

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

9/11/2020

Water Permit 47-8393

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	P M AG PRODUCTS INC 121 E TYLER ST KIMBERLY, ID 83341 (208) 423-6889

Status: Cancelled

Source

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



MAR 18 1996

FROM: Allen Merritt

DATE: March 18, 1996

TO: Glen Saxton

SUBJECT: Voiding or canceling permit applications  
(PM AG Products, Inc.) & (Tikura Cattle Assn.)

As we discussed on the phone please find attached:

Two applications for permit (47-08392 & 47-08393) in the name of PM AG Products, Inc. Note that file 47-08392 also contains the original drilling permit applications 47-95-S-0182-000 and 47-95-S-0183-000 as well as the original injection well permit application 47-W-27. PM AG Products withdrew the injection well application. I wrote them on 2/11/96 requesting information about what they wanted to do about the other applications. They haven't responded. I recommend that both 47-08392 & 47-08393 be sent a preliminary order voiding the applications as well as the pending drilling permits and that refunds be initiated for the drilling permit fees paid.

One application for permit (37-08607) in the name of Tikura Cattle Assn. It was protested by BLM & F&G. I held a conference 10/5/95 and most parties in Tikura were of the mind to withdraw the application but Strode wanted to consult an attorney. Meantime F&G withdrew their protest. I wrote Mr. Strode 11/7/95 inquiring of his decision with no response. I again wrote Mr. Strode on 2/13/96 asking him to propose a hearing schedule by 3/15/96 with no response. I recommend that Tikura be sent an preliminary order voiding the application.

47-08393

protest list  
47-08392,8393  
PM AG

BRUCE BUTLER NW REG MGR  
PM AG PRODUCTS INC  
PO BOX 26  
KIMBERLY ID 83341

PETER J AMPE ESQ  
PO BOX 66  
TWIN FALLS ID 83303-0066

KELLY VER WEY REPRESENTATIVE  
CITIZENS FOR CLEAN AIR & WATER  
600 VAN BUREN  
KIMBERLY ID 83341

*app*

*leg. council for  
city of Kimberly  
Prot 47-8392 only*

*Prot. both*



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

February 13, 1996

PM AG Products, Inc.  
Attn: Bruce Butler  
121 E Tyler St  
Kimberly, ID 83341

**RE: Protested applications for permit No. 47-08392 and 47-08393  
Related Drilling Permits 47-95-S-0182-000 and 47-95-S-0183-000**

Dear Mr. Butler:

As you know PM AG filed several applications with the department categorized as follows:

- Two applications for water right permits numbered 47-08392 and 47-08393.
- One application to maintained an injection well numbered 47-W-27.
- Two applications for construction of wells numbered 47-95-S-0182-000 and 47-95-S-0183-000.

The two water right permits are required to be advertised and are subject to protest. As you know these two application were protested by the "Citizens for Clean Air & Water". At the same time the water right permits were protested they also protested the injection well application. Pursuant to the protest of the injection well application you met with Helen Thornton from our State Office and you withdrew your application for the injection well.

The purpose of this letter is to inquire as to your intentions regarding the two water right applications and the two well construction applications which are being held in our office. Please note that since the injection well application has been withdrawn you will need to develop a mitigation plan to replace the water you propose to develop or we will not be able to consider your water right applications further.

If you wish to withdraw the remaining pending applications we will be able to refund the money paid for the drilling permits but the fees paid for the water right permits cannot be refunded since we have incurred the expense of advertising these applications.

Please let us know how you wish to proceed by March 15, 1996.

Page 2 2/13/96

If you have questions please feel free to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allen Merritt", is written over the word "Sincerely,".

Allen Merritt, PE  
Southern Region Manager

CC: Helen Thornton - IDWR  
Gary Funderburg - IDWR



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

January 23, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

BRUCE BUTLER NW REG MGR  
PM AG PRODUCTS INC  
PO BOX 26  
KIMBERLY ID 83341

RE: APPLICATION FOR PERMIT NOS. 47-08392 & 47-08393

Dear Mr. Butler:

Enclosed are copies of protests filed against 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.

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)



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

January 23, 1996

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

KELLY VER WEY REP  
CITIZENS FOR CLEAN AIR & WATER  
600 VAN BUREN  
KIMBERLY ID 83341

RE: APPLICATION FOR PERMIT NOS. 47-08392 & 47-08393 (PM AG  
PRODUCTS, INC)

Dear Protestant(s):

Your protests against the approval of the above referenced applications 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 protests and, if possible, to resolve the matter without action by the Department.

