

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-23359

Priority: November 17, 2021

Maximum Diversion Rate: 4.00 CFS

Maximum Diversion Volume: 801.3 AF

It is hereby certified that:

JK POTATOES LLC
20511 F ST
RUPERT ID 83350-9476

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 17, 2021, and has submitted Proof of Beneficial Use on April 04, 2022. An examination confirms water is diverted from:

Source : UNNAMED STREAM

Tributary: SNAKE RIVER

Beneficial Use

COOLING

Period of Use

07/05 to 10/30

Rate of Diversion

4.00 CFS

Annual Volume

801.3 AF

Location of Point(s) of Diversion

UNNAMED STREAM NW¼ NW¼, Sec. 17, Twp 06S, Rge 13E, B.M. GOODING County

Place of Use: COOLING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	17						X											

Conditions of Approval

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. Upon specific notification, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
3. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
4. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-23359

5. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water rights will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating rights may also include a condition stating that the mitigation by non-use is for the benefit of this right.

Right No.	Use Changed to Mitigation by Non-Use	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
37-7216	Irrigation	0.003	0.4	0.1
37-793	Irrigation	0.002	N/A	0.1
37-21721	Irrigation	0.003	N/A	0.1
Total		0.008	N/A	0.1

The land that will no longer be irrigated under this right is located within the NWNW, Section 17, Township 06S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

To reflect the mitigation by non-use amounts identified above, the following condition will be changed on rights 37-793, 37-7216, and 37-21721 as follows:

Right nos. 37-793, 37-7216 and 37-21721 are limited to the irrigation of a combined total of 72.6 acres in a single irrigation season.

In addition, to reflect the mitigation by non-use amounts identified above the following condition will be changed on rights 37-793, 37-7216, 37-21721, 37-23354, 37-23355, and 37-23356 as follows:

Right nos. 37-793, 37-7216, 37-21721, 37-23354, 37-23355 & 37-23356 are limited to a total combined diversion rate of 4.149 cfs for irrigation.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 14th day of July, 2023



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right
37-23359

This map depicts the COOLING place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



SCANNED
JUL 17 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 37-23359
Exam Date: 10/05/2022

1. Current Owner:

JK POTATOES LLC
20511 F ST
RUPERT ID 83350-9476

2. Accompanied by: Shawn Scorsby, Operations Manager at the farm and IDWR water resource agent Corey King.

Phone No:

Address:

Relationship to permit Holder: He is the Operations Manager at the melon farm.

3. **SOURCE:**

UNNAMED STREAM

Tributary

SNAKE RIVER

Method of Determination: Field exam, ArcMap imagery, and internal IDWR discussion**B. OVERLAP REVIEW**1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
37-21721, 37-7216, 37-793	Springs	Mitigation by non-use	Decree

Comments: Mitigating portions of rights to cover evaporative losses from this filing.

2. Other water rights with the same point-of-diversion: None

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM NW¼ NW¼, Sec. 17, Twp 06S, Rge 13E, B.M. GOODING County

Method of Determination: The point of diversion off of the pipeline is approximate because it is underground, but was delineated when the application for permit was filed by David Jentzsch, the representative for JK Potatoes.

PLACE OF USE: COOLING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	17						X											

Method of Determination: Site visit during Beneficial Use Examination and ArcMap aerial imagery.

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.

☒ Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

☒ Aerial Photo Attached (required for irrigation of 10+ acres).☐ Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA					

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NA						

2. Measurements: Flow was measured using a GE Panametrics PT-878 portable ultrasonic flow meter. The measurement was made separately from the field exam, on May 31, 2023. A ten minute run was made and the flow was consistently over 4.00 cfs.

E. FLOW CALCULATIONS☐ Additional Computation Sheets Attached

Measured Method: A flow rate of 2421.9 gallons per minute (5.40 cfs) was documented with a photo of the flowmeter display screen.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: NA

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses: Mr. Scoresby reported that the flume flows six days a week through the permitted season of use (7/5 – 10/30), which converts to 101 days of flow. The permitted flow rate of 4.0 cfs flowing for 101 days produces a volume of **801.3 AF** (4.00 cfs x 101 x 1.9835 AF/day = 801.3 AF).

