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AUG 01 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ID No.

TP-24-25

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: 208.873.3700Mailing address: P.O. Box 1270 City: AftonState Wyoming ZIP 83110 Email: _____1. Source of water: South Fork of 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 #
10 S	45 E	5	2				Caribou		

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	
10 S	45 E	5		L 2															

4. Describe proposed use of water We are building a Mine road to Federal Lease I-01441 to mine phosphate ore.0.0
Water is needed to meet the density requirements for road construction.

5. Amount of water:

Maximum rate of diversion _____ cfs or 500 gpm.Maximum daily volume 0.066 AF; total volume 5 AF.6. Duration of diversion: from 1 August, 2014 Aug 5, 2014 (day-month) to 15 - October, 2014 (day-month).7. Describe proposed diverting works: There are existing ponds in the area. A pump will be placed in the pond.8. a. Who owns the property at the requested point of diversion? US Forest Serviceb. Who owns the land to be irrigated or place of use? US Forest Servicec. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:
The 2008 Panel F&G EIS and ROD authorize the construction of the Mine Road to access Mining Lease I-01441

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.

J. R. Simplot Company

By: David Spurling
Signature of applicant David Spurling, Senior Vice President, Secretary and General Counsel

7/24/2014

Date

Received by SC Date 8/1/14 Time _____\$50.00 fee receipted by SC # EO40116 Date 8/1/14

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 50 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 October 15, 2014.

Signed this 5th day of Aug., 2014.

Lytle Swank
For the Director

CORPORATE HEADQUARTERS

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Department of Water Resources
Eastern Region

July 29, 2014

Blake Jordan
Senior Water Right Agent
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402

Re: Application for Temporary Water Appropriation.

Dear Blake:

Simplot is constructing a new road in connection with the Smoky Canyon Mine in Caribou County, Idaho. To properly construct the road, we need water to achieve compaction standards. To allow for the filling of water trucks that will be used to compact the road during construction, I am attaching an application to temporarily allow Simplot to divert water from the South Fork of Deer Creek.

Please apply the enclosed \$50.00 check to cover your fee for filing the enclosed application.

Sincerely,



Vic Conrad
Land, Water & Asset Recovery

Enclosure



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

August 5, 2014

GARY SPACKMAN
Director

**J.R. Simplot Company
Smokey Canyon Mine
PO Box 1270
Afton WY 83110**

Applicant:

Enclosed is your approved copy of Temporary Permit TP-24-25. Please take note of the effective dates on line 6 and the conditions on the back.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is written in a cursive style with a large, looping initial 'S'.

**Sharla Cox
Water Resource Administrative Assistant**

Enclosure