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MAY 11 2016

Department of Water Resources
Eastern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ID No.

TP-23-21

RECEIVED

MAY 31 2016

DEPARTMENT OF
WATER RESOURCES**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre feet and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: J.R. Simplot Company - Smoky Canyon Mine Phone: 208.873.3720Mailing address: P.O. Box 1270 City: AftonState WY ZIP 83110 Email: rachel.roskelley@simplot.com1. Source of water: South Fork Deer Creek tributary to Deer Creek

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
1S	45E	5		NE			Caribou	South Fork Deer Creek	

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	45E	4	X	X	X	X					X			X	X	X	X	X	50%
1S	45E	3					X	X	X	X	X	X	X	X		X	X		50%

4. Describe proposed use of water Dust control for mining activities.

5. Amount of water:

Maximum rate of diversion _____ cfs or 50 gpm.Maximum daily volume _____ AF; total volume 5.0 AF.6. Duration of diversion: from Approval date (day-month) to November 30, 2016 (day-month).7. Describe proposed diverting works: Temporary sandbag collection basin and water pump.8. a. Who owns the property at the requested point of diversion? USDA-USFS, Caribou Targhee National Forestb. Who owns the land to be irrigated or place of use? USDA-USFS, Caribou Targhee National Forestc. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:
Public access via Diamond Creek Road.

9. Additional remarks: _____

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

By: J. R. Simplot Company Date 9 May 2016
Signature of applicant
David Spurling, Senior Vice President and SecretaryReceived by _____ Date _____ Time _____
\$50.00 fee received by AS # E042083 Date 5-11-2016
Watermaster comments received? _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202A, Idaho Code, and has determined that:

☐ A. The application for temporary approval should be denied.

☒ B. The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.
2. Other water sources are not readily available.
3. The approval is in the public interest.
4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

☐ A. DENIED

☒ B. APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
3. This approval authorizes a maximum diversion of 5.0 AF and a maximum rate of diversion of _____ cfs.
4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
5. The department may cancel this approval at any time if the department identifies injury to other water rights.
6. This approval does not create a continuing right to use water.
7. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
8. Other: _____

9. This approval expires on November 30, 2016.

Signed this 19th day of May, 2016.

Lyle Swank
For the Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 23, 2016

**J.R. Simplot Company
Smoky Canyon Mine
PO box 1270
Afton WY 83110**

Applicant:

Enclosed is your approved copy of Temporary Permit TP-23-21 and TP-24-27. Please take note of the effective dates on line 6 and the conditions on the back.

Sincerely,

**Sharla Cox
Water Resource Administrative Assistant**

Enclosure