

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 2-10536

Priority: July 21, 2017

Maximum Diversion Rate: 14.66 CFS

This is to certify, that J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE ID 83707

has applied for a permit to appropriate water from:

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

14.66 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L2 (NW1/4SW1/4) Sec. 14, Twp 04N, Rge 06W, B.M. CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 05W 5															33.0		33.0
04N 05W 7	38.0	36.0	38.0	40.0									31.0	29.0		28.0	240.0
04N 05W 8					37.0	35.0	39.0	39.0									150.0
04N 05W 18													32.0	31.0		31.0	94.0
04N 06W 12			31.0	30.0			34.0	32.0	32.0				28.0	29.0			216.0

Total Acres: 733

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2023**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 2-10536

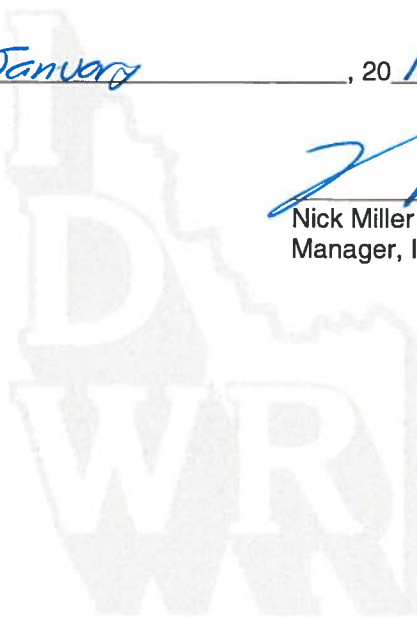
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 31st day of January, 20 18.



Nick Miller
Manager, IDWR Western Region

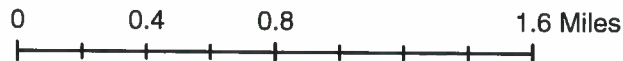
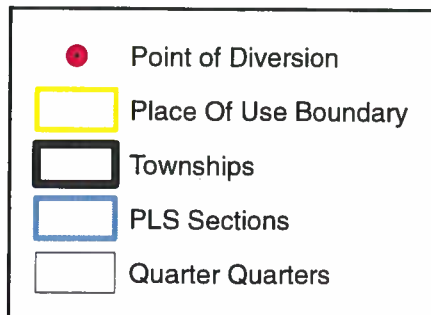
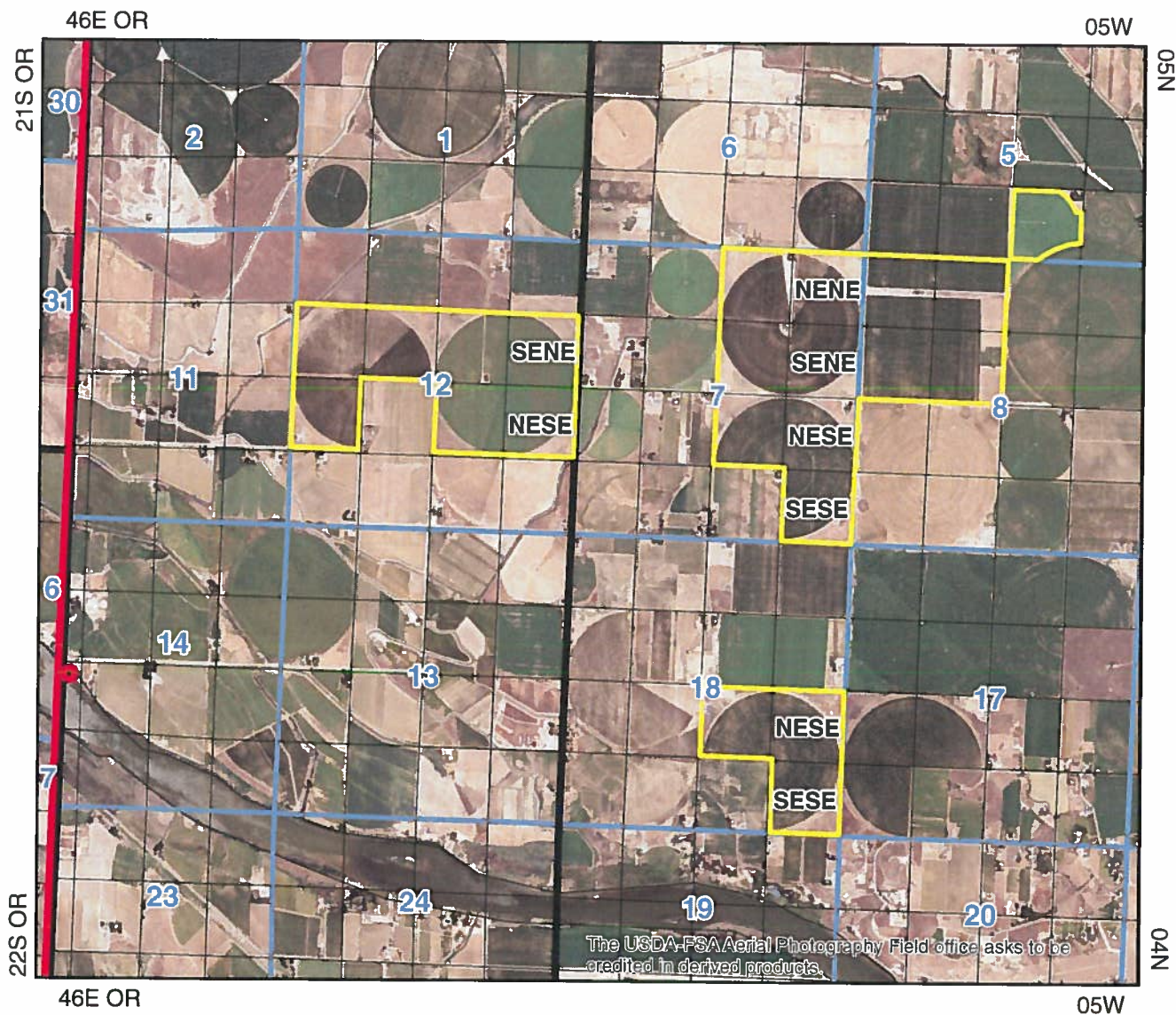


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

2-10536

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 31, 2018

J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE ID 83707

RE: Permit No.2-10536

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Neely". The signature is stylized with a large, sweeping initial "R" and a long horizontal line extending to the right.

