

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/5/2020

Water Application 43-7068

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO PO BOX 9069 NAMPA, ID 83652 (208) 442-4048

**Status:** Closed

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Number of Protests: 0  
Water District Number: TBD  
Application Type: New Appropriation  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/5/2020

Water Permit 43-7068

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R SIMPLOT CO PO BOX 9069 NAMPA, ID 83652 (208) 442-4048

Status: Cancelled

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

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

2020-06-05

RECEIVED

AUG 15 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources  
Southern Region

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT )  
NO. 43-07068 IN THE NAME )  
OF J. R. SIMPLOT COMPANY )  

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**PRELIMINARY ORDER  
VOIDING PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an examination to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

43-07068  
1. On September 1, 1976, Simplot Industries, Inc., later known as J. R. Simplot Company (permit holder), applied to the Department for a permit to appropriate 6.31 cubic feet per second of ground water within the SESE, SWSW, and SWNW Section 30, Township 10S, Range 27E, B.M., Cassia County, to be used for irrigation and stock water purposes.

2. On October 9, 1976, the Department approved the Application for Permit and issued Permit No. 43-07068.

3. On August 10, 1981, the Department received Proof of Beneficial Use of water for the permit.

4. On June 16, 1995, Department staff conducted a field exam and found that no development of water had occurred under this right.

5. On November 8, 1994 the Department corresponded with the permit holder asking them to relinquish permit no. 43-07068 since water was not being beneficially used. Previous discussions with the permit holder also indicated that there was no additional development under this right.

6. The permit holder did not return the relinquishment form to the Department.

#### CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

"In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit."

2. Permit No. 43-07068 required the permit holder to complete construction of works and application of water from the source identified to the proposed beneficial use within the authorized permit period.

3. Examination by the Department found that no water had been diverted to and beneficially used on land authorized by the permit.

4. The Department should void the permit pursuant to Section 42-219, Idaho Code.

ORDER

IT IS THEREFORE HEREBY ORDERED that Permit No. 43-07068 is  
**VOIDED** and issuance of a license is **REFUSED** under Section 42-219,  
Idaho Code.

Dated this 10<sup>th</sup> day of August, 1995.

A handwritten signature in cursive script, reading "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, Chief  
Water Allocation Bureau

RECEIVED

OCT 13 1976

Date Sent to S.O. 7/5/95

Identification No. \_\_\_\_\_

Application No. 43-7068

RECEIVED

SEP 2 1976

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

APPROVED

Department of Water Resources  
Southern District Office

To Appropriate the Public Waters of the State of Idaho  
(TYPE OR PRINT IN INK)

1. Name of applicant Simplot Industries, Inc. Phone: (208) 336-2110  
post office address P. O. Box 2777, Boise, Idaho 83701
2. Source of water supply underground water which is a tributary of \_\_\_\_\_
3. a. Location of point of diversion is <sup>#1</sup> SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 30 Township 10 South  
Range 27 E. B.M. Cassia County; additional points of diversion if any: \_\_\_\_\_  
#2 (SW $\frac{1}{4}$  Lot 4 SW $\frac{1}{4}$ ) and #3 (SW $\frac{1}{4}$  Lot 2 NW $\frac{1}{4}$ ) of the above

- b. If water is not consumed, it will be discharged into N/A at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 6.31 for irrigation purpose from April 1 to October 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.12 for stockwater purpose from January 1 to December 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 6.31 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. A 20" well 300 to 500 feet deep, equipped with a vertical turbine pump and ditches or pipelines running from well to place of use.

- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

- b. Estimated construction cost is \$ 20,000.

8. Description of proposed uses:

- a. If water is **not** for irrigation: Same as description of points of diversion

- (1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_

- (2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head range

- (3) List number of each kind of livestock to be watered 500 head of cattle

- (4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_

- (5) If water is to be used for other purposes describe: \_\_\_\_\_

Per phone conversation 9-2-76 ADM

43-7068

Static level 180

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 315.54

c. Describe any other water rights used for the same purposes as described above. None

