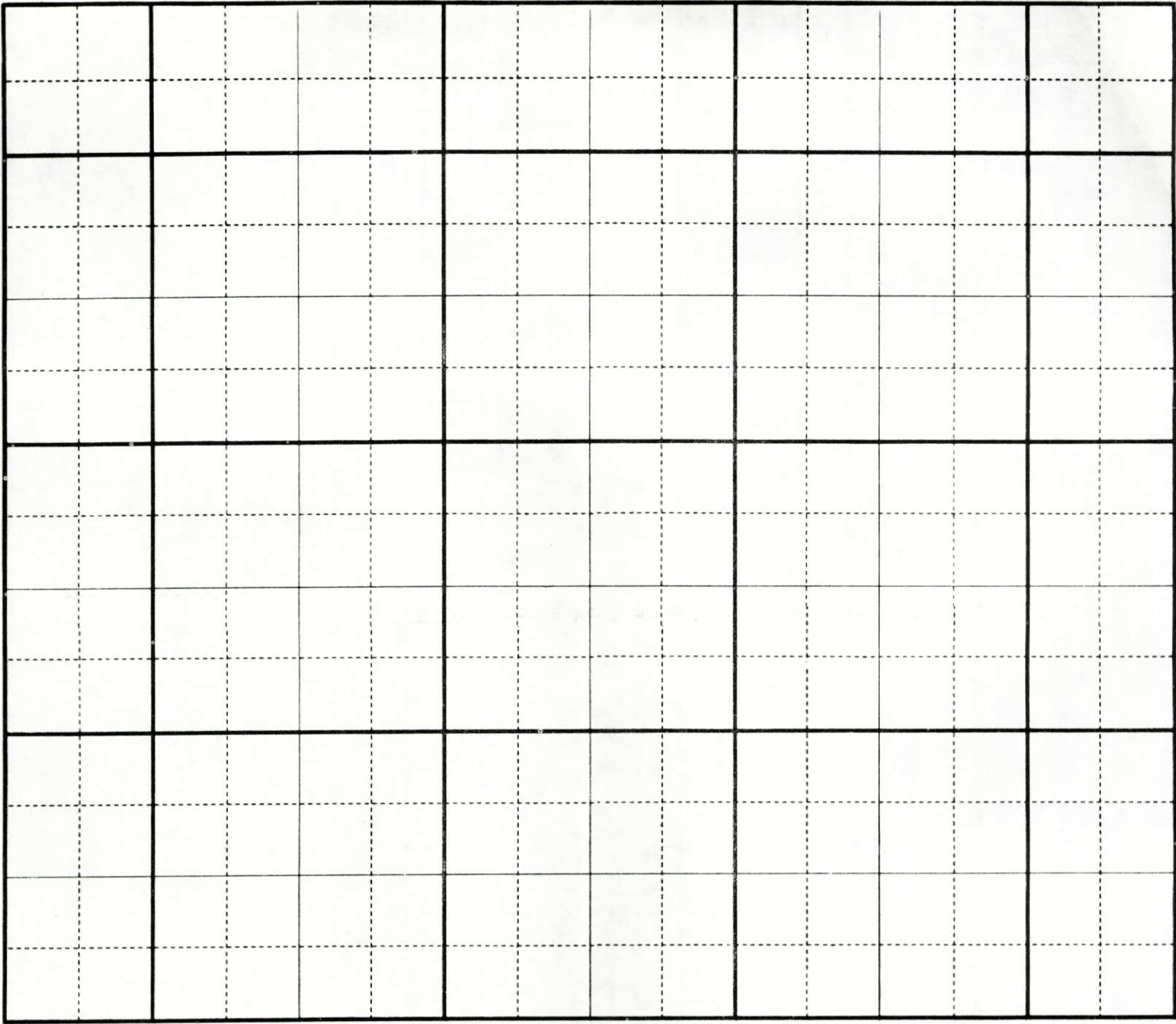
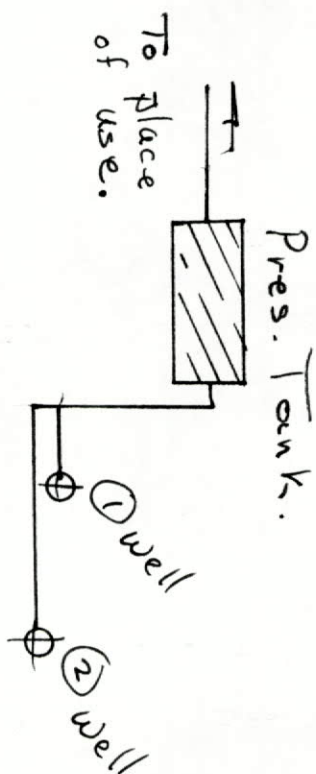


Diagram of System



500 gal/min.
Badger Meter.

①

u.s. steel

40 hp.

Layne and Bowler
Pump #50849

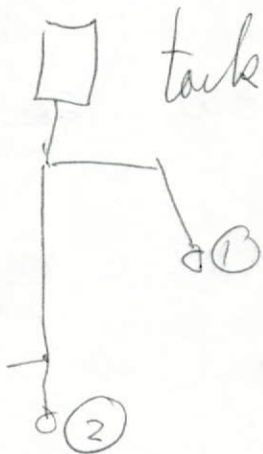
② Holowschoff

40 hp.

R-1780-01-0169

Layne & Bowler

59418L



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5625
WATER RIGHT NO. 37-07051

This is to certify that: GLANBIA FOODS INC
1728 S 2300 E
GOODING ID 83330

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>
COMMERCIAL	01/01 to 12/31	1.00 CFS *	618.0 AF *

SOURCE

GROUND WATER

Priority: 08/27/1969

LOCATION OF POINT(S) OF DIVERSION: NWSWNW , Sec. 36, Township 05S, Range 15E
GOODING County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

05S 15E 36	NENW	SWNW	SENW
	NESW	NWSW	SWSW
	SESW	SWSE	SESE
16E 31 Lot 4 (SWSW)	SESE	SESW	SWSE
06S 15E 1 Lot 1 (NENE)	SENE	Lot 2 (NWNE)	SWNE
	SENE	Lot 3 (NENW)	Lot 4 (NWNW)
	SWNW	SENE	
16E 6 Lot 1 (NENE)	SENE	Lot 2 (NWNE)	SWNE
	SENE	Lot 3 (NENW)	Lot 4 (NWNW)
	Lot 5 (SWNW)	SENE	NESW
	Lot 6 (NWSW)	NWSE	

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 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.

MICROFILMED

APR 11 1987

TRANSFER NO. 5625
WATER RIGHT NO. 37-07051

CONDITIONS OF APPROVAL AND REMARKS

3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5625 shall not exceed 1.00 cfs, nor total combined annual volume of 618.0 af.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the processing plant as authorized by this water rights.
10. Commercial use is for a cheese manufacturing and whey processing plant located in the SWNW, S36, T5S, R15E.
11. Two points of diversion are located within the NWSWNW, S36, T5S, R15E.

Dated this 29th day of

June

, 20 00



Chief, Water Allocation Bureau

MICROFILMED

NOV 08 2000

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

SEP 20 1999

Department of Water Resources
Southern Region

JUN 6 - 2000

PART 1

Name of applicant ADONMORE WEST INC Att: Rick Warren Phone 208-934-8195 EXT. 17
Post Office address 1728 SOUTH 2300 EAST GOODING, ID 83330

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 TO SHOW THE CORRECT POINT OF DIVERSION
AND PLACE OF USE (INCLUDING LAND APPLICATION OF PROCESS WASTE WATER
FROM CHEESE MANUFACTURING PLANT) FOR THIS RIGHT AND TO SHOW THAT
TWO WELLS IN THE SWNW 1/4 OF SECTION 36 SERVE AS DIVERSION POINTS FOR
COMMERCIAL USE.

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>37-07051</u>	<u>08/27/1969</u>	<u>1.00 cfs</u> <u>618.0 AC-FT</u>	<u>COMMERCIAL</u>	<u>01/01</u> to <u>12/31</u> to _____ to _____ to _____

2. Total amount of water being transferred 1.00 cubic feet per second and/or 618.0 acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>NW</u>	<u>SW</u>	<u>NW</u>	<u>36</u>	<u>05S</u>	<u>15E</u>	<u>GOODING</u>	<u>TWO WELLS</u>

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	
<u>05S</u>	<u>15E</u>	<u>36</u>					<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>	
<u>05S</u>	<u>16E</u>	<u>31</u>											<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>	
<u>06S</u>	<u>15E</u>	<u>01</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>									
			<u>LOT 1</u>	<u>LOT 2</u>			<u>LOT 3</u>	<u>LOT 4</u>											
<u>06S</u>	<u>16E</u>	<u>06</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					<u>C</u>			
			<u>LOT 1</u>	<u>LOT 2</u>			<u>LOT 3</u>	<u>LOT 4</u>	<u>LOT 5</u>			<u>LOT 6</u>							

MICROFILMED

NOV 0 8 2000

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system TWO WELLS, AND PUMPS WITH SINGLE LINE TO PLANT, WITH WASTE WATER FROM PLANT ROUTED TO REDISTRIBUTION PONDS. WASTE WATER THEN LAND APPLIED THROUGH EXISTING IRRIGATION SYSTEM.
- 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.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Remarks: Water in milk is imported to the plant where it is extracted in the processing of whey products. This ~~is~~ cow water is then treated by Land Application on the areas identified by "C" on the previous page.