G. NARRATIVE/REMARKS/COMMENTS

The field exam for permit 37-23359 was conducted on October 5, 2022 with Shawn Scoresby, Operations Manager at Hagerman Canyon Farms, in attendance. The water is diverted from an underground pipe and is piped underground to the upper end of the cooling flume where it slowly transports the produce (pumpkins on the day of the field exam) into the packing facility. The water then enters an underground pipe where it flows back to the unnamed stream, which is an open channel at this point. The reason for the designation of the source as unnamed stream is that the flow was originally in a stream which resulted from flow from springs running into a fish propagation facility. The fish facility was abandoned and the flow in the stream is piped until just past the lower end of the former fish facility.

No measurement was possible on the day of the field exam, so a return trip was made on May 21, 2023 with IDWR Southern Region water agent Corey King. Flow for the entire measurement period was over the permitted rate of 4.0 cfs and was photo documented at 5.4 cfs.

The conditions appear to have been complied with; in particular, the mitigation by non-use is achieved by the foot print of the flume itself, which is sufficient to comply with the 0.1 acre of non-use called for in the mitigation condition.

I recommend licensing the right at the permitted 4.0 cfs with an annual volume of 801.3 AF.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Volume</u>
COOLING	07/05 to 10/30	4.00 CFS	801.3 AF
Totals:		4.00 CFS	801.3 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

I. AUTHENTICATION

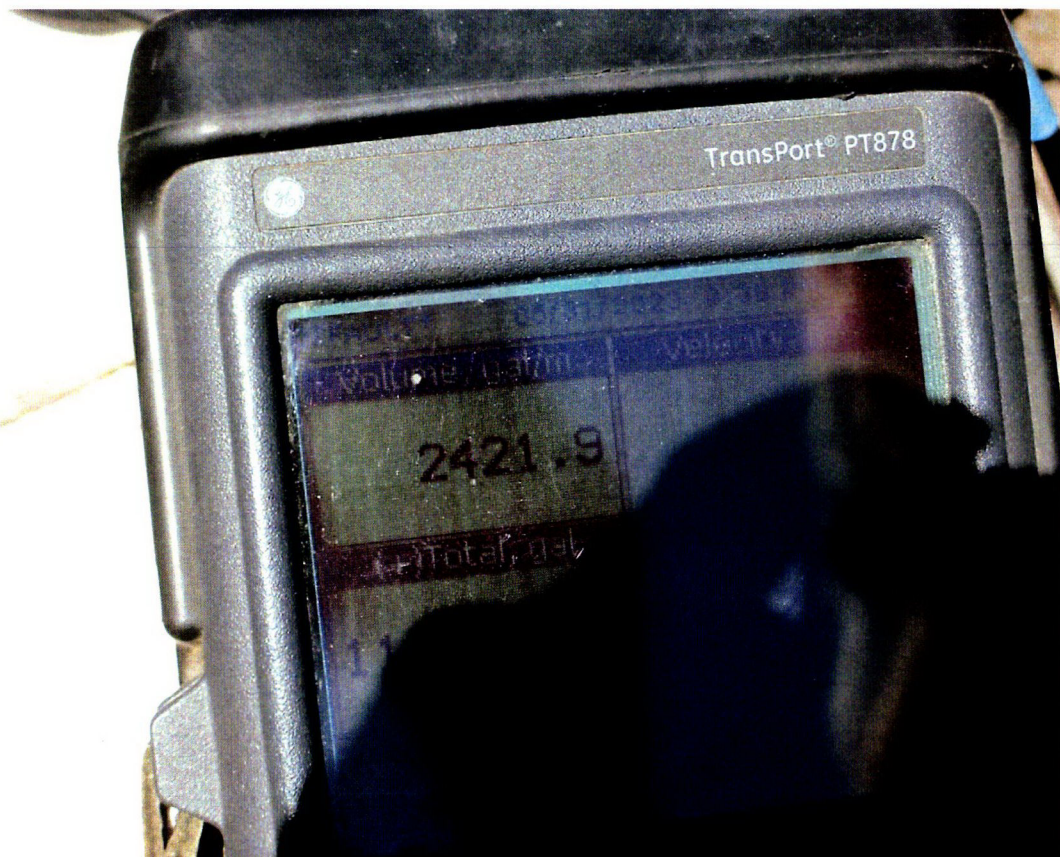
Field Examiner's Name Jim Bitzenburg Date 7-13-2023

