

October 19, 2022

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

OCT 14 2022

Department of Water Resources
Eastern Region

Re: Application for Transfer of Water Right No. 29-7754
Proof of Water Use

To whom it may concern,

I am the President of J.K. Merrill & Sons, Inc. (the "Company"). On or about June 30, 2022, the Company submitted an Application for Transfer of Water Right No. 29-7754. Watermaster Blake Jordan issued a Recommendation Form stating that he did not oppose the application if the applicant can show that the water right has been used in the past 5 years.

For many years, the Company owned and operated a gravel pit located on the real property near Siphon Road in Power County, Idaho (the "Siphon Gravel Pit") to which Water Right No. 29-7754 was appurtenant. The Company recently sold the Siphon Gravel Pit and reserved the water right. The Company is seeking to transfer the water right to another gravel pit in the area that is also owned by the Company.

This water right report for Water Right No. 29-7754 indicates that it is for commercial use at the Siphon Gravel Pit and that there are two points of diversion which are both ground water wells located in the gravel pit. I can confirm that the water right report is correct that there are two separate wells in the gravel pit. One well is located near the Company's office and the other is located further in the gravel pit. The pump on each well is powered by electricity generated by an onsite diesel generator. Neither well has a water meter.

Although gravel mining at the Siphon Gravel Pit has been minimal over the last five years, the Company had continuing reclamation obligations which require watering down gravel backfill, watering for dust suppression, and using water at the gravel pit office for cleaning. For watering down gravel backfill and for watering for dust suppression, the Company pumps water from its wells into a water truck. The Company used water in this way under Water Right No. 29-7754 for approximately 2 to 3 weeks every year in the fall. The Company has done this for many years, including during the last five years.

The Company is requesting that this water right be transferred to the Company's other gravel pit.

Sincerely,



Lloyd Merrill
President of J.K. Merrill & Sons, Inc.



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

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Governor Brad Little

Director Gary Spackman

April 14, 2023

30-Day Notice

J K Merrill & Sons, Inc.
P.O. Box 4065
Pocatello, ID 83201

Thomas J. Budge
P.O. Box 1931
Pocatello, ID 83204

J K Merrill & Sons, Inc., Thomas Budge,

While reviewing water right 29-7754 for the approval of transfer 86728, it was indicated on the transfer application that the water right has not undergone a five or more year period of non-use. Please provide evidence of use or a valid form of defense to forfeiture by 5/19/2023 in order to continue with the approval of the transfer.

Best Regards,

Scott Stosich
Senior Water Right Agent
Idaho Department of Water Resources
900 N Skyline Dr, Suite A
Idaho Falls, ID 83402