- d. Remarks:
- ADDITIONAL WATER IS BEING APPLIED FOR OUT OF THIS SAME SYSTEM UNDER A COMPANION APPLICATION FOR PERMIT. ADDITIONAL IRRIGATION RIGHTS AND CANAL WATER OVERLAP ON LAND APPLICATION SITE (SEE COMPANION TRANSFER APPLICATIONS)

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
MAY 03 2000

PART 2

TRANS NO. 5625

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 37-07051

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	1.00 CFS	618.0 AF

SOURCE

GROUNDWATER

Priority: 08/27/1969

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 36, Township 05S, Range 15E
GOODING County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

05S 15E 36 NWSW

CONDITIONS/REMARKS:

MICROFILMED
NOV 08 2006

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.

Subscribed and sworn to before me this

day of

(Signature of Applicant)

(Notary Public)

My commission expires

Lauren L. Reed
President of Avonmore
LAUREN L. REED
NOTARY PUBLIC
STATE OF IDAHO
05/19/2001

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 0 attachments

Received by P. SKINNER Date 9/17/99

Protest filed by None

Prelim. check by P. SKINNER Fee \$100.00 \$022555

Receipted by P. SKINNER Date 9/17/99

Published in Gooding Co. Leader

Copies of protest forwarded by

Pub. dates 3/2 & 3/9/00

Hearing held by Date

Watermaster recommendation requested on N/A

Recommended for ☒ approval ☐ denial

rec'd.

by Adm

Copy of transfer sent to lien holder

MICRO

NOV 2 8 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7051 Priority August 27, 1969 Amount 1.0 cfs

THIS IS TO CERTIFY, that James Allan & Sons dba Magic Valley Packing Company
of Gooding, Idaho, has complied with the terms and conditions of Permit
No. 37-7051 issued pursuant to Application for Permit dated August 27, 1969,
and has submitted proof to the Department of Water Resources on February 14, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.0 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Commercial	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>1.0</u> cfs and	<u>618 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
618 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36,
Twp. 5 S, Rge. 15 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 S	15 E	36									X								

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

-Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
May, 19 75.

Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE
REQUIREMENT FOR PERMIT NO. 37-7051 in the name of
JAMES ALLAN & SONS dba MAGIC VALLEY PACKING CO.

ORDER

WHEREAS, on August 27, 1968, James Allan & Sons dba Magic Valley Packing Co. applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 1.0 cubic feet per second of groundwater within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 5S, Rge. 15E, B.M., Gooding County, to be used for commercial purposes; and,

WHEREAS, on March 3, 1970, the Department approved said application and issued Permit No. 37-7051 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before March 1, 1975, and that a measuring device of a type approved by the Department be permanently installed and maintained as a part of the diverting works; and,

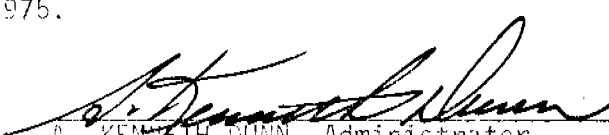
WHEREAS, on February 14, 1975, the Department received the required proof of beneficial use; and,

WHEREAS, on February 25, 1975, the Department made an examination of the project under said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 37-7051.

Dated this 12th day of May, 1975.


A. KENNETH DUNN, Administrator
Operations Division

DDR:JG

FILED

LICENSE ISSUED FOR 1.0 SEC. FT.
LICENSE PAGE NO. _____

Identification No. 37-7051
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant James Allan & Sons / dba Magic Valley Packing Company
post office address Box 89 Gooding, Idaho 83330

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

3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 5 S
Range 15 E B.M. _____ County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Pond at a point in NW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 36 Township 5 S Range 15 E B.M.

4. Quantity to be appropriated:

- a. 1.0 cubic feet per second and/or
b. _____ acre feet per annum will be stored.

5. Water will be used for the following purposes:

Commercial purpose from January 1 to December 31 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
6" Pipe Line to water system of plant

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is 12 inches; proposed depth of well is 280 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ _____.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 5 S
Range 15 E B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Operation of Meat Packing Plant

37 7051

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

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes_____

9. a. Who owns the property at the point of diversion _____

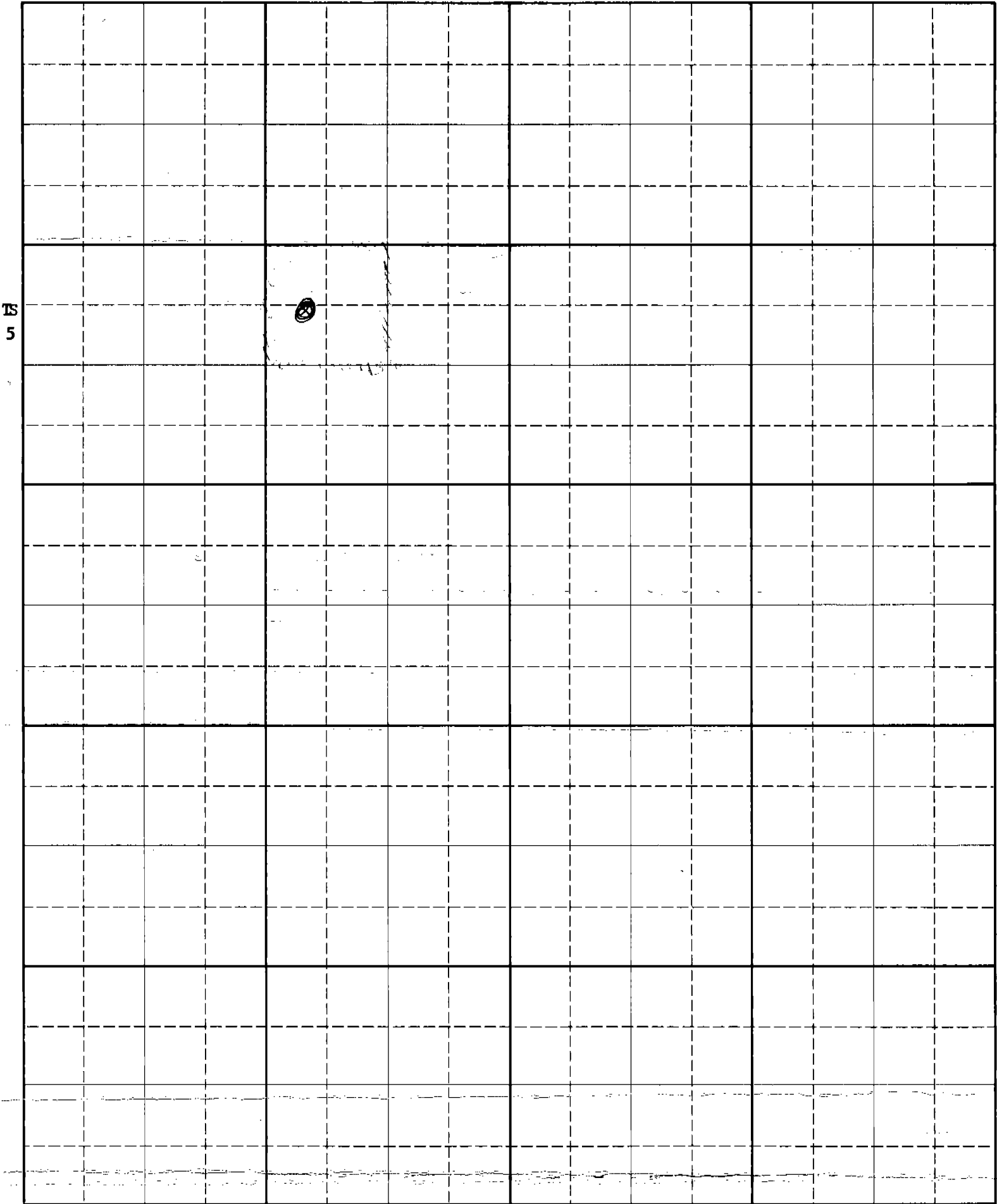
b. Who owns the land to be irrigated or place of use _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project:

Range 15



Scale: ~~2 inches equal~~ 1 mile

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

JAMES ALLAN & SONS DBA/
Magic Valley Packing Company
(Applicant)

E. A. Roach Manager
John H. Allan - Vice Pres.
37 7051

Received by af Date 8-27-69 Time 8:00 am
Preliminary check by af Fee \$ 20.00
Receipted by af Date 8-28-69
Publication prepared by af Date 9-3-69
Published in Gooding Co. Leader
Publication dates 9-11-18-69
Publication approved af Date 10-15-69
Priority reduced to _____ Reason _____

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by D. H. R. W. H.