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)

NOTICE OF PROTEST

We are protesting APPLICATION TO CONSTRUCT AN INJECTION WELL # 47-W-27

Name of protestant CITIZENS FOR CLEAN AIR AND CLEAN WATER

Protestants representative - Kelly VerWey

600 VanBuren - Kimberly, ID 83341

423-6493 Home - 733-3770 Office

Reason of Protest -

We are against PM Ag constructing an injection well within the city limits and very concerned about the possibility of cross contamination with the use of their cooling system. They have waste spillings as well, which could endanger the cleanliness of our water.

The only resolve to our protest would be to deny their request and have them remain on city water so our water department could monitor the system and better ensure the cleanliness of our water.

RECEIVED

JAN 11 1971

Department of Water Resources  
Southern Region



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF PROTEST**

RECEIVED  
JAN 11 1995  
Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR PERMIT # 47-08393
2. Name of protestant CITIZENS FOR CLEAN AIR AND CLEAN WATER
3. Protestant's representative for service (If different than protestant)  
Kelly VerWey
4. Service mailing address 600 VanBuren - Kimberly, ID 83341
5. Service telephone no. 423-6493 Home - 733-3770 Office
6. Basis of protest (including statement of facts and law upon which the protest is based) \_\_\_\_\_

We are against PM Ag owning any wells within the city limits and are very  
concerned about the possibility of cross contamination with the use of their  
cooling system. They have a waste spillage problem as well, which is a concern  
for contamination.

*(additional pages may be attached to describe the nature of the protest)*

7. What would resolve your protest? \_\_\_\_\_

The only resolution possible is for PM Ag to stay on city water and let our  
water department monitor the system and ensure the cleanliness of our water.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22 day of Jan, 19 96.

PROTESTANT

PROTESTANT'S REPRESENTATIVE

**NOTE:**

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
2. Show the name of the protestant. Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the two representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

**FOR DEPARTMENT USE ONLY**

Received by MB Date 1/22/96 Time 1227 pm.  
\$25.00 fee Received by MB # 5018798 Date 1/22/96

RECEIVED

Form 202  
10/92

NOV 02 1995

Ident. No. 47-08393

Department of Water Resources  
Southern Region

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant PM AG Products, Inc. Phone 423-6889  
Post office address 121 E Tyler St., Kimberly, ID 83341
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is NEU ¼ of SW ¼ of SW ¼, Govt. Lot \_\_\_\_\_  
Sec. 21 Township 10S Range 18E B.M. Twin Falls County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.13 cfs for Cooling purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.13 cubic feet per second and/or (b) \_\_\_\_\_ acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Well & pump, pipeline to cooling unit, pipeline from cooler to injection well
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage: \_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. Proposed well diameter is 8 inches; proposed depth of well is 350 feet.
  - d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_; Well was drilled for (well owner) \_\_\_\_\_
7. Time required for the completion of the works and application of the water to be proposed beneficial use is 1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. Cooling of vapors from molasses as it is cooked for processing into cattle feed