Reviewer [Signature] Date 7/14/2023

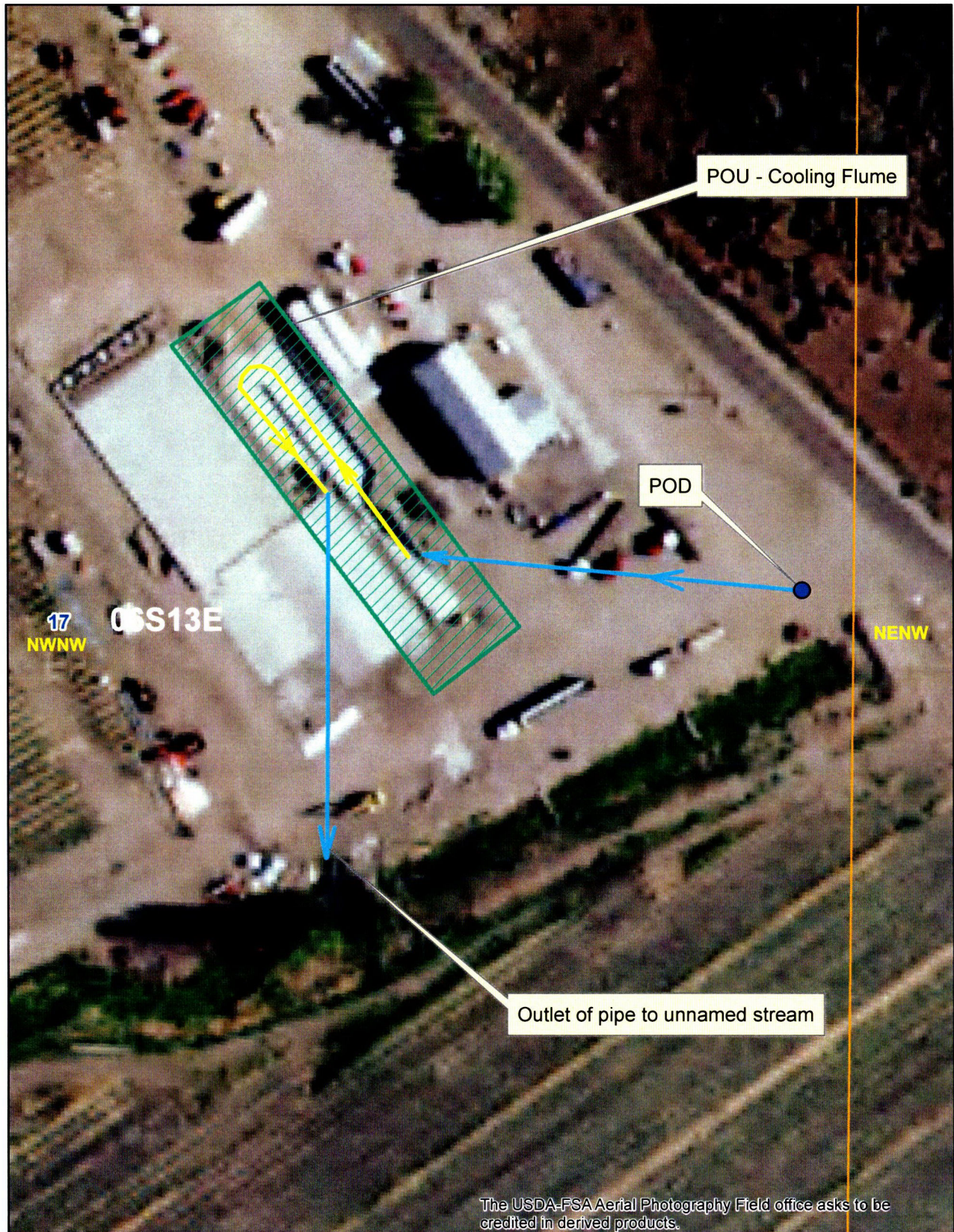


Place of use – cooling flume

Flow measurement of cooling flume



Potatoes, LLC 37-23359
System Diagram; POD & POU Map



Legend

- | | |
|--|---|
|  Township/Range |  Underground pipeline |
|  Sections |  Open flow through flume |
|  QQ | |

0 0.0050.01 0.02 Miles
|-----|-----|-----|-----|

N
↑
SCANNED
JUL 17 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 14, 2024

JK POTATOES LLC
NORTHWEST FARM CREDIT SERVICES FLCA
NORTHWEST FARM CREDIT SERVICES PCA
406 PARK VIEW LOOP
TWIN FALLS ID 83301-3393

RE: Assignment of Permit Water Right No(s): 37-23359

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received an Assignment of Permit (Assignment) from you on February 8, 2024 for the above referenced water rights. The Assignment could not be processed because the Department there was no filing fee and this permit was licensed on July 14, 2023.

The Department is returning your Assignment of Permit and the attachments. I have also included a copy of the license.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: JK POTATOES LLC
DAVID JENTZSCH

RECEIVED

FEB 08 2024

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, JK Potatoes LLC,
Current owner(s)hereby assign to JK Potatoes LLC; Northwest Farm Credit Services, FLCA; and Northwest Farm Credit Services, PCA

New owner(s)

of, 406 Park View LoopTwin Falls, ID 83301(208) 732-1000

New owner's address including city, state and ZIP

Phone

All my right, title, and interest in and to Permit No(s). 37-23359 to