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7051, and said application is hereby APPROVED.

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

a. ~~SUBJECT TO ALL PRIOR WATER RIGHTS.~~

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 75.

c. Other: The applicant shall permanently install and maintain a totalizing flow meter as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 3rd day of March, 19 70.

R. Keith Higgin
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 14 1975

Department of Water Resources

POWER OF ATTORNEY

The undersigned holder(s) of Permit/Application No. 37-7051 of the Department of Water Resources of the State of Idaho hereby nominates Charles R. Dull, whose address is 4221 Mariposa Road, Stockton, CA 95206 as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to the above numbered permit or application. Such acts shall include, but not be limited to, the filing of application, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said permits, and the submission of proofs of completion of works and beneficial use of water.

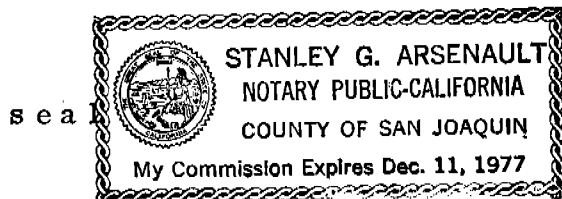
Dated this 12th day of February, 1975.

James Allan & Sons d/b/a Magie
Valley Packing Co

John H. Allan
John H. Allan, President

CALIFORNIA
STATE OF ~~IDAHO~~)
County of SAN JOAQUIN) ss.

On this 12 day of February, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Stanley G. Arsenault
Notary Public
Residing at Stockton, Ca.

My Commission expires:

MICROFILMED

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas D. Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 11 day of September, 1969, and the date of the last publication was on the 18 day of September, 1969.

Thomas D. Miller
Subscribed and sworn to before me this 9 day of October, 1969.
(SEAL)
Dudrey C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....
Number of Insertions
Lines at 14c
Lines at 10c
TOTAL COST

COPY OF NOTICE

Title of Notice

Application of Water

Title of Notice

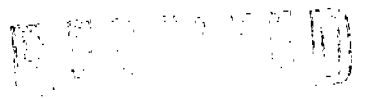
James Allan + Sons
Idaho Magic Valley
Plaintiff Attorney Park

Defendant

Plaintiff

Bill to

Dept. of Reclamation
State House - Annex 2
Boise, Idaho
83707



10-15-69

Department of Reclamation

37 7051

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

Bill submitted
10-15-69
de

Nº 595

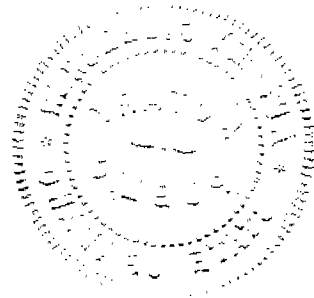
**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that James Allan and Sons, d/b/a Magic Valley Packing Co., Box 89, Gooding, Idaho, have on August 27, 1969, applied for permit under application No. 87-7051 to divert 1.0 cubic feet per second of water from a groundwater source. Water will be diverted by well and pipeline within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36 T. 5 S, R. 15 E, B.M. Gooding County and is to be used from January 1 to December 31 for commercial purposes in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 5 S, R. 15 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from last date of this notice.

By Keith Higginson
State Reclamation
Engineer

9-11-70





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 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GLANBIA FOODS INC
1728 S 2300 E
GOODING ID 83330

RE: Water Right 37-07051 (Transfer 5625)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5625). 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.

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 of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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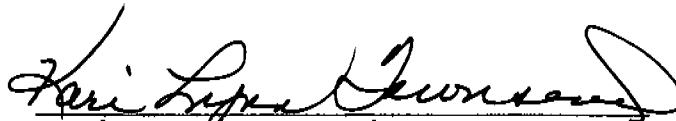
NOV 23 2000

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of June, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 37-07051 (Transfer 5625)

**GLANBIA FOODS
1728 S 2300 E
GOODING ID 83330**


**Kari Lynn Townsend
Secretary**

MICROFILMED
NOV 03 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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NOV 28 2002

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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NOV 9 8 2000

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 6/22/00

Trans # 5625 WR No(s) 37-07051 (WR) SRBA has only A file
Resulting Splits N/A

Name: Glanbia Foods Correct Fee Pd Ad ok

AREA OF CONCERN: No/Yes ESPA Moratorium XFER TYPE: B - Change p/d F - Change use period
GWMA C - Add p/d G - Other
TRUST/NON-TRUST D - Change p/u H - Change p/d & add p/d
E - Change use I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:
SINKING PERMIT:
P/Wells - 085
Basin 34 - 085
North/East
≤ 0.24 cfs/5 acres - No MD
≤ 0.24 cfs/5 acres - 01M
WMD
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
≤ 0.24 cfs/5 acres - 01M

SURFACE WATER:
WD - R04 (WD#)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q
LOCATION:
Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

STORAGE - 18A-R02-01P-18B-NA
≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
≤ 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081
FISH PROP - 029(70'S only)-007-042-081
HEAT/COOL - R07(injection well)
FIRE/PROT. - 077 Commercial

USES:
POWER - 17H-17K (+uses)-025--081
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

NOTES/REMARKS:
1 yr to develop
comply or rescind
on-going Snake River Basin Adjudication
measure all p/d's (used with WB4)
Protested - 020-W19
Multiple p/d's per 1/4 - W32
Non-consumptive - 027
Water Quality - 081-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Example - S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
W64 - + p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report
WD7 - irr ac removed
Special T17 & R43 combined - multiple pds in WD
Q used instead of 01M when there is another meas. Condition (i.e. T17 & 01M)

IRRIGATION SEASON 3/15 - 11/15 (Per updated map) IRRIGATION VOLUME/AC 4.0

OTHER CONDITIONS/REMARKS Cheese processing plant. 1008

COMMENTS

T files created/updated Approval form printed Transfer Memo
Post approval update drop T

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JUN 6 - 2000

Department of Water Resources

MEMO

FROM: Allen Merritt

AM

DATE: June 1, 2000

TO: Transfer File No.	5622	5623	5625
Water Right(s):	T37-07260	T37-00177N	T37-07051
	T37-07380A	T37-00374B	
	T37-07380C	T37-02043B	
	T37-07576		

Application for Permit 37-08903

In the Name of: Avonmore West Inc (now Glanbia Foods Inc)

SUBJECT: Review and Recommendation

These three transfers and 1 new application for permit deal with the water use at the cheese plant east of Gooding. The purpose of these applications is to document the use at the plant and the arrangement for land application of the waste at the plant. (See Skinner's 1/10/2000 memo for details)

Application 37-08903

The application for permit is for additional flow rate from the wells at the plant. Review of the field exam for 37-07051 finds that both wells existed in 1975 at the time of exam and it appears the wells were drilled in 1969. Both wells had 40 HP pumps and pumping level from log is estimated to be 133'. The wells discharged into a basin then used in a meat processing plant. Based on this information the capacity of these two wells is calculated to be 3.72 cfs. 1.00 cfs was licensed under 37-07051. The remainder of the capacity is intended to be covered under application for permit 37-08903. Although processing of the application was not based on pre -1987 use ; the system has been in place since at least 1975. The basis of processing this application was that it was non-consumptive or mitigated. This basis is documented in the 4/25/00 letter from Glanbia. The water once used in the plant with the addition of the "cow water" will be land applied with leaching back to the aquifer as well as reduced use of existing groundwater rights.

Transfers T5622, T5623 & T5625

See Skinner's memo for details.

I have prepared GIS maps included in file T5622 of the proposal.

Recommendation

I recommend that these transfers be approved subject to the following conditions:

All

-All rights including canal shares currently on property shall be maintained on property and

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JUN 9 8 2000

not sold off unless authorized by the department.

-Rights subject to lease agreements. Rights in the name of Arkoosh Produce and/or Greenhorn Farms should remain in their name until such time as they are sold. These same rights are subject to a mortgage of First Security Bank.

-Surface water including canal shares and waste water being land applied shall be utilized to the fullest extent prior to diversion directly from groundwater for use for irrigation.

-Subject to SRBA.

T5623

-Under control of watermaster of water district 37M.

-Measuring devices and controls works must be maintained at diversion works.

T5622

-Measuring devices be maintained on all wells and use annually reported to West ESPA Measurement District or North Snake Groundwater District.

-No new wells authorized to be drilled.

T5625 and Permit 37-08903

-Measuring devices be maintained on both wells and use annually reported through West ESPA Measurement District.

-No new wells authorized to be drilled.

-Land application of waste water be the primary source of irrigation needs at site in lieu of use of pumped groundwater under T5623. This is to mitigate use under permit 37-08903.

-On approval of T5625 permit 37-08716 be relinquished or held in abeyance until such time it is demonstrated it is necessary or not superfluous.

