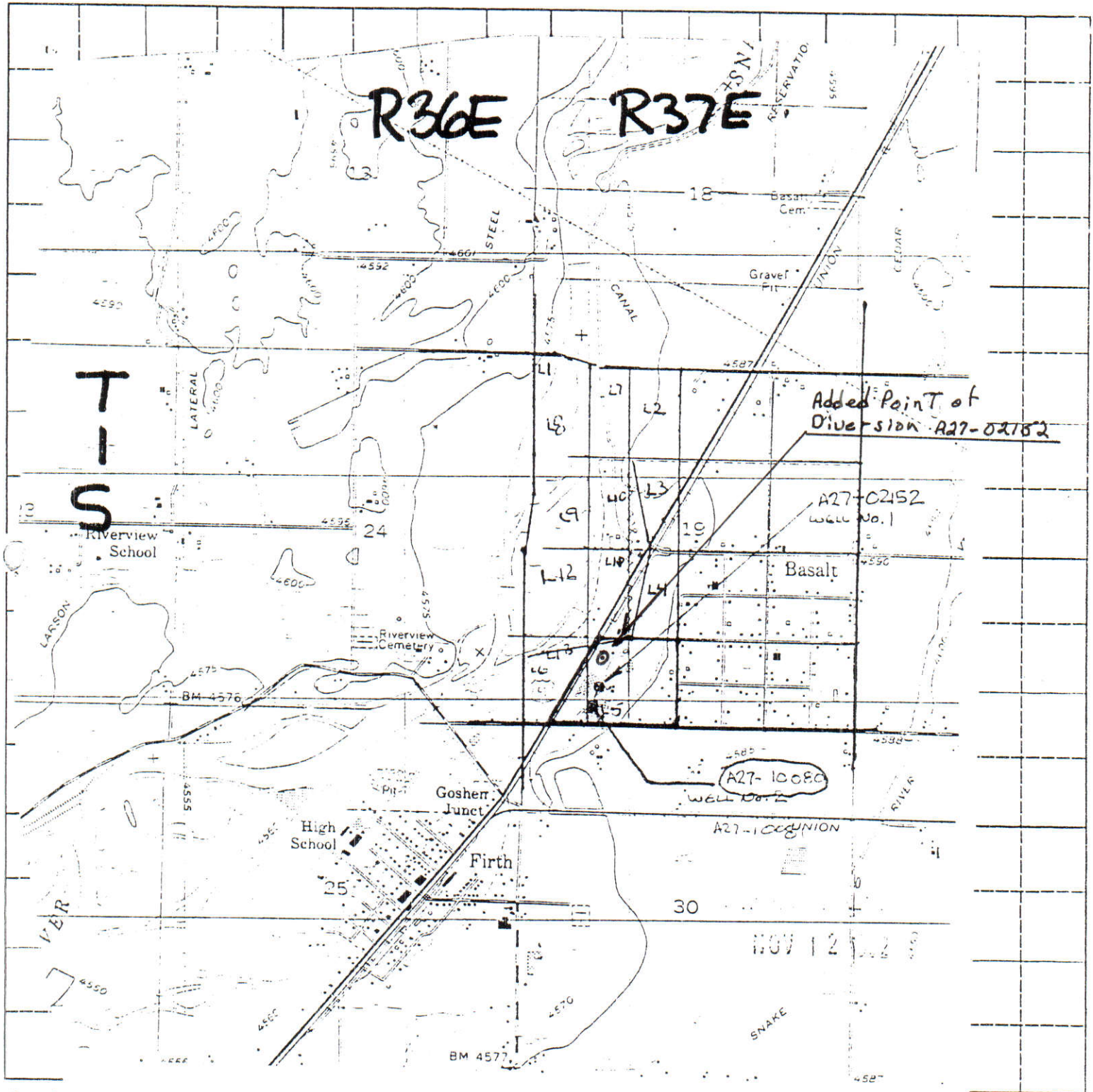


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Bill F. Wray
(Applicant)
Technical Services Mgr.

MICROFILMED
DEC 30 1998

RECEIVED

DEC 24 1970

Department of Water Administration

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly

publisher

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

Friday issue of said newspaper 2 consecutive

weeks, the first publication having been made on

the 5th day of November, 1970,

and the last publication having been made on the

12th day of November, 1970; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown
Subscribed and sworn to before me this 13th

day of November, 1970

Raye Dwyer
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho

My commission expires

June 1, 1969 November 10, 1972

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Idaho Supreme Potatoes, Inc., P.O. Box 246, Firth, Idaho, has received an approved Permit No. G-33242/27-2152 issued by the Idaho Department of Water Administration authorizing the diversion of 2.22 cubic feet per second of water from a ground water source. The priority to be established under this permit is October 3, 1966, and the permit was approved October 7, 1966.

Water is to be diverted by well, pump and motor from a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 1S, R. 37E, B.M., Bingham County, to be used for industrial purposes in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T. 1S, R. 37E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 7, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON,
Director, Idaho Dept.
of Water Administration

(2535)

Pub.: 11-5 and 12

24
OK
12 24 70

NAME OF APPLICANT Idaho Supreme Potatoes, Inc.

Form No. 0

PROCESSING PLANT
PROPERTY LINE
WELL
SE 1/4 OF SW 1/4 OF SECTION 19,
TWP 1 S, RANGE 37 E, BM.

N.

APPROVED
OCT 7 1966
33242
STATE RECLAMATION ENGINEER

DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5326

NOTICE IS HEREBY GIVEN that Idaho Supreme Potatoes, Inc., P.O. Box 246, Firth, Idaho, 83236, has applied to the Department of Water Resources to add a point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 27-02152
Source: Groundwater
Amount: 1.07 cfs
Priority: 10/03/1966
Point of Diversion: SESW, Sec. 19, T01S, R37E, Bingham County.
The water is used for industrial for waste treatment plant from 1/01 to 12/31 within SESW, Sec. 19, T01S, R19E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add a second point of diversion in the same 1/4 of 1/4 as the original well to better serve the plant needs. Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before November 2, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(3922)
Pub.: 10/15, 22

RECEIVED

OCT 26 1998

MICROFILMED

DEC 30 1998

Department of Water Resources
Eastern Region

Legals

AFFIDAVIT OF
PUBLICATION

County of Bingham)

SS

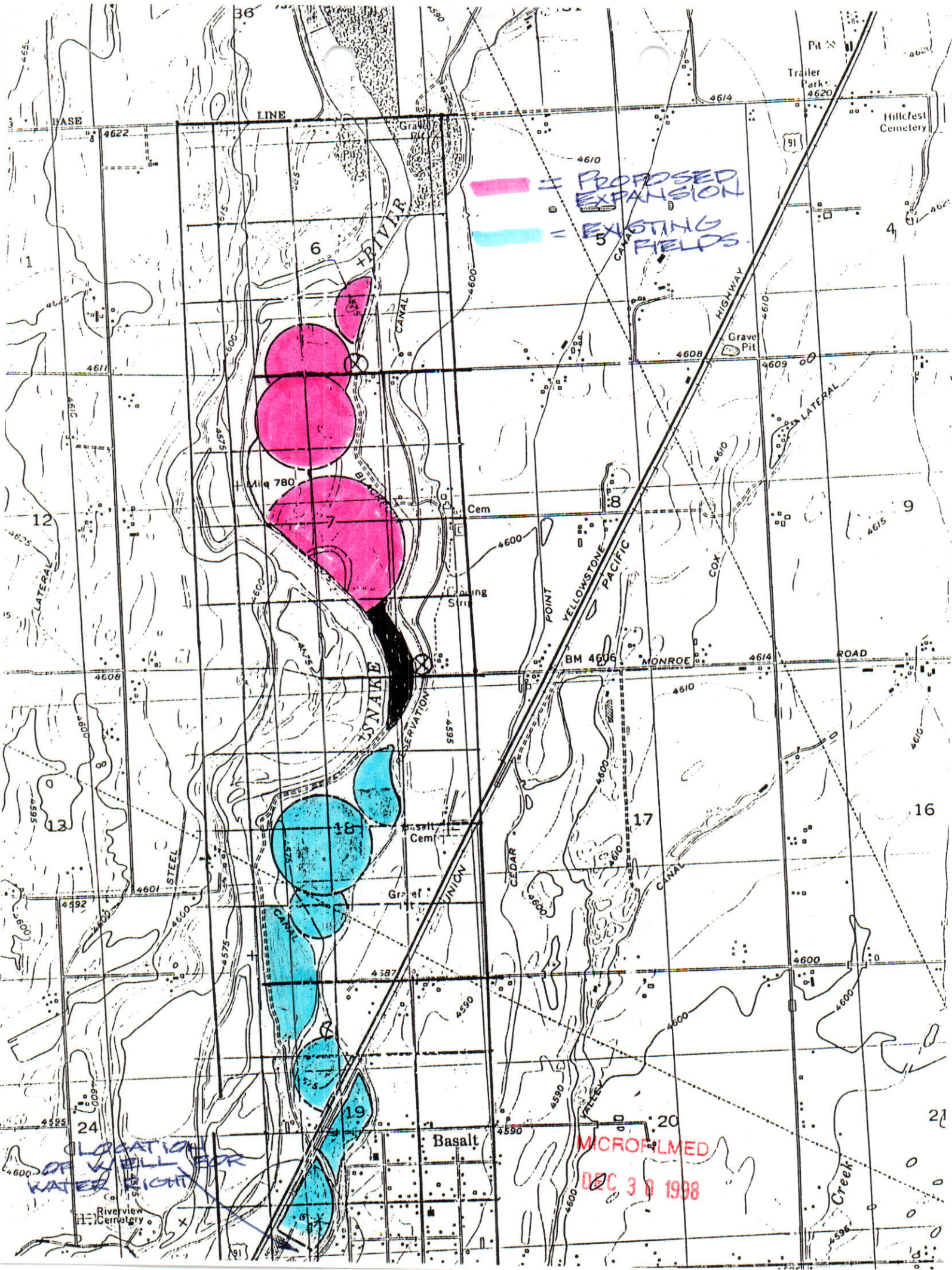
State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive Weeks the first publication having been made on the 15th day of Oct. 1998; and the last publication having been made on the 22nd day of Oct. 1998; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

On this 22nd day of Oct., in the year of 1998, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee.....\$5.00



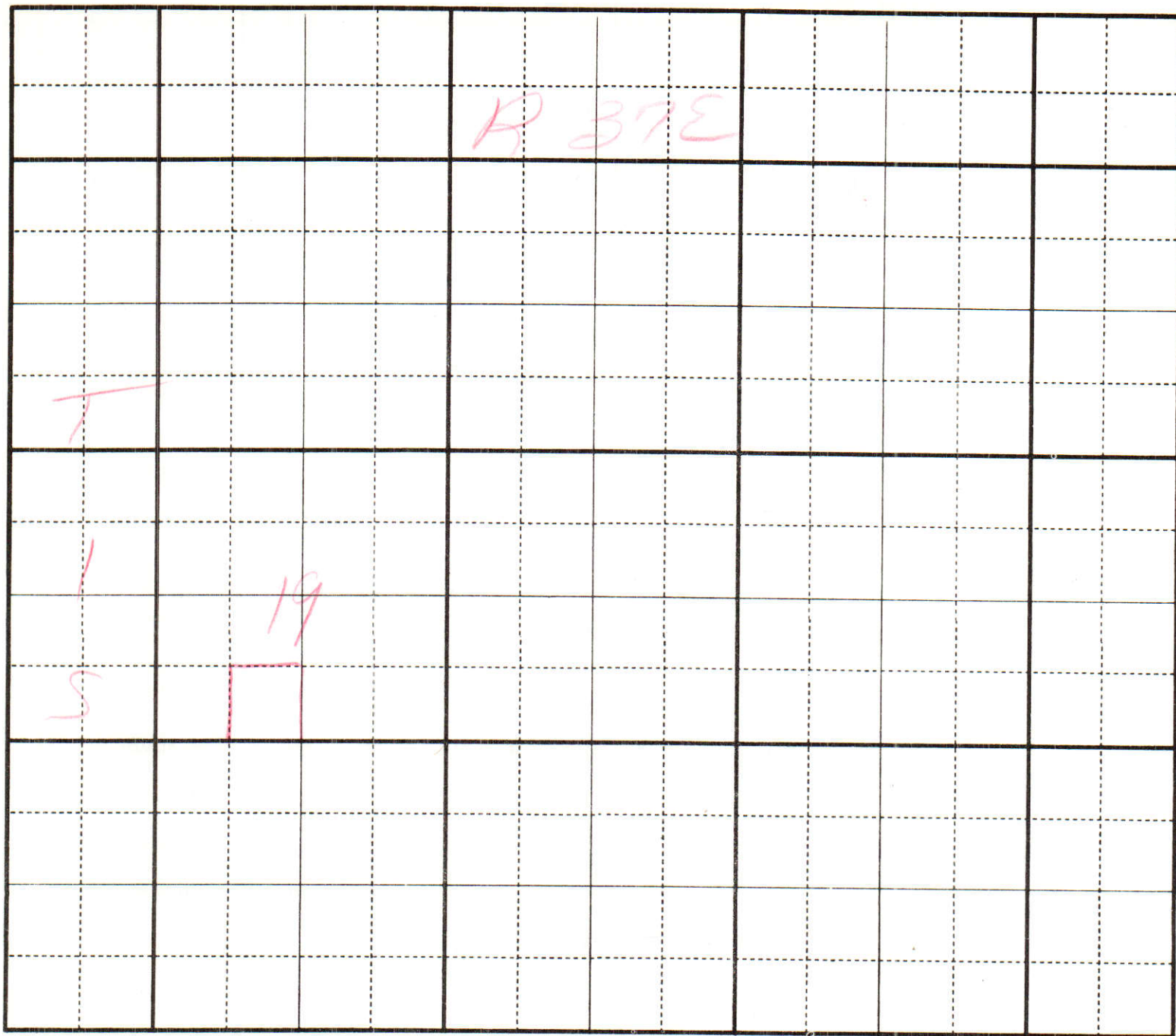


Diagram of System

See attached photo map

There is no intent of irrigation at this time.

218 acres. ^{benefits} waste water to the ground water system through percolation ^{spread upon} apply the waste water to land purchased for this purpose of returning the expands back to 10" mainline to solid set sprinkler system that down to a 6" pipe with a 6" Badger Flow Meter # 11212312 then All pumps main folds into a 10" steel mainline that reduces

East Pump 15 HP US Motor # K2023420 - B-5 Pump 701-S-0285 300 GPM @ 150'

Middle Pump 15 HP US Motor # 031621 - B-5 Pump 701-S-0340 300 GPM @ 150'

West Pump Main Pump used 50 HP EE Motor # F85 615471, L-B Pump # D16441

through the closed conduit to a water treatment plant and primary clarifier system and sump ~~with the~~ following relief pumps, located approximately 300' at Plant

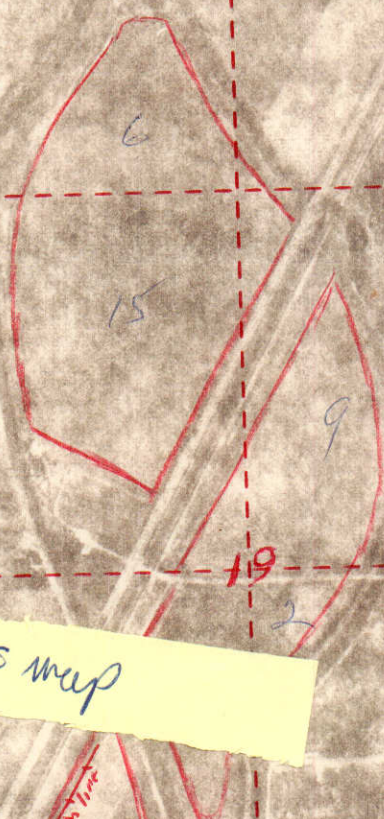
R 37 E

Sec. Cr. 1/4 mi →

NW 1/4 NW 1/4

NE 1/4 NE 1/4

T
1
S



taped to map

overhead pipe

SW 1/4 SW 1/4

Treatment Plant

Plant well

SE 1/4 SE 1/4

SEC Cr.
1/4 mi →

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5326
WATER RIGHT NO. 27-02152

This is to certify that: **IDAHO SUPREME POTATOES INC**
PO BOX 246
FIRTH ID 83236

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>
INDUSTRIAL	01/01 to 12/31	1.07 CFS	774.7 AF

SOURCE

GROUNDWATER

Priority: 10/03/1966

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 19, Township 01S, Range 37E
BINGHAM County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

01S 37E 19

SESW

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 accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. 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.

MICROFILMED

DEC 30 1998

TRANSFER NO. 5326
WATER RIGHT NO. 27-02152

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5326 shall not exceed 1.07 cfs, nor a total combined annual volume of 774.7 af.
8. Diversion volume is limited to that amount of water actually applied to beneficial use for the authorized industrial use.
9. Two points of diversion are located within SESW, S19, T01S, R37E.

Dated this 3rd day of December, 1998


Chief, Water Allocation Bureau

MICROFILMED

DEC 30 1998

Transfer No. 5326

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

PART 1

NOV 12 1998

Name of applicant Idaho Supreme Potatoes, Inc. Phone 208 376 2844 Department Water Resources
Post Office address P.O. Box 246, Firth, ID 83236

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ ~~Change location of point of diversion~~ ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The New well will be used in place of existing water lines. Water will be used in our waste treatment facility for operation and cleaning. The water will also be used for sanitary and personal use and for emergency & fire protection.

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>A27-02152</u> | <u>10/03/1996</u> ¹⁹⁶⁶ | <u>1.07/</u> | <u>Industrial</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | <u>1.07</u> 1.07 | | <u>774.7</u> to <u>57</u> |
| 2. Total amount of water being transferred | <u>0.08</u> | cubic feet per second and/or | | <u>57</u> acre-feet per annum. |
| 3. Source of water | <u>Ground water</u> | | tributary to | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
15	37E	19																	
																	</		

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Well & Pump
will be 8" casing $\approx$ 100' deep with 5 hp pump. Additional
capacity of pump is for emergency fire protection.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ 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:
NOT Affected

d. Remarks:

Partners { Pres. - Wilford Chapman
 - John Chapman
 - Wayne Allen
 Business Mgr - Wade Chapman

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
 DEC 30 1998

PART 2

TRANS NO. 5326

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 27-02152

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	1.07 CFS	774.7 AF

SOURCE

GROUNDWATER

Priority: 10/03/1966

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 19, Township 01S, Range 37E
BINGHAM CountyPLACE OF USE: INDUSTRIALTWN RGE SEC

01S 37E 19

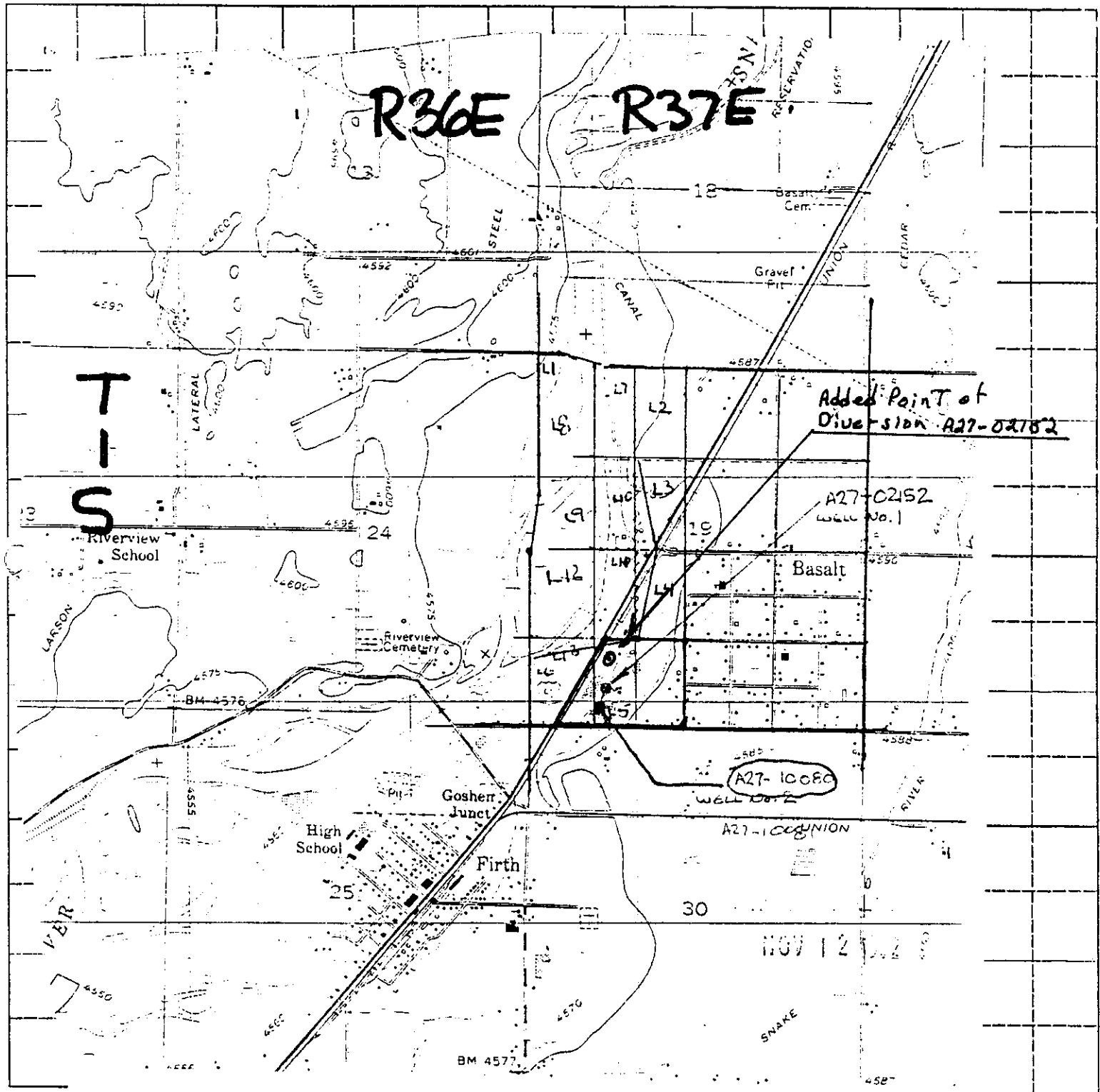
SESW

CONDITIONS/REMARKS:

1. VOLUME IS LIMITED TO THAT AMOUNT ACTUALLY PLACED TO A BENEFICIAL USE.

MICROFILMED
DEC 30 1998

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



Scale: 2 inches equal 1 mile.

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

Gilbert W. Wray
(Applicant)
Technical Services Mgr.

MICROFILMED
DEC 30 1998

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.

See ATTACHED map
(Page 9)

MICROFILMED

DEC 30 1998

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.

[Signature]
(Signature of Applicant) Tech Services Mgr
23 day of 9, 19 28

Subscribed and sworn to before me this

[Signature]
(Notary Public)

My commission expires

Nov 30, 1999

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by ALJ Date 9-25-1998

Protest filed by _____

Prelim. check by _____ Fee \$100^{XX}Receipted by ALJ #E024485 Date _____Published in Morning News

Copies of protest forwarded by _____

Pub. dates Oct 15 & 22, 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by BDC

Copy of transfer sent to lien holder _____

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33242/27-2152 Priority Oct. 3, 1966 Amount 1.07 cfs

THIS IS TO CERTIFY, that Idaho Supreme Potatoes, Inc.
of Firth, Idaho, has complied with the terms and conditions of Permit
No. 33242/27-2152 issued pursuant to Application for Permit dated October 3, 1966
and has submitted proof to the Department of Water Administration on October 6, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.07 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.07 cfs for Industrial from Jan. 1 to Dec. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.07 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE 1/4 Sec. 19, Twp. 1 S, Rge. 37 E, D.M.

in the county of Bingham; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 774.7 acre feet per year or _____

Description and location of place of use:

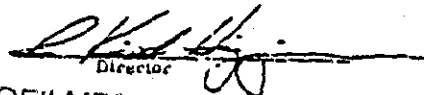
TWP	RANGE	SEC	N 1/4				N 1/2				S 1/2				S 1/4				TOTAL
			N 1/4	N 1/2	S 1/4	S 1/2	N 1/4	N 1/2	S 1/4	S 1/2	N 1/4	N 1/2	S 1/4	S 1/2	N 1/4	N 1/2	S 1/4	S 1/2	
1 S	37 E	19												X					

Total number of acres irrigated _____

Volume is limited to that amount actually placed to a beneficial 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 6th day of
June, 19 72


Director

MICROFILMED

DEC 30 1998

Attachment "A"

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
BLACKFOOT, ID 83221
PERMIT NO. 196

IMPORTANT NOTICE-PLEASE READ

RONALD SIMMONS
BINGHAM COUNTY ASSESSOR
P.O. BOX 310
BLACKFOOT, ID 83221

ADDRESS CORRECTION REQUESTED

TAX CODE 26-00

CATEGORY DESCRIPTION

MARKET VALUE

14 RURAL IND TR
36 BLDG IND TR

157,842
3,011,768

1998

TAXPAYER'S

VALUATION

3,169,610*

ASSESSMENT NOTICE

CORRECTED ASSESSMENT NOTICE

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 22, 1998

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER

RP 0514400

A

Mail To:

T15 R37E SEC 19
T-1318, 1319, 4381,
T-1334, 1315
PP9044602

IDAHO SUPREME POTATOES INC

PO BOX 246

FIRTH

ID 83236

MICROFILMED
DEC 30 1998

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 33242/27-2152 Priority Oct. 3, 1966 Amount 1.07 cfs

THIS IS TO CERTIFY, that Idaho Supreme Potatoes, Inc.
of Firth, Idaho, has complied with the terms and conditions of Permit
No. 33242/27-2152 issued pursuant to Application for Permit dated October 3, 1966,
and has submitted proof to the Department of Water Administration on October 6, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.07 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.07 cfs for industrial from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.07 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, Twp. 1 S, Rge. 37 E, B.M.

in the county of Bingham; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 774.7 acre feet per year ~~XX~~ _____

~~XXXXXX~~
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 $\frac{1}{4}$	
1 S	37 E	19												X					

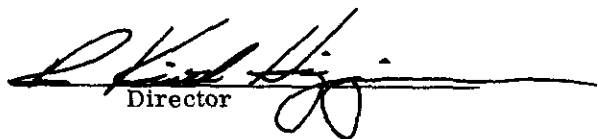
Total number of acres irrigated _____

Volume is limited to that amount actually placed to a beneficial 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 6TH day of

June, 19 72.


Director

33 2152

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-332 2/27-2152)

in the name of IDAHO SUPREME POTATOES, INC.)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

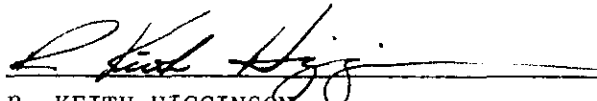
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-33242 was issued previous to that date:

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 8th day of October, 1970.


R. KEITH HIGGINSON
Director

27-2152
33242

✓ 27-33242
K.O.

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-41453
Permit No. G- 33242
District No.

Alva A. Harris - David S. Cook
Attorneys at Law
Box 838, Shelley, Idaho

1. Name of Applicant: Idaho Supreme Potatoes, Inc.
Postoffice address: Firth- County: Bingham State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 2.22 or Idaho
Miners' inches or gallons per minute 1000
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19
Twp. 1 S , Rge. 37 E , B.M., County of Bingham
5. Water is to be used for: potato processing - Industrial
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19 , Twp. 1 S
Rge. 37 E , B.M.
 - (b) Waste water or sewage effluent is to be returned to Snake River
at a point in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19 , Twp. 1 S , Rge. 37 E , B.M.
7. Kind of works: Deep well, turbine pump, electric motor
8. Estimated cost of works: \$ 8,200.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
years. 5
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: January 24, 1966, Firth, Bingham County, Idaho
(b) Amount of capital stock: \$ 1,000,000.00 (c) Amount paid in: \$ 472,200.00
(d) Names and addresses of directors: See copy in file
 - II. The financial resources of the applicant are (a) Cash onhand: \$ 10,000.00
(b) Treasury stock: none (c) Bonds to be issued: none
(d) Other resources: Over \$500,000.00
12. The land to be irrigated is described in the following tabulation: N/A
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: n/a
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

IDAHO SUPREME POTATOES, INC., *Applicant.*

By /s/ ALVIA A HARRIS

Agent.

Date of first receipt at Department of Reclamation: October 3, 1966 8:00 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-33242

Recorded in Book 116 Page 33242 Approved October 7, 1966

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

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

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

One-fifth of the work above specified to be completed on or before **April 7, 1969**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before October 7, 1971

Witness my hand this 7th day of October, 1966.

/s/ R. KEITH HIGGINSON
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th
day of October, 1966

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ LOUIS E. CLAPP
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
											INDUSTRIAL								
LICENSE ISSUED FOR <u>1.07</u> SEC. FT. LICENSE PAGE NO. _____																			

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly

publish

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 14 of the Session Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 2 consecutive

weeks, the first publication having been made on

the 5th day of November, 1970,

and the last publication having been made on the

12th day of November, 1970; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown

Subscribed and sworn to before me this 13th

day of November, 1970

Ray Dayton
Notary Public for the State of Idaho,

Residing at Blackfoot, Idaho

My commission expires

~~July 1, 1969~~ November 10, 1972

OK
12-24-70

Address all communications to:
Alva A. Harris - David S. Cook
Attorneys at Law
P.O. Box 838, Shelley, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41453
Permit No. G 33242
Water District No. _____

RECEIVED
OCT 3 1966
8:00 A.M.
Department of Reclamation

1. Name of applicant: IDAHO SUPREME POTATOES, INC.
Post office address Firth County Bingham State Idaho
2. Quantity of water claimed: 1,000 G.P.M. 2.22 c.f.s.
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19
Twp. 1 S., Rge. 37 E., B.M., County of Bingham
5. Water is to be used for: Potato processing - Industrial
6. If for domestic, municipal, industrial or recreational purposes give:
 - (a) Point of use of water is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19
Twp. 1 S., Rge. 37 E., B.M.
 - (b) Waste water or sewage effluent is to be returned to Snake River
at a point in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Twp. 1 S., Rge. 37 E., B.M.
7. Kind of Works: Deep Well turbine pump, electric motor
8. Estimated cost of works: \$ 8,200.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is
Five (5) years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: January 24, 1966, Firth, Bingham County, Idaho
 - (b) Amount of capital stock \$1,000,000.00 (c) Amount paid in: \$ 472,200.00
 - (d) Names and addresses of directors: Afton E. Crofts & G. Sterling Hone, Box 5, Firth, Idaho; Darrell L. Cook, Route 2, Shelley, Idaho; LaVar Grover, Route 1, Shelley, Idaho; Gerald E. Stolworthy, Route 1, Firth, Idaho; David Croft, Route 5, Idaho Falls, Idaho; James Lambert, Blackfoot, Idaho.

33242

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$10,000.00

(b) Treasury stock: None (c) Bonds to be issued: None

(d) Other resources: Over \$500,000.00

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

N.A.

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

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

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

(b) N.A. (cubic feet per second, inches or gallons per minute) is for new lands. 33042

Remarks:

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

IDAHO SUPREME POTATOES, INC.

Applicant

By Wm. G. Harris, Agent

Approval of State Reclamation Engineer

The number of this permit is G 33242
Recorded in Book 116 Page 33242 Approved OCT 7 1966

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

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before April 7, 1969

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before October 7, 1971

Witness my hand this 7th day of October, 19 66

R. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We ROBERT E. SMYLIE, Governor of the State of Idaho,
and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 7th day of October, 19 66.

Countersigned:

STATE OF IDAHO

By

Louis E. Clapp Secretary of State
Robert E. Smylie Governor.

No. G 33242

PERMIT

Date of first receipt at office of State
Reclamation Engineer

October 3, 1966 8:00 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.50

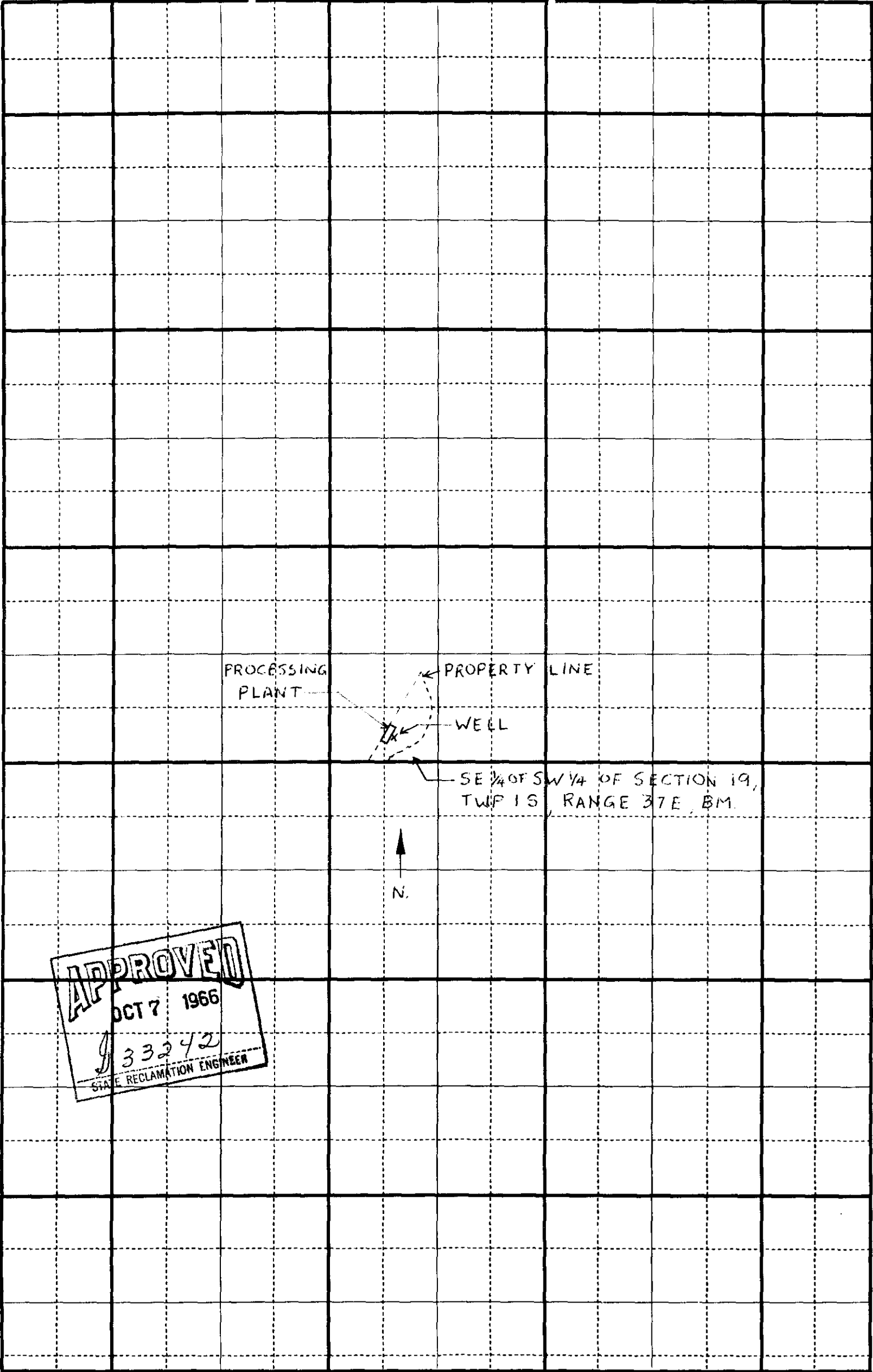
FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof25

33242



APPROVED
OCT 7 1966
33242
STATE RECLAMATION ENGINEER



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

January 12, 1999

Gilbert Dayley
Idaho Supreme Potatoes, Inc.
P.O. Box 246
Firth, ID 83236

RE: TRANSFER NO. 5326 OF WATER RIGHT NO. 27-02152

Dear Mr. Dayley:

I have reviewed your letter dated December 22, 1998 which the department received on January 11, 1999. I believe that I understand the concern expressed in your first letter dated December 17, 1998 and in your most current letter.

The maximum authorized rate of diversion for License No. 27-02152 can not exceed 1.07 cfs (480 gallons per minute). An increase in this rate of diversion is not discretionary on the part of the department. Neither enlargement claim no. A27-10080 which you filed in the Snake River Basin Adjudication (SRBA) nor approved transfer 5326 authorizes a rate of diversion in excess of 1.07 cfs. The rate is fixed under terms of Idaho water law.

In your letter you asked what happens to your water right during times when you are not diverting the water. The water which you don't divert either remains in the aquifer or is used by other water rights.

I recognize that you filed SRBA Claim No. A27-10080 to cover capacity in your well in excess of 1.07 cfs. Section 42-1426, Idaho Code, does provide for the filing of a claim for enlarged use provided the original rate of diversion (in this case, 1.07 cfs) is not increased. Hence, the Claim No. A27-10080 does not and will not authorize a rate of diversion in excess of 1.07 cfs of water when considered together with License No. 27-02152.

You inquired about the status of an application for permit which you filed with the department. Department records show that on November 14, 1994 you filed Application for Permit No. 27-07576 seeking authorization to divert 1.86 cfs of groundwater. The department advertised the application which was protested on December 23, 1994, by Twin Falls Canal Company and Northside Canal Company. The department has not scheduled a conference and hearing on the protested application, since approval of the application is further encumbered by a moratorium issued on January 6, 1993, in the non-trust water area of the Snake Plain Aquifer. This protested application does not provide a basis for you to divert water in excess of 1.07 cfs.

As I described to you in my December 17, 1998 letter, it appears to me that you need to obtain a water right to authorize diversion in excess of 1.07 cfs. As suggested in your letter, an alternative would be to build additional storage capacity for water diverted at the authorized rate of 1.07 cfs.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being a simple monogram and "Glen Saxton" written in a more elaborate, flowing script.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - E. Region
Ron Carlson
Adjud. Bur. - E. Region
File A27-10080
Water Meas. Sec.

Idaho Supreme Potatoes, Inc.

P.O. Box 246 • 614 E. 800 N.
Firth, Idaho 83236-0246

www.IdahoSupreme.com



World's Finest Potatoes

PROCESS DIVISION
FRESH PACK DIVISION

PHONE: (208) 346-6841 • (208) 346-4100 • FAX: (208) 346-4104 • E-MAIL: spuds@idahosupreme.com

22 December, 1998

RECEIVED

JAN 11 1999

Department of Water Resources

L. Glen Saxton
State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Your letter of December 17, 1998, denial of petition for reconsideration, condition of approval #7, transfer no. 5326

Dear Mr. Saxton:

I was disappointed in your denial of our petition for reconsideration of "Condition of Approval #7 of Transfer No. 5326". It is apparent that I failed to properly communicate our needs and the hardships that "Condition of Approval #7" will place upon us. I request that this denial be reconsidered.

Please let me explain, in my petition I did not ask for an increase in Water Right No. 27-02152, I only ask that we be able to access our water right in a reasonable and as needed manner. During the course of a year there are times that no water is drawn and there are times that we need water in excess of 1.07 cfs. To deny us access to the water needed during these time would force us to use less than our allowed water. It seems unreasonable to force industry and irrigators to use steady state instantaneous diversion rates when this action prevents the use of the total water right. What happens to our water during times when our plant is not operating and the pump is not running?

It will be a real hardship on us and others, if in order to have access to our total water we have to build huge storage systems to store water during times of less than full usage. Please do not force us into the unwarranted cost of a storage system and double pumping, that we may have the needed flexibility to draw water at the time and in the amount needed to operate our facility.

Please, let's have additional discussion on this matter, so that an equitable solution may be reached. This will be a major problem for irrigation wells as the crop demand for water is up to six time greater in July and august than it is in April and May.

You referenced claim No. A27-10080 in your letter and referred to it as "an enlargement claim". This claim was made to cover actual use/needs and actual pumping capacity of our water system. In the remarks of claim No. A27-10080 it states "This claim covers excess capacity in well #1 (27-02152) and for water diverted from well #2 that is used for industrial purposes at potato processing facility." This water is needed if we are to continue operations.

You also noted in your letter that we need to obtain or develop a water right for the excess needed water. This is the reason that we filed claim No. A27-10080. You also stated that the possibility of obtaining additional water included filing an application for permit for the excess water. In November 1994 it was brought to my attention that there may be a problem with the way claim No. A20-10080 was filed. In response to this on 11 November 1994 a application for permit to cover the 1.86 cfs of excess water claimed in A27-10080 was filed with the IDWR. I do not know the status of this application for permit.

With regard to the new point of diversion cover by transfer No, 5326. The well is planned to be a small 5 hp well with a limited capacity to be used primarily during times when the big #1 well is off line. It is to provide emergency fire protection, limited processing, drinking and sanitary water to our waste treatment plant. There is no intent to draw large quantities of water from this well. The wells expected maximum capacity will be approximately 0.16 cfs. However, as stated above the diversion from this well will only be on an as needed basis.

I hope this answers some of your concerns.

Sincerely



Gilbert Dayley
Technical Service Manager



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

December 17, 1998

Gilbert Dayley
Idaho Supreme Potatoes, Inc.
P.O. Box 246
Firth, ID 83236

RE: TRANSFER NO. 5326 OF WATER RIGHT NO. 27-02152

Dear Mr. Dayley:

Your Petition for Reconsideration (petition) dated December 7, 1998 to Karl Dreher has been referred to me for response. The petition was filed in connection with Transfer No. 5326 which the department approved on December 3, 1998. In your petition you object to Condition of Approval No. 7 which reads as follows:

The total instantaneous diversion of water from all points of diversion under Transfer 5326 shall not exceed 1.07 cfs, nor a total combined annual volume of 774.7 af.

As brief background in this matter, on June 6, 1972, the department issued License No. 27-02152 authorizing a maximum diversion rate of 1.07 cfs and a maximum annual volume of 774.7 acre feet. The rate of 1.07 cfs was determined to be the diversion capacity during the department's field examination conducted on December 23, 1971. The volume was mathematically determined as the largest volume of water which could be produced assuming the pump operated continuously.

On September 25, 1998, you filed Application for Transfer No. 5326 with the department seeking approval to add a point of diversion (new well) to licensed water right no. 27-02152. On December 3, 1998, the department approved the transfer including Condition of Approval No. 7.

Section 42-222, Idaho Code, authorizes the department to approve a transfer of water right provided the proposed changes a) will not injure other water rights, b) do not constitute an enlargement in use of the original right, c) are in the local public interest and d) are consistent with the conservation of water resources within the state of Idaho.

The department is aware that in connection with Section 42-1426, Idaho Code, you have filed Snake River Basin Adjudication (SRBA) claim No. A27-10080 in which you claim a rate of 2.93 cfs as an enlargement claim. Although the claim has not yet been investigated by SRBA staff, as presently filed, the claim can not be allowed, since

MICROFILMED

DEC 30 1998

Section 42-1426, Idaho Code, provides that an enlargement claim can not increase the rate of diversion.

You are correct that the question of administration of delivery of water by authorized rate of diversion or by volume was and still is an unresolved issue in connection with the draft Water Management Rules. This question, however, is a different matter than the amount of water which has been established under a water right.

The transfer can not be approved under terms of Section 42-222, Idaho Code, with a diversion rate larger than 1.07 cfs or an annual volume larger than 774.7 af. Hence, your petition for reconsideration is denied. Enclosed is information titled Explanatory Information which describes potential actions you may pursue in connection with denial of the petition for reconsideration.

In connection with your use of water in excess of that authorized under the transfer, you need to obtain or develop a water right. Possibilities include obtaining part of other existing water rights or filing an application for permit for the excess water.

If you have questions, please feel free to contact the department.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: IDWR - E. Region
Ron Carlson
Adjud. Bur. - E. Region
File A27-10080
Water Meas. Sec.

MICROFILMED

DEC 30 1998

EXPLANATORY INFORMATION

Please treat the accompanying letter as an order denying your petition for reconsideration of the "preliminary order" issued previously in this proceeding by the department pursuant to section 67-5243, Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after the service date of this denial of petition for reconsideration of the preliminary order, any party may in writing file exceptions to any part of the preliminary order and file a brief 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.

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

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 Rules of Procedure 302 and 303.

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Idaho Supreme Potatoes, Inc.

P.O. Box 246 • 614 E. 800 N.
Firth, Idaho 83236-0246

www.IdahoSupreme.com



12-16-98
World's Finest Potatoes

PROCESS DIVISION
FRESH PACK DIVISION

PHONE: (208) 346-6841 • (208) 346-4100 • FAX: (208) 346-4104 • E-MAIL: spuds@idahosupreme.com

RECEIVED

DEC 10 1998

Department of Water Resources

Mr. Karl J. Dreher, Director
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Mr. Dreher:

I am filing this "Petition For Reconsideration" regarding Transfer of Water Right No. 5326, Water Right No. 27-02152, Condition of Approval and Remarks item 7.

You state in condition 7 "The total instantaneous diversion of water from all points of diversion under transfer 5326 shall not exceed 1.07 cfs, nor a combined annual volume of 774.7 af."

Water Right No. 27-02152 grants Idaho Supreme Potatoes the right to use 774.7 af annually. To draw our 774.7 af annually at 1.07 cfs would require an absolute steady state operation every moment of every day for 365 days a year. The instantaneous draw from a well is not steady state, during the course of operation of a processing plant the amount drawn will ~~very~~ vary from moment to moment and from day to day.

We respectfully request that we, Idaho Supreme Potatoes, be allowed an instantaneous diversion rate of up to 2.14 cfs as long as our annual right of 774.7 af is not exceeded. A precedence for this allowance has been established in the regulation of domestic wells where in a domestic right is for 13,000 gpd, which equates to 0.02 cfs instantaneous diversion, ~~which~~ however, the allowed instantaneous diversion rate is 0.04 cfs.

It should also be noted that instantaneous diversion rates are being hotly debated in public meetings reviewing the proposed Rules Governing Water Management. The instantaneous diversion rate should not be a condition of a water right until after the Rules Governing Water Management have been finalized.

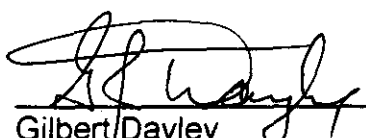
MICROFILMED

DEC 30 1998

WR# 27-02152

Thank you for your consideration of this very critical issue.

Sincerely,



Gilbert Dayley
Technical Service Manager

MICROFILMED
DEC 30 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

December 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO SUPREME POTATOES INC
PO BOX 246
FIRTH ID 83236

RE: Water Right 27-02152 (Transfer 5326)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5326). 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.

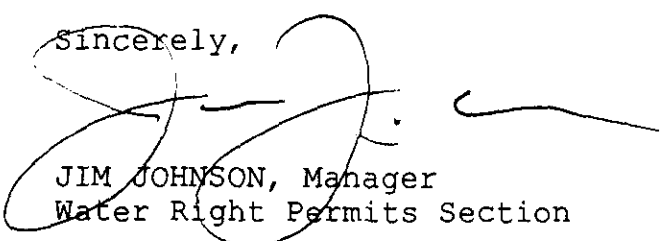
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

DEC 30 1998

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of **December, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 27-02152 (Transfer 5326)

**IDAHO SUPREME POTATOES INC
POBOX 246
FIRTH ID 83236**


Kari Lynn Townsend
Secretary

MICROFILMED
DEC 30 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED
DEC 30 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
DEC 30 1998

MEMORANDUM

TO: File 27-02152

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5326 *sk*

DATE: December 2, 1998

Transfer 5326 adds a second point of diversion under Right 27-02152. A new well will be drilled and connected to the existing system serving the waste treatment plant.

Recommended conditions include drilling permit requirements, multiple points of diversion/measuring devices, measure & annually report, license condition, and standard transfer conditions.

MICROFILMED

DEC 30 1998

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5326

Date Reviewed 12-02-98

Right(s) 27-02/52

☒ WRQ/Split Summary ☒ ^{No Activity} SRBA Status NA Run POU Comparison Report

B:Change P/D ☒ Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership NA - P/D Add only
'98 tax notice

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol.

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) ☒ Volume

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

(11) NA Water District (12) ☒ Pertinent Conditions (13) NO Expansion

Bingham GW District/
Vol. limit B/U
w/limits

⑦ Add new well / 2 P/Ds SESW, S19

Transfer Remarks 2 P/Ds SESW

WB4

Conditions 046, 067, T07, T08, T09

T17

Database/Processing Notes

Standard ☒ Non-Standard ☐

T file

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

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

12-3-98

WR0749NP
No. T27-02152

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/02/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO SUPREME POTATOES INC PO BOX 246 FIRTH ID 83236 (208) 346-6841	10/03/1966	INDUSTRIAL	01/01 12/31	1.070 CFS	774.70 AFA
TOTAL DIVERSION:					1.070 CFS	774.70 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R37E S19

SESW

BINGHAM County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
01S	37E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Pou County: BINGHAM

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - 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.
- 067 - The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer 5326 shall not exceed 1.07 cfs, nor a total combined annual volume of 774.7 af.
Diversion volume is limited to that amount of water actually applied to beneficial use for the authorized industrial use.
Two points of diversion are located within SESW, S19, T01S, R37E.

Dates:	App. Received:	Priority Date:	10/03/1966
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/01/1979	

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

WR0749NP
No. 727-02152

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/02/98
PAGE: 2

Comments: Date: 12/02/1998 User-ID: PSKAGGS Subject: TRANSFER 5326
Transfer 5326 adds a point of diversion under Right 27-02152.

Audit: 10/06/98 SCOX

SPLIT RIGHT SUMMARY
12/2/98
TRANSFER 5326

SD-0611-2 Basin: 27 Starting Water Right: 02152

S	Water	Name	O	Priority	STG/	Source	Use	S
L	Right No.	Last, First	N	Date	STS		Desc	S
-	27-02152	IDAHO SUPREME POTATO	C	10/03/1966	L/	GROUNDWATER	INDUST	WR
-	T27-02152	IDAHO SUPREME POTATO	C	10/03/1966	L/	GROUNDWATER	INDUST	WR
-	A27-02152	IDAHO SUPREME POTATO	C	10/03/1966	L/	GROUNDWATER	INDUST	AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

9-25-98
T#5326

RECEIVED

NOV 12 1998

INITIAL REVIEW BY: HWT

1. Right number 27-02152 Applicant Idaho Supreme
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use
 - b. ☐ Description of original point of diversion.
 - c. ☐ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☐ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NA
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

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

4. By RDC Date 11/9/98

* All uses within Watermaster Districts require special conditions.

**AFFIDAVIT OF
PUBLICATION**

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive Weeks the first publication having been made on the 15th day of Oct 1998; and the last publication having been made on the 22nd day of Oct 1998; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

On this 22nd day of Oct, in the year of 1998, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public of the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee.....\$5.00

DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5326**

NOTICE IS HEREBY GIVEN that Idaho Supreme Potatoes, Inc., P.O. Box 246, Firth, Idaho, 83236, has applied to the Department of Water Resources to add a point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 27-02152
Source: Groundwater
Amount: 1.07 cfs
Priority: 10/03/1966
Point of Diversion: SESW, Sec. 19, T01S, R37E, Bingham County.
The water is used for industrial for waste treatment plant from 1/01 to 12/31 within SESW, Sec. 19, T01S, R19E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add a second point of diversion in the same 1/4 of 1/4 as the original well to better serve the plant needs. Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before November 2, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(3922)
Pub.: 10/15, 22

RECEIVED
OCT 26 1998

MICROFILMED
Department of Water Resources
Eastern Region
DEC 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 7, 1998

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

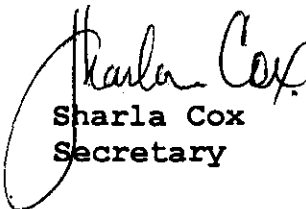
Dear Publisher:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 2, 1998.

Respectfully submitted,


Sharla Cox
Secretary

Enc.

MICROFILMED

DEC 30 1998

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5326

Notice is hereby given that Idaho Supreme Potatoes, Inc, PO Box 246, Firth ID 83236, has applied to the Department of Water Resources to add a point of diversion of the waters of a groundwater source. The right sought to be change is evidenced by a license and recorded as follows:

License No.: 27-02152 Source: Groundwater
Amount: 1.07 cfs Priority: 10/03/1966
Point of Diversion: SESW SEC 19 T01S R37E, BINGHAM COUNTY
The water is used for industrial for waste treatment plant
from 1/01 to 12/31 within SESW SEC 19 T01S R19E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add a second point of diversion in the same 1/4 of 1/4 as the original well to better serve the plant needs.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 2, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Morning News on October 15 and 22, 1998.

MICROFILMED
DEC 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

October 7, 1998

KARL J. DREHER
DIRECTOR

IDAHO SUPREME POTATOES, INC
PO BOX 246
FIRTH ID 8323655

RE: Application for Transfer #5326

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on October 15 and 22, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,
Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

DEC 30 1998

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/09/98 15:43:53
Page 1

Water Right Number - A27-02152

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 33242

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
IDAHO SUPREME POTATOES INC

1 - C/O GIL DAYLEY TECH SER MGR
2 - PO BOX 246
3 -
City- FIRTH State- ID Zip- 83236
Phone - 208-346-6841

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/03/1966 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

01S 37E 19 SW SE SW 5 (11) BINGHAM

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
07 - INDUSTRIAL 01/01 12/31 1.070

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.070 774.7

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
01S 37E 19 SE SW 5 07 INDUSTRIAL (11) BINGHAM

Total Acres:

+ - - Diversion Means - 75HP MOTOR IN A 190' WELL PUMPING FROM 30' TO POTATO PROCESSING.

+ - - Non-Irrigation Use - 1/POTATO PROCESSING.

+ - - Other Rights for Same Use - EXPANDED USE CLAIMED SEPERATELY.

+ - - - - Remarks - - - - - +

GEN THIS LICENSE COVERS USE FROM WELL NUMBER 1. ADDITIONAL WATER
IS DIVERTED FROM A SECOUND WELL W/1 SAME 40% AND IS CLAIMED
AS AN EXPANSION OF THIS LICENSE. THIS EXPANSION CLAIM WILL
ALSO COVER ADDITIONAL CAPACITY NOT LICENSED IN WELL NO. 1.
SEE ATTACHED CORRESPONDENCE FROM IDWR AND CLAIMANT.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

MICROFILMED

DEC 30 1998

w/z = within acre tract

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/09/98 15:43:54
Page 2

Water right number - A27-02152

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Conditions of Approval - - - - - +

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/14/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- E006094	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED

DEC 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 3, 1989

William B. Erickson
852 Highway 91
Firth, ID 83236

Dear Mr. Erickson:

Our Eastern Region office in Idaho Falls has forwarded your letter dated December 23, 1989 and related information in connection with the operations of Idaho Supreme Potatoes, Inc. to this office for response.

The following comments relative to the points raised in your letter hopefully will clarify some of the points for you. My comments are in the same order as shown in your letter.

1. Water right License 27-2152 describes a maximum rate of diversion from the well, not the rate of effluent discharge from the processing facility. Although there is a relationship between the two parameters, from a water right standpoint there does not necessarily need to be a gallon for gallon relationship, if there is delayed discharge or storage of some degree in the processing system.

If the total effluent discharge per year exceeds the volume of water which could be produced by a continuous rate of diversion of 1.07 cfs, the existing right is being exceeded. If this is the case, the right may be regulated in the future to comply with the license, or an additional right has been developed or a new additional right will have to be applied for. These determinations will be made as a part of the ongoing Snake River Basin Adjudication, but we are requesting additional information from the license holder (copy of letter is enclosed).

2. The place of use authorized by the permit is in connection with the location of the processing plant, not with locations where effluent discharge may be occurring. If the plant is not located within the SE1/4SW1/4, Section 19, T1S, R 37E, B.M., as shown on the license, the filing of a transfer is the proper document to correct the description on the license.

MICROFILMED

DEC 30 1998

February 3, 1989

3. Alleged injury occurring due to flooding is a civil matter.
4. A comment is not applicable.
5. Same comment as 2 above.
6. The use authorized by the license is industrial, not irrigation.
7. A comment is not applicable.

The department has reviewed this matter as you have requested and has provided appropriate explanatory and statute information to the company.

Sincerely,



NORMAN C. YOUNG
Administrator
Water Management Division

NCY:alw

cc: Eastern Region
Gilbert Dayley, Idaho Supreme Potatoes

MICROFILMED

DEC 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 3, 1989

Gilbert Dayley
Idaho Supreme Potatoes, Inc.
P. O. Box 246
Firth, ID 83236-0246

RE: License No. 27-2152

Dear Mr. Dayley:

I have reviewed your letter dated January 5, 1989 to Mr. Harold Jones of our Idaho Falls office and the other information you have provided. The department's previous correspondence and related telephone conversations in connection with changes to the disposal of effluent at your potato processing plant have provided information concerning existing rights for the processing facility and described when it is appropriate to apply to this department for either a change to the existing rights or to establish an additional right. Basically, we have explained that a new right should be sought if additional water will be diverted or consumed or if additional beneficial use will be made of the same water. A new application should be filed if the use of the effluent needs to be protected against those who might want to appropriate the water in the future. An application for change in an existing right should be filed whenever the point of diversion, place of use, or nature or period of use is to be altered. An expanded or enlarged use cannot be approved under the transfer statutes, however.

I am enclosing as you requested copies of several statutes that provide the basis for the department's understanding of when a filing for a new right or a change in an existing right is required. Section 42-222, Idaho Code, describes the requirements for obtaining changes to existing rights, including a prohibition against expansion in use. Section 42-1411, Idaho Code, lists the parameters that define a water right and that are being used by the department and the court in the ongoing Snake River Basin Adjudication. The annual volume of consumptive use is one of the parameters which define the extent of a right to use water.

MICROFILMED

DEC 30 1988

February 3, 1989

I am sure that as an official with responsibilities for a major processing facility, you are aware of the importance of having valid water rights with priority dates early enough in time to assure an adequate continuing supply of water for the facility. Decisions relative to the supply of water needed for a particular use are ordinarily left to the owner/manager. However, Idaho law does provide authority to evaluate unauthorized water uses (Section 42-350 to 350, Idaho Code, copy enclosed). This department does not become involved unless a complaint together with supporting data is received asserting that unauthorized diversion of water or injury to another water right holder is occurring.

IDWR has received a complaint from Mr. William Erickson alleging damage to his property because of unauthorized diversion and use of water at your facility. While the complaint (copy enclosed) deals with various concerns, some of which are not within IDWR's responsibility, the assertion that water is being diverted in access of the facility's water rights and that damage is occurring to the complaint's property is a matter that requires clarification. The effluent disposal information included with the complaint indicate that effluent volumes on some days significantly exceed the daily volume authorized under License 27-2152.

Section 42-351, Idaho Code, provides for issuance of an order to show cause relative to unauthorized diversion of water. However, IDWR does not have information concerning possible short-term storage at the processing plant and the possibility that the plant has additional water rights not of record in this office. I will appreciate receiving information on production from supply wells, storage capacities, other water rights, and other information to show that diversions are within authorized amounts. If you determine that diversions are exceeding authorized amounts, I encourage you to make an application to cover the present and foreseeable use rates. Please provide the information or make an application by March 1, 1989.

I will be happy to discuss this matter with you in more detail. Please feel free to contact me at 334-7910.

Sincerely,



NORMAN C. YOUNG
Administrator
Water Management Division

NCY:alw

cc: Eastern Region

William Erickson

Al Murrey, Health and Welfare, Boise

Encls: Sections 42-222, 42-1411, 42-350, 42-351, 42-352, Idaho Code
Erickson Letter--Dec. 23, 1988 with attachments

MICROFILMED
DEC 30 1998



IDAHO SUPREME POTATOES, INC. • P.O. Box 246 • Firth, ID 83236-0246 • Phone (208) 346-6841

5 January 1988

Mr. Harold Jones
Department of Water Resources
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

REC-100

JAN 13 1989

Department of Water Resources

Dear Mr. Jones:

On 5 January I spoke with you and also with Mr. Glen Saxton, in the Boise office, concerning our disagreement over the need to obtain an expanded use permit for our waste water land application treatment site.

As I understand our conversation the department's concern is with the enlargement of existing water rights. As I stated, we are not enlarging our water right. We are increasing the size of our treatment system to better comply with permitting regulations and guidelines from the Department of Environmental Quality.

I told Mr. Saxton that I would address my understanding of enlargement. The Department has stated "Enlargement includes increasing the rate of diversion or increasing the total water diverted or increasing the consumption of the amount of water diverted." I believe we can all agree that we are not increasing the rate of diversion or increasing the total amount of water diverted. It appears our main contention is over increasing the amount consumed.

The department has stated "In summary, unless you can show that the new disposal method of the effluent will not increase the consumption of the water diverted under the existing water right, an application for permit for the additional consumption is required under state water law." I take exception to this statement. It is not Idaho Supremes responsibility to show that an increase will not occur. Unless the Department can show beyond a reasonable doubt that an increase will occur they should not be requesting that we apply for a permit. Also, we are not talking about a "new disposal method" we are only increasing the size of our current treatment system, this is the same treatment system we have used for several years. If we believed that an enlargement of our water right, as defined above, was going to occur we would gladly apply for the expanded use permit. However, we do not believe there will be any increase in the rate of diversion, the total water diverted or in the amount of water consumed.

MICROFILMED

DEC 30 1998

World's Finest Dehydrated Potatoes

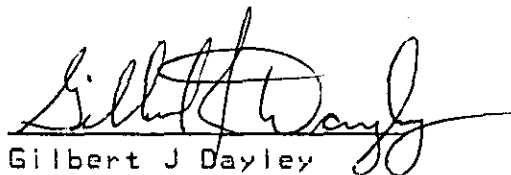
The reasons we do not believe there will be an increase in consumption are: As stated above we are using the same treatment system, land application, as we have used for many years. We are only increasing the size of the treatment system to better meet the permitting regulations and guidelines of the DEQ. The primary operating season for our plant is from October to July, with some limited operation during August and September. During the spring, summer and fall months experience has shown that the consumption of waste water is, for all practical purposes, 100 %. During the winter months and early spring months before the growth of vegetative matter there may be some nonconsumption of the waste water. We do not expect any change in this usage.

In summary, we request that the Department of Water resources withdraw its request that Idaho Supreme Potatoes, Inc. file for an expanded use permit to apply waste water to their land treatment system site. The application of waste water to Idaho Supremes land treatment system does not fall within the definition of enlargement as stated above.

We look forward to your notification that this pursuit has been stopped.

If you determine to continue this pursuit would you please send us a copy of the regulations that grant you legal authority in this matter. Also, would you please cite the pertinent sections that we may check with our local legislators to determine their intent in granting this authority.

Sincerely,



Gilbert J Dayley

cc. Matt Eames - IACI
Walt Poole - DEQ
Norm Young - DWR
Glen Saxton - DWR

MICROFILMED
DEC 30 1998

ACTION REQUIRED

FROM: H.W. Jones

TO: Glen Saxton

Attached is the Info I received from Bill Erickson
about Idaho Supreme.

UNRECORDED

December 23, 1988

RECEIVED
JAN 16 1989

Mr. H. W. Jones - Senior Resource Agent
Department of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Department of Water Resources

Dear Mr. Jones:

I have reviewed the the license of water right issued to Idaho Supreme Inc. (Water right No. 33242/27-2152, approved June 6, 1972.)

The following outline addresses some of my concerns associated with this water right.

Please note: My mathematical calculations are based on information submitted by Idaho Supreme to the Department of Health and Welfare. (see attached sheets) This information shows effluent applied to their land application facility from 10/6/87 to 8/31/88. I would think the actual water consumption would be somewhat higher if all other associated water uses were considered. Such as sanitary facilities, water used for lawn areas, water contained in slurry mix being trucked to their feed lot activities, etc.

Item #1 - As shown on the license of water right - "Subject however; to the condition that no more than 1.07 CFS of water be diverted at any one time, which equals 691,603 gallons maximum daily allowance.
(1.07 CFS X 7.481 X 86,400 = 691,603 Gal/Day)

From 10/06/87 to 8/31/88 there are 330 calender days. Idaho Supreme applied effluent 273 of those days. During that time period there were 167 days where the effluent rate per day exceeded the allowable diversion rate per day in the water right. This would indicate that compliance with the water right was not met 50.61% of the total time period, and was not met 61.17% of the time period effluent was applied.

The average amount of water over the compliance rate was 144,684 gallons per day. This represents an increase of 20.92% from the allocated amount. The total amount of overage for the time period was 24,162,228 gallons.

MICROFILMED
DEC 30 1998

Item #2 - As shown on the license of water right - "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".

The description and location of place of use is the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.19, T.1S., R.37 E.B.M.

Idaho Supreme currently has 8 fields they are using for land application of their effluent water. The total acreage of all fields is 177 acres.

Of this total amount, only field #1, which is 12 acres in size, lies within the designated place of use. This represents only 6.78% of the total application area. The remainder of the fields are located in the following areas: NW $\frac{1}{4}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.19 (approximately 66 acres). This represents 37.29% of the total application area. Section 18 has 4 fields stretching from the south section line to within $\frac{1}{4}$ -mile of the north section line (approximately 99 acres). A distance of almost 2 miles from the designated use area. This represents 55.93% of the total application area.

Item #3 - In the past five years there have been 3 documented occasions where Idaho Supreme's waste water has flooded onto and accross my property from one of their waste water application fields. My property does not adjoin the area designated in the license of water right.

Item #4 - At times the water effluent has been routed into an irrigation ditch that is shared by Idaho Supreme, Jim Kontes, Gale Robinson and myself. These water rights are agriculture and were in exsistance before any development of Idaho Supreme. I have never used the waste water on my property; nor have I ever asked for any use of the waste water. Because of management practices by Idaho Supreme the waste water was routed down my feeder ditch and onto my property. I also witnessed the dumping of waste water from this same ditch into the Blackfoot Canal. This complaint is on file at the Department of Health and Welfare's Pocatello Office.

MICROFILMED

DEC 30 1998

Item #5 - Idaho Supreme has an expansion project in the planning stage as I write this letter. The planned expansion fields are located in Section 7 and Section 6 and will more than double the existing acreage. This expansion will mean that the effluent will be scattered along the Snake River in 4 different Sections (19, 18, 7, & 6). Some areas will be almost 4 miles distance from the designated use area.

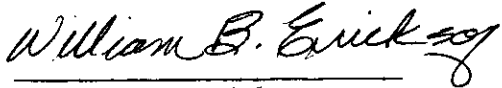
Item #6 - One condition of the license of water right is that it must be shown that the water is being used in a beneficial manner. The land currently used, and the land planned for expansion already have water rights allocated for agriculture irrigation purposes, and don't need additional water rights.

It appears to me that it would have to be shown that the waste water is beneficial to the land it is applied on, other than for agriculture purposes.

Item #7 - Information I have obtained at the Department of Health and Welfare may not reflect all the information pertinent to Idaho Supreme's water usage. The department has informed me that I have a limited right to access their records.

I respectfully ask that you and your department do a thorough review concerning the conditions surrounding the use of Water Right 33242/27-2152.

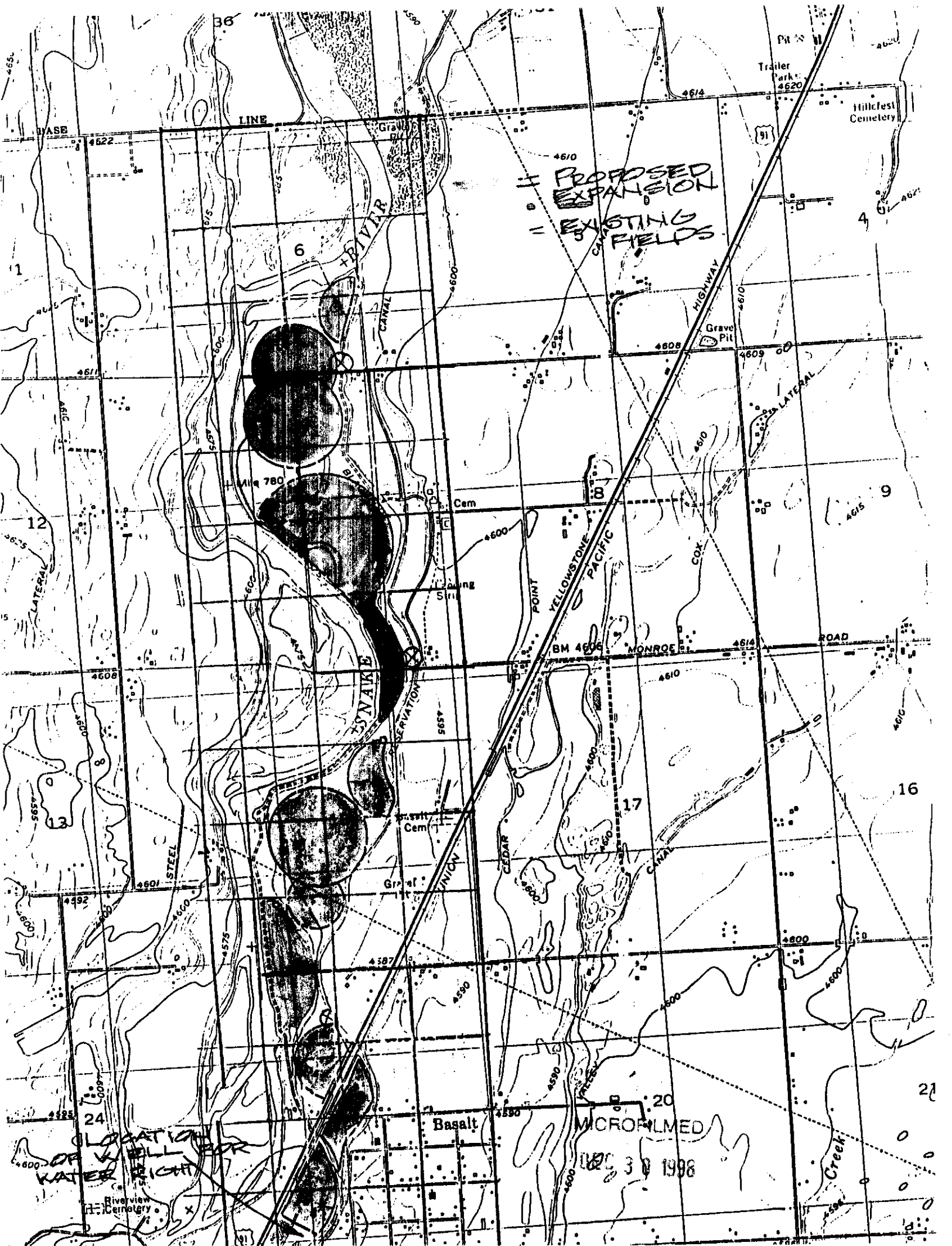
Sincerely,


William B. Erickson

WBE/re

MICROFILMED

DEC 30 1998



IDAHO SUPREME POTATOES INC.

=====

WASTE WATER APPLICATION REPORT 10/01/87 TO 08/31/88 RUN DATE 09/09/88 PAGE 1

=====

EFFLUENT ANALYSIS						APPLICATION RATE			
DATE	FLOW MGD	PH	COD MG/L	TKN MG/L	NO3 MG/L	FIELD	ACRES	COD LB/A	WATER ROTATION IN/DY PERIOD
10/06/87	0.39					3,	33	0.43	34,
10/07/87	0.83	6.41	5535	103.3	4	3,4,	45	851	0.67 0,35,
10/08/87	0.81	6.32	6650	92.6	5	4,	12	3745	2.48 0,
10/09/87	0.87					5,4,	22		1.45 37,0,
10/10/87	0.30					5,	10		1.10 0,
10/13/87	0.58					7,	10		2.13 41,
10/14/87	0.54	6.60	5575	94.3	5	7,	10	2512	1.98 0,
10/15/87	0.78	6.16	6360	126.5	3	6,	52	796	0.55 43,
10/16/87	0.50					2,6,	70		0.26 15,0,
10/19/87	0.87	6.73	4650	112.0	2	2,3,	51	661	0.62 2,11,
10/20/87	0.77	6.78	4500	104.0	2	3,	33	876	0.85 0,
10/21/87	0.77	5.01	5338	92.4	5	3,4,	45	762	0.63 0,11,
10/22/87	0.72					4,5,	22		1.20 0,11,
10/23/87	0.30	6.49	4853	84.0	3	5,7,	20	607	0.55 0,8,
10/27/87	0.71					3,6,	55		0.30 5,10,
10/28/87	0.73	6.41	5421	131.3	4	3,6,	55	388	0.31 0,0,
10/29/87	0.79	5.27	6090	94.3	5	6,	52	770	0.55 0,
10/30/87	0.81					6,	52		0.57 0,
11/02/87	0.46					1,2,	30		0.56 33,13,
11/03/87	0.83	6.25	5200	73.3	1	2,3,	51	706	0.59 0,5,
11/04/87	0.80	6.47	5168	112.2	4	3,4,	45	766	0.65 0,12,
11/05/87	0.82	6.01	4720	40.6	5	5,7,	20	1514	1.50 12,12,
11/06/87	0.66					7,6,	62		0.39 0,6,
11/09/87	0.84					6,	52		0.59 2,
11/10/87	0.78	6.43	4435	90.1	4	6,	52	555	0.55 0,
11/11/87	0.78	6.41	5774	105.5	2	6,	52	722	0.55 0,
11/12/87	0.82					6,	52		0.58 0,
11/13/87	0.83					6,	52		0.58 0,
11/16/87	1.60	5.97	4704	87.9	1	7,	10	6280	5.89 9,
11/17/87	0.82	5.53	5642	98.5	5	6,7,	62	622	0.48 3,0,
11/18/87	0.77	6.46	3392	64.1	2	1,2,5,	40	544	0.70 15,14,12
11/19/87	0.79					2,3,	51		0.57 0,14,
11/20/87	0.52					3,	33		0.58 0,
11/23/87	0.99	6.04	3168	115.3	3	4,	12	2181	3.03 18,
11/24/87	0.84	5.63	3285	61.8	1	4,6,	64	359	0.48 0,6,
11/25/87	0.87					6,	52		0.61 0,
11/30/87	1.31					6,	52		0.92 4,
12/01/87	0.81					6,	52		0.57 0,
12/02/87	0.40	5.04	4928	92.0	2	2,6,	70	234	0.21 12,0,
12/03/87	0.63					1,7,	22		1.05 14,15,
12/04/87	0.81	5.64	5045	94.0	4	5,7,	20	1705	1.49 15,0,
12/05/87	0.74					4,	12		2.27 10,
12/06/87	0.52					4,	12		1.59 0,
12/07/87	0.37	5.57	5749	107.0	35	2,3,	51	348	0.26 4,16,
12/08/87	0.71					1,2,6,	82		0.31 4,0,5,

32
77.02

MICROFILMED

DEC 30 1988

IDAHO SUPREME POTATOES INC.

=====

WASTE WATER APPLICATION REPORT 10/01/87 TO 08/31/88 RUN DATE 09/09/88 PAGE 2

=====

EFFLUENT ANALYSIS					APPLICATION RATE				
DATE	FLOW MGD	PH	COD MG/L	TKN NO3 MG/L MG/L	FIELD	ACRES	COD LB/A	WATER IN/DY	ROTATION PERIOD
12/09/87	0.75				6,	52		0.53	0,
12/10/87	0.66	5.63	5380	98.024-45	6,	52	559	0.46	0,
12/11/87	0.65	5.91	3189	60.025-5 3	6,	52	332	0.46	0,
12/12/87	0.61				6,	52		0.43	0,
12/13/87	0.53				6,	52		0.37	0,
12/14/87	0.37	5.23	4477	84.026-6 3	8,	30	460	0.45	103,
12/15/87	0.52				8,	30		0.63	0,
12/16/87	0.53				8,	30		0.45	0,
12/17/87	0.60	6.57	2053	38.027-7 4	8,	30	342	0.73	0,
12/18/87	0.57	6.21	2346	44.028-8 4	8,	30	371	0.69	0,
12/19/87	0.60				8,	30		0.73	0,
12/20/87	0.57				8,	30		0.69	0,
12/21/87	0.42	6.81	762	14.029-9 1	8,	30	39	0.51	0,
12/22/87	0.60	6.28	5566	110.030-10 3	8,	30	979	0.73	0,
12/23/87	0.64	5.99	3109	52.031-11 2	2,8,	48	345	0.49	14,0,
12/24/87	0.69				8,	30		0.84	0,
12/25/87	0.46				8,	30		0.56	0,
12/28/87	0.46	5.97	4282	80.032-12 2	8,	30	535	0.55	2,
12/29/87	0.64	5.23	4400	82.033-12 3	8,	30	783	0.78	0,
12/30/87	0.63	5.78	4693	87.034-14 2	8,	30	822	0.77	0,
12/31/87	0.65				8,	30		0.79	0,
01/04/88	0.96				8,	30		1.17	3,
01/05/88	0.63	5.50	6072	75.635-1 4	1,2,	30	1064	0.77	27,12,
01/06/88	0.64	6.00	2632	48.436-2 2	2,8,	48	292	0.49	0,1,
01/07/88	0.64	6.00	2072	68.837-3 3	8,	30	368	0.78	0,
01/08/88	0.40				8,	30		0.49	0,
01/09/88	0.73				8,	30		0.89	0,
01/10/88	0.43				8,	30		0.52	0,
01/11/88	0.47	6.00	5280	85.638-4 3	6,	52	398	0.33	28,
01/12/88	0.72				6,	52		0.50	0,
01/13/88	0.80	5.89	4400	61.639-5 1	6,	52	564	0.56	0,
01/14/88	0.71	5.73	5397	93.840-6 4	6,	52	614	0.50	0,
01/15/88	0.67				4,5,	22		1.12	39,41,
01/16/88	0.69				4,5,	22		1.15	0,0,
01/17/88	0.55				4,5,	22		0.92	0,0,
01/18/88	0.39				3,	33		0.43	41,
01/19/88	0.64	6.41	6688	77.841-7 5	3,	33	1022	0.71	0,
01/20/88	0.80	6.82	4892	92.142-8 7	3,7,	43	759	0.68	0,46,
01/21/88	0.76	5.98	5600	91.843-9 4	2,7,	28	1268	0.99	14,0,
01/22/88	0.46				2,8,	48		0.35	0,11,
01/23/88	0.79				8,	30		0.96	0,
01/26/88	0.48	6.23	5104	64.944-10 4	6,8,	82	249	0.21	11,2,
01/27/88	0.71	5.87	4488	101.945-11 4	6,	52	511	0.50	0,
01/28/88	0.70	6.13	1584	27.746-12 3	6,7,	62	149	0.41	0,6,
01/29/88	0.71	6.14	2464	63.047-13 4	7,	10	1459	2.61	0,

MICROFILMED

DEC 30 1998

IDAHO SUPREME POTATOES INC.

WASTE WATER APPLICATION REPORT 11/01/87 TO 08/31/88 RUN DATE 09/09/88 PAGE 3

EFFLUENT ANALYSIS						APPLICATION RATE				
DATE	FLOW MGD	PH	COD MG/L	TKN MG/L	NO3 MG/L	FIELD	ACRES	COD LB/A	WATER IN/DY	ROTATION PERIOD
01/30/88	0.48					7,	10	1.76	0,	
02/03/88	0.39					1,	12	1.19	28,	
02/04/88	0.42	6.24	3496	58.848-1	2	1,	12	1021	1.28	0,
02/05/88	0.73	6.01	5152	74.049-2	5	1,2,	30	1046	0.89	0,13,
02/06/88	0.55					2,	18		1.12	0,
02/08/88	0.15					3,	32		0.16	18,
02/09/88	0.69	5.97	2521	52.450-3	2	3,4,5,	55	270	0.46	0,22,22,
02/10/88	0.78					4,5,8,	52		0.55	0,0,14,
02/11/88	0.76	5.98	2992	39.751-4	2	8,	30	632	0.93	0,
02/12/88	0.80	5.53	2053	30.252-5	2	8,	30	456	0.98	0,
02/13/88	0.42					8,	30		0.51	0,
02/15/88	0.79					8,	30		0.96	1,
02/16/88	0.84	5.56	5824	82.253-6	1	8,	30	1360	1.03	0,
02/17/88	0.84	5.60	5805	81.254-7	2	8,	30	1357	1.03	0,
02/18/88	0.77					8,	30		0.94	0,
02/19/88	0.72	6.00	3344	45.955-8	4	8,	30	649	0.88	0,
02/20/88	0.41					8,	30		0.50	0,
02/23/88	0.64					1,2,	30		0.78	17,16,
02/24/88	0.79	7.21	1534	31.156-9	1	2,3,	51	204	0.57	0,14,
02/25/88	0.66	6.38	3226	45.157-10	4	3,4,5,6,	107	166	0.22	0,14,14,
02/26/88	0.94	6.71	1760	55.558-11	4	6,	52	265	0.66	0,
02/27/88	0.49					6,	52		0.34	0,
02/28/88	0.52					6,	52		0.36	0,
02/29/88	0.63	6.10	3578	21.659-12	4	6,	52	361	0.44	0,
03/01/88	0.70					3,4,5,	55		0.46	4,4,4,
03/02/88	0.76	6.21	5573	83.760-1	2	4,5,6,	74	477	0.37	0,0,1,
03/03/88	0.82					6,	52		0.58	0,
03/17/88	0.44	6.74	2053	48.261-2	5	8,	30	251	0.54	25,
03/18/88	0.70					8,	30		0.85	0,
03/19/88	0.74					8,	30		0.90	0,
03/20/88	0.39					8,	30		0.47	0,
03/21/88	0.55	6.29	4106	89.062-3	4	8,	30	628	0.67	0,
03/22/88	0.74	5.35	5749	109.763-4	6	1,2,8,	60	591	0.45	27,26,0,
03/23/88	0.75	6.41	1994	49.864-5	3	2,3,	51	244	0.54	0,21,
03/24/88	0.71					3,6,	85		0.30	0,20,
03/25/88	0.79	6.78	1994	36.665-6	4	6,	52	252	0.55	0,
03/26/88	0.71					6,	52		0.50	0,
03/27/88	0.37					6,	52		0.26	0,
03/28/88	0.51	6.25	5040	90.466-7	5	1,7,	22	974	0.85	5,57,
03/29/88	0.72	5.93	5690	99.967-8	5	1,2,	30	1139	0.88	0,5,
03/30/88	0.72					2,3,	51		0.51	0,5,
03/31/88	0.75	6.24	4586	64.168-9	5	6,	52	551	0.53	3,
04/01/88	0.68					6,	52		0.48	0,
04/02/88	0.77					6,	52		0.54	0,
04/04/88	0.89					6,	52		0.63	1,

22 DAYS

18 DAYS

20.03

MICROFILMED

DEC 30 1988

IDAHO SUPREME POTATOES INC.

STE WATER APPLICATION REPORT 10/01/87 TO 08/31/88 RUN DATE 09/09/88 PAGE 4

28 DAYS

EFFLUENT ANALYSIS						APPLICATION RATE				
DATE	FLOW MGD	PH	COD MG/L	TKN MG/L	NO3 MG/L	FIELD	ACRES	COD LB/A	WATER IN/DY	ROTATION PERIOD
04/05/88	0.76	6.73	7104	97.469-1	5	1,2,	30	1501	0.93	6,5,
04/06/88	0.74					2,3,	51		0.53	0,6,
04/07/88	0.73					3,6,	85		0.32	0,2,
04/08/88	0.73					6,	52		0.51	0,
04/09/88	0.70					6,	52		0.49	0,
04/10/88	0.46					6,	52		0.32	0,
04/11/88	0.67					1,2,	30		0.82	5,4,
04/12/88	0.82	6.30	2464	49.570-2	4	2,3,	51	330	0.59	0,4,
04/13/88	0.75					3,	33		0.83	0,
04/14/88	0.73					3,4,5,	55		0.48	0,42,42,
04/15/88	0.90	6.79	3872	32.471-3	1	4,5,6,	74	392	0.44	0,0,4,
04/16/88	0.97					6,	52		0.68	0,
04/17/88	0.45					6,	52		0.31	0,
04/18/88	0.46	6.91	7568	102.672-4	7	1,2,	30	969	0.56	6,5,
04/19/88	0.78					2,3,	51		0.56	0,4,
04/21/88	0.29					3,	33		0.32	1,
04/22/88	0.90					3,4,5,	55		0.60	0,6,6,
04/23/88	0.79					4,5,6,	52		0.55	0,0,31,
04/24/88	0.41					6,	30		0.50	0,
04/25/88	0.62					6,	30		0.76	0,
04/26/88	0.89	6.36	4400	77.273-5	3	6,	30	1089	1.09	0,
04/27/88	1.08					6,	30		1.32	0,
04/28/88	1.01	6.74	3248	50.474-6	4	6,	30	912	1.23	0,
04/29/88	0.87					6,	30		1.06	0,
04/30/88	0.91					6,	30		1.11	0,
05/01/88	0.33					6,	30		0.40	0,
05/02/88	0.76					6,	30		0.93	0,
05/03/88	0.82					6,	30		1.00	0,
05/04/88	0.87	6.23	4984	88.275-1	4	6,	30	1206	1.06	0,
05/05/88	0.90					6,	30		1.10	0,
05/06/88	0.84					2,9,	48		0.64	16,0,
05/07/88	0.86					2,	18		1.75	0,
05/08/88	0.49					2,	18		1.00	0,
05/09/88	0.57	6.33	3640	77.876-2	5	2,	18	961	1.16	0,
05/10/88	0.78	5.95	3989	78.977-3	4	3,	33	786	0.87	17,
05/11/88	0.85					3,4,5,6,	107		0.29	0,17,17,
05/12/88	0.85					2,6,	70		0.44	2,0,
05/13/88	0.80					6,	52		0.56	0,
05/14/88	0.76					3,6,	85		0.32	2,0,
05/15/88	0.45					3,	33		0.50	0,
05/16/88	0.58					3,4,5,6,	107		0.19	0,4,4,1,
05/17/88	0.75					6,	52		0.53	0,
05/18/88	0.74					1,6,	64		0.42	29,0,
05/19/88	0.80	5.39	3696	57.670-4	4	1,2,	30	822	0.98	0,6,
05/20/88	0.80	6.73	3461	26.379-5	2	2,6,	70	330	0.42	0,1,

MICROFILMED

DEC 30 1988

IDAHO SUPREME POTATOES INC.

=====

STE WATER APPLICATION REPORT 10/01/87 TO 08/31/88 RUN DATE 09/09/88 PAGE 5

=====

EFFLUENT ANALYSIS

APPLICATION RATE

DATE	FLOW MGD	PH	COD MG/L	TKN MG/L	NO3 MG/L	FIELD	ACRES	COD LB/A	WATER IN/DY	ROTATION PERIOD
05/21/88	0.72					6,	52		0.50	0,
05/22/88	0.24					6,	52		0.16	0,
05/23/88	0.73	6.43	4928	121.880-66		4,5,	22	1364	1.22	6,6,
05/24/88	0.81					4,5,6,	74		0.40	0,0,1,
05/25/88	0.74					6,	52		0.53	0,
05/26/88	0.92	6.59	2252	50.981-72		4,5,6,	74	233	0.45	1,1,0,
05/27/88	0.72	6.45	2933	90.782-82		4,5,6,	74	238	0.35	0,0,0,
05/28/88	1.45					6,	52		1.02	0,
05/29/88	1.89					6,	52		1.33	0,
05/31/88	0.58					6,8,	82		0.26	1,24,
06/01/88	0.78					8,	30		0.95	0,
06/02/88	0.88	5.79	2464	59.683-14		8,	30	603	1.08	0,
06/03/88	0.84					8,	30		1.03	0,
06/04/88	0.81					8,	30		0.99	0,
06/05/88	0.50					8,	30		0.61	0,
06/06/88	0.57	5.33	4106	29.184-23		4,5,	22	887	0.95	9,9,
06/07/88	0.84					4,5,6,	74		0.41	0,0,6,
06/08/88	0.96					6,	52		0.67	0,
06/09/88	0.91					6,	52		0.57	0,
06/10/88	0.91	5.75	2170	114.585-33		1,	12	1222	2.48	21,
06/11/88	0.84					1,6,	64		0.48	0,1,
06/12/88	0.58					6,	52		0.41	0,
06/13/88	0.56	5.65	4048	98.086-43		2,4,5,	40	472	0.51	23,5,5,
06/14/88	0.76					2,3,	51		0.54	0,28,
06/15/88	0.84					3,	33		0.93	0,
06/16/88	0.77					3,	33		0.85	0,
06/17/88	0.81					2,4,5,	40		0.74	2,3,3,
06/18/88	0.97					2,	18		1.98	0,
06/19/88	0.53					2,	18		1.08	0,
06/20/88	0.54	6.76	3872	77.887-55		6,	52	335	0.38	7,
06/21/88	0.81	6.28	5208	110.388-64		6,	52	676	0.57	0,
06/22/88	0.77					6,	52		0.54	0,
06/23/88	0.78					4,5,6,	74		0.38	5,5,0,
06/24/88	0.81					6,	52		0.57	0,
06/25/88	0.83					6,	52		0.58	0,
06/26/88	0.55					6,	52		0.38	0,
06/27/88	0.66					4,5,6,	74		0.32	3,3,0,
06/28/88	0.91					4,5,7,	32		1.04	0,0,91,
06/29/88	0.86					7,	10		3.16	0,
06/30/88	0.79					7,8,	40		0.72	0,24,
07/01/88	0.87	6.93	1545	70.089-12		8,	30	373	1.06	0,
07/02/88	1.17					8,	30		1.43	0,
07/03/88	0.23					1,	12		0.70	21,
07/05/88	0.57					1,	12		1.74	1,
07/06/88	0.80					1,2,	30		0.98	0,16,

MICROFILMED

DEC 30 1998

30 29/12/88

IDAHO S P R E M E P O T A T O L S I N C .

=====

WASTE WATER APPLICATION REPORT 10/01/87 TO 08/31/88 RUN DATE 09/09/88 PAGE 4

=====

EFFLUENT ANALYSIS						APPLICATION RATE			
DATE	FLOW MGD	PH	COD MG/L	TKN MG/L	NO3 MG/L	FIELD	ACRES	COD LB/A	WATER ROTATION IN/DY PERIOD
07/07/88	0.85					2,8,	48	0.65	0,4,
07/08/88	0.84	6.16	2240	39.2	30-22	8,	30	523	1.03 0,
07/09/88	0.78					8,	30		0.95 0,
07/10/88	0.53					8,	30		0.65 0,
07/11/88	0.61	6.16	3248	74	70-3 2	8,	30	551	0.74 0,
07/12/88	0.85	6.51	3093	77.5	92-4 3	8,	30	731	1.04 0,
07/13/88	0.78					2,8,	43		0.45 26,0,
07/14/88	0.75					3,	33		0.83 0,
07/15/88	1.11					3,	33		1.23 0,
07/16/88	1.02					3,	33		1.13 0,
07/17/88	0.20					3,	33		0.22 0,
07/18/88	0.55					2,	18		1.12 10,
07/19/88	0.88	6.10	2112	57.9	93-5 4	2,	18	861	1.80 0,
07/20/88	0.93					2,3,	51		0.67 0,2,
07/21/88	0.86					3,	33		0.95 0,
07/22/88	0.89	5.93	1472	27.4	04-6 1	3,	33	331	0.99 0,
07/23/88	0.89					3,7,	43		0.76 0,22,
07/24/88	0.47					7,	10		1.73 0,
07/25/88	0.73					3,	33		0.81 1,
07/26/88	0.89					3,6,	85		0.38 0,28,
07/27/88	1.01					6,	52		0.71 0,
07/28/88	0.50	5.30	4354	86.0	05-7 2	6,	52	349	0.35 0,
07/29/88	0.92	6.31	2514	40.6	06-8 3	6,	52	371	0.65 0,
07/30/88	0.54					6,	52		0.38 0,
08/02/88	0.03					1,	12		0.09 26,
08/03/88	0.72	5.41	5440	99.9	07-1 0	1,2,	30	1089	0.88 0,13,
08/04/88	0.86	6.21	3813	59.3	08-2 2	2,3,	51	536	0.62 0,8,
08/05/88	0.73	6.32	2208	62.0	09-3 3	6,	52	258	0.51 5,
08/06/88	0.82					1,	12		2.51 2,
08/07/88	0.43					2,	18		0.87 2,
08/08/88	0.59					3,	33		0.65 4,
08/09/88	0.82	6.00	2816	78.2	10-4 2	3,	33	583	0.91 0,
08/11/88	0.57					4,5,	22		0.95 43,43,
08/12/88	0.88	6.08	3741	52.0	11-5 6	6,	52	528	0.62 6,
08/13/88	0.55					6,	52		0.38 0,
08/14/88	0.50					6,	52		0.35 0,
08/17/88	0.65	6.06	1466	38.3	12-6 2	1,2,	30	265	0.79 10,9,
08/18/88	0.92					2,3,	51		0.66 0,7,
08/19/88	0.84					3,6,	85		0.36 0,4,
08/20/88	0.89					6,	52		0.63 0,
08/21/88	0.54					6,	52		0.38 0,
08/23/88	0.34					6,	52		0.24 1,
08/24/88	1.04					6,8,	82		0.46 0,41,
08/25/88	0.89	5.92	1288	47.3	13-7 2	8,	30	318	1.09 0,
08/26/88	1.00	6.07	1818	57.9	14-8 3	8,	30	505	1.22 0,

MICROFILMED

DEC 30 1988

IDAHO SUPREME POTATOES INC.

=====

WASTE WATER APPLICATION REPORT 10/01/87 TO 08/31/88 RUN DATE 09/09/88 PAGE 7

=====

EFFLUENT ANALYSIS						APPLICATION RATE			
DATE	FLOW MGD	PH	COD MG/L	TKN MG/L	NO3 MG/L	FIELD	ACRES	COD LB/A	WATER ROTATION IN/DY PERIOD
08/27/88	0.83					8,	30	1.01	0,
08/28/88	0.33					8,	30	0.40	0,
08/31/88	0.84					1,	12	2.63	13,
AVERAGE	0.70	6.12	3990	73.5	3.75		41	568	0.62
								158	

ACTUAL COD

FY88 Summary

139.66

167 PAGES

1.236027

1.6117%
1.44624 = 20.55%
OVER CONCENTRATION

4,600,428 BARRELS

273 DAYS

193,470,000

22761

1,820,894

344.87 MILES

MICROFILMED

DEC 30 1988

LAND APPLICATION SITE DESCRIPTION

THE LAND APPLICATION SITE INCLUDES EIGHT (8) APPLICATION UNITS OR FIELDS THAT ARE CURRENTLY IN CONTINUOUS USE PLUS A FIELD THAT IS USED SEASONALLY AND A PROSPECTIVE FIELD THAT WE ARE NEGOTIATING FOR AT THE PRESENT TIME.

CURRENT CONTINUOUS USE FIELDS - 177 ACRES:

FIELD #1 -FIELD NUMBER ONE IS A 12 ACRE SOLID SET SPRINKLER FIELD. THE SOIL IS PRIMARILY BOCK LOAM. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THE GROUND WATER IS FROM 9' TO 30' BELOW SURFACE.
↑
.0670%

FIELD #2 -FIELD NUMBER TWO IS A 18 ACRE SOLID SET SPRINKLER FIELD. THE SOIL IS PRIMARILY BOCK LOAM. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THE GROUND WATER IS FROM 10' TO 32' BELOW SURFACE.
↑
.1217%

FIELD #3 -FIELD NUMBER THREE IS A 33 ACRE CIRCLE AND SOLID SET SPRINKLER FIELD. THE SOIL IS HEISETON SANDY LOAM. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THE GROUND WATER IS 10' TO 32' BELOW SURFACE.
↑
.1864%

FIELD #4 -FIELD NUMBER FOUR IS A 12 ACRE SOLID SET SPRINKLER FIELD. THE SOIL IS HEISETON SANDY LOAN ON THE SOUTH PART AND HEISETON LOAM ON THE NORTH PART. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THE GROUND WATER IS FROM 12' TO 34' BELOW SURFACE.
↑
.0670%

FIELD #5 -FIELD NUMBER FIVE IS A 10 ACRE CIRCLE SPRINKLER FIELD. THE SOIL IS HEISETON SANDY LOAM. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THE GROUND WATER IS FROM 8' TO 28' BELOW SURFACE.
↑
.0565%

FIELD #6 -FIELD NUMBER SIX IS A 52 ACRE CIRCLE SPRINKLER FIELD. THE SOIL IS HEISETON LOAM. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THIS FIELD IS ALSO CROPPED OCCASIONALLY. THE GROUND WATER IS FROM 12' TO 34' BELOW SURFACE.
↑
.2938%

FIELD #7 -FIELD NUMBER SEVEN IS A 10 ACRE SOLID SET SPRINKLER FIELD. THE SOIL IS HEISETON SANDY LOAM. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THE GROUND WATER IS FROM 12' TO 34' BELOW SURFACE.
↑
.0565%

FIELD #8 -FIELD NUMBER EIGHT IS A 30 ACRE FLOOD IRRIGATED FIELD. THE SOIL IS HEISETON SANDY LOAM. THE FIELD IS PLANTED TO GRASS AND IS HARVESTED. THE GROUND WATER IS FROM 7' TO 30' BELOW SURFACE.
↑
.1695%

SEASONAL USE FIELD - 10 ACRES

WE HAVE ONE FIELD, THE JIM KONTES FIELD, THAT WE USE ON A SEASONAL BASIS. THIS FIELD IS USED TWO TO FOUR TIMES A YEAR. THE PRIMARY PURPOSE FOR USING THIS FIELD IS FERTILIZATION OF THE FIELD. THE FIELD IS USED FOR GRASS HAY AND PASTURE.

PROSPECTIVE FIELD - 225 ACRES (190 ACRES PLANNED UNDER CIRCLES)

THE PROSPECTIVE LAND APPLICATION SITE IS JUST NORTH OF OUR CURRENT SITE. IT WILL ADD 225 ACRES TO OUR EXISTING SYSTEM AND WILL CONSIST OF THREE CIRCLES. THE SOIL IS PRIMARILY HEISETON LOAM WITH

IDAHO SUPREME POTATOES, INC. HAS ONE (1) WASTE WATER STREAM. THE AVERAGE STREAM FLOW IS FROM 0.5 MGD TO 1.0 MGD. THE NORMAL OPERATING WEEK IS SIX DAYS, MONDAY THROUGH FRIDAY. THE NORMAL OPERATING SEASON IS TEN MONTHS, OCTOBER THROUGH JULY. THE STRENGTH OF THE WASTE WATER STREAM IS AS FOLLOWS:

PH	6.12 AVERAGE
COD	3990 MG/L AVERAGE
NITROGEN	73.5 MG/L AVERAGE
NITRATE	3.75 MG/L AVERAGE
TEMPERATURE	60 TO 80 DEGREES F

DISTRIBUTION ANALYSIS

JOB

SHEET NO.

OF

CALCULATED BY

B.E.

DATE

6
DEC. 1988

CHECKED BY

DATE

SCALE

OCTOBER 1987 - 18 DAYS USAGE (12,070,000 MG)

AV. EFF. M.G.D. = .67

AV. PH. = 6.22

AV. COD = 5496.2

AV. TKN = 103.47

AV. NO3 = 3.8

FIELD #2 = .685 MG / IN 2 DAYS = .343 / DAY
 " #3 = 3.115 MG / IN 7 DAYS = .445 / DAY
 " #4 = 2.405 MG / IN 4 DAYS = .601 / DAY
 " #5 = 1.245 MG / IN 4 DAYS = .311 / DAY
 " #6 = 3.350 MG / IN 6 DAYS = .558 / DAY
 " #7 = 1.270 MG / IN 3 DAYS = .423 / DAY
 " #8 = NO USE

NOVEMBER 1987 - 13 DAYS USAGE (16,130,000 MG)

AV. EFF. M.G.D. = .849

AV. PH. = 6.12

AV. COD = 4548.8

AV. TKN = 84.93

AV. NO3 = 3.3

FIELD #1 = .487 MG / IN 2 DAYS = .2435 / DAY
 " #2 = 1.297 MG / IN 4 DAYS = .324 / DAY
 " #3 = 1.730 MG / IN 4 DAYS = .433 / DAY
 " #4 = 1.810 MG / IN 3 DAYS = .603 / DAY
 " #5 = .607 MG / IN 2 DAYS = .3035 / DAY
 " #6 = 7.390 MG / IN 10 DAYS = .739 / DAY
 " #7 = 2.750 MG / IN 4 DAYS = .688 / DAY
 " #8 = NO USE

MICROFILMED

DEC 30 1988

JOB DISTRIBUTION ANALYSIS

SHEET NO. _____ OF 6
 CALCULATED BY B.E DATE DEC. 1988
 CHECKED BY _____ DATE _____
 SCALE _____

DECEMBER 1987-29 DAYS USAGE (17,130,000 MG)

AV. EFF. M.G.D. = .5907

AV. PH. = 5.85

AV. COD = 3991.4

AV. TKN = 74.86

AV. NO₃ = 3.07

FIELD #1 = .552 MG / IN 2 DAYS = .276 / DAY

" #2 = .942 MG / IN 4 DAYS = .236 / DAY

" #3 = .185 MG / IN 1 DAYS = .185 / DAY

" #4 = 1.260 MG / IN 2 DAYS = .630 / DAY

" #5 = .405 MG / IN 1 DAYS = .405 / DAY

" #6 = 4.4467 MG / IN 8 DAYS = .556 / DAY

" #7 = .720 MG / IN 2 DAYS = .360 / DAY

" #8 = 8.62 MG / IN 16 DAYS = .539 / DAY

JANUARY 1988-25 DAYS USAGE (15,960,000 MG)

AV. EFF. M.G.D. = .638

AV. PH = 6.054

AV. COD = 4359.5

AV. TKN = 73.31

AV. NO₃ = 3.69

FIELD #1 = .315 MG / IN 1 DAY = .315 / DAY

" #2 = 1.245 MG / IN 2 DAYS = .623 / DAY

" #3 = 1.430 MG / IN 3 DAYS = .477 / DAY

" #4 = .955 MG / IN 3 DAYS = .318 / DAY

" #5 = .955 MG / IN 3 DAYS = .318 / DAY

" #6 = 4.000 MG / IN 7 DAYS = .571 / DAY

" #7 = 2.320 MG / IN 5 DAYS = .464 / DAY

" #8 = 4.740 MG / IN 9 DAYS = .527 / DAY

MICROFILMED

DEC 30 1998

FEBRUARY 1988 - 23 DAYS USAGE (14,730,000 MG)

AV. EFF. MGD = .6404

AV. PH. = 6.19

AV. COD = 3449.9

AV. TKN = 52.53

AV. NO3 = 3.00

FIELD #1 = 1.495 MG/IN 4 DAYS = .374/DAY

" #2 = 1.630 MG/IN 4 DAYS = .408/DAY

" #3 = .940 MG/IN 4 DAYS = .235/DAY

" #4 = .655 MG/IN 3 DAYS = .218/DAY

" #5 = .655 MG/IN 2 DAYS = .328/DAY

" #6 = 2.745 MG/IN 5 DAYS = .549/DAY

" #7 = NO USE

" #8 = 6.610 MG/IN 10 DAYS = .661/DAY

MARCH 1988 - 18 DAYS USAGE (11,870,000 MG)

AV. EFF. MGD = .659

AV. PH. = 6.24

AV. COD = 4087.2

AV. TKN = 74.6

AV. NO3 = 8.3

FIELD #1 = .862 MG/IN 3 DAYS = .287/DAY

" #2 = 1.342 MG/IN 4 DAYS = .336/DAY

" #3 = 1.323 MG/IN 4 DAYS = .331/DAY

" #4 = .487 MG/IN 2 DAYS = .244/DAY

" #5 = .487 MG/IN 2 DAYS = .244/DAY

" #6 = 4.048 MG/IN 7 DAYS = .578/DAY

" #7 = .255 MG/IN 1 DAYS = .255/DAY

" #8 = 3.067 MG/IN 6 DAYS = .511/DAY

MICROFILMED

DEC 30 1988

DISTRIBUTION ANALYSIS

JOB _____ SHEET NO. _____ OF 6
 CALCULATED BY B.E. DATE DEC. 1988
 CHECKED BY _____ DATE _____
 SCALE _____

APRIL 1988 - 28 DAYS USAGE (20,790,000 MG)

AV. EFF. M.G.D. = .743

AV. PH. = 6.62

AV. COD = 4770

AV. TKN = 68.38

AV. NO3 = 4.0

FIELD #1 = .945 MG/IN 3 DAYS = .315 / DAY

" #2 = 2.115 MG/IN 6 DAYS = .353 / DAY

" #3 = 3.133 MG/IN 8 DAYS = .392 / DAY

" #4 = 1.107 MG/IN 4 DAYS = .277 / DAY

" #5 = 1.107 MG/IN 4 DAYS = .277 / DAY

" #6 = 6.330 MG/IN 10 DAYS = .633 / DAY

" #7 = NO USE

" #8 = 6.053 MG/IN 8 DAYS = .757 / DAY

MAY 1988 - 30 DAYS USAGE (23,420,000 MG)

AV. EFF. M.G.D. = .7807

AV. PH. = 6.26

AV. COD = 3735

AV. TKN = 74.03

AV. NO3 = 3.6

FIELD #1 = .770 MG/IN 2 DAYS = .385 / DAY

" #2 = 3.565 MG/IN 7 DAYS = .509 / DAY

" #3 = 1.968 MG/IN 5 DAYS = .394 / DAY

" #4 = 1.539 MG/IN 6 DAYS = .257 / DAY

" #5 = 1.539 MG/IN 6 DAYS = .257 / DAY

" #6 = 9.649 MG/IN 17 DAYS = .568 / DAY

" #7 = NO USE

" #8 = 4.390 / IN 7 DAYS = .627 / DAY

MICROFILMED

DEC 30 1988

JOB DISTRIBUTION ANALYSIS

SHEET NO. _____ OF 6
 CALCULATED BY B.E. DATE DEC. 1988
 CHECKED BY _____ DATE _____

SCALE _____

JUNE 1988 - 30 DAYS USAGE (22,770,000 MG)

AV. EFF. M.G.D. = .759

AV. PH. = 5.93

AV. COD = 3644.7

AV. TKN = 81.55

AV. NO3 = 3.67

FIELD #1 = 1.230 MG/IN 2 DAYS = .615/DAY
 " #2 = 2.337 MG/IN 5 DAYS = .467/DAY
 " #3 = 1.990 MG/IN 3 DAYS = .663/DAY
 " #4 = 1.805 MG/IN 7 DAYS = .258/DAY
 " #5 = 1.805 MG/IN 7 DAYS = .258/DAY
 " #6 = 7.840 MG/IN 13 DAYS = .603/DAY
 " #7 = 1.558 MG/IN 3 DAYS = .519/DAY
 " #8 = 4.205 MG/IN 6 DAYS = .701/DAY

JULY 1988 - 29 DAYS USAGE (21,970,000 MG)

AV. EFF. M.G.D. = .7576

AV. PH. = 6.16

AV. COD = 2572.2

AV. TKN = 59.16

AV. NO3 = 2.38

FIELD #1 = 1.200 MG/IN 3 DAYS = .400/DAY
 #2 = 2.670 MG/IN 5 DAYS = .534/DAY
 #3 = 7.305 MG/IN 11 DAYS = .664/DAY
 #4 = NO USE
 #5 = NO USE
 #6 = 3.415 MG/IN 5 DAYS = .683/DAY
 #7 = .915 MG/IN 2 DAYS = .458/DAY
 #8 = 6.465 MG/IN 3 DAYS = .718/DAY

MICROFILMED

DEC 30 1988

DISTRIBUTION ANALYSIS

JOB

SHEET NO.

OF

CALCULATED BY

B.E.

DATE

DEC. 1988

CHECKED BY

DATE

SCALE

AUGUST 1988 - 24 DAYS USAGE (16,630,000 MG)

AV. EFF. MGD = .693

AV. PH. = 6.01

AV. COD = 2823.8

AV. TKN = 62.11

AV. NO3 = 2.50

FIELD #1 = 2.395 MG/IN 5 DAYS = .479 / DAY

#2 = 2.005 MG/IN 5 DAYS = .401 / DAY

#3 = 2.720 MG/IN 5 DAYS = .544 / DAY

#4 = .285 MG/IN 1 DAYS = .285 / DAY

#5 = .285 MG/IN 1 DAYS = .285 / DAY

#6 = 5.370 MG/IN 9 DAYS = .597 / DAY

#7 = NO USE

#8 = 3.57 MG/IN 5 DAYS = .714 / DAY

MICROFILMED

BEC 3 0 1998

FIELD #8 APPLICATION PERIODS

~ DEC. 14, 1987 TO JAN 10, 1988 = 28 CALENDER DAYS ~

(A) EFF. APPLIED 22 OF 28 DAYS = 78.57% OF TIME PERIOD

(B) 12,100,000 G. / 28 DAYS = 550,000 G.D. AV.

(C) 30 ACRE^s x 43560 x 144 = 188,179,200 SQ. INCHES

12,100,000 G. x 231 = 2,795,100,000 CU. IN.^s OF EFF.

$$\frac{2,795,100,000}{188,179,200} = 14.8534 \text{ (INCHES OF EFF.)}$$

$$(.6752 \text{ IN. OF EFF. PER DAY})$$

AV. HIGH TEMP. =

AV. LOW TEMP. =

~ APRIL 23, 1988 TO MAY 6, 1988 = 14 CALENDER DAYS ~

(A) EFF. APPLIED 14 OF 14 DAYS = 100% OF TIME PERIOD

(B) 10,153,333 G. / 14 DAYS = 725,238 G.D. AV.

(C) 30 ACRE^s x 43560 x 144 = 188,179,200 SQ. INCHES

10,153,333 G. x 231 = 2,345,419,923 CU. IN.^s OF EFF.

$$\frac{2,345,419,923}{188,179,200} = 12.4638 \text{ (INCHES OF EFF.)}$$

$$(.8903 \text{ IN. OF EFF. PER DAY})$$

AV. HIGH TEMP. =

AV. LOW TEMP. =

~ FEB. 11, 1988 TO FEB. 20, 1988 = 10 CALENDER DAYS ~

(A) EFF. APPLIED 10 OF 10 DAYS = 100% OF TIME PERIOD

(B) 6,350,000 G. / 10 DAYS = 635,000 G.D. AVE.

(C) 30 ACRE^s x 43560 x 144 = 188,179,200 SQ. INCHES

6,350,000 G. x 231 = 1,466,850,000 CU. IN. OF EFF.

$$\frac{1,466,850,000}{188,179,200} = 7.7950 \text{ (INCHES OF EFF.)}$$

$$(.7795 \text{ IN. OF EFF. PER DAY})$$

AV. HIGH TEMP. =

AV. LOW TEMP. =

MICROFILMED

DEC 30 1988

BREAKDOWN OF WASTEWATER APPLIED
TO IDAHO SUPREME FIELDS 10-27 TO 8-88

FIELD #1 = 10,251,000 G. / 27 DAYS = 379,666 G.
53.0% EFF. ON 6.78% OF LAND

FIELD #2 = 19,833,000 G. / 48 DAYS = 413,188 G.
10.25% EFF. ON 10.17% OF LAND

FIELD #3 = 25,839,000 G. / 55 DAYS = 469,800 G.
13.36% EFF. ON 18.64% OF LAND

FIELD #4 = 12,308,000 G. / 35 DAYS = 351,657 G.
6.30% EFF. ON 6.78% OF LAND

FIELD #5 = 9,150,000 G. / 32 DAYS = 285,937 G.
4.73% EFF. ON 5.65% OF LAND

FIELD #6 = 58,583,700 G. / 97 DAYS = 603,955 G.
30.28% EFF. ON 29.38% OF LAND

FIELD #7 = 9,788,000 G. / 20 DAYS = 489,400 G.
5.06% EFF. ON 5.65% OF LAND

FIELD #8 = 47,720,000 G. / 76 DAYS = 627,895 G.
24.67% EFF. ON 16.95% OF LAND

TOTALS

193,472,700 G. / 273 DAYS = 708,691 G. PER DAY AVE.

OCT. 2, 1987 TO AUG. 31, 1988 = 330 DAYS

273/330 = 82.73% OF AVAILABLE TIME

(5.79 DAYS PER WEEK)

MICROFILMED

DEC 30 1988

Idaho Supreme Potatoes, Inc.

Ltr. Dayley's²

P.O. BOX 246 • FIRTH, IDAHO 83236-0246 • PHONE 208-346-6841 • TELEX 910-978-5981

12 December 1988

Mr. Harold W. Jones
Department of Water Resources
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

We have reviewed your letters, copies attached, relating to your stated need for Idaho Supreme Potatoes, Inc. to file for an expanded use permit in order to apply plant effluent onto land application treatment sites. You state "Without elaborating on applicable state law at this time the department's position is that a permit for the new use is necessary."

We respectfully request that you rethink your position on this matter. We believe you have far exceeded the department's authority and intent in making this decision.

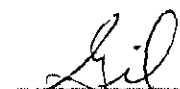
Let me briefly explain what a land application site is: A land application site is a system designed to reduce the waste loading in the plant waste water stream. Its purpose is the same as any other treatment system whether it be lagoon, anaerobic digester, aerobic digester, etc..

Your major concern seems to be that "... the community must be provided an opportunity to express their concerns...". To alleviate this concern let me explain. In order to use the land as a treatment system a special use permit is required by Bingham county a public hearing is held as part of this process.

A permit is required by The Idaho Division of Environmental Quality, Bureau of Water Quality, in order to use a land application site as a treatment system. A permit is also required by the Bingham County Planning and Zoning Commission. I assure you we are amply governed by these two permits.

I would be pleased to meet with you again on this problem as its outcome will affect other users of land application sites.

Sincerely,



Gilbert Dayley

cc. Matt Eames - IACI
Walt Poole - DEQ
Al Murray - DEQ
Norman Young - DWR

MICROFILMED
DEC 30 1988

WORLD'S FINEST DEHYDRATED POTATOES



FROM: H. W. Jones
TO: Walt Poole
RE: Use of Effluent Water

The traditional policy of the State of Idaho has been that the use of water for any beneficial purpose requires a water right. However, in many cases water is appropriated for some municipal or industrial use and disposal of the resulting effluent becomes a problem. Environmental concerns and treatment costs sometimes make additional uses of effluent waters attractive. The question then becomes; if a secondary incidental beneficial use is made of "waste" water is an additional water right required? Without elaborating on applicable state law at this time the Department's position is that a permit for the new use is necessary. The permit application, however, may not be subject to certain permit processing requirements that other applications in the same geographical area would go through.

Spray fields for food processing facilities seem to be the most common example of uses that require water right permits for the incidental beneficial use of water that comes from growing crops. Even if crops are not harvested from the land under the spray field a permit is required.

The very use of effluent water may affect adjacent land owners and the community must be provided an opportunity to express their concerns if need be. This expression may be done through the protest/hearing format and is only available if an application for permit is required.

H. W. Jones

Mr. Dailey,
attached is a copy of the
policy letter I'm sending to
Walt Poole at Environmental
Services.

H. W. Jones

MICROFILMED

DEC 30 1998

Norm —

IF THIS WAS A MUNICIPAL WASTE-WATER TREATMENT PLANT WE WOULDN'T KNOW OR CARE HOW OR WHERE THEY DISPOSED OF THE EFFLUENT.

I DO THINK WE NEED TO KNOW HOW MUCH WATER AND UNDER WHAT RIGHTS THEY ARE DIVERTING.

IF THEY DON'T TAKE GOOD CARE OF THE EFFLUENT STREAM AND FLOOD THE NEIGHBOR THEN IT IS A CIVIL DAMAGE MATTER.

1.89 mgd on 5/29/88 = 2.92 cfs WHICH WOULD APPEAR TO BE IN EXCESS OF THEIR ESTABLISHED RIGHT TO 1.07 cfs. I DOUBT THEY WOULD HAVE THAT MUCH STORAGE IN THEIR SYSTEM.

THEY SHOULD HAVE RECORDS OF PRODUCTION FROM THEIR SUPPLY WELL WHICH WE SHOULD ASK THEM TO PRODUCE.

[Signature]

MICROFILMED

DEC 30 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 1
Idaho Falls, Idaho 83401
(208) 525-7161

September 6, 1988

Bill Chapman
C/O Idaho Supreme Potatoes, Inc.
614 E 800 N
Firth, ID 83236

Dear Mr. Chapman:

I have been advised that Idaho Supreme may be considering using their effluent water to irrigate lands East of Firth. I see that your company has water right 27-2152 for Industrial use (see attached). This stated use does not include irrigation and any said use would be considered an expansion of right 27-2152. If you are considering irrigation with plant effluent water, a new application must be submitted.

If you have any questions about this situation, please call me.

Sincerely,

Harold W. Jones
Harold W. Jones
Senior Resource Agent

HWJ:jt

Attachment

MICROFILMED
DEC 30 1998

June 8, 1972

Re: Permit No. 33242/27-2152

**Idaho Supreme Potatoes, Inc.
P.O. Box 246
Firth, Idaho 83236**

Gentlemen:

Enclosed herewith is the Water License issued on the above referenced permit.

Very truly yours,

**BOBBY D. FLEENOR
Assistant Director**

**BDF:DR
Enc: License**

cc: Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

May 15, 1972



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Idaho Supreme Potatoes, Inc.

P. O. Box 246

Firth, Idaho 83236

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 33242/27-2152 and has found the following:

Quantity of water diverted: 1.07 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.07 cfs

The maximum quantity diverted shall not exceed 774.7 acre feet per season.

Beneficial use: Industrial purposes within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19,
Twp. 1 S, Rge. 37 E, B. M.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 1 S, Rge. 37 E, B. M.

The priority date established is: October 3, 1966

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

You should be aware that any ground water development after March 25, 1963, must be by means of a valid permit. If, at some future time, you wish to begin using the waste water for the irrigation of the 48 acres, you must file an application for permit with this office before diverting water for that purpose.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr

27 2152

FIELD REPORT

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions: _____

TOTAL ACREAGE

Permit No. 33242/27-2152

Examination for B/U

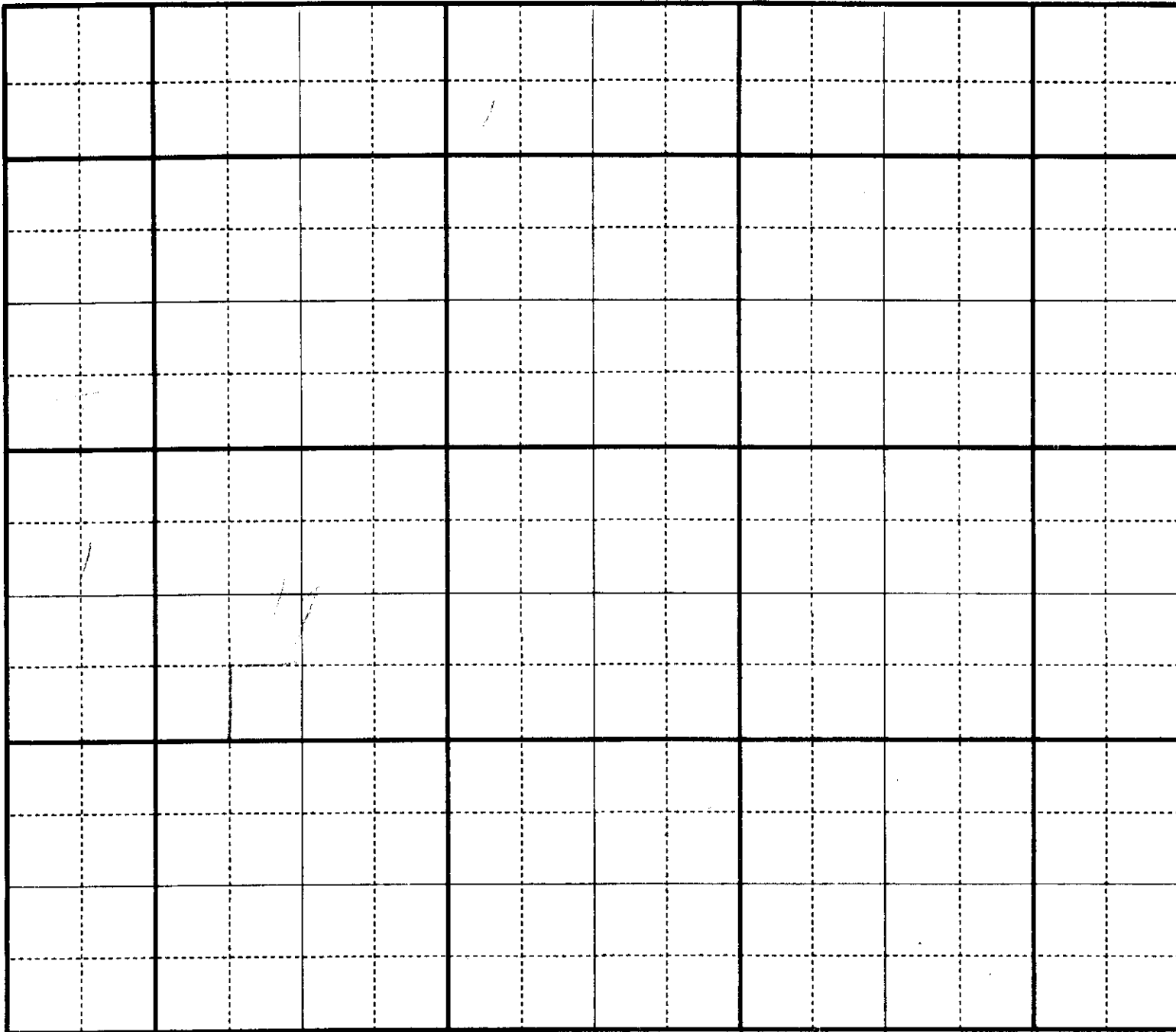


Diagram of System

27 22

See attached photo map

There is no intent of irrigating this time.

21.8 acres.
water meter at the ground water system through pressure
apply the water meter to the purpose of returning the
expands back to 10" mainline to solid set sprinkler system that
down to a 6" pipe with a 6" bridge flow meter # 1121132. then
all pumps down. folds into a 10" steel mainline that returns

East Pump 15 HP US Motor # K2003420, E-S Pump 201.5 0285
300 GPM @ 150'

Middle Pump 15 HP US Motor # 031621, E-S Pump 201.5 0285
300 GPM @ 150'

West Pump 15 HP US Motor # 031621, E-S Pump 201.5 0285
300 GPM @ 150'

through the closed circuit line after treatment plant and primary clarification system
and pump ~~to the~~ falling relief pumps, located approximately 200' at final

R 37E

NE NE

NE NE

SW SW



Head Pipe

SW SW

Treatment Plant

Well

SE SE

EC Cr
1/4 mi

DATE OF EXAM Dec 23, 1971

ACREAGE

Found See Remarks
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 _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
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 430 GPM = 1.07 cfs Method of measurement using stop watch

Total Q recommended 1.07 cfs Meter No. 11212312 Type hydro Condition New

Total V recommended 7.75 AI

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

430 GPM Timed at Meter discharging waste water through closed
vertical steel irrigation sprinkler system to fields for percolation
into the ground

SYSTEM DESCRIPTION:

75 HP Westinghouse Motor # 7008; L-B Pump # D14506, Model 10RL
8" discharge to buried steel main line to Boiler Room of Plant then
distributed throughout Plant. Pressure Gauge reading 10.8 lbs with well pump
running continuous.

REMARKS:

Mr. Lynn Broadhead accompanied me on the examination. Timex Ruben consulted
about location of waterline.

All waste water from the plant, except toilet facilities, is collected in a
central sump located in the main plant building by gravity. The waste water is then
pumped into a closed steel pipe conduit by the Farm water lift pump. (see page 2)

Examiner's Signature Larry Johnson Date 12/25/71

Checked by _____ Date _____

Approved by _____ Date _____

October 18, 1971

Re: Permit No. G-33242/27-2152

Idaho Supreme Potatoes, Inc.
P. O. Box 246
Firth, Idaho 83236

Gentlemen:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from 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 examination so that you may arrange to have someone show him the system.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

27 2152

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
OCT 8 1966
ck

Department of Water Administration

1. a) Name of Permit Holder Idaho Supreme Potatoes, Inc.
b) Post Office Address Box 246 Firth Idaho
2. Permit Number G-33242
3. Date of Priority that you are prepared to establish Oct. 3, 1966
4. a) Source from which water was appropriated Subterranean
b) Location of the point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19
Township 1S, Range 37E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 3 cfs for Potato Processing purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 500 Gal/ Min for Industrial 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 2.22 cfs 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: By Flow Meter - Plant Engineer-- Lynn Bradshaw

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) 12", 75 hp 190 ft deep.

- b) Describe the type and size of measuring device which you have installed at your point of diversion: Flow meter - propellor type, 6" pipe size

- c) Give well drillers name and address and date the well was completed Frandsen, Bros.
Rt. #4 Blackfoot, Idaho 6-6-66

exam. typed 10-21-71
mgf

9. Irrigation uses: Describe the lands irrigated by giving the acreages 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.

Oct. 5, 1971
(Date)

Lynn Broadshaw
(Signature)

State of Idaho)
County of Bonneville) ss.

On this 5 day of Oct, 19 71, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Paul Ray Byington
Notary Public residing at Bonneville

My commission expires 9/mar/75

September 30, 1971

Re: Permit No. 27-2152

Idaho Supreme Potatoes, Inc.
Firth,
Idaho 83236

Gentlemen:

Pursuant to our telephone conversation of September 29, 1971, please find enclosed a copy of the above referenced permit.

If you should have any further questions in reference to this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cs

Enclosure

27 2152

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

22995

1

Idaho Supreme Potatoes

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Alene Prescott

INSURED NO.

DATE DELIVERED

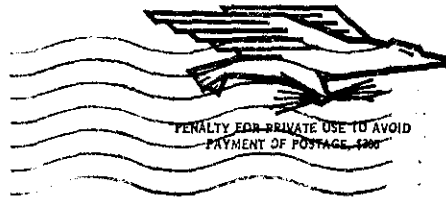
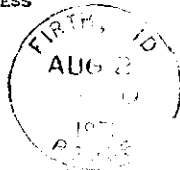
8/2/71

3

SHOW WHERE DELIVERED (*only if requested*)

27 2152

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

 **RETURN
TO**

POD Form 3811 Apr. 1953 c55-16-71B48-11

27 2152

July 30, 1971

CERTIFIED MAIL #22995

Re: Permit No. G-33242/27-2152

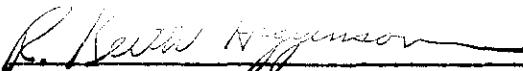
Idaho Supreme Potatoes, Inc.
Firth,
Idaho 83236

Gentlemen:

One of the conditions of approval of your water Permit No. G-33242/27-2152 (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 October 7, 1971. 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

Enc: Proof affidavit
dr

cc: Alva A. Harris - David S. Cook
Attorneys-at-Law
Box 838, Shelley, Idaho 83274

27 2152

December 28, 1970

Re: Permit No. G-33242/27-2152

Mr. Afton Crofts
Idaho Supreme Potatoes, Inc.
P.O. Box 246
Firth, Idaho 83236

Dear Mr. Crofts:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until October 7, 1971, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

27 2152

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE ANNEX 2
BOISE, IDAHO 83707

December 18, 1970

Re: Permit No. G-33242/27-2152

Mr. Afton Crofts
Idaho Supreme Potatoes, Inc.
Post Office Box # 246
Firth, Idaho 83236

Dear Mr. Crofts:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 7, 1971; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Blackfoot News, Blackfoot, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:CM

27 2152

December 18, 1970

Re: Permit No. G-33242/27-2152

Mr. Afton Crofts
Idaho Supreme Potatoes, Inc.
Post Office Box # 246
Firth, Idaho 83236

Dear Mr. Crofts:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 7, 1971; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Blackfoot News, Blackfoot, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:CM

27 2152

October 23, 1970

Re: Permit No. G-33242/27-2152

Mr. Afton Crofts
Idaho Supreme Potatoes, Inc.
P.O. Box 246
Firth, Idaho 83236

Dear Mr. Crofts:

The legal notice for the above-referenced permit is being published in the
Blackfoot News, Blackfoot, Idaho on November 5
and November 12, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

27-2152
33242

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

October 23, 1970

Re: Permit Nos. G-33242/27-2152 - Idaho Supreme Potatoes
G-33326/35-2848 - Cume Hall

The Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed are two legal notices which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us galley proofs for our review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notices on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the first publication is to be paid by Afton Crofts, Idaho Supreme Potatoes, P.O. Box 246, Firth, Idaho, and the second by Cume Hall, 351 East 14th, Idaho Falls, Idaho, to whom you should furnish affidavits of publication.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM/DG
Enc: two legal notices

27-2152
33242

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Idaho Supreme Potatoes, Inc., P.O. Box 246, Firth, Idaho.

has received an approved Permit No.

G-33242/27-2152 issued by the Idaho Department of Water Administration authorizing the diversion ~~subgrade~~ of 2.22 cubic feet per second ~~444/7444~~ ~~per/annum~~ of water from a ground water source.

The priority to be established under this permit is October 3, 1966 and the permit was approved October 7, 1966.

Water is to be diverted by well, pump and motor from a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T. 1S, R. 37E, B.M., Bingham County.

to be used for industrial purposes in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T. 1S, R. 37E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before October 7, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

Published in the Blackfoot News, Blackfoot, Idaho, on November 5 and November 12, 1970.

Permit No. G-33242/27-2152

Director:

You are hereby authorized to have the above notice published at my expense in the Blackfoot News of Blackfoot, Idaho; published in the county in which the works are situated.

R. Keith Higgins
(Signature)

P.O. Box 246 - 83234
(Address)

10-16-70
(Date)

Firth, Idaho

27-2152

33242

October 14, 1970

Re: Permit No. G-33242 (New No. 27-2152)

Idaho Supreme Potatoes, Inc.
Firth
Idaho 83236

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order
Advertising package
cc: Alva A. Harris - David S. Cook

27-2152
33242

December 12, 1969

RE: Permit No, 27-2152 (G-33242)

L. Ray Peterson
County Supervisor
Farmers Home Administration
P. O. Box 438
Rexburg, Idaho 83440

Dear Mr. Peterson:

Our records show that the above numbered permit is the personal property of Idaho Supreme Potatoes, Inc. of Pirth, Idaho. In order for Mrs. Fullmer to become the owner of the permit it will have to be assigned from the present owner regardless of the mortgaging agreement.

Mr. Cook has never made proof, however, they are not due until October 7, 1971.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

27-2152
33242

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

P. O. Box 438
Rexburg, Idaho
83440

RECEIVED
DEC 11 1969

December 10, 1969

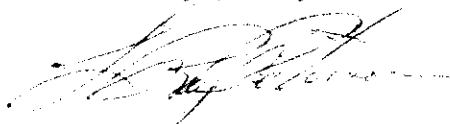
State Reclamation Engineer
Boise, Idaho 83702

Dear Sir:

This is to advise you that Theral Gene Fullmer will become the holder of well permit number G 33242 presently in the name of Adrian Cook, Teton County. Mr. Fullmer will be mortgaging the rights thereunder to the United States of America and agrees that he will not assign or amend the permit without the consent of the Farmers Home Administration.

Has Mr. Cook submitted proof of application of water in order for a license to be issued? If not, what procedure is necessary to obtain a license?

Sincerely yours,



L. Ray Peterson
County Supervisor

LRP:mh

27-2152

33042

October 17, 1966

Re: Permit No. G-33242
Idaho Supreme Potatoes, Inc.

Alva A. Harris, Attorney at Law
P.O. Box 838
Shelley, Idaho

Dear Mr. Harris:

We enclose Permit No. G-33242 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-10916 which was issued covering payment in the amount of \$ 5.50 for the filing fee of the above mentioned permit.

Very truly yours,

Enc. permit, receipt
MRB:ejw

M. RUSSELL BOSCH
Office Manager

cc: Idaho Supreme Potatoes Inc.
Firth, Idaho

33242

ROBERT E. SMYLLIE
Governor



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

September 28, 1966

RECEIVED
OCT 3 1966

Department of Reclamation

33242

RE: Application for Permit

Alva A. Harris
Attorney at Law
P.O. Box 933
Shelley, Idaho 83274

Dear Mr. Harris:

Returned herewith is the application for Idaho Supreme Potatoes, Inc. and your check in the amount of \$5.25.

The permit is in good order, however, the check should be for \$5.50.

Please return the application with the correct filing fee.

Very truly yours,

M. Russell Bosch
M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Application
Check

33242

*Re-application
for permit*

September 28, 1966

RE: Application for Permit

Alva A. Harris
Attorney at Law
P.O. Box 838
Shelley, Idaho 83274

Dear Mr. Harris:

Returned herewith is the application for Idaho Supreme Potatoes, Inc. and your check in the amount of \$5.25.

The permit is in good order, however, the check should be for \$5.50.

Please return the application with the correct filing fee.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw

Encl: Application
Check

83274