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
105	18E	21											X						

X = Cooling

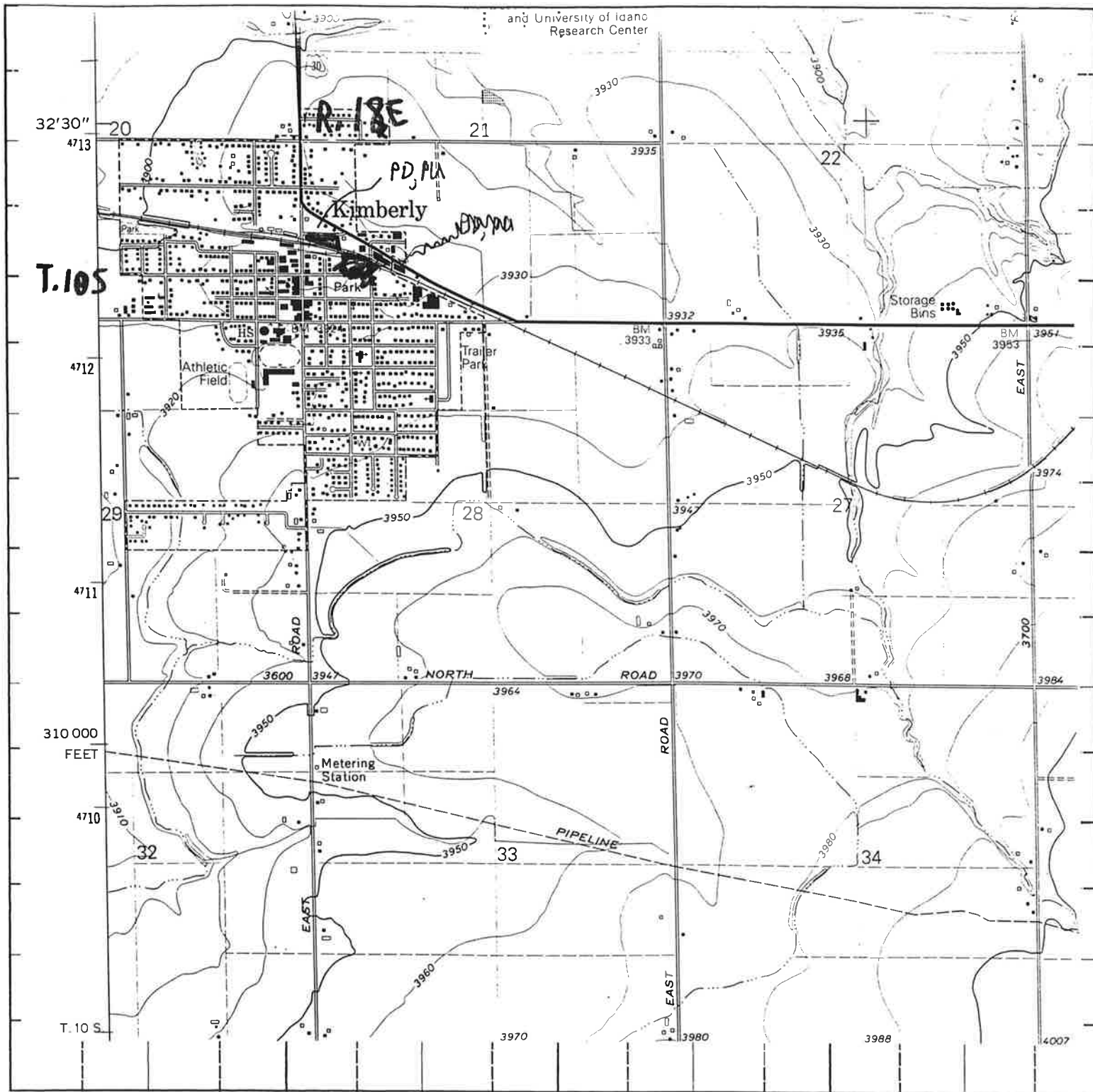
Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

- 11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? "
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: System for collecting vapors was recently installed using city water. This supply is only temporary, however, so we need our own well. This is needed to prevent odor problems during plant operation. All water pumped will be injected back into the ground-use is totally non-consumptive. (non-contact cooling water).

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



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

x *Bruce Butler* NW Regional Manager  
(Applicant)

Received by JF Stanton Date 10-25-95 Time 2:05 pm Preliminary check by CS  
Fee \$ 50<sup>00</sup> Received by AM # 50/8607 Date 10-25-95  
Publication prepared by MB Date 12/26/95 Published in Times News  
Publication approved MB Date 1/22/96

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECEIVED

NOV 02 1995

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources  
Southern Region

POWER OF ATTORNEY

1 Application for Permit  
1 Injection well Permit  
2 Drilling Permits

The undersigned holder(s) of Permit/Application ~~was~~ of the  
Department of Water Resources of the State of Idaho hereby nominates  
Bruce Butler, whose address is P.O. Box 26, Kimberly, ID 83341

as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to the above numbered permit or application. Such acts shall include, but not be limited to, the filing of application, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said permits, and the submission of proofs of completion of works and beneficial use of water.

Dated this 30th day of OCTOBER, 1995.

PM AG Products, Inc.

by: Michael G. Rose

ITS: PRESIDENT

STATE OF ILLINOIS  
STATE OF IDAHO

County of COOK ) ss.

On this 30th day of OCTOBER, 1995, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal

Laura E. Zielinski  
Notary Public

Residing at Hemlock, IL

My Commission expires:

6/3/96