-Rights subject to other federal, state or county requirements as may be appropriate and specifically as may apply to land application of commercial waste or discharge of water into the Little Wood River.

-The director retains jurisdiction to determine injury to other water rights &/or require further mitigation.

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NOV 9 1988



Glanbia Foods, Inc.
1728 South 2300 East
Gooding, ID 83330

Telephone (208) 934-8195
Facsimile (208) 934-8294

April 5, 2000

State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
Attention: Cory Skinner

RECEIVED
APR 12 2000
Department of Water Resources
Southern Region

Subject: Company Name Change

Dear Mr. Skinner:

The name of our company has changed from Avonmore West Inc. to Glanbia Foods, Inc. as per previous correspondence. There were no other changes in the company. All corporate officers are the same.

We request that the name of the applicant on transfers 5622, 5623, and 5625 be changed to Glanbia Foods, Inc. as suggested in your January 18, 2000, letter.

Please find the attached copy of the legal document for this name change.

Thank you again for your assistance.

Sincerely,

Rickie Del Warren
Environmental Director

David L. Thomas
Glanbia Foods, Inc.

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NOV 08 2000

Glanbia Foods, Inc.
A subsidiary of Glanbia plc

ARTICLES OF AMENDMENT
OF ARTICLES OF INCORPORATION
OF AVONMORE WEST, INC.

FILED/EFFECTIVE

FEB 8 4 11 PM '00

The undersigned, being the President of Avonmore West, Inc., an Idaho corporation (the "Corporation"), does hereby certify that:

1. The name of the Corporation is: Avonmore West, Inc.
2. Pursuant to Title 30, Chapter 1, Idaho Code, the Corporation amends Article I of the Corporation's Amended and Restated Articles of Incorporation in its entirety to read:

"The name of the Corporation is Glanbia Foods, Inc."

3. The effective date of adoption of this amendment by the Corporation's shareholders and directors was JANUARY 24, 2000.
4. The number of shares of common stock outstanding and entitled to vote was 910,000. The number of shares of common stock that voted for the amendment was 910,000. This vote was cast by written action of the sole shareholder of the Corporation, and was sufficient for approval by the sole shareholder.

AVONMORE WEST, INC.

Date: JANUARY 21, 2000

By David L. Thomas
David L. Thomas, President

IDAH0 SECRETARY OF STATE

02/09/2000 09:00
C1: 88562 C1: 20163 M1: 288521

1 0 30.00 = 20.00 AMEND PROOF 13

C37505

1124936.1

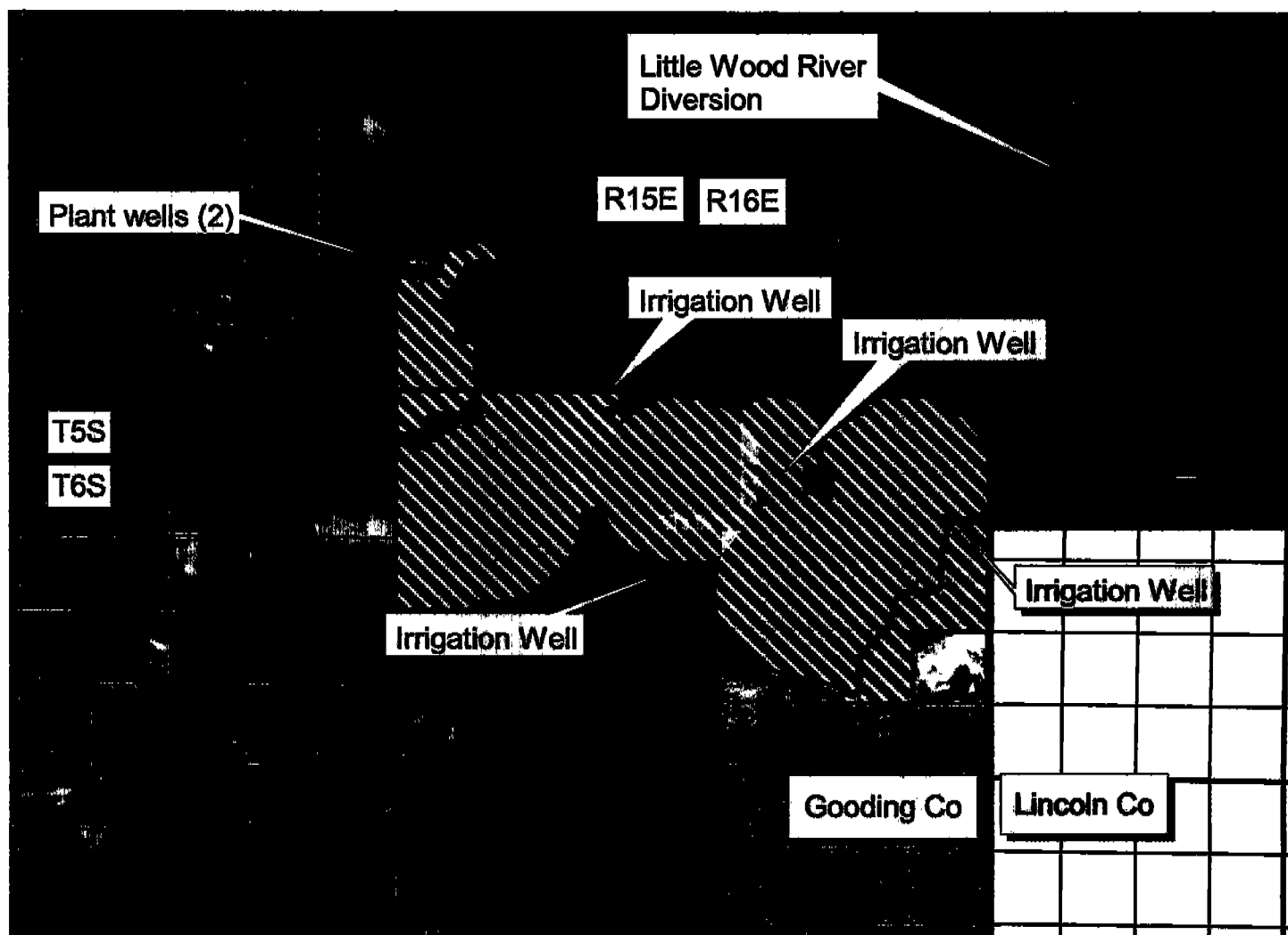
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NOV 08 2000

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APR 12 2000
Department of Water Resources
Southern Region

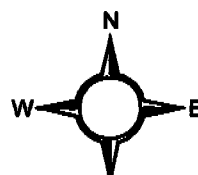
AVONMORE WEST INC

T5622, T5623, T5625 & 37-07051



BY: ADM
Date: 3/22/2000

● B37-pod.shp
■ B37-pou.shp
■ Countlss.shp
■ T05e15e-sec.shp
■ T05e15eqq.shp
■ T05e16e-sec.shp
■ T05e16eqq.shp
■ T06e15e-sec.shp
■ T06e15eqq.shp
■ T06e16e-sec.shp
■ T06e16eqq.shp



MICROFILMED

NOV 08 2000

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Womare West, Inc

TRANSFER NO.

5625

1. Right number(s)

37-07051

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☒ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other:

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: SRBA CLAIM SHOWS CORRECT POINT OF DIVERSION AND
PLACE OF USE. PERMIT 37-08716 INVOLVES WASTE WATER FROM
THIS RIGHT.

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

a. ☒

All of right

b. ☐

Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)

c. ☒

Description of point(s) of diversion

d. ☒

Description of place of use

e. ☒

Map showing P/D & P/U after transfer

f. ☒

Correct notarized signature and \$100 fee

g. ☒

Proof of ownership of right &/or land from which water is transferred

h. ☒

Expansion in use of right - Comments: NONE APPARENT.

TRANSFER PROPOSES TO DESCRIBE RIGHT AS CURRENTLY

USED INCLUDING LAND APPLICATION AREA.

IN TRANSFER
5623
FILE

- i. X Existing rights from same source, on land water is being transferred to; right number(s): CANAL WATER (BIG WOOD / AMERICAN FALLS), GROUNDWATER RIGHTS IN COMPANION TRANSFER# AND SURFACE WATER RIGHTS IN COMPANION TRANSFER# OVERLAP LAND APPLICATION AREA. COMPANION APPLICATION 37- ALSO OVERLAPS THIS ENTIRE RIGHT.
- j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) TRANSFER WILL MAKE POD MATCH SRBA CLAIM AND CORRECTLY DESCRIBE POU INCLUDING LAND APPLICATION AREA.

- k. X Comment letters _____ Yes X No
If yes _____ Water District #
_____ Lienholder, others, see #2
below for name and address

INITIAL ALLOCATION REVIEW BY A. SKINNER
SRBA SUPERVISOR REVIEW BY DF
PUBLICATION REVIEW BY _____

DATE 01/10/2000
DATE 6/1/2000
DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT _____ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 7/18/00

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ✓ Yes _____ No
4. Affidavit of publication received? ✓ Yes _____ No
5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes
6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ✓ Approve
2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

✓ Also see attached memo for recommendation dated: 6/1/00

4. By PO Date 6/1/00

AFFIDAVIT of PUBLICATION

State of Idaho
County of Gooding } ss.