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

2-10536

**VIC CONRAD
J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE ID 83707**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

DATE: 12/19/17

TO: 2-10536

FROM: Phill Hummer

RE: Large Diversion Analysis

c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

The proposed point of diversion is located on the Snake River near river mile marker 406. The nearest downstream water right point of diversion is for water right no. 3-4022 and is located near river mile 399, approximately 7 miles downstream. The right authorizes the diversion of 0.12 cfs for the irrigation of 4.0 acres. The next downstream water diversion on the Snake River is located near river mile 398 about 8 miles downstream, this POD is for water right no. 3-2030 and authorizes 1.3 cfs for the irrigation of 65.0 acres and 0.02 cfs for the watering of 50 range cattle.

Application no. 2-10536 will likely have minimal impacts to water right no. 3-4022 because that right supplies water for less than 5 acres and the property is within the service area of the Riverside Irrigation District. The place of use for water right no. 3-2030 is outside of any irrigation company service boundary but the stockwater use is restricted 13,000 gallons per day. Due to the amount of water in the river (see the next section) and the distance between the proposed point of diversion and the points of diversion for these 2 water rights, the impacts of the proposed diversion to nearby existing water rights should be minimal to none.

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

The applicant plans on utilizing overhead center pivot irrigation and linear irrigation systems that are equipped with drop tubes to reduce evaporative losses. Soil moisture will be monitored throughout the irrigation season to maximize water availability in the root zone while minimizing losses through deep percolation. The applicant plans to use irrigation systems with an estimated 75-90 percent efficiency.

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

The applicant used weather data from the AgriMet weather station near Parma, Idaho and the water requirements of alfalfa to calculate an estimated average annual volume requirement of 2646 to 3174 acre feet (at 70 -90 % efficiency). The applicant anticipates irrigation to occur over about 141 days, which would require about 18.7 to 22.4 acre feet per day. The applicant estimates a rate of 9.43 to 11.30 cfs is needed to satisfy the water requirements of the proposed irrigation project. This rate is less than the standard rate for 733 acres (14.44 cfs) which the applicant applied for. The information submitted by the applicant shows the applied for rate is more than enough to supply adequate water for the proposed project. If approved the permit should be approved for the standard rate to allow a slight buffer.

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

The applicant submitted measurement data from the nearest USGS gaging station downstream from the proposed POD site in the NWSE of section 31, township 11N and range 05W. The data shows the averages for the daily mean flow in cubic feet per second from 1957 to 2017. The lowest average flows occur in the months of July and August, with the lowest average flow of 9,640 cfs occurring on July 27th.

There are 133 points of diversion on the Snake River between the proposed point of diversion and the Weiser Gage including water right no. 3-6 which sets a rate of 4,750 cfs as the minimum stream flow at that station. Together these rights require about 4,904 cfs (154 cfs not included no. 3-6). The data submitted shows that on average the flows in the Snake River as measured at the Weiser Gage is adequate to supply all the existing water rights and the proposed project, including the amount needed for the minimum stream flow.

The applicant also submitted the 5th percentile of the daily mean values, this measurement data shows a low estimate of the typical flows in a river. Similar to the average data set, the lowest months are July and August with the lowest 5th percentile average calculated occurring on July 24th. This data shows that in the 5 percent of the time in the last 60 years (3 days) the average daily flow in the Snake River at the Weiser Gage was 5,900 cfs. This suggest that even at the lowest flows there is likely still water available to satisfy the existing water users and the proposed project.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

The applicant proposes to use an existing diversion owned by the applicant and has submitted a copy of the easement that grants the company legal access the property. According to the applicant the pipe necessary for the proposed diversion has been ordered. In addition, the applicant's representative has been in communication with the department and has responded to requests and inquires in a timely manner.

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

The applicant has submitted a copy of the joint application for permit submitted to IDWR and the US Army Corps of Engineers on January 03, 2017 for the construction activities associated with the Arena Valley Pump Station (the proposed POD). The Army Corps of Engineers issued permit no. NWW-2016-014-BO3 for the project while IDWR determined a stream channel alteration permit was not required.

Based on the information submitted and for the reasons discussed this application appears to have been made in good faith and not for speculative purposes.

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

The applicant has indicated that the design, permitting and easement issues have been resolved. Since the proposed diversion is an existing pumping station and the necessary piping has been ordered it is probable the additional financial requirements are well within the capabilities of JR Simplot Company. The financial resources of the applicant are not in doubt.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.



J.R. Simplot Company
Simplot Headquarters
1099 W. Front Street
Boise, Idaho 83702
P.O. Box 27
Boise, Idaho 83707

208 336 2110

November 9, 2017

Phill Hummer
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

NOV 14 2017

**WATER RESOURCES
WESTERN REGION**

Re: IDWR Application for Permit No. 2-10536.

Dear Phill:

In response to your letter dated November 1 requesting additional information about this project, I offer the following responses:

1. Information relative to the effect on existing water rights.

The irrigation systems are composed of overhead center pivot and linear irrigation systems. The linear and center pivot systems are equipped with drop tubes reducing the pressure required to irrigate the place of use down to an estimated 40-45 pounds per square inch. Drop tubes also reduce evaporative loss that otherwise occur with overhead impact sprinklers. The drop tubes are equipped with the latest water efficient sprinkler packages.

Soil water moisture is monitored throughout the irrigation season with fixed probes buried within the irrigated fields. Periodic spot checks (with a shovel) are conducted throughout the irrigation season to confirm the accuracy of the data provided by the probes. The objective in monitoring soil moisture is to maintain water availability within the root zone without over-applying water. Over application results in percolation deeper than the root zone increasing the amount of water diverted and the electrical consumption required to pump water that cannot be utilized by the crop.

2. Information relative to sufficiency of water supply.

The following table summarizes anticipated attainable water efficiencies using various methods of water application (source: US Bureau of Reclamation AgriMet Cooperative Agricultural Network ("AgriMet")). Center Pivot, linear and drip systems are highlighted to indicate the systems used to irrigate the place of use.

IRRIGATION SYSTEM ATTAINABLE APPLICATION EFFICIENCIES

Irrigation Method	Efficiency (Percent)
Solid Set	70 - 85
Hand Move	65 - 85
Side-Roll	65 - 85
Traveling Gun	60 - 75
Center Pivot	75 - 90
Linear Move	75 - 90
LEPA	80 - 90
Row Crop Drip	85 - 90
Drip	85 - 90
Microspray	85 - 90
Bubbler: Low Head	80 - 90
Border Strip	55 - 90
Furrow: Modern	60 - 90
Furrow	50 - 80

Using data collected for the period beginning 1998 thru 2015 from the Parma, Idaho AgriMet weather station ("PMAI"), the evapotranspiration for alfalfa indicates an average of 39 inches of water are required (see: <https://www.usbr.gov/pn/agrimet/ETtotals.html>).

Taking into consideration the estimated irrigation efficiencies provided above for center pivots and linear systems, the estimated per acre annual volume required to meet average evapotranspiration will be in the range of 43.33 inches of water (3.61 acre feet per acre) at 90% irrigation efficiency up to 52 inches of water (4.33 acre feet per acre) at 70% irrigation efficiency. If we assume the entire 733 acres are planted to alfalfa, the estimated average annual volume of water that is expected to be diverted under this application will be in the range of 2,646.13 acre feet per year up to 3,173.89 acre feet per year.

Each irrigation system is designed to apply water at a rate of 8 gallons per minute per acre. Through a series of a calculations, we estimate the total annual volume will need to be applied in 92 days of total run time for all systems running 24 hours per day for all 733 acres. However, this does not take into consideration irrigation interruptions attributable to mechanical failures, electrical service interruptions harvest dates and weather conditions. At any one time, we estimate 65% of the irrigation systems operate, which extends the period water is applied with irrigation systems to 141.53 days.

To apply 2,646.13 to 3,173.79 acre feet during this 141.53 operating day period, 18.69 to 22.42 acre feet will need be applied per day. At a rate of 1.983 acre feet per day per cfs, it is estimated that an average of 9.43 cfs to 11.30 cfs will be diverted from the source each day the point of diversion is operated.

3. Information relative to good faith, delay or speculative purposes.

As you requested, I am enclosing Permit No. NWW-2017-014-B03 issued by the U.S. Army Corps of Engineers on January 13, 2017 and Joint Application for Permit No. S02-20081 issued by the Idaho Department of Water Resources on August 3, 2017.

In addition, I will clarify my earlier statement, "The applicant will install most if not all of the system to divert and transport water to the place of use described under application 2-10536." The applicant will pursue construction during the non-irrigation season of 2017-2018. The applicant will complete as much of the project as possible during this period. In the event the applicant does not complete the entire project prior to the commencement of the 2018 irrigation season, the applicant will postpone any uncompleted portion of construction and resume construction at the end of the 2018 irrigation season.

Sincerely,

A handwritten signature in black ink, appearing to read "Vic Conrad", with a stylized flourish at the end.

Vic Conrad

Land, Water & Asset Recovery

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 3, 2017

Vic Conrad
J.R. Simplot Company
999 Main St., Ste 1400
Boise, Idaho 83702

RE: Joint Application for Permit No. S02-20081
Canyon-Snake River

Dear Mr. Conrad:

The Idaho Department of Water Resources (IDWR) has reviewed your attached Joint Application for Permits, dated December 27, 2016 for the Canyon Project. Project activities include replacing a surface water pump station and an intake on the Snake River to pump approximately 14,150 gallons/minute to private agricultural cropland. Your proposed project is located in Section 14, Township 04 North, Range 06 West, Boise Meridian, Canyon County, Idaho. It has been determined that an IDWR Stream Channel Alteration Permit will not be required for this activity as provided for within Section 42-3806, Idaho Code.

This does not relieve you of the responsibility to obtain any other local, state or federal permits that may be required, such as those required under the Clean Water Act or local ordinances required to meet federal flood insurance guidelines.

Please contact Cass Jones (208) 287-4897 or cass.jones@idwr.idaho.gov if you have any questions regarding this matter.

Sincerely,

Cass Jones
Stream Channel Protection Specialist
Stream Protection Program

cc: Lance Holloway, Idaho Department of Environmental Quality, Boise
Tom Bassista, Idaho Department of Fish and Game, Nampa
Dean Johnson, Idaho Department of Lands, Boise
Greg Martinez, US Army Corps of Engineers, Boise
Scott McGourty, SPF Water Engineering LLC, Boise
Aaron Golart, Idaho Department of Water Resources, Boise

JOINT APPLICATION FOR PERMIT

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

RECEIVED

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY

USACE NWW-	Date Received:	☐ Incomplete Application Returned	Date Returned: JAN 03 2017
Idaho Department of Water Resources No. 502-20081	Date Received: 1/3/2017	☒ Fee Received DATE: 1/3/2017	Receipt No.: W049862
Idaho Department of Lands No.	Date Received:	☐ Fee Received DATE:	Receipt No.:

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

1. CONTACT INFORMATION - APPLICANT Required:				2. CONTACT INFORMATION - AGENT:			
Name: Vic Conrad				Name: Scott McGourty			
Company: J.R. Simplot Company				Company: SPF Water Engineering, LLC			
Mailing Address: 999 Main St., Ste 1400				Mailing Address: 300 E. Mallard Drive, Suite 350			
City: Boise		State: ID	Zip Code: 83702	City: Boise		State: ID	Zip Code: 83706
Phone Number (include area code): 208-389-7359		E-mail: vic.conrad@simplot.com		Phone Number (include area code): 208-383-4140		E-mail: smcgourty@spfwater.com	

RECEIVED
JAN 03 2017
WATER RESOURCES
WESTERN REGION

3. PROJECT NAME or TITLE: Canyon				4. PROJECT STREET ADDRESS: 31747 Peckham Road			
5. PROJECT COUNTY: Canyon		6. PROJECT CITY: Wilder		7. PROJECT ZIP CODE: 83676		8. NEAREST WATERWAY/WATERBODY: Snake River	
9. TAX PARCEL ID#: 3735100000		10. LATITUDE: 43°40'57.40"N LONGITUDE: 117° 1'36.07"W		11a. 1/4: NW	11b. 1/4: SW	11c. SECTION: 14	11d. TOWNSHIP: 4N
12a. ESTIMATED START DATE: Feb 1, 2017		12b. ESTIMATED END DATE: Aug 1, 2017		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? ☒ NO ☐ YES Tribe:			
13b. IS PROJECT LOCATED IN LISTED ESA AREA? ☐ NO ☒ YES				13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? ☒ NO ☐ YES			

14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks.

From Wilder, ID, travel west on Peckham Road for 6.25 miles to the intersection of Peckham Road and State Line Road. The pump intake portion of the project is located on the northeast bank of the Snake River, approximately 300 feet south of this intersection. A

15. PURPOSE and NEED: ☐ Commercial ☐ Industrial ☐ Public ☐ Private ☒ Other Private Agricultural Irrigation

Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project.

This project will construct a replacement surface water pump station and intake to pump approximately 14,150 gallons/minute of surface water from the Snake River north to private agricultural cropland located in the Arena Valley area. Water from this pump station will be used exclusively for the irrigation of agricultural land.

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Please see attached.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

The selected site offers the best topographic relief, separation from the shore, and upland characteristics of all sites considered. Some sites were eliminated from consideration due to marshy shore conditions. The selected site is the best available shoreline to minimize impacts to high value wetland habitats. Additionally, the selected site is in the location of the existing pump station and disturbance.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

This project is limited to replacement of an existing agricultural pump station. It is our understanding that the pump intake portion of the project falls under Section 10 of the CWA. As a result, no mitigation plan is proposed.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ cubic yards
Dredged Material: _____ cubic yards
Clean Sand: _____ cubic yards
Clay: _____ cubic yards
Gravel, Rock, or Stone: 172 cubic yards
Concrete: _____ cubic yards
Other (describe): _____ : _____ cubic yards
Other (describe): _____ : _____ cubic yards

TOTAL: 172 cubic yards

20. TYPE and QUANTITY of Impacts to waters of the United States, including wetlands:

Filling: _____ acres 1,196 sq ft. 172 cubic yards
Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
Land Clearing: _____ acres _____ sq ft. _____ cubic yards
Dredging: _____ acres 305 sq ft. 72 cubic yards
Flooding: _____ acres _____ sq ft. _____ cubic yards
Excavation: _____ acres _____ sq ft. _____ cubic yards
Draining: _____ acres _____ sq ft. _____ cubic yards
Other: _____ : _____ acres _____ sq ft. _____ cubic yards

TOTALS: _____ acres 1,501 sq ft. 244 cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? ☒ NO ☐ YES If yes, describe work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:
No approvals from any agency having jurisdiction have been granted to date.

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: N/A Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☒ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

☒ NO ☐ YES Is applicant willing to assume that the affected waterbody is high quality?
☒ NO ☐ YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
☒ NO ☐ YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMPs): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

All material placed beyond the shoreline and below the ordinary high water mark during construction of the river intake will be clean natural rip-rap stone. Tracked equipment will be limited to operating on the tops of the constructed jetties and will not be allowed to operate on the floor of the river. Erosion control BMPs such as sediment fences or wattles will be installed downslope of disturbed slopes to minimize the potential for sediment discharge to the reservoir. Existing vegetation will be preserved to the greatest extent possible. Dewatering of excavations will be required for construction. Discharge waters will be pumped upslope of BMPs and allowed to flow overland to the river. Alternatively, dewatering bags or similar BMPs will be employed to ensure that turbid water is not discharged to the river.

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
Jetty and Intake Channel	Snake River	Perennial	72'x27' footprint for jetties and intake channel construction	72
TOTAL STREAM IMPACTS (Linear Feet):				72

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill, excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
TOTAL WETLAND IMPACTS (Square Feet):				

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

Name:
RON A BELLEFEUILLE

Mailing Address:
PO BOX 121

City:
SANTA MARGARITA

State: CA Zip Code: 93453

Phone Number (include area code): E-mail:

Name:
AK FEEDERS LLC

Mailing Address:
PO BOX 920

City:
KENWOOD

State: CA Zip Code: 95452

Phone Number (include area code): E-mail:

Name:
DE BENEDETTI FAMILY TRUST

Mailing Address:
PO BOX 920

City:
KENWOOD

State: CA Zip Code: 95452

Phone Number (include area code): E-mail:

Name:
SMITH RONALD G SMITH MARGARET E

Mailing Address:
25357 WAMSTAD RD

City:
PARMA

State: ID Zip Code: 83660

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

J. R. Simplot Company

Signature of Applicant: By: James Alderman
James Alderman, Assistant Secretary

Date: 12-27-16

Signature of Agent: Jeffrey Hanks

Date: 12/21/16

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".

Box 16

This project proposes the replacement of an existing irrigation pump station and construction of a new intake channel on the shoreline of the Snake River. The intake to the existing pump station forebay consists of a culvert extending into the Snake River. This intake will be plugged and abandoned in place. The project includes construction of an approximately 18-ft deep concrete wet well, an excavated earth intake channel, and two rip-rap jetties (one 5-ft wide and one 12-ft wide top width) which will extend up to 27' +/- beyond the high-water mark into the river. A gravel access road will be constructed to the wet well. The river is shallow along this shoreline with typical depths of 2-3 ft at 27-ft from the shoreline. The jetties are necessary for initial construction of an intake channel and for long term maintenance. Construction of the jetties and excavation of the intake channel beyond the shoreline will occur below the ordinary high water mark within waters of the U.S.

All excavation for the project will be accomplished using a tracked excavator. Excavation spoils will be either loaded directly into dump trucks for export or will be stockpiled on-site for future export. It is anticipated that excavation spoils and dredged material may be used to construct access roads surrounding the pump station. If this material is not suitable then clean fill dirt or uncrushed aggregate from approved sources may be imported for this purpose. It is anticipated that a small bulldozer will be used above the ordinary high water mark for grading and construction of the dirt access road ways.

The jetties will be constructed by end-dumping natural rock rip-rap from dump trucks. A tracked excavator will be used for final grading and placement of the rip-rap. All rip-rap used for jetty construction will be clean, hard, durable, and free of deleterious material.

See box 26 for erosion, sediment, and turbidity controls.

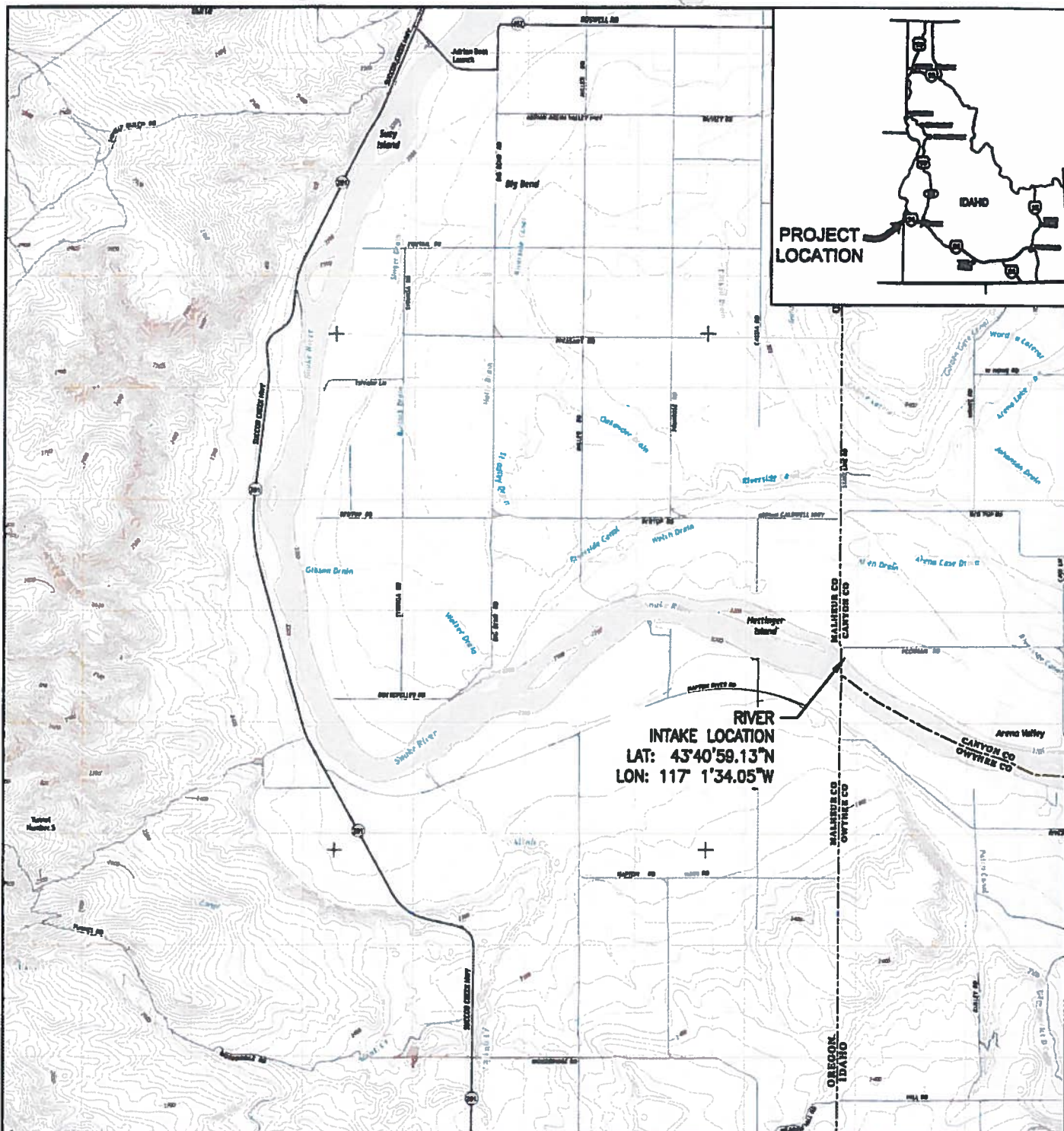
Box 19

172 CY of natural rock riprap to be placed below the OHWM in the Snake River to construct the jetties.

Box 20

172 CY of fill material; natural rock riprap for jetty construction - the same material referenced in Box 19.

72 CY of dredging; removal of existing sediment from the bank of the Snake River to construct the intake channel for the pump station.



PROJECT LOCATION

RIVER
INTAKE LOCATION
LAT: 43°40'59.13"N
LON: 117°1'34.05"W



0 4,000 8,000 Feet



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

USACE/IDWR JOINT APPLICATION
ARENA VALLEY PUMP STATION
J.R. SIMPLOT COMPANY

NOTES:
TOPOGRAPHIC IMAGERY FROM U.S. GEOLOGICAL SURVEY
QUADRANGLE MAP: "ADRIAN, OREGON-IDAHO" 7.5 MINUTE, 2014

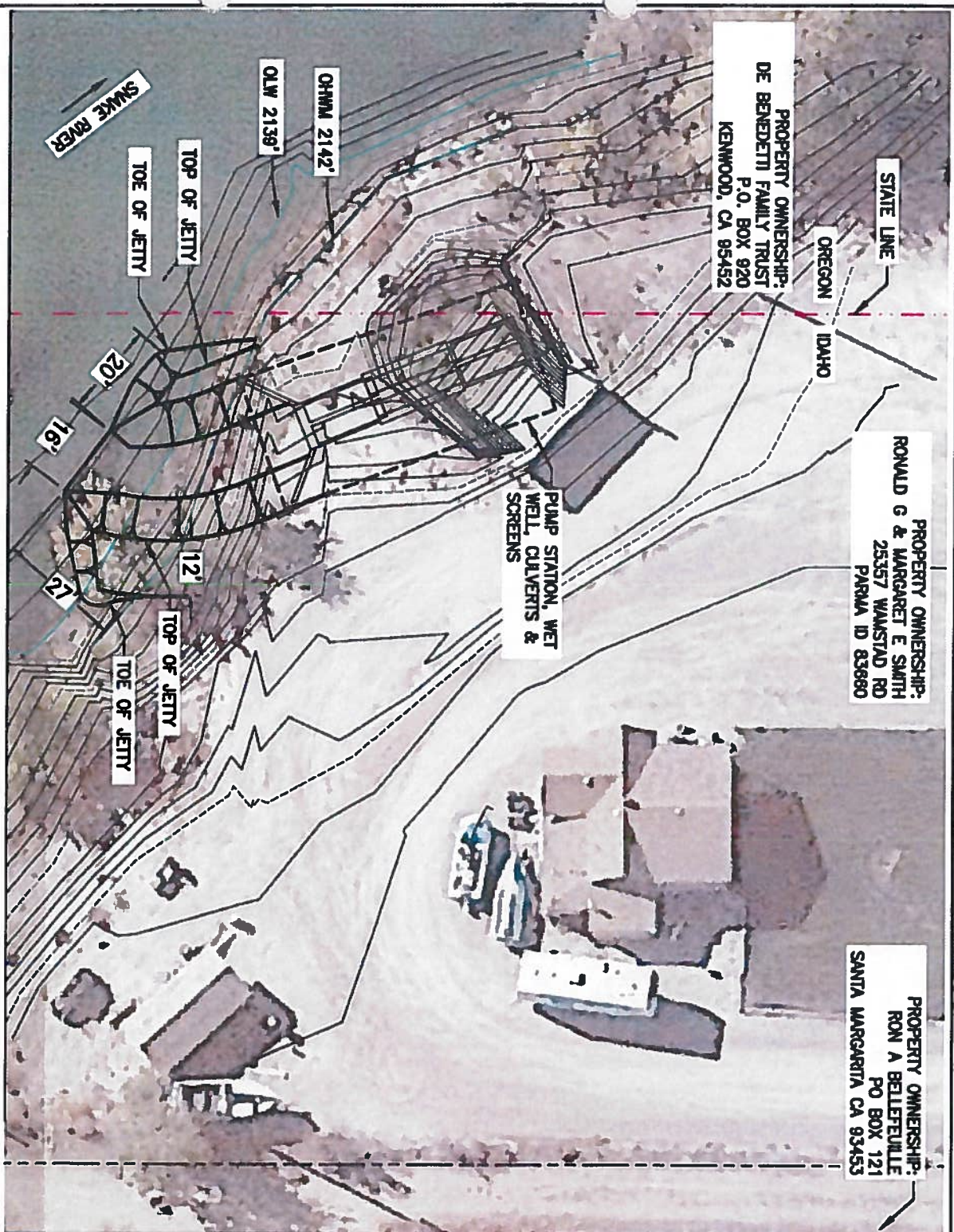
SCALE: AS SHOWN
DRAWN BY: SM

LOCATION AND VICINITY MAP

SCANNED

JAN 18 2017

NOTE: LINENWORK IS APPROXIMATE WITH RESPECT TO AERIAL PHOTOGRAPH.

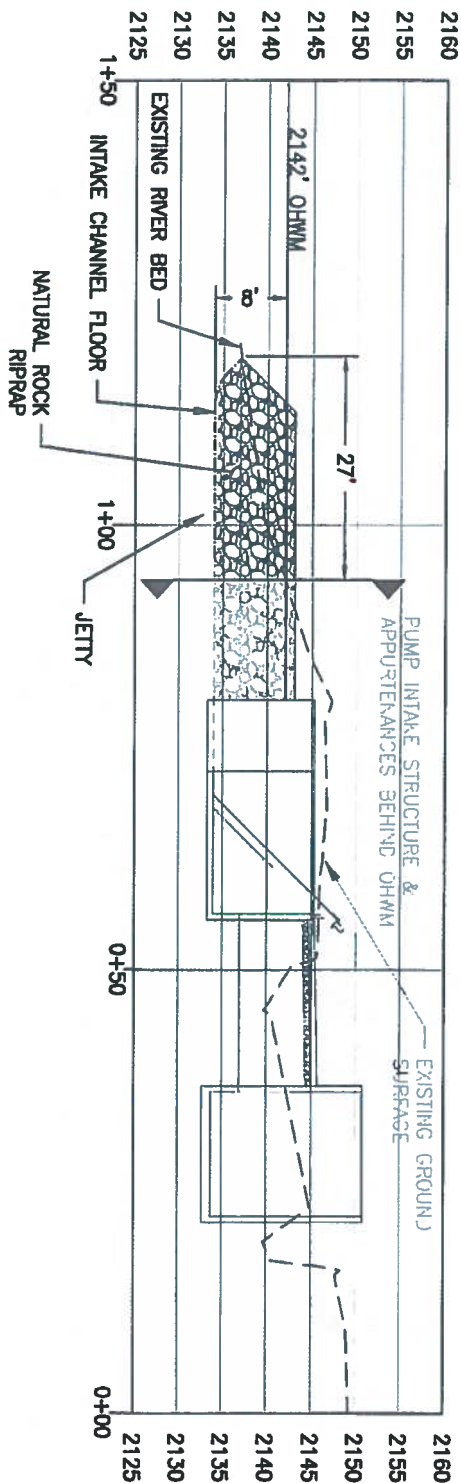


SCALE: AS SHOWN		J.R. SIMPLOT COMPANY ARENA VALLEY PUMP STA USACE/IDWR JOINT APPLICATION	 SPF WATER ENGINEERING 300 East Mallard Drive, Suite 350 Boise, Idaho 83706 Tel (208) 383-4140 Fax (208) 383-4156
DESIGN BY: SM	DATE: 12/13/2016		
DRAWN BY: SM	DATE: 12/13/2016		
CHECK BY: BH	DATE: 12/13/2016		
		PLAN VIEW	

JAN 18 2017



SNAKE RIVER PUMP INTAKE PROFILE

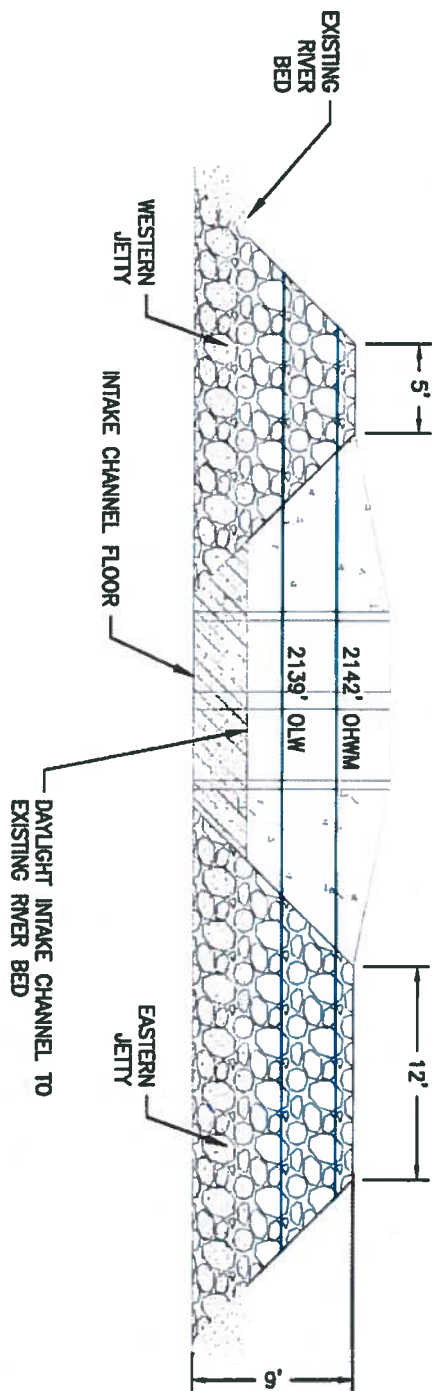


SCALE: AS SHOWN		J.R. SIMPLOT COMPANY ARENA VALLEY PUMP STA USACE/IDWR JOINT APPLICATION SNAKE RIVER PROFILE VIEW	 300 East Mallard Drive, Suite 350 Boise, Idaho 83706 Tel (208) 383-4140 Fax (208) 383-4156
DESIGN BY: SM	DATE: 12/13/2016		
DRAWN BY: SM	DATE: 12/13/2016		
CHECK BY: BH	DATE: 12/13/2016		

JAN 18 2017



Snake River Pump Intake Cross-Section



		J.R. SIMPLOT COMPANY ARENA VALLEY PUMP STA USACE/IDWR JOINT APPLICATION	 SPF WATER ENGINEERING 300 East Mallard Drive, Suite 350 Boise, Idaho 83706 Tel (208) 383-4140 Fax (208) 383-4156
SCALE: AS SHOWN			
DESIGN BY: SM	DATE: 12/13/2016		
DRAWN BY: SM	DATE: 12/13/2016		
CHECK BY: BH	DATE: 12/13/2016	CROSS-SECTION VIEW	

SCANNED

August 9, 2016

J.R. SIMPLOT COMPANY

Smith Farms Pump Station Replacement Project

Snake River Physa Snail Assessment

PROJECT NUMBER:
143165

PROJECT CONTACT:
Cindy Lyane
EMAIL:
cindy.lyane@powereng.com
PHONE:
208-288-6153



SCANNED

JAN 12 2017

Snake River Physa Snail Assessment

PREPARED FOR: J.R. SIMPLOT COMPANY

PREPARED BY: STEVEN J. LYSNE

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STEVELYSNE@CWIDAHO.CC

AND

MARK POLLOCK

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SCANNED

JAN 18 2017

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1.0 INTRODUCTION

The following report presents the background, methods, and findings of a habitat assessment and survey for the Snake River Physa snail (*Physa (Haitia) natricina*) in conjunction with the J.R. Simplot Company's request for services from POWER Engineers.

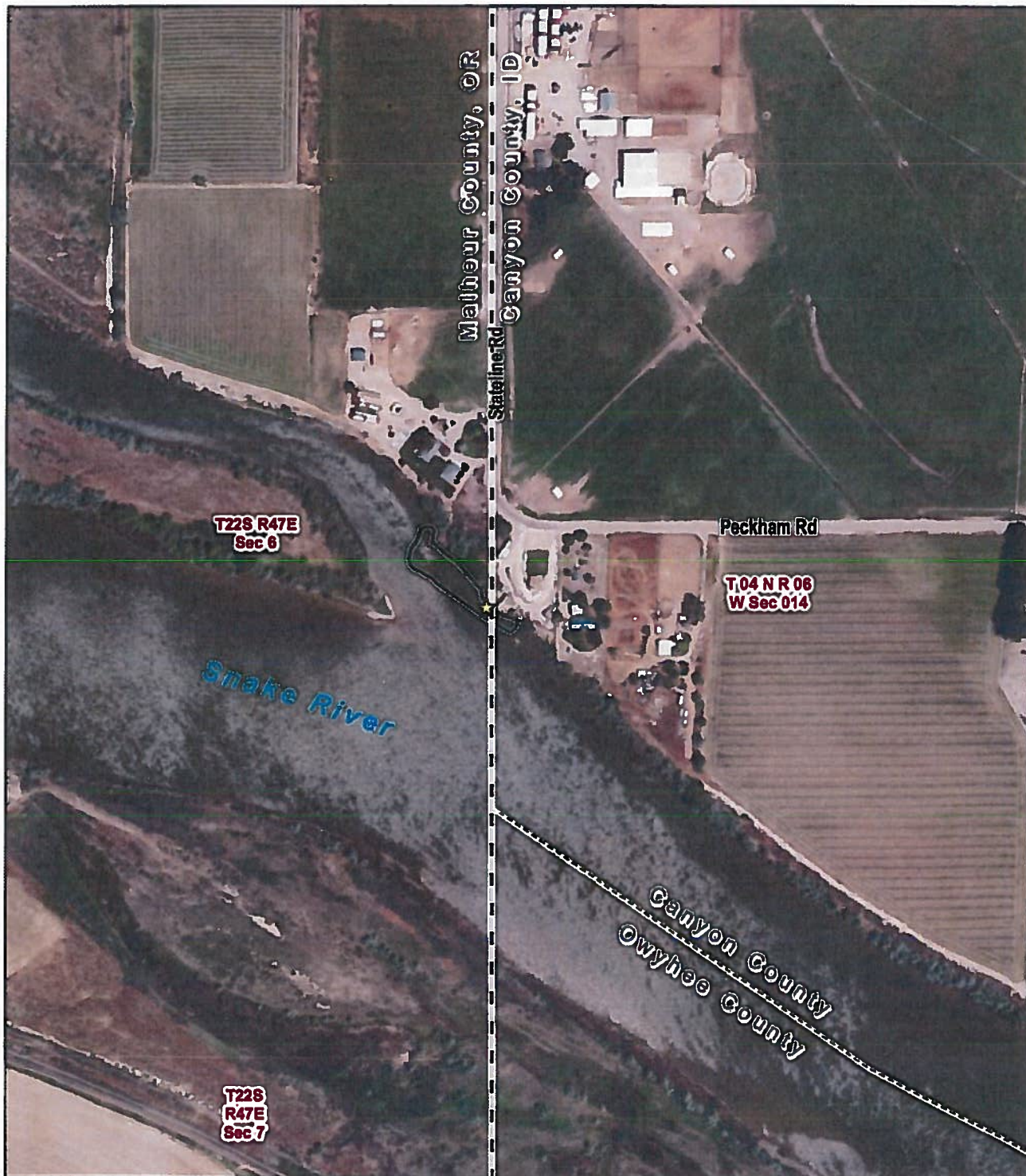
1.1 Project Description

The J.R. Simplot Company (Simplot) owns real property in southwestern Idaho, near the town of Wilder, Idaho, and withdