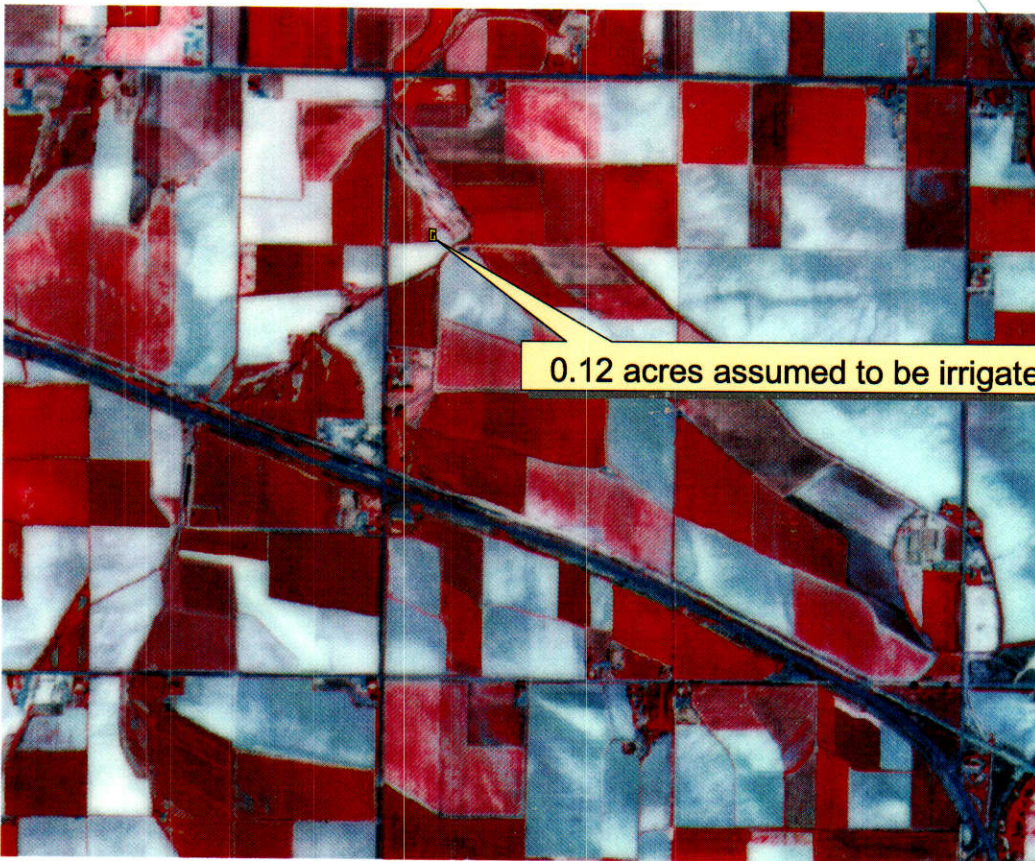


T5535 SeaPac



By ADM 3/8/2000

MICROFILMED
JUL 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5535
WATER RIGHT NO. 47-13957

This is to certify that: SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	* 0.04 CFS	* 2.8 AF

SOURCE

GROUNDWATER

Priority: 03/02/1970

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 1, Township 10S, Range 15E
SWNW , Sec. 1, Township 10S, Range 15E
TWIN FALLS County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

10S 15E 1 Lot 4 (NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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

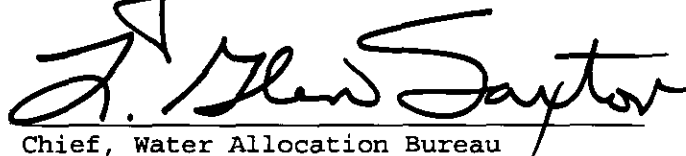
NOV 27 2000

TRANSFER NO. 5535
WATER RIGHT NO. 47-13957

CONDITIONS OF APPROVAL AND REMARKS

- * 6. The total instantaneous diversion of water from all points of diversion under Transfer 5535 shall not exceed 0.04 cfs, nor a total combined annual volume of 2.8 af.
- 7. The quantity of water decreed for this water right for commercial use is not a determination of historical beneficial use and shall not exceed 2,500 gallons per day.
- 8. Commercial use is for potable water for a fish facility.

Dated this 19th day of May, 2000.


Chief, Water Allocation Bureau

MICROFILMED

JUL 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5535
WATER RIGHT NO. 47-13957

This is to certify that: **SEAPAC OF IDAHO INC**
PO BOX 546
BUHL ID 83316

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	* 0.04 CFS	* 1.2 AF

SOURCE

GROUNDWATER

Priority: 03/02/1970

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 1, Township 10S, Range 15E
SWNW , Sec. 1, Township 10S, Range 15E
TWIN FALLS County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

10S 15E 1 Lot 4 (NWNW)

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this right may be affected by an agreement between the protestant and the right holder.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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

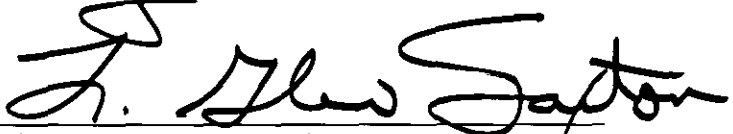
JUL 27 2000

TRANSFER NO. 5535
WATER RIGHT NO. 47-13957

CONDITIONS OF APPROVAL AND REMARKS

- * 6. The total instantaneous diversion of water from all points of diversion under Transfer 5535 shall not exceed 0.04 cfs, nor a total combined annual volume of 1.2 af.
- 7. The quantity of water decreed for this water right for commercial use is not a determination of historical beneficial use and shall not exceed 2,500 gallons per day.
- 8. Commercial use is for potable water for a fish facility.

Dated this 4th day of May, 2000


Chief, Water Allocation Bureau

MICROFILMED

JUL 27 2000

Page 1 of 6
RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5535**MAR 09 2000 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources

Name of applicant SeaPac of Idaho, Inc. Phone (208) 326-3100
Post Office address P.O. Box 546, Buhl, ID 83316**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To convert an existing domestic decree to
commerical use

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-----------------|--------------------|-------------------|----------------------------|
| <u>47-13957</u> | <u>3/2/1970</u> | <u>0.04/2.80</u> | <u>Commercial</u> | <u>1/1</u> to <u>12/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.04 cubic feet per second and/or 2.80 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	NW	1	10S	15E	Twin Falls	Existing well and pump
		SW	NW	1	10S	15E	Twin Falls	Future well and pump

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	15E	1						C											

RECEIVED**AUG 05 1999**

MICROFILMED

Department of Water Resources
Southern Region

10 27 2000

PART 1

6. General Information:

- a. Description of diversion system Existing well and pump to potable water facilities.
Future well would be drilled south of existing well.
- 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A
- d. Remarks:
This right decreed without a volume. Historical beneficial use for 1 house,
1/2 acre of irrigation, and minor stock has been at least 2500 gpd (2.80 af/year).
Concurrent permit app. for part B exemption will provide additional 2500 gpd.

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
JUL 27 2000

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 47-13957

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

SOURCE

GROUNDWATER

Priority: 03/02/1970

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 1, Township 10S, Range 15E
TWIN FALLS CountyPLACE OF USE: DOMESTICTWN RGE SEC

10S 15E 1 NWNW

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. 10S15E013000

MICROFILMED

JUL 27 2000

Page 3 of 6Transfer No. 5535

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 47-13957 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☒ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date of priority 3/2/1970

5. Water is used for the following purpose:

Amount 0.04 for Domestic purposes from 1/1 to 12/31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.04 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	NW	1	10S	15E	Twin Falls	Existing well and pump

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	15E	1						D											

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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)

APPROVED
JUL 27 2006

SCALE: 2 inches equals 1 mile. Draw plan in ink.

TitelFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

TITLEFACT, Inc.

19950071101

***** SPACE ABOVE FOR RECORDER *****

36890ml

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED PRISTINE SPRINGS, INC., an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto SEAPAC OF IDAHO, INC., an Idaho corporation, Grantee, whose address is: P.O. BOX 546, BUIHL, ID 86616, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho
Section 1: A tract of land located in Lot 4 being more particularly described as follows:
BEGINNING at the Northwest corner of said Section 1;
THENCE South 00°25'35" East along the West line of said Lot 4 for 455.46 feet to the TRUE POINT OF BEGINNING;
THENCE continuing South 00°25'35" East along said West line for 1093.33 feet to the South line of said Lot 4;
THENCE North 89°38'21" East along said South line for 590.96 feet;
THENCE North 53°41'09" East for 145.15 feet;
THENCE North 15°54'46" East for 35.31 feet;
THENCE North 02°40'00" West for 31.25 feet;
THENCE North 02°10'19" East for 23.54 feet;
THENCE North 29°30'55" West for 33.72 feet;
THENCE North 36°24'54" West for 33.50 feet;
THENCE North 40°37'09" West for 525.33 feet;
THENCE North 37°40'17" West for 122.79 feet;
THENCE North 25°21'48" West for 332.20 feet;
THENCE North 58°34'39" West for 120.25 feet;
THENCE South 89°34'25" West for 26.70 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH: An access to repair and maintain pond easement along the Easterly sides of the above-described tract of land.

SUBJECT TO: A 25-foot wide county road right of way along the West line of the above-described tract of land, as shown on the records of the County Recorder for Twin Falls County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its PRESIDENT

Dated: May 2, 1995

PRISTINE SPRINGS, INC., an Idaho corporation

By: Rick Eggleston
RICK EGGLESTON, PRESIDENT

STATE OF IDAHO
County of Twin Falls

On this 5TH day of MAY, 1995, before me, the undersigned, Notary Public in and for said State, personally appeared RICK EGGLESTON, known to me to be the PRESIDENT of the said corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written

[Signature]
Notary Public for Idaho
Residing at: TWIN FALLS
My Commission expires: 11-28-96

T.# 5535

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 47-13957

NAME AND ADDRESS: PRISTINE SPRINGS INC
201 WARM CREEK RD
JEROME, ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/02/1970

POINT OF DIVERSION: T10S R15E S01 NWN Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

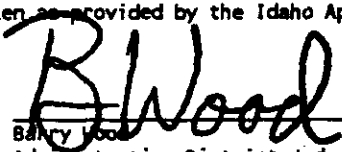
PLACE OF USE: Domestic Within Twin Falls County
T10S R15E S01 NWN

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA DECREE

MICROFILMED
JUL 27 1999



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 2000

SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316

RE: Water Right 47-13957 (Amended Transfer 5535)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Amended Transfer of Water Right for the above referenced water right (Transfer 5535). 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 an **amended preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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) 327-7940.

Sincerely,

Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt
Enclosures

MICROFILMED

JUL 27 2000

CERTIFICATE OF MAILING

I hereby certify that on the **22nd** day of **May, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 47-13957 (Amended Transfer 5535)

**SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED
JUL 27 2000

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 fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from 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 fourteen (14) 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.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

MICROFILMED

27 2000

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.

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.

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

PATRICK D. BROWN, P.C.
LAW OFFICES

Fax

To: L. Glen Saxton, Hearing Officer IDWR **From:** PATRICK D. BROWN

Fax: (208) 327-7866 **Date:** May 18, 2000

Phone: (208) 327-7900 **Pages:** 7, including this one

Re: Transfers No. 5512 and 5535 **CC:**

☒ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

E Filing

*Comments

Attached for filing are the following:

1. Petition for Reconsideration of Preliminary Orders
2. Affidavit of Charles G. Brockway, PhD

If you need to have the original documents mailed to you, please let me know. I would be happy to do so.

pdb/tf

The information contained in this facsimile communication is attorney/client privileged and/or confidential information intended only for the use of the individual or entity named above. If the reader of this cover page is not the intended recipient or the agent or employee of the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication or the information contained herein is strictly prohibited. If you have received this communication in error, please immediately call our office at (208) 644-1967. Thank you for your cooperation.

109 SOUTH ADAMS STREET • JEROME, IDAHO • 83338
PHONE: 208-644-1967 • FAX: 208-644-1970

MICROFILMED

MAY 27 2000

COPY (see 47-07463K)

Original FAX rec'd. 5-18-00

SeaPac of Idaho, Inc.

PATRICK D. BROWN, P.C.
Law Offices
109 South Adams Street
Jerome, ID 83338
Telephone: (208) 644-1967
Facsimile: (208) 644-1970
ISB #4413

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5512 (Water)
Right No. 47-07663K) and TRANSFER)
No. 5535 (Water Right No. 47-13957))

PETITION FOR RECONSIDERATION
OF PRELIMINARY ORDERS

SEA PAC OF IDAHO,)

Applicant,)

CRAIG MOORE,)

Protestants.)

COME NOW, the Applicant, Sea Pac of Idaho, Inc., by and through its counsel of record, Patrick D. Brown, P.C., and files this Petition on the following grounds:

1. With respect to Transfer No. 5512, condition No. 4 has apparently been inadvertently inserted. That provision concerns use of water for dairies. This is a commercial processing right, not a dairy right, and as such, there is no factual

PETITION FOR RECONSIDERATION
OF PRELIMINARY ORDERS - 1

MICROFILMED

JUL 27 2005

basis for the condition. Petitioner believes the remark has been inadvertently inserted and should simply be deleted.

2. With respect to Transfer No. 5535, the preliminary documents indicate a limit to the diversion volume of 1.2 acre feet per year. The Petitioner requests this be changed to reflect the historic use of the right. An affidavit from Dr. Brockway is being submitted with this petition. Under the affidavit, the historic use of the right is estimated conservatively to be 2500 gallons per day based on about one-half acre of irrigation and typical domestic in-home usage. This translates into a diversion volume in excess of 2.8 acre feet per year. Petitioners request the transfer order state 2.8 AFA, not 1.2 AFA, as the diversion volume in order to more accurately reflect this historic use.

DATED This 18 day of May, 2000.



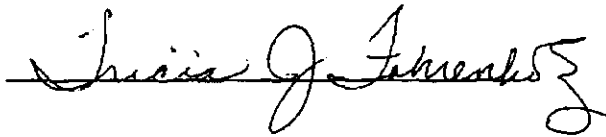
Patrick D. Brown
Attorney for Sea Pac of Idaho, Inc.

CERTIFICATE OF DELIVERY

I, hereby certify that on May 18, 2000, a copy of the foregoing document was served upon the following party(s) by the method indicated below, and addressed to the following:

Robert Williams
Fredericksen Williams & Meservy
117 South Adams
Jerome, ID 83338

☐ U.S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



PETITION FOR RECONSIDERATION
OF PRELIMINARY ORDERS - 3

MICROFILMED
JUL 27 2000

May 18 00 03:12p

PATRICK D. BROWN

208-644-1970

P. 5

May 18 00 02:32p

PATRICK D. BROWN

208-6 1970

P. 1

RECEIVED

BY

DATE 5-18-00

SeaPac of Idaho, Inc.

PATRICK D. BROWN, P.C.

Law Offices

109 South Adams

Jerome, ID 83338

Telephone: (208) 644-1967

Facsimile: (208) 644-1970

ISB #4413

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5512 (Water)
Right No. 47-07663K) and TRANSFER)
No. 5535 (Water Right No. 47-13957))

AFFIDAVIT OF
CHARLES G. BROCKWAY, PhD

SEA PAC OF IDAHO,)

Applicant,)

CRAIG MOORE,)

Protestants.)

STATE OF IDAHO)

:ss

County of Twin Falls)

I, Charles G. Brockway, being first duly sworn upon oath, do hereby depose and state:

1. I make the foregoing and following statements in this affidavit based upon my personal knowledge and beliefs. I am otherwise competent to testify as set forth below. I have been retained by SeaPac, the entity transferring these water rights, to analyze and provide testimony about the scope and extent of the water rights being transferred.

Affidavit of Charles G. Brockway, PhD - 1

MICROFILMED

1991 27 2000

2. I have a PhD in Civil and Environmental Engineering from the University of Iowa. I have prepared numerous reports and have testified before IDWR on several occasions over the past five years as an expert regarding the extent of historical use and estimated quantities of such uses.

3. The following is my estimation of historical beneficial use volume under the domestic/stockwater claim No. 47-13957 (Transfer No. 5535).

4. Based on discussions with SeePac employees and my understanding of how this right has been used prior to its use by SeePac, I estimate the historic volume of use as follows:

a. Uses: 4 persons, 0.5 acres of irrigation, 50 dry cows
Twin Falls pasture ET=890 mm (3.248 feet) from Allen and Brockway, 1983
Application efficiency = 75%
Per-capita in-house water usage = 75 gpcd

b. Domestic in-house volume = 75 gpcd x 4 persons = 300 gpd (0.34 ac-ft/year)
Stockwater volume = 50 cows x 10 gpd/head = 500 gpd (0.56 ac-ft year)
Irrigation volume = 3.248 feet/75% x 0.5 acres = 2.17 ac-ft/year

Total volume: $0.34 + 0.56 + 2.17 = 3.07$ ac-ft/year (2740 gpd)

5. In order to not inflate the historical volume, the estimations are conservative. The application efficiency is on the high end of typical values for lawn sprinkling, which would tend to lower the required volume. Also, the daily per-capita in-house water usage and the daily water requirement for dry cows are on the low end of the typical ranges.

6. Based on those conservative estimations, it is my opinion that the historical annual volume diverted was more likely than not greater than 2.8 AFA, and that any volume limit should be at least 2.8 AFA.

7. Further your affiant sayeth not.

Dated this 18th day of May, 1999.

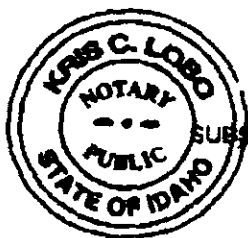
Charles G. Brockway
Dr. Charles G. Brockway

SUBSCRIBED and SWORN to before me this 18th day of May, 1999.

Kris C. Lobo
NOTARY PUBLIC FOR IDAHO

Residing at: Twin Falls

My Commission Expires: 1-31-06 K1.



Affidavit of Charles G. Brockway, PhD - 2

MICROFILMED

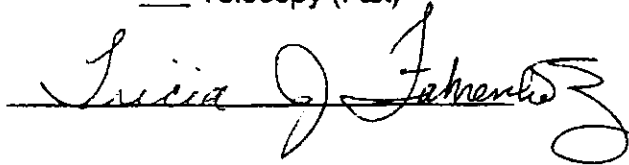
27 2000

CERTIFICATE OF DELIVERY

I, hereby certify that on May 18, 2000, a copy of the foregoing document was served upon the following party(s) by the method indicated below, and addressed to the following:

Robert Williams
Fredericksen Williams & Meservy
117 South Adams
Jerome, ID 83338

☐ U.S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)





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

May 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316

RE: Water Right 47-13957 (Transfer 5535)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5535). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

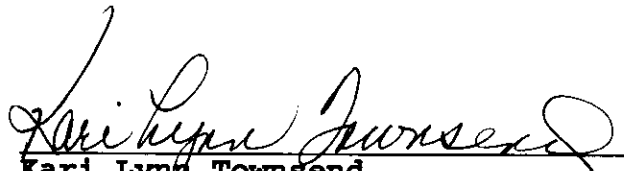
JUN 27 2000

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of **May, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 47-13957 (Transfer 5535)

**SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316**


**Kari Lynn Townsend
Secretary**

MICROFILMED
JUN 27 2000

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 fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from 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 fourteen (14) 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.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

MICRO-FILMED

JUL 27 2000

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.

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.

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5535

Date Reviewed 04-26-2000

38

Right(s) 47-13957 SRBA Decreed Rt.

☒ WRQ/Split Summary ☒ SRBA Status NA Run POU Comparison Report
DOM

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use ☒ Other H:Change P/D & Add P/D
I:Change P/D & P/U Nature/Add P/D J:Add P/D & Change P/U

Proof of Ownership Authorization for change from Farmer's National Bank as holder of the Deed of trust on property. 7-16-99. Corporation Warranty Deed from Pristine Springs to applicant

Transfer ☒ All of Right _____ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season NA to _____ Standard Volume NA / _____

(1) ☒ Priority (2) _____ Use (3) ☒ Season/W61 (4) ☒ Rate (5) _____ Volume

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

(11) NA Water District (12) yes Pertinent Conditions (13) NO Expansion per review of use.

(2) DOM to COMM - In-house potable water
(5) Region review identified a small house or trailer & .12 acre irr. & 1.2 af standard DOM
(7) Add P/D

Limit to standard DOM val. of 1.2 af per previous uses & ADM.

Transfer Remarks Commercial use in-house potable water in fish facility.
W62/2500gpd W34

Conditions 046, 020, T07, T08, T17

Database/Processing Notes Standard NA Standard ☒

WR3 - SRBA Decree Flag - Delete original/Copy T to Blank/Delete T

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

5-4-00 38

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
47-13957	PRISTINE SPRINGS INC	C		03/02/1970	D/	GROUNDWATER	P DECR	WR
T47-13957	PRISTINE SPRINGS INC	C		03/02/1970	D/	GROUNDWATER	P DECR	WR

*47-13957	PRISTINE SPRINGS INC	C		03/02/1970	D/	GROUNDWATER	P DECR	AJ
A47-13957	PRISTINE SPRINGS INC	C		03/02/1970	J/	GROUNDWATER	DOMEST	AJ

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Seapac of Larko, Inc. TRANSFER NO. 5535
1. Right number(s) 47-13957

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim
☒ SRBA Beneficial Use Claim

3. Purpose of transfer ☒ Change P/D ☒ Add P/D ☐ Change P/U
☒ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: _____

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

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: _____

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

j. ☒ SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Provide historical use information

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

INITIAL ALLOCATION REVIEW BY AS DATE 8/9/99
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT ☐ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 8/10/99

Watermaster recommendation requested on _____, Received on _____

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

3. Transfer published correctly? ☒ Yes ☐ No

4. Affidavit of publication received? ☒ Yes ☐ No

5. Protests received? ☒ Yes ☐ No; Acknowledgement sent? ☒ Yes

6. Copies made for Region file (see attached supplemental page)? ☒ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 7/8/2000

4. By AS Date 7/8/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 8, 2000

RECEIVED

MAR 09 2000

Bill Crafton, Administrator
Twin Falls County Planning and Zoning
246 Third Ave E
Twin Falls, ID 83301

Department of Water Resources

RE: SeaPac of Idaho

Dear Mr. Crafton:

Ken Ashley, President and General Manager of SeaPac of Idaho, has asked that I write you this letter and update you on their water rights applications that have been filed with the department.

As you may know SeaPac has three applications which are being processed by the department. Although not officially approved, I am forwarding these applications to our state office with a recommendation that they be approved (See attached memo dated 3/8/2000). At this date I cannot give you a "date certain" when these applications will be approved. Currently there exists a backlog of applications in our state office of similar type applications. Effort is being made to reduce this backlog. Inquiries regarding the status of approval may be directed to Pam Skaggs in our state office at 327-7943.

Since our preliminary recommendation is for approval our office will consider expedited drilling permit requests from the applicant to drill a second well at the site within the SWNW S01, T10S, R15E.

If you have questions regarding this matter please feel free to contact me at this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

MICROFILMED

MAR 27 2000

CC: Ken Ashley, PO Box 546, Buhl ID 83316

MEMO

FROM: Allen Merritt



DATE: March 8, 2000

TO: Transfer File No. 5512 5535
Water Right(s): T47-07663K T47-13957

Application for Permit: 47-08432

In the Name of: SeaPac of Idaho

SUBJECT: Review and Recommendation

These three applications were filed for the purpose of clarification and conversion of rights for use at an existing fish processing plant and for expansion of that plant. They all need to be reviewed together.

These applications were prompted by inquiry in early May 1999 by applicant's staff as to any water right records for use at plant. After SeaPac's initial inquiry, SeaPac was sent the 5/14/1999 notice to correct their apparent lack of a water right.

T5512

On June 7th, 1999 SeaPac filed T5512 application which requested the conversion of a portion of water right 47-07663 for commercial use in the fish processing plant for washing and then use of the effluent &/or direct flow from well for irrigation of 19.7 acres around the plant. The transfer also proposed the use of the right from one existing well and one to be drilled.

Water right license 47-07663 has historically been used for irrigation and stockwater purposes. Note that this license was owned by Bruce Kunkel and has been the subject of five recent transfers. The original license allowed irrigation of 117 acres with 2.34 cfs limited to 409.5 afa diversion volume for irrigation. The other four transfers were processed without protest and have been approved (See reference below). They were for conversion from irrigation to commercial and stockwater uses at dairies in the local basin area.

Trans	Created	Owner	cfs/afa	Acres Dried Up
T5506	47-07663B	Petter	0.28/ 42.3	14.1
T5507	47-07663D	Ormonde	0.28/ 42.3	14.1
T5509	47-07663F	Cardoza	0.24/ 35.4	11.8
T5511	47-07663H	Branch	0.24/ 35.7	11.9
T5512	47-07663K	SeaPack	0.40/ 70.0	20.0
Remaining	47-07663J	Kunkel	0.90/ 157.85	Irrigation of 45.1 acres
			0.12/ 6.7	Stockwater
			1.02/ 164.55	

MICROFILMED

MAR 27 2000

T5512 was protested by Craig Moore and the TFCC. Prior to the pre-hearing conference TFCC resolved their protest when they stipulated to an agreement (See discussion below). At the pre-hearing conference with Moore and the SeaPac nothing was resolved. A hearing was scheduled for February 24th but just prior to the hearing the parties stipulated to an agreement which essentially removed the irrigation component of the transfer and resolved the protest.

T5535 and Application for Permit 47-08432

These applications were filed by SeaPac on August 5th, 1999.

T5535 was filed to convert the historic domestic use recorded in right 47-13957 to commercial use at the processing plant. It also requested the converted use to be diverted from the existing well and a future well. Right 47-13957 has been partially decreed in the SRBA with the standard conditions limiting use to 13000 gpd and indicating that no historical determination of use has been made. T5535 indicates the historical use has been at least 2500 gpd and requests that transfer be approved on that basis.

Application 47-08432 was filed for establishment of a new right which would be limited to 2500 gpd and 0.04 cfs which is essentially a domestic 42-111(b) right.

In total these applications request 5000 gpd use from the existing well and the future well. Both of these applications were also protested by the TFCC. The protests were resolved by agreement. The agreement in essence this agreement was that T5535 and 47-08432 only to be used for potable water with no irrigation use. This use not to injure TFCC delivery. TFCC shares to be retained as primary irrigation source. Wells to be metered and use reported to IDWR and TFCC. Other details were also included (See agreement).

Analysis

In reviewing the transfers there does not appear to be issues of forfeiture or enlargement with regard to T5512. The issue of historical use of 47-13957 may be an issue in T5535. On the face of the partial decree the upper limit is 13,000 gpd. If you assume maximum daily use or the entire year the extreme upper volume limit would be 14.6 afa. T5535 on its face requests 2500 gpd or 2.8 afa. In reviewing the Orthophoto quad B71 with 1976 photo and the 1987 NAPP there appears to be a small house or trailer in the area south of the ponds which I assume is the reference domestic use. There is an area which appears to be irrigated and assuming this is from the well it is calculated to be 0.12 acres using GIS. With this observation the historical volume may be 0.6 for inhouse use and (0.12×4) for irrigation or 1.08 total. IDWR's 1.2 afa standard for domestic use for a house and lawn appears appropriate.

Recommendation

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

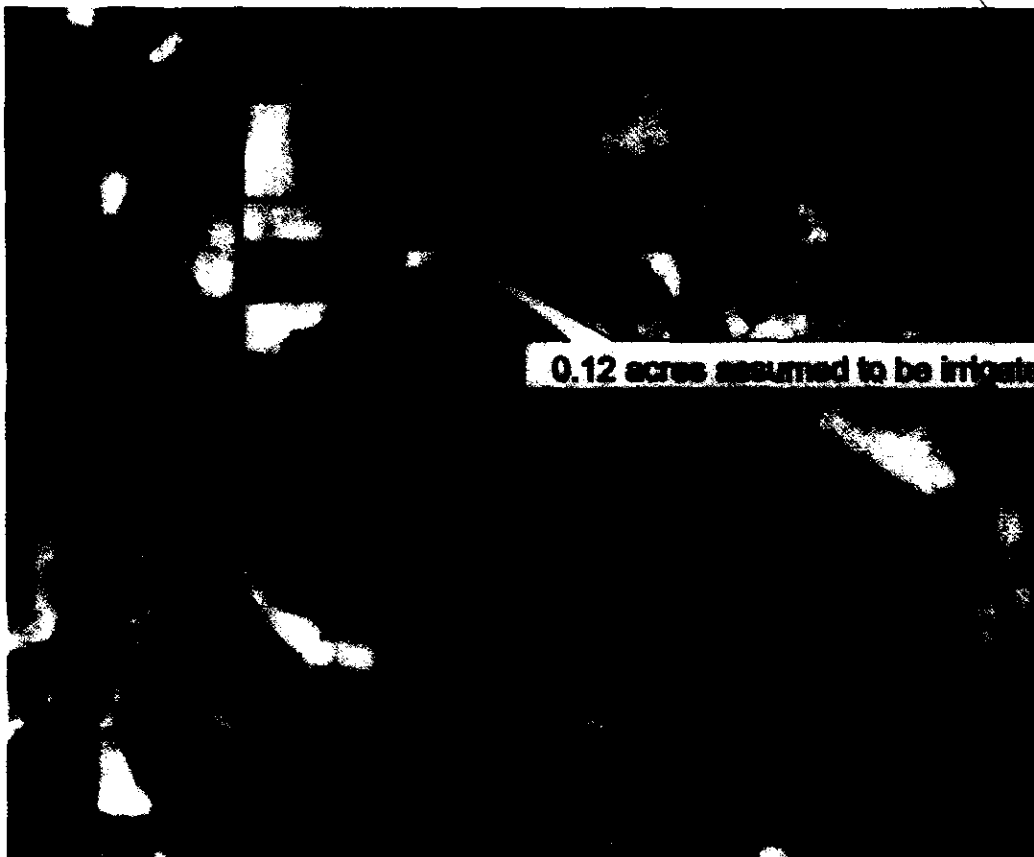
- Approvals subject to private agreements with protestants.

MICROFILMED
JUL 27 2000

- All TFCC shares be maintained on property and used for primary irrigation use at facility.
- One well authorized to be drilled. The new well must comply with drilling permit requirements.
- Two wells authorized for use with all rights (1 old in NWNW and 1 new in SWNW S01, T10S, R15E).
- Right 47-07663K is limited to 0.40 cfs and 70 afa for none consumptive commercial use within processing plant.
- Right 47-13957 is limited to 0.04 cfs and 1.2 afa for commercial potable water in processing plant.
- Right 47-08432 is limited to 0.04 cfs and 2.8 afa for domestic "42-111(B) definition" potable water in processing plant.
- When all rights combined they are limited to 0.48 cfs and 74.0 afa diversion volume.
- Measuring devices must be maintained on both wells and use annually reported to IDWR and TFCC.
- Subject to SRBA.
- Subject to other county, state or federal requirements as appropriate.

MICROFILMED
JUL 27 2000

T5535 SeaPac



By ADM 3/8/2000

MACRO-EMED
FEB 27 2000

SRBA

PARTIAL DECREE 47-13957

Issued on 06-29-1999.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: PRISTINE SPRINGS, INC.
201 WARM CREEK RD
JEROME, ID 83338

SOURCE: GROUNDWATER
QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/02/1970

POINT OF DIVERSION: T10S R15E S01

NWNW

Within Twin Falls County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Domestic 1 HOME

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

Domestic

Within Twin Falls County

T10S R15E S01

NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

Return to SRBA Home Page

T# 5535

FILE PROGRESS SUMMARY

APPLICANT: Sea Pac of Cal, Inc WATER RIGHT NO. 47-13957

WATER RIGHT NO.

47. 13957

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 27, 1999

NORMAN M SEMANKO
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Applications for Transfer No. 5512 & 5535/Application for Permit No. 47-08432 (SeaPac of Idaho, Inc)

Dear Mr. Semanko:

This office acknowledges receipt of the withdrawal of protests against the above referenced applications previously filed on behalf of the Twin Falls Canal Co.

Since there were multiple protestants, the concerns of the other protestants will need to be addressed by the Department before final processing of an application can be completed.

The Department will continue review of the applications without further contact with you unless information is requested.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

Cc:
ATTN KEN ASHLEY PRESIDENT
SEA PACK OF IDAHO
PO BOX 546
BUHL ID 83316

TENA BETTER
3700 N 1130 E
BUHL ID 83316

CHARLES G BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON -STE #4
TWIN FALLS ID 83301

1766 BOB JONES
ROBERT JOJNES REALTY
1776 ADDISON AVE E
TWIN FALLS ID 83301

MICROFILMED

1999 10 27 2006

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
NORMAN M. SEMANKO
TIMOTHY J. STOVER

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

OCT 25 1999

**Department of Water Resources
Southern Region**

October 25, 1999

Hand Delivered

Allen Merritt, PE
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore Street, Ste 200
Twin Falls ID 83301-3380

Re: Applications for Transfer Nos. 5512 and 5535/Application for Permit 47-08432
(SeaPac of Idaho, Inc./TFCC)

Dear Allen:

Enclosed is the original fully executed Stipulation to Resolve Objections that we discussed regarding the above-entitled matter. If you have any questions, please contact me.

Thank you.

Sincerely,


NORMAN M. SEMANKO

NMS/jl
Encls.

nms.99\letters\merritt

MICROFILMED

101 27 2000

1
2 Norman M. Semanko
3 ROSHOLT, ROBERTSON & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83703-1906
6 Telephone: (208) 734-0700
7 Facsimile: (208) 736-0041
8 ISB # 4761
9 Attorneys for Protestant Twin Falls Canal Company
10 nms.99\tfcc\seapac stip

RECEIVED
OCT 25 1999
Department of Water Resources
Southern Region

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR TRANSFER NOS.)
5512 AND 5535 AND APPLICATION) STIPULATION TO RESOLVE
FOR PERMIT NO. 47-08432) OBJECTIONS
IN THE NAME OF)
SEA PAC OF IDAHO, INC.)
_____)

WHEREAS, SEAPAC OF IDAHO, INC., ("SeaPac") has filed the above-captioned applications, and;

WHEREAS, TWIN FALLS CANAL COMPANY ("TFCC") has filed Objections to said applications, and;

WHEREAS, the parties desire to resolve the protests on terms that are mutually agreeable to the parties;

NOW, THEREFORE, the parties stipulate and agree as follows:

1. Use under Transfer Nos. 5512 (water right no. 47-07663) and 5535 (water right no. 47-13957) and Permit No. 47-08432 shall be subject to the following condition:

MICROFILMED

OCT 27 1999

1
2 These rights are supplied by water which results directly or indirectly from the
3 transportation or use of water supplied by the Twin Falls Canal Company. The
4 appropriator shall cease any consumptive use of water under these rights at any
5 time that their diversion or use adversely impacts deliveries within the Twin Falls
6 Canal Company system.

7
8 2. There shall be no irrigation use under Transfer No. 5535 or Permit No. 47-08432,
9 except for some landscaping around the facility buildings. These rights will be used only for
10 commercial use for potable water in SeaPac's processing plant. The combined use under Transfer
11 No. 5535 and Permit No. 47-08432 shall not exceed 5,000 gallons per day.

12
13 3. SeaPac shall use its full allotment of appurtenant TFCC water (9 shares under
14 Stock Certificate No. 31418) for irrigation as the primary irrigation right and shall attempt to
15 acquire additional shares if necessary. The irrigation use under Transfer No. 5512 shall only be
16 supplemental to the use of shares of TFCC water. The use under Transfer No. 5512 will be non-
17 consumptive for fish processing only, except during those times when supplemental irrigation
18 water is necessary. SeaPac agrees to inform TFCC whenever ground water is utilized for
19 irrigation as a supplemental source. The amount of ground water used will be metered and
20 reported to TFCC regularly.

21
22 4. SeaPac shall provide TFCC with copies of any waste water reports submitted to
23 DEQ or EPA for discharges to TFCC's system. SeaPac will also provide copies of any future
24 NPDES permits issued by EPA. TFCC will be informed of any violations of SeaPac's NPDES
25 permit.

26
27 5. SeaPac shall meter the amount of water diverted from its well(s) (diversion rate
28 and diversion volume) and report the measurement information to the Department and TFCC
29 during the irrigation season.

1
2 6. SeaPac agrees to indemnify and hold TFCC harmless against any claims that may
3 be made by any third parties, including TFCC shareholders, which are the result of SeaPac's
4 discharges to TFCC's system.

5 7. SeaPac shall drill a second well south of the existing well only if it becomes
6 necessary. If the well is drilled, SeaPac agrees to locate it as far away from the existing seep
7 tunnels and as near the existing well as possible.

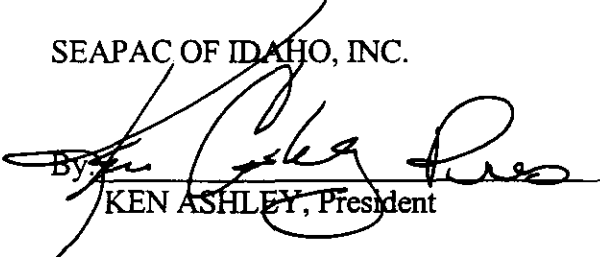
8 8. If it is necessary to enforce the terms of this Stipulation, the prevailing party shall
9 be entitled to reasonable attorney's fees and costs.

10 9. This Stipulation constitutes the entire agreement between the parties regarding the
11 above-captioned applications and may be amended or modified only in writing executed by both
12 parties.
13

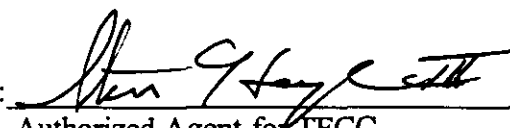
14 10. This Stipulation shall be binding on the successors and assigns of the parties.

15 DATED this 25 day of October, 1999.

16
17 SEAPAC OF IDAHO, INC.

18
19 By: 
KEN ASHLEY, President

20 TWIN FALLS CANAL COMPANY

21
22 By: 
Authorized Agent for TFCC

23
24 By: 
25 NORMAN M. SEMANKO,
26 Attorneys for Twin Falls Canal Company

MICROFILMED
SEP 27 2000

1
2
3 CERTIFICATE OF SERVICE

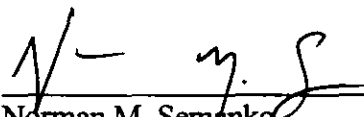
4 I hereby certify that on this ^{25th}~~22nd~~ day of October, 1999, the foregoing STIPULATION TO
5 RESOLVE OBJECTIONS was filed with the Idaho Department of Water Resources and a copy
6 was served by depositing same in the United States mail, postage prepaid, in an envelope,
7 addressed to the following:

8 Sea Pac of Idaho, Inc.
9 P.O. Box 546
10 Buhl, ID 83316

11 Stan Haye
12 Twin Falls Canal Company
13 P.O. Box 326
14 Twin Falls, ID 83303-0326

15 Charles Brockway, Jr.
16 Brockway Engineering, PLLC
17 2016 North Washington, Suite 4
18 Twin Falls, ID 83301

19 Craig Moore
20 2467 Stadium
21 Twin Falls, ID 83301

22 
23 Norman M. Semanko
24
25
26

MICROFILMED
JUL 27 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

September 9, 1999

KARL J. DREHER
DIRECTOR

ATTN KEN ASHLEY PRESIDENT
SEA PACK OF IDAHO
PO BOX 546
BUHL ID 83316

RE: APPLICATION FOR PERMIT NO. 47-08432 & TRANSFER NOS. 5512 and 5535

Dear Mr. Ashley:

Correspondence in our file indicates that you have received and reviewed copies of protests filed against the approval of the above referenced applications. The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

SEP 27 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

September 9, 1999

KARL J. DREHER
DIRECTOR

NORMAN M SEMANKO
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: APPLICATIONS FOR TRANSFER NO. 5512 & 5535, Application for Permit No. 47-08432 (Sea Pac of Idaho)

Dear Mr. Semanko:

The protests against the approval of the above referenced applications on behalf of the Twin Falls Canal Company have been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the applications are considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

JUL 27 2000

RECEIVED

SEP 07 1999

Department of Water Resources
Southern Region

Norman M. Semanko
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83703-1906
Telephone: (208) 734-0700
Facsimile: (208) 736-0041
ISB # 4761

nms.99\protest\sea pac 2

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
LICENSE NO. 47-13957)
and TRANSFER NO. 5535) NOTICE OF
IN THE NAME OF) OF PROTEST
SEA PAC OF IDAHO, INC.)
_____)

TWIN FALLS CANAL COMPANY (hereinafter "TFCC"), by and through its attorneys, Rosholt, Robertson & Tucker, files its Notice of Protest to the approval of the above-numbered Application for Transfer filed by Sea Pac of Idaho, Inc. The basis for TFCC's protest is as follows:

1. The proposed change in use of the waters described in the aforesaid application may violate all or portions of the criteria set forth in Idaho Code Sections 42-108, 42-203A(5) and 42-222(1); and

2. The proposed change in use is within TFCC's service area and may adversely impact TFCC's operations; and

MICROFILMED

JUL 27 2000

Receipt # 5022535
9/7/99
JS

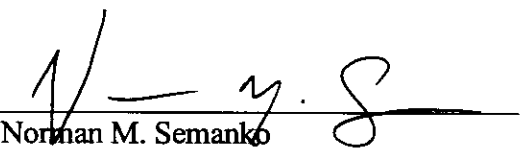
1
2 3. TFCC shares are appurtenant to the same place of use and the Applicant has failed
3 to contact TFCC regarding future use of the shares on the lands; and

4 4. The application is for diversion and use within TFCC's service area and therefore
5 requires a written agreement with TFCC pursuant to that certain Stipulation for Dismissal
6 Without Prejudice entered into between IDWR and TFCC in Case No. 69005, in the District
7 Court of the Fourth Judicial District, in and for the County of Ada, and the Director's staff
8 memorandum dated September 8, 1981; and
9

10 5. For such other and further reasons as may be set forth at the hearing on this
11 matter.

12 DATED this 7 day of September, 1999.

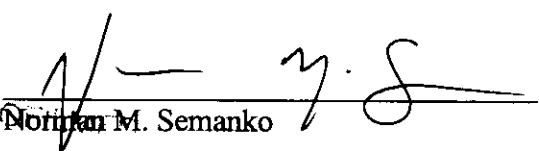
13
14 ROSHOLT, ROBERTSON & TUCKER

15
16 By: 
17 Norman M. Semanko

18 CERTIFICATE OF MAILING

19 I hereby certify that on this 7 day of September, 1999, I served a copy of the
20 foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid,
21 in an envelope, addressed to the following:

22 Sea Pac of Idaho, Inc.
23 P.O. Box 546
24 Buhl, ID 83316
25
26


MICROFILMED
Norman M. Semanko

SEP 27 2000

NOTICE OF APPLICATION/PROPOSED CHANGES

The following applications have been filed by SEA PAC CO. IDAHO INC., PO BOX 546; BUHL ID 83316 with the Department of Water Resources to obtain a water right, change uses for an existing well and to drill one additional well for uses in their fish processing facility:

Application for Permit No. 47-08432

Source: groundwater

Diversion Pt(s): Lot 4 (NW1/4NW1/4), S01, T10S, R15E; (existing well); SW1/4NW1/4, S01, T10S, R15E (new well); Twin Falls County.

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

In: NW1/4NW1/4, S01, T10S, R15E

Date Filed: 8/5/99

PROPOSED CHANGES TO RIGHTS

PRESENTLY, Water Right No. 47-13957 (0.04 cfs) with a priority date of 03/02/1970 is diverted year round from the existing well within NW1/4NW1/4, S01, T10S, R15E and used there for domestic (homestead) purposes. Transfer No. 5535 proposes to change domestic use (homestead) to commercial use in the fish processing plant located within NW1/4NW1/4 using same two (2) wells identified in application 47-08432 above. PRESENTLY, Water Right No. 47-07663 (2.46 cfs) with a priority date of 08/21/1980 is diverted from a well within NW1/4SW1/4, S22 for stockwater use (0.12 cfs) within parts of Sections 21 & 22 and irrigation (2.34 cfs) of 117 acres within parts of S22, all T13S, R16E; Twin Falls County. Transfer No. 5512 proposes to modify 20 acres of right 47-07663 (0.40 cfs) from the wells identified in application 47-08432 for commercial use (washing) in the fish processing facility and irrigation of 19.7 acres (using washing wastewater or direct flow from wells) within W1/2NW1/4, all S01, T10S, R15E; Twin Falls County using Designated Right No. 47-07663K:

Use	Amt (cfs)	Period of Use
Commercial	0.40	1/1-12/31
Irrigation	0.39	3/1-10/15

The remainder of the irrigation right, Designated Right No. 47-07663A is also involved in other sales and pending Applications for Transfer. Any protest against the applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before September 7, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 8/19 & 8/26/99.

RECEIVED

SEP 03 1999

t of Publication

IDAHO
OF TWIN FALLS } SS.

Department of Water Resources
Southern Region

No 32183

by Audubert being first duly sworn upon oath, depose
I am Principal Clerk of the TIMES-NEWS, published daily, at
Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
ched, was published in the regular and entire issue of said newspaper, and not in any
hereof, for two consecutive weeks
with the issue dated August 19, 19 99
with the issue dated August 26, 19 99

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

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

HO
WIN FALLS

1st day of Sept in the year of 1999, before me,
personally appeared Karl J. Dreher
ied to me to be the person whose name subscribed to the within instrument, and being by me first duly
hat the statements therein are true and acknowledged to me that he executed the same.

OK MB 9/8/99
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5-19-03

NOTED

SEP 27 2000

REMITTANCE ADDRESS THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS ID 83303-0548		BILL TO DEPT WATER RESOURCES	
AD NUMBER 233397	CLASS 0050 LEGAL	SALESPERSON 5	B. JG DATE 08/26/99
AD DESCRIPTION WATER RIGHT/SEA PAC		START DATE 08/19/99	LINES 0
PUBLICATION 4 THE TIMES NEWS LEGAL		INTEGRITY 2	STOP DATE 08/26/99
FLAT CHARGE		RATE LGL	NET AMOUNT 106.72
TOTAL AD CHARGE		FC	GROSS AMOUNT 106.72
T-# 5512 T-# 5535 47-08432			
DAYS RUN			
PURCHASE ORDER Sea Pac		PAY THIS AMOUNT 106.72 106.72*	

OK
MB
9/8/99

MESSAGE:

RECEIVED
SEP 03 1999
Department of Water Resources
Southern Region

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

Sea Pac

AD NUMBER 233397	CLASS 050 LEGAL	START DATE 08/19/99	STOP DATE 08/26/99
AD DESCRIPTION WATER RIGHT/SEA PAC		BILLING DATE 08/26/99	TELEPHONE NUMBER 208-736-3033

GROSS AMOUNT OF
106.72
DUE AFTER

☐ VISA ☐ MASTERCARD

CREDIT CARD NUMBER

EXPIRATION DATE: ____/____/____

SIGNATURE: _____

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301



MICROFILM

SEP 27 2000

TOTAL AMOUNT DUE 106.72
ENTER AMOUNT ENCLOSED

204000000023339700000000000000001067200000106721

NOTICE OF APPLICATION/PROPOSED CHANGES

The following applications have been filed by SEA PAC OF IDAHO INC., PO BOX 546; BUHL ID 83316 with the Department of Water Resources to obtain a water right, change uses for an existing well and to drill one additional well for uses in their fish processing facility:

Application for Permit No. 47-08432

Source: groundwater

Diversion Pt(s): Lot 4 (NW1/4NW1/4), S01, T10S, R15E; (existing well); SW1/4NW1/4, S01, T10S, R15E (new well); Twin Falls County.

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

In: NW1/4NW1/4, S01, T10S, R15E

Date Filed: 8/5/99

PROPOSED CHANGES TO RIGHTS

PRESENTLY, Water Right No. 47-13957 (0.04 cfs) with a priority date of 03/02/1970 is diverted year round from the existing well within NW1/4NW1/4, S01, T10S, R15E and used there for domestic (homestead) purposes. Transfer No. 5535 proposes to change domestic use (homestead) to commercial use in the fish processing plant located within NW1/4NW1/4 using same two (2) wells identified in application 47-08432 above. PRESENTLY, Water Right No. 47-07663 (2.46 cfs) with a priority date of 08/21/1980 is diverted from a well within NW1/4SW1/4, S22 for stockwater use (0.12 cfs) within parts of Sections 21 & 22 and irrigation (2.34 cfs) of 117 acres within parts of S22, all T13S, R16E; Twin Falls County. Transfer No. 5512 proposes to modify 20 acres of right 47-07663 (0.40 cfs) from the wells identified in application 47-08432 for commercial use (washing) in the fish processing facility and irrigation of 19.7 acres (using washing wastewater or direct flow from wells) within W1/2NW1/4, all S01, T10S, R15E; Twin Falls County using Designated Right No. 47-07663K:

Use	<u>Am't (cfs)</u>	<u>Period of Use</u>
Commercial	0.40	1/1-12/31
Irrigation	0.39	3/1-10/15

The remainder of the irrigation right, Designated Right No. 47-07663A is also involved in other sales and pending Applications for Transfer. Any protest against the applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before September 7, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 8/19 & 8/26/99.

MICROFILM

27 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

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

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

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

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

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

ENCLOSURE

AUG 27 2000

NOTICE OF APPLICATION/PROPOSED CHANGES

The following applications have been filed by SEA PAC OF IDAHO INC., PO BOX 546; BUHL ID 83316 with the Department of Water Resources to obtain a water right, change uses for an existing well and to drill one additional well for uses in their fish processing facility:

Application for Permit No. 47-08432

Source: groundwater

Diversion Pt(s): Lot 4 (NW1/4NW1/4), S01, T10S, R15E; (existing well); SW1/4NW1/4, S01, T10S, R15E (new well); Twin Falls County.

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

In: NW1/4NW1/4, S01, T10S, R15E

Date Filed: 8/5/99

PROPOSED CHANGES TO RIGHTS

PRESENTLY, Water Right No. 47-13957 (0.04 cfs) with a priority date of 03/02/1970 is diverted year round from the existing well within NW1/4NW1/4, S01, T10S, R15E and used there for domestic (homestead) purposes.

Transfer No. 5535 proposes to change domestic use (homestead) to commercial use in the fish processing plant located within NW1/4NW1/4 using same two (2) wells identified in application 47-08432 above.

PRESENTLY, Water Right No. 47-07663 (2.46 cfs) with a priority date of 08/21/1980 is diverted from a well within NW1/4SW1/4, S22 for stockwater use (0.12 cfs) within parts of Sections 21 & 22 and irrigation (2.34 cfs) of 117 acres within parts of S22, all T13S, R16E; Twin Falls County.

Transfer No. 5512 proposes to modify 20 acres of right 47-07663 (0.40 cfs) from the wells identified in application 47-08432 for commercial use (washing) in the fish processing facility and irrigation of 19.7 acres (using washing wastewater or direct flow from wells) within W1/2NW1/4, all S01, T10S, R15E; Twin Falls County using Designated Right No. 47-07663K:

<u>Use</u>	<u>Amt (cfs)</u>	<u>Period of Use</u>
Commercial	0.40	1/1-12/31
Irrigation	0.39	3/1-10/15

The remainder of the irrigation right, Designated Right No. 47-07663A is also involved in other sales and pending Applications for Transfer.

Any protest against the applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before September 7, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 8/19 & 8/26/99.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN KEN ASHLEY PRESIDENT
SEA PAC OF IDAHO INC
PO BOX 546
BUHL ID 83316

Re: Application for Permit No. 47-08432, Transfer No. 5512 (47-07663K &
Transfer No. 5535 (47-13957)

Dear Mr. Ashley:

The Department of Water Resources acknowledges receipt of the above listed three (3) applications.

This office has scheduled advertising the applications in the Times News for 8/19 and 8/26/99. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

In addition, for applications filed in the name of a corporation, we must include in the file a list of the names and addresses of its directors and officers. (Rule 035.03.b, i)

State Office personnel will conduct a complete review prior to final processing of the applications and will notify you of the outcome of this review.

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

Sincerely yours,

Corey Skinner, P.E.
Safety of Dams Engineer

cs:mb

cc:

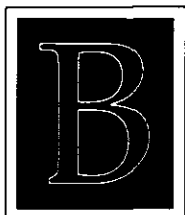
CHARLES G BROCKWAY
BROCKWAY ENG
2016 N WA ST
SUITE #4
TWIN FALLS ID 83301

TENA PETTER
3700 N 1130 E
BUHL ID 83316

BOB JONES
ROBERT JONES REALTY
1766 1776 ADDISON AVE E
TWIN FALLS ID 83301

SAFETY OF DAMS

27 1999



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
AUG 05 1999
Department of Water Resources
Southern Region

August 3, 1999

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 4
Twin Falls, ID 83301

Re: SeaPac of Idaho, Inc. – transfer and permit applications

Dear Allen:

Enclosed are a transfer application and a permit application in the name of SeaPac of Idaho. The intent of the applications is to supply the potable water needs for the employees of SeaPac's fish processing facility.

The transfer seeks to convert a recently-decreed domestic right to commercial uses, with the use under this right not to exceed 2500 gpd. Historical use of this right has included one residence with minor irrigation and livestock on the property now occupied by the processing plant, in addition to in-house potable water for the plant. A new permit application for 2500 gpd under the Part B domestic exemption is also being submitted. The total allowable daily volume under the two rights will be 5000 gallons, which will adequately meet the current and future in-house potable water requirement.

Please do not hesitate to call if you have any questions.

Sincerely,


Charles G. Brockway

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

cc: Ken Ashley, SeaPac of Idaho

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

208-736-1111
AUG 27 2000

AUTHORIZATION FOR CHANGE OF NATURE OF USE FOR WATER RIGHT 47-13957

Farmer's National Bank, as holder of the Deed of Trust on the property described as follows:

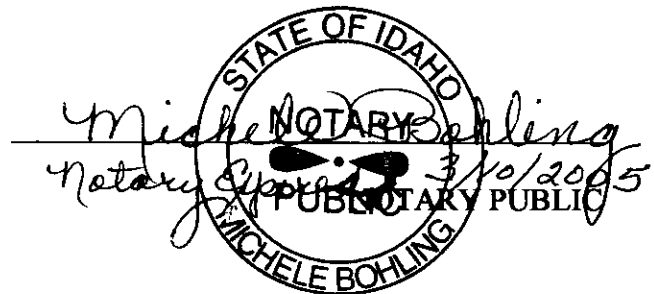
Township 10 South, Range 15 East, Boise Meridian, Twin Falls County Idaho
Section 1: A tract of land located in Lot 4 being more particularly described as follows:
BEGINNING at the Northwest corner of said Section 1;
THENCE South 00°25'35" East along the West line of said Lot 4 for 455.46 feet to the TRUE POINT OF BEGINNING;
THENCE continuing South 00°25'35" East along West line for 1093.33 feet to the South line of said Lot 4;
THENCE North 89°38'21" East along said South line for 590.96 feet;
THENCE North 53°41'09" East for 145.15 feet;
THENCE North 15°54'46" East for 35.31 feet;
THENCE North 02°40'00" West for 31.25 feet;
THENCE North 02°10'19" East for 23.54 feet;
THENCE North 29°30'55" West for 33.72 feet;
THENCE North 36°24'54" West for 33.50 feet;
THENCE North 40°37'09" West for 525.33 feet;
THENCE North 37°40'17" West for 122.79 feet;
THENCE North 25°21'48" West for 332.20 feet;
THENCE North 58°34'39" West for 120.25 feet;
THENCE South 89°34'25" West for 26.7 feet to the TRUE POINT OF BEGINNING,

agree to the following changes to the water right 47-13957 appurtenant to the described property and currently under the ownership of SEAPAC OF IDAHO, INC.:

CHANGE NATURE OF USE - DOMESTIC USE TO COMMERCIAL USE.

Michele Hinkley EUP 7-16-09

For FARMER'S NATIONAL BANK



MACROFILM

11-27-2009

T#5535

WR0749NP
No. T47-13957

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/09/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SEAPAC OF IDAHO, INC PO BOX 546 BUHL ID 83316 (208) 326-3100	03/02/1970	COMMERCIAL	01/01 12/31	0.040 CFS	2.80 AFA
TOTAL DIVERSION:					0.040 CFS	2.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R15E S01 Lot 04(SWNNW) NWSWW TWIN FALLS County

Pou County:

Other Rights: NONE

Remarks: GEN PARCEL NO. 10S15E013000

Dates:	App. Received:	Priority Date:	03/02/1970
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/15/1994 User-ID: ROBERTSO Subject: OWNERSHIP/NAME CHANGE
Form received 2/10/94, original owner Tri-West-new owner Pristine
Springs Inc. Form signed by former owners and signature verified.
A47-13957 also changed.

Date: 08/09/1999 User-ID: AMERRITT Subject: TRANSFER NO. 5535
Transfer filed to convert domestic use at homestead to commercial
use in processing plant and to add new well to system. Note
companion application for permit 47-08432 filed for same system.

Audit: 08/09/99 AMERRITT

2000