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

Theresa DeVoe, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 supplement; that the date of the first publication of said advertisement was on the 2nd day of March, 192000 and that date of the last publication was on the 9th day of March, 192000

On this 9th day of March in the year of 2000, before me, a Notary Public, personally appeared Theresa DeVoe, 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 acknowledge to me that she executed the same.

Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome

SHELLEY STURGEON
Notary Public
State of Idaho

My commission expires: 12/31/00

7360/29768
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

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

198.01 Lines tabular at 14.85 7.5¢/Pica
890.99 Lines straight at 57.91 6.5¢/Pica
1089 Subsequent lines at 59.90 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 134.91

Gambler Foods #17-08403

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT/CHANGE OF RIGHTS
The following application have been filed by Avonmore West, Inc., aka Gambia Foods, Inc., 1728 S 2300 E, Gooding ID 83330 regarding the public waters of the State of Idaho:

Application for Permit No. 37-08903

Source: ground water (existing development)
Diversion Pt(s): Two wells within SWNW, S36, T05S, R15E; Gooding County.
Use: 01/01-12/31 Commercial (2.00 cfs)
In: Parts of S36, T05S, R15E; S31, T05S, R16E; S01, T06S, R15E; S06, T06S, R16E; Gooding County for product cooling and cleaning of plant & equipment within cheese manufacturing and whey processing plant.
Applicant seeks processing of application as non-consumptive.
Date Filed: 09/17/99

Transfer No. 5622 requests to record a 983.7 irrigated acre permissible place of use by diverting a combined total of 15.61 cfs from four (4) existing connected wells located within SWSE, S36, T05S, R15E; SENE, S01, T06S, R15E; and NENE & NWNW, S06, T06S, R16E; Gooding County using the following water rights within the same sections:

Right No.	Priority	Amt (cfs)
37-07260	08/08/1973	5.70
37-07360A	09/05/1974	3.03
37-07360C	09/05/1974	4.38
37-07576	03/29/1977	2.50

Transfer No. 5623 a companion to proposed Transfer No. 5622, has a point of diversion within SESW, S29, T05S, R16E located in Lincoln County. The applicant requests to record the diversion of a total of 1.58 cfs from the Little Wood river tributary to Malad River within SESW, S29, T05S, R16E; Lincoln County which is co-mingled with ground water, canal water, and processing plant waste water for use on the same 983.7 irrigated acres within Gooding County listed above using the following listed rights:

Right No.	Priority	Amt (cfs)
37-00177N	04/01/1883	0.14
37-00374B	05/15/1884	0.56
37-02043B	05/10/1906	0.88

Transfer No. 5625 requests to change points of diversion and place of use for Right No. 37-07051 (1.00 cfs) recorded with priority date of 08/27/1969 from ground water within NWSW, S36, T05S, R15E; for commercial use there; Gooding County. The applicant wishes to record two existing wells as diversion points within SWNW, S36, T05S for land application of processing plant waste water at same place of use as listed above in proposed application(s) must be filed with the Department 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 March 20, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application (s). (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

PUB: 3/2 - 3/9

/s/ Karl J. Dreher, Director
G29768

29768

MICROFILMED

NOV 03 2000

NOTICE OF APPLICATION FOR WATER PERMIT/CHANGE OF RIGHTS

The following application have been filed by Avonmore West, Inc., aka Glambia Foods, Inc., 1728 S 2300 E; Gooding ID 83330 regarding the public waters of the State of Idaho:

Application for Permit No. 37-08903

Source: ground water (existing development)

Diversion Pt(s): Two wells within SWNW, S36, T05S, R15E; Gooding County.

Use: 01/01-12/31 Commercial (2.00 cfs)

In: Parts of S36, T05S, R15E; S31, T05S, R16E; S01, T06S, R15E; S06, T06S, R16E; Gooding County for product cooling and cleaning of plant & equipment within cheese manufacturing and whey processing plant.

Applicant seeks processing of application as non-consumptive.

Date Filed: 09/17/99

Transfer No. 5622 requests to record a 983.7 irrigated acre permissible place of use by diverting a combined total of 15.61 cfs from four (4) existing connected wells located within SWSE, S36, T05S, R15E; SENE, S01, T06S, R15E; and NENE & NWNW, S06, T06S, R16E; Gooding County using the following water rights within the same sections:

<u>Right No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>
37-07260	08/08/1973	5.70
37-07380A	09/05/1974	3.03
37-07380C	09/05/1974	4.38
37-07576	03/29/1977	2.50

Transfer No. 5623, a companion to proposed Transfer No. 5622, has a point of diversion within SESW, S29, T05S, R16E located in Lincoln County. The applicant requests to record the diversion of a total of 1.58 cfs from the Little Wood River tributary to Malad River within SESW, S29, T05S, R16E; Lincoln County which is co-mingled with ground water, canal water, and processing plant waste water for use on the same 983.7 irrigated acres within Gooding County listed above using the following listed rights:

<u>Right No.</u>	<u>Priority</u>	<u>Amt (cfs)</u>
37-00177N	04/01/1883	0.14
37-00374B	05/15/1884	0.56
37-02043B	05/10/1906	0.88

Transfer No. 5625 requests to change points of diversion and place of use for Right No. 37-07051 (1.00 cfs) recorded with priority date of 08/27/1969 from ground water within NWSW, S36, T05S, R15E; for commercial use there; Gooding County. The applicant wishes to record two existing wells as diversion points within SWNW, S36, T05S for land application of processing plant waste water at same place of use as listed above in proposed transfers & application.

Any protest against the proposed application(s) must be filed with the Department 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 March 20, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 03/02 & 03/09/00.

MICROFILMED

NOV 08 2000

OK
/b-



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 23, 2000

MAGIC VALLEY PUBLISHING
ATTN: Gooding County Leader
PO BOX 468
JEROME ID 83338

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. 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

Administrative Assistant

Enclosure

MICROFILMED

NOV 08 2000



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 18, 2000

Rick Warren
Environmental Director
Avonmore West, Inc.
1728 South 2300 East
Gooding, ID 83330

Dear Mr. Warren:

Our office acknowledges receipt of the list of corporate officers for Avonmore West, Inc.. You mentioned that Avonmore West, Inc. will be changing their name to Glanbia Foods Inc, on January 24, 2000. As you recall, Avonmore West Inc. currently has four water right applications filed with our office. Application for Permit 37-08903 and Transfer Applications 5622, 5623, and 5625 have all been filed in the name of Avonmore West Inc.

I have enclosed a partially completed Assignment of Application for Permit form that upon completion, will enable our office to change the recorded owner of Application for Permit 37-08903. With regards to the transfer applications, I suggest that Avonmore West Inc. submit a letter requesting that the name of the applicant on transfers 5622, 5623, and 5625 be changed to Glanbia Foods, Inc. In addition, copies of legal documents indicating the name change from Avonmore West Inc. to Glanbia Foods, Inc. should be included.

If you have any questions, or if you need any further assistance feel free to contact this office at your convenience.

Sincerely,

Corey Skinner, P.E.
Water Resource Engineer

Enclosure

MICROFILMED

NOV 08 2000

T# 5625

MEMORANDUM

TO: Transfer #5622, #5623, #5625 and Application for Permit 37-08903 Files

FROM: Corey Skinner *CS*

DATE: January 10, 2000

SUBJECT: Staff Review

Transfer applications #5622, #5623, #5625 and Application for Permit 37-08903 are filed in the name of Avonmore West Inc. The applications describe the water use at the Avonmore facility located east of Gooding. Basically, there are two wells that are used to provide water for Avonmore's cheese processing plant. After water is diverted from these wells and used in the processing plant, waste water from the processing plant is routed to a redistribution pond and then land applied, along with irrigation water to surrounding lands. The irrigation water consists of groundwater, Little Wood River water, and canal company water. Avonmore is expanding their land application area to a total of 983.7 acres.

Transfer #5622 proposes to modify the groundwater irrigation rights that are appurtenant to the land application area. The transfer proposes tying all of the irrigation wells together and to create a 983.7 acre permissible place of use, consisting of the expanded land application area.

Transfer #5623 proposes to modify the Little Wood River water rights that are appurtenant to the land application area. The transfer propose tying all of the Little Wood River rights together in a 983.7 acre permissible place of use, consisting of the expanded land application area.

Transfer #5625 proposes to modify the existing water right, 37-07051, that provides water for the cheese processing plant. The transfer proposes to add a second, existing, well, and to correctly describe the points of diversion. In addition, the transfer proposes to identify the 983.7 acre land application area as part of the place of use of the water right (land application of waste water will be described as a commercial use).

Application for Permit 37-08903 proposes to create a new water right allowing for the diversion of an additional 2.00 cfs of water for commercial purposes associated with the cheese processing plant and the land application of waste water. The application states that the water use should be considered as non consumptive, so the application is being processed.

The applications should be fairly straight forward, but there are a few items that probably need some further discussion.

MICROFILMED
NOV 08 2000

T # 5625

The proposed land application area is owned by two separate entities. Part of the land application area is owned by Avonmore West and the other part(s) is owned by Arkoosh Produce. Apparently, Avonmore has a lease /purchase agreement on the Arkoosh Produce property. The applications are all filed in the name of Avonmore West, but there is a letter from Arkoosh Produce consenting to the applications in the Transfer #5623 file.

As previously mentioned, there are several different sources of water that are used to irrigate the proposed land application area. Transfer #5622 deals with the groundwater rights, Transfer #5623 deals with the water rights from the Little Wood River, and Transfer #5625 and Application for Permit 37-08903 deal with the waste water from the cheese processing plant. In addition, there is canal company (Big Wood Canal Company and American Falls Reservoir) water that is also used on the land application area. Examination of the Department's records also indicate that water right permit 37-08716, in the name of Avonmore West Inc., describes water quality improvement use on part of the land application area. Further examination of permit 37-08716 reveals that the permit is for the land application of waste water from licensed water right 37-07051. If Transfer #5625 is approved as proposed, then the land application of this waste water will be described in right 37-07051 and permit 37-08716 will no longer be needed. If Transfer #5625 is approved, then the Department may want to cancel permit 37-08716 since this water use will be entirely described on water right 37-07051.

Application for Permit 37-08903 is being processed since it states that the water use should be considered as non consumptive. However, there is no information that has been included with the application that supports this view. In reality, the water is diverted from the wells, used in the plant, stored in redistribution ponds, and then land applied through existing irrigation systems. There is more than likely some loss of this water through evaporation in the ponds, and while applying the waste water through the irrigation systems. In addition, the crops growing on the land application area will consume some of the water. Rick Warren, the Avonmore representative that submitted the applications, said that when the milk is being processed into cheese, quite a bit of water is being separated from the milk so there is actually more water that leaves the plant than what enters the plant from the wells. However, there is no documentation of this in the application file, so the Department should require the applicant to provide information regarding the non consumptive nature of, or possible mitigation for, the water use proposed by Application for Permit 37-08903.

MICROFILMED
NOV 08 2000

May 28, 1975

Re: Permit No. 37-7051

Mr. James Allan & Sons
dba Magic Valley Packing Co.
P. O. Box 89
Gooding, ID 83330

Dear Mr. Allan:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enclosure

ENCLOSURE

May 12, 1975

James Allan & Sons
dba Magic Valley Packing Co.
P.O. Box 89
Gooding, Idaho 83330

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 37-7051 and has found the following:

Quantity of water diverted: 1.0 cfs Source: ground water

Amount of water that can be recognized as beneficially used under Idaho law: 1.0 cfs

The maximum quantity diverted shall not exceed 618 acre feet per year.

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 5 S, Rge. 15 E, B.M.
Gooding County

Beneficial use: Commercial purposes for meat packing plant within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 5 S, Rge. 15 E, B.M.

Priority date established: August 27, 1969

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Enclosed you will find an Order which removes the measuring device requirement from this permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enclosure

bc: Southern District Office
Attn: Gary

RECEIVED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder James Allan & Sons, dba Magic Valley Packing Co.
Post office address P. O. Box 89, Gooding, ID 83330 Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 1.0 c.f.s. for commercial
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 1.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5S N/S, Range 15E E/W, B.M., Section 36, Subdivision NW 1/4 SW 1/4, Gooding
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions: _____

Description of diverting works: 10" RKIC 8 stage bowl assembly, 40 hp motor, 12" d. casing,
total depth 280'.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5S	15E	36										X							

TOTAL ACREAGE _____

Permit No. 37-7051
Examination for b/a

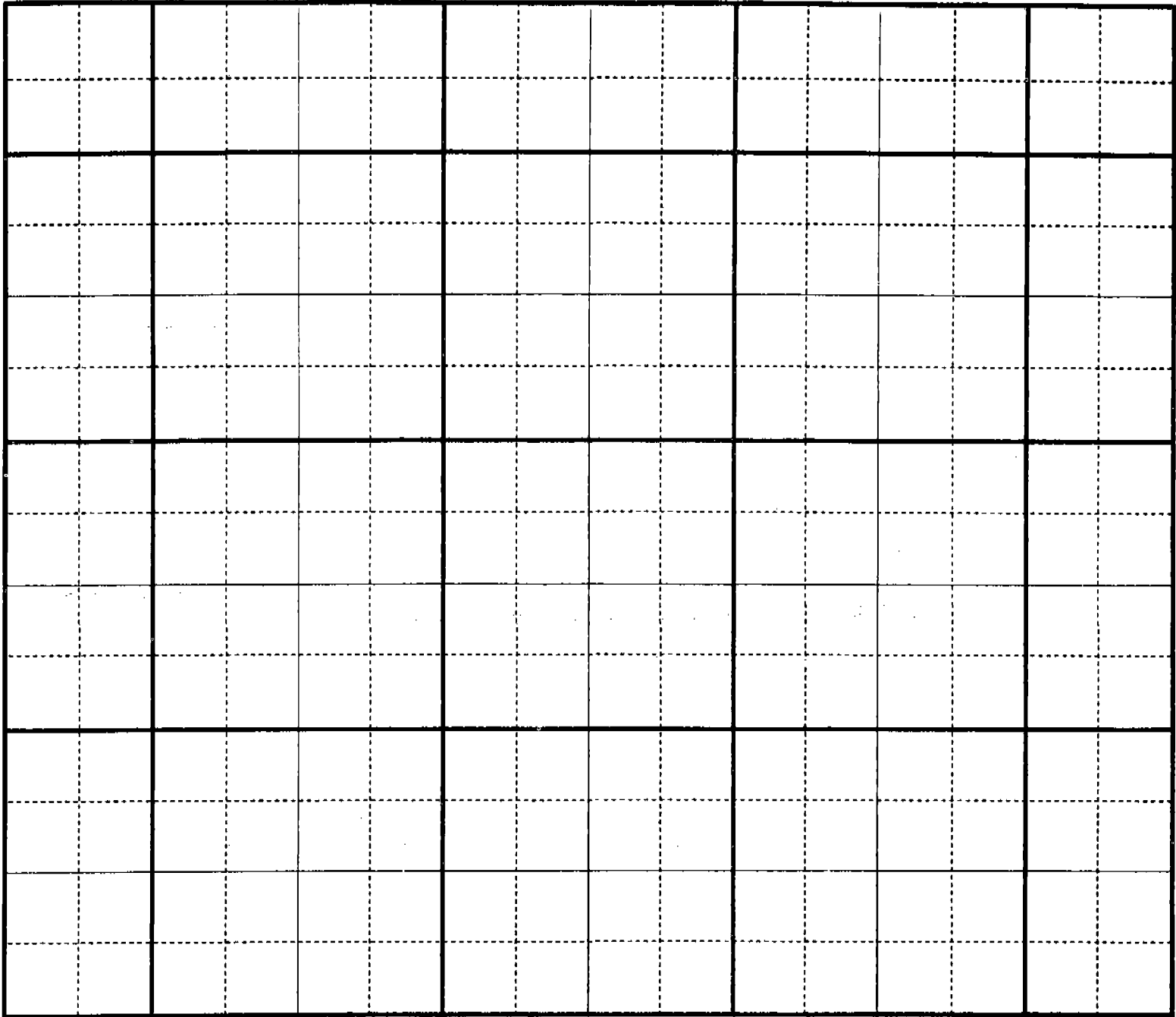
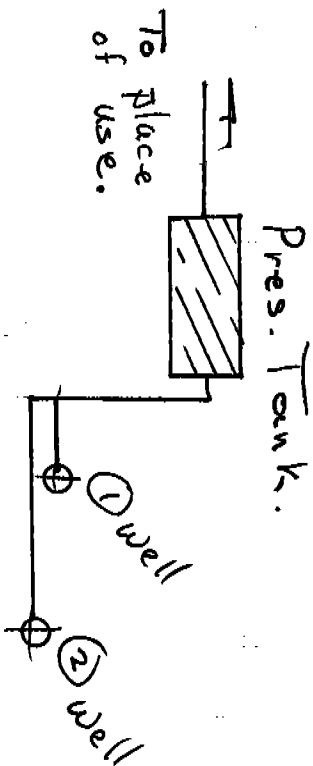


Diagram of System



DATE OF EXAM 2-25-75

ACREAGE
Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE
Irrigation Q = ✓ c.f.s. V = ✓ AF/Ann. from ✓ to ✓
Domestic Q = ✓ c.f.s. V = ✓ AF/Ann. from ✓ to ✓
Livestock Q = ✓ c.f.s. V = ✓ AF/Ann. from ✓ to ✓
Commercial Q = 1.0 c.f.s. V = 722.7 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes no

Name source: Ground water
twp. 5 S N/S, Rge 15 E B.M., Sec. 36, Sub. NW SW 1/4 Gooding
County

Exchange? yes no

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County

Total Q measured ✓ Method of measurement ✓

Total Q recommended 1.0 c.f.s. Meter No. ✓ Type ✓ Condition ✓

Total V recommended 722.7 Ac Ft/Ann.

Recommended Amendments:

P.D. ✓
Place of Use ✓
Other ✓
None ✓

MEASUREMENT CALCULATION:

Q = 1.0 c.f.s. Quantity claimed
V = 722.7 Ac Ft/Ann. (1.98 Ac Ft) (365 days) (1.0 c.f.s.)
1.98 x 365 days x 1.0 c.f.s. = 617.26 ac ft

SYSTEM DESCRIPTION:

- ① U.S. Steel Motor 40 hp # 50849
② Hollowshaft 40 Hp. R-1870-01-169

REMARKS:

Wells divert directly to Pressure Tank 2500 gal.
There was no room to install a meter between tank
and pumps. I waived Meas. device for that reason.
all (1) pump is used only for a stand by.

Examiner's Signature Dan Junderburg Date 2-25-75

Checked by Bob Harper Date 4-22-75

Approved by _____ Date _____

500 gal/min.

Radger meter.

①

u.s. steel

40 hp.

Layne and Bowler
Pump # 50849

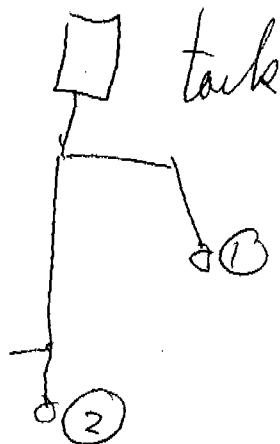
② Holowschoff

40 hp.

R-1780-01-169

Layne & Bowler

59418L



RECEIVED

MAR 25 1975

Department of Water Resources

TO

FROM:

MEMORANDUM

March 21, 1975

BOB FLEENOR

Gary Funderburg

I was informed today we were not allowed to give waivers on measuring devices being exempt. I wrote a letter informing the permit holder he didn't need to install a measuring device.

I guess you will have to accept my knowledge of his system and have an order drawn up to allow him to remove the measuring device. I am sure everything is O.K. I talked to Bob Haynes and he said the system as I described it was O.K., to exempt the measuring device before I wrote the letter. I also informed you of it over the phone, but I didn't realize he needed an Order to remove the device from the requirements. I guess this is part of learning the ropes.

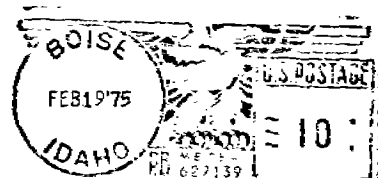
If you need any further information, holler.

*Permit # 37-7051 James Allan & Son
Magic Valley Packing Co.*

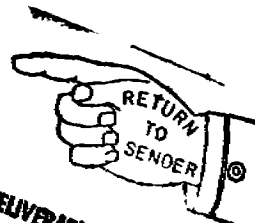
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83707

RECEIVED
FEB 27 1975
Department of Water Resources



Charles B. Dull
4221 Mariposa Rd.
Stockton, CA 95206



UNDELIVERABLE AS ADDRESSED

RETURN
TO WRITER
UNCLAIMED



*Re-sent to Box 8329
Stockton*

February 19, 1975

Re: Permit No. 37-7051

James Allan & Sons, dba Magic Valley Packing Co.
P. O. Box 89
Gooding, ID 83330

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. We also acknowledge receipt of the Power of Attorney to Mr. Charles B. Dull.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our Southern District Office in Twin Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

cc: Charles B. Dull

MICROFILMED

RECEIVED
Identification No. _____
Permit No. _____
FEB 6 1975

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder James Allan & Sons D.B.A. Magic Valley Packing Co.
b) Post Office Address P.O. Box 89, Gooding, Idaho 83330
2. Permit Number 37-7051
3. Date of Priority that you are prepared to establish 8-27-69
4. a) Source from which water was appropriated Well
b) Location of the point of diversion: NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 36
Township 5S, Range 13E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 1.0cfs for commercial purposes from January 1 to December 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 36,750,000 gallons ~~and/or acre-feet~~ per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Chief Engineer reads meter and logs readings.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Layne Deep Well Turbine Pump 10" RKLC 8 stage Bowl Assembly, 40 hp motor, 12" d. casing, total depth 280 feet.
b) Describe the type and size of measuring device which you have installed at your point of diversion: 4" Badger Water Meter Serial #MD1M-4"
- c) Give well driller's name and address and the date the well was completed:
Harry King Drilling, Rupert, Idaho 83350 Completed September 1, 1969
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Meat packing plant located in NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 36, T 5 S, R 13 E, B.M.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

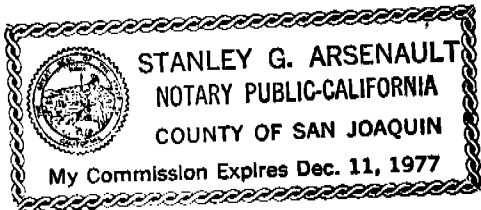
Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

February 4, 1975 (Date) Charles B. Gull (Signature)

State of California)
County of San Joaquin) ss.
On this 4th day of February, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Stanley G. Arsenault
Notary Public residing at _____

My commission expires _____



JAMES ALLAN & SONS

4221 EAST MARIPOSA ROAD
MEAT PACKERS

STOCKTON, CALIFORNIA 95208 (209) 948-5600
P. O. Box 8329, Stockton, California 95208

RECEIVED

FEB 14 1975

Department of Water Resources

February 12, 1975

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permit 37-7051

Gentlemen:

Returned herewith is the proof affidavit in connection
with the above referenced permit, together with executed
Power of Attorney for Charles B. Dull.

Sincerely,

Charles B. Dull
JAMES ALLAN AND SONS

CBD:fc

encl:

MICROFILMED

February 7, 1975

Re: Permit No. 37-7051

James Allan & Sons, dba Magic Valley Packing Co.
P. O. Box 89
Gooding, ID 83330

Dear Mr. Allan:

We are in receipt of the proof affidavit submitted in connection with the above referenced permit.

However, in order for this affidavit to be acceptable, it must be signed by you, the permit holder, or a Power of Attorney must be executed to Mr. Charles B. Dull. Enclosed is a Power of Attorney form for your use in this matter, along with the proof affidavit Mr. Dull submitted.

Either the proof affidavit signed by you, or the Power of Attorney to Mr. Dull along with the proof signed by him must be submitted by the date set for proof, March 1, 1975, in order for this permit to remain in good standing.

If you have any questions, please contact us.

Sincerely,

BOBBY D. FLEHNOR
Chief, Water Rights

BDF:JG
Enc: Power of Attorney form
Proof affidavit
Blank proof affidavit

MICROFILMED

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder James Allan & Sons D.B.A. Magic Valley Packing Co.
b) Post Office Address P.O. Box 89, Gooding, Idaho 83330
2. Permit Number 37-7051
3. Date of Priority that you are prepared to establish 8-27-69
4. a) Source from which water was appropriated Well
b) Location of the point of diversion: NW 1/4 of SW 1/4, Section 36
Township 5S, Range 13E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 1.0cfs for commercial purposes from January 1 to December 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 36,750,000 gallons ~~acre-feet per annum~~
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Chief Engineer reads meter and logs readings.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Layne Deep Well Turbine Pump 10" RKIC 8 stage Bowl Assembly, 40 hp motor, 12" d. casing, total depth 280 feet.
b) Describe the type and size of measuring device which you have installed at your point of diversion: 4" Badger Water Meter Serial #MD1M-4"
c) Give well driller's name and address and the date the well was completed: Harry King Drilling, Rupert, Idaho 83350 Completed September 1, 1969
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Meat packing plant located in NW 1/4 of SW 1/4, Sec. 36, T 5 S, R 13 E, B.M.

Copy

MICROFILMED

9. Irrigation uses: describe the lands irrigated by giving the acreage irrigated within each 40 acre subdivision: _____

[illegible]

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

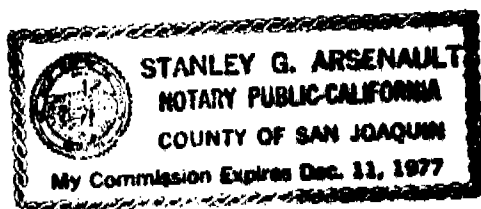
February 4, 1975
(Date)

Kenton B. Galt
(Signature)

State of California)

County of San Diego) ss.

On this 4th day of February, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Stanley L. Grosman
Notary Public residing at _____

My commission expires _____

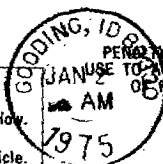
● SENDER: Complete items 1 and 2. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one). ☐ Show to whom and date delivered..... 15¢ ☐ Show to whom, date, & address of delivery: 35¢ ☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢ ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢								
2. ARTICLE ADDRESSED TO: <i>RETURN TO</i>								
3. ARTICLE DESCRIPTION: <table border="1"><tr><td>REGISTERED NO.</td><td>CERTIFIED NO.</td><td>INSURED NO.</td></tr><tr><td></td><td>26373</td><td></td></tr></table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		26373	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	26373							
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <i>Marty Balu</i>								
4. DATE OF DELIVERY 1-2-75		POSTMARK						
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS						

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.



**RETURN
TO**

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

December 31, 1974

CERTIFIED MAIL

#26373

Re: Permit No. 37-7051

James Allan & Sons dba Magic Valley Packing Co.
Box 89
Gooding, ID 83330

Dear Sirs:

One of the conditions of approval of your water Permit No. 37-7051 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED

March 6, 1970

Re: Permit No. 37-7051

James Allan & Sons
dba Magic Valley Packing Company
Box 89
Gooding, Idaho 83330

Gentlemen:

We enclose a copy of your approved application for permit 37-7051 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, ~~Assistant~~ Deputy
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
Receipt No. 3560 for \$20
2 informational letters

P.S. Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

37 7051



MAGIC VALLEY PACKING CO.

MEAT PACKERS

P. O. BOX 89

GOODING, IDAHO 83330

(208) 934-4488

DIVISION OF JAMES ALLAN & SONS SAN FRANCISCO, CALIFORNIA
P. O. BOX 7734, RINCON ANNEX 94119

February 17, 1970

RECEIVED

FEB 18 1970

Department of Reclamation

Re: Application for Permit No. 37-7051

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho

Dept. of Reclamation
Mr. McEldowney

In regards to your letter of 1/13/70. The well involved in our application is a standby for our present well. It is located approximately 50 feet south of our existing well. The reason for putting down this well is to have a stand-by source of water in case our present pump fails.

The same water system and disposal system will be used for our second well as was approved by Mr. Harlan G. Forme, Chief Water Pollution Control Section Engineering and Sanitation Division. The disposal system is composed of two Anerobic ponds which flow into one Aerobic lagoon. The out flow of this lagoon which is tested regularly by the Department of Health, Water Pollution and Sanitation Division, flows into the Little Wood River.

Any further information you may require we will be happy to provide for you at any time.

Respectfully,

E. A. Beach, Manager
Magic Valley Packing Co.

37 7051

February 13, 1970

Re: Application for Permit No. 37-7051

C
O
P
Y

James Allan & Sons
dba Magic Valley Packing Company
Box 89
Gooding, Idaho 83330

Gentlemen:

In final analysis of your application, we find, under item 3b of your application, that the waste water from your plant will be discharged into a pond at a point located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T. 5 S., R. 15 E., B.M. In as much as it would appear from this type of operation that there may be some contamination involved, please advise us as to the nature of the pond and if the pond is tributary to some other source of water in the area. Your assistance in this matter will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

37 7051

December 31, 1969

Re: Application for Permit No. 37-7051

C
O
P
Y

Mr. E. A. Beach, Mgr.
MAGIC VALLEY PACKING CO.
P.O. Box 89
Gooding, Idaho 83330

Dear Mr. Beach:

We are ready to take final action on the above referenced application for permit. However, we have been advised by the Idaho Attorney General's office that in order for the application to be valid, it must be signed by an elected official of the company.

We are, therefore, enclosing the application for the proper signature.

We appreciate your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Application

37 7051



MAGIC VALLEY PACKING CO.

MEAT PACKERS

P. O. BOX 89

GOODING, IDAHO 83330

(208) 934-4488

DIVISION OF JAMES ALLAN & SONS SAN FRANCISCO, CALIFORNIA
P. O. BOX 7734, RINCON ANNEX 94119

December 8, 1969

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Attn: Donald W. McEldowney
Appropriation Examiner

Re: Application Permit No. 37-7051

Gentlemen:

In reply to your letter of 12-3-69, as to our water requirements from our new well. We arrived at the figure of 1.0 C.F.S of water based on our experience from our main plant in San Francisco. This figure is arrived at by our engineering staff, this figure is also about standard for the cattle slaughtering industry.

In order to keep up with U.S.D.A standards a vast amount of water is needed. We have to wash our chutes and pens every day, plus almost continual washing down of the kill floor, this is not considering the amount of water it takes in washing the beef and by-products alone. We also, have to have water in large amounts to wash and cure our hides, run our three boilers, water livestock and just in general usage of plant personal washing and bathing.

We do expect to expand our facilities, so we have taken that into consideration also. We are long established in the slaughtering business, our main plant has been in San Francisco since 1894. We are new here in Idaho but we are looking forward to a bright future in your wonderful state.

Yours very truly,

E. A. Beach, Manager
Magic Valley Packing Co.

37 7051

December 3, 1969

Re: Application for Permit No. 37-7051

C
James Allan & Sons
Magic Valley Packing Company
Box 89
Gooding, Idaho 83330

O
Gentlemen:

Your application for appropriation of 1.0 c.f.s. of water for commercial use from January 1 to December 31 is ready for final action; however, we find that we will require some additional information.

P
You have requested 1.0 c.f.s. and have listed your diverting system as a 6-inch pipeline to the water system of the plant. We feel additional information is required in regards to the nature of use and the means by which you determined 1.0 c.f.s. was necessary for your appropriation.

Your immediate response to this letter will be appreciated.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Examiner

DWM:dr

37 7051

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 30, 1969

Re: Application for Permit No. 36-7080 - Herbert L. Maske
36-7081 - Richard L. Cook
36-7082 - Vay Cook
37-7051 - James Allan & Sons

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced. The legal notices were to be published in your paper on September 11 and 18, 1969.

As the above permit applications cannot be approved until we are in receipt of the affidavits, it is important that we receive them as soon as possible.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

37 7051

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

September 3, 1969

Re: Application for Permit No. 36-7080 - Herbert L. Maske
36-7081 - Richard L. Cook
36-7082 - Vay Cook
37-7051 - James Allan & Sons

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notices (4)

37 7051

-OVER-

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that James Allan and Sons /dba Magic Valley Packing Co., Box 89, Gooding, Idaho, have on August 27, 1969, applied for permit under application No. 37-7051 to divert 1.0 cubic feet per second of water from a groundwater source. Water will be diverted by well and pipeline within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36 T. 5 S, R. 15 E, B.M. Gooding County and is to be used from January 1 to December 31 for commercial purposes in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 5 S, R. 15 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from last date of this notice.

R. Keith Higginson
State Reclamation
Engineer

9-11-69

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that James Allan & Sons /dba Magic Valley Packing
Co., Box 89, Gooding, Idaho, have on 8/26/69 August 27, 1969,

applied for permit under application No. 37-7051

to divert 1.0 cubic feet per second a groundwater source
of water from

Water will be diverted by well and pipeline

within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 5 S, R. 15 E, B.M., Gooding County

and is to be used from January 1 to December 31 for commercial purposes

in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 5 S, R. 15 E, B.M.

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Gooding County Leader, Gooding, Idaho,

on September 11 and September 18, 1969

37 7051



MAGIC VALLEY PACKING CO.

MEAT PACKERS

P. O. BOX 89

GOODING, IDAHO 83330

(208) 934-4488

DIVISION OF JAMES ALLAN & SONS SAN FRANCISCO, CALIFORNIA

P. O. BOX 7734, RINCON ANNEX 94119

RECEIVED
AUG 29 1969

Department of Reclamation

August 27, 1969

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

In reference to my letter sent to you dated 8/25/69, due to an oversight on my part I did not explain fully the reason for our new well. Our present water supply comes entirely from one well and one pump. In the event of the failure of either the well or the pump our entire operation would be shut down until repairs could be completed.

At the present time we are killing 200 head of cattle and over per day, so you can readily see what a loss it would mean to us to have to shut down for any length of time. The primary purpose of our new well, is a standby source of water. I hope this letter clarifys to a greater extent our application.

Sincerely,

E. A. Beach, Manager

37 7051



MAGIC VALLEY PACKING CO.

MEAT PACKERS

P. O. BOX 89

GOODING, IDAHO 83330

(208) 934-4488

DIVISION OF JAMES ALLAN & SONS SAN FRANCISCO, CALIFORNIA

P. O. BOX 7734, RINCON ANNEX 94119

August 25, 1969

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

In answer to your letter of August 22nd., as to the capacity and needs of our water system. We are applying for water to cover our projected expansion of the present facilities of this plant. This expansion will take place in the near future. According to the computations of our engineering department we will need a flow of 330 g.p.m.

In the killing of cattle, water is of the utmost importance in order to be in compliance with the rules of sanitation as laid down by the United States Department of Agriculture.

Sincerely,

E. A. Beach, Manager

37 7051