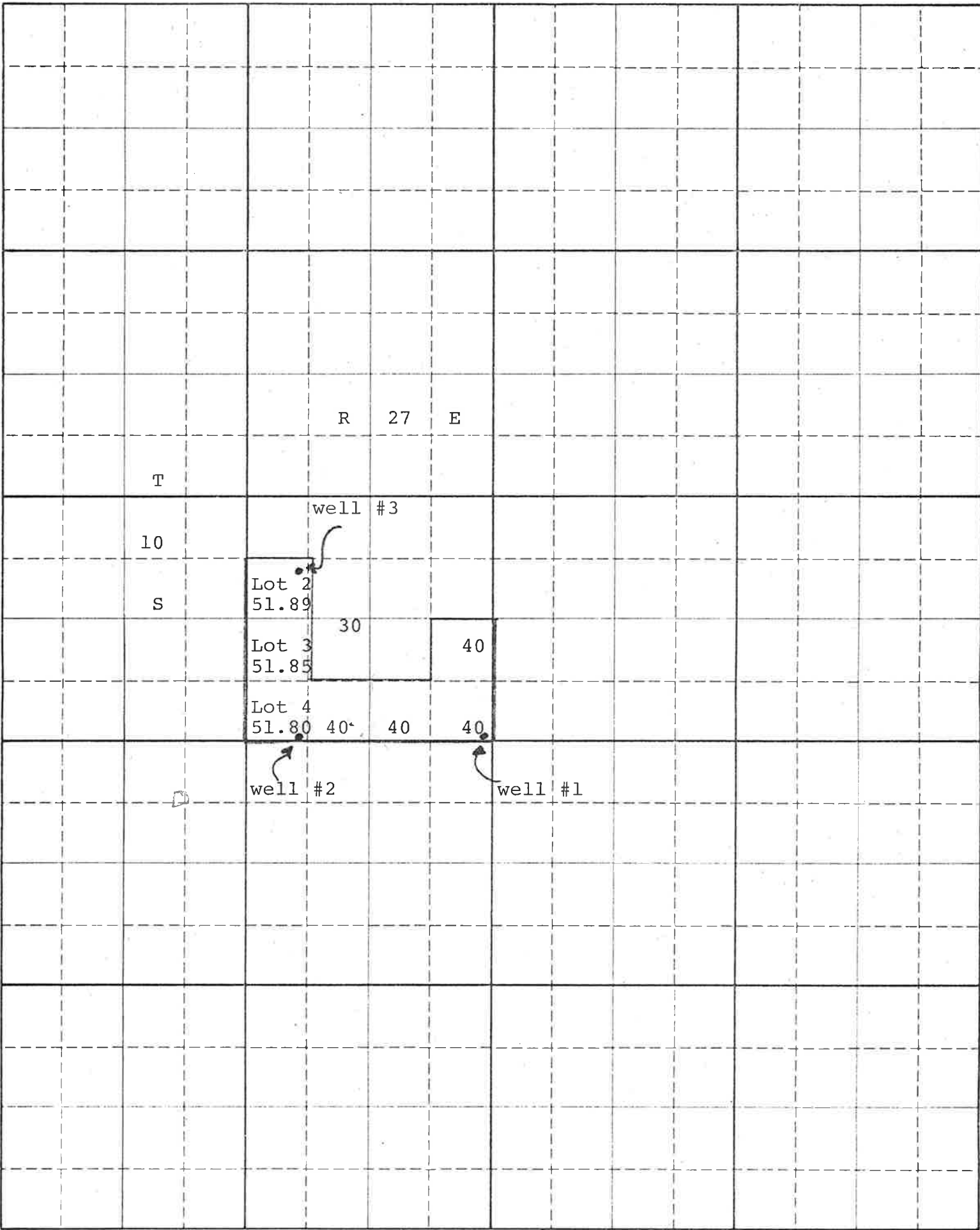
9. a. Who owns the property at the point of diversion \_\_\_\_\_ Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing \_\_\_\_\_

10. Remarks

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



Scale: 2 inches equal 1 mile

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.

SIMPLON INDUSTRIES, INC.

By [Signature]  
(Applicant) Its Vice President



Proposed Priority 9-1-76

Received by JA Date 9-1-76 Time 10:30

Preliminary check by JA Fee \$ 85.00

Received by mlb Date 9-1-76 # 5820

Publication prepared by PJ Date 9-3-76

Published in South Idaho Press

Publication dates Sept. 14 and 21, 1976

Publication approved PJ Date 9-10-76

Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by mls BDF

#### 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. 43-7068, and said application is hereby APPROVED.

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 October 1, 1981.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: \_\_\_\_\_

Witness my hand this 9 day of October, 1976.

  
Director