appropriate the public waters of the State of Idaho.**OR** (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s).:

N/A, to appropriate the public waters of the State of Idaho.

Describe in detail that portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of water in cubic feet per second.

Does the new permit holder own the property at the:

Point of diversion? ☐ Yes ☐ NoPlace of use? ☐ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

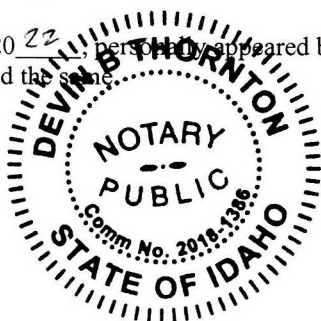
Dated this 29th day of April, 2022.**JK POTATOES LLC**By: [Signature]

Derek J. Lentzsch, Authorized Agent

State of Idaho)

County of Twin Falls)ssOn this 29 day of April, 2022, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL

[Signature]

Notary Public

My commission expires: July 9 2024



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 17, 2023

JK POTATOES LLC
20511 F ST
RUPERT ID 83350-9476

RE: License No. 37-23359

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

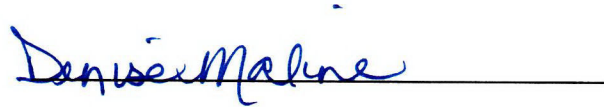
CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2023, I served a true and correct copy of Water Right License No. 37-23359 by U.S. Mail, postage prepaid, to the following:

JK POTATOES LLC (Current Owner)
20511 F ST
RUPERT ID 83350-9476

DAVID JENTZSCH (Representative)
319 RIVER RD
BLISS ID 83314-5050

WATER DISTRICT #130
COREY KING (Watermaster)
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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 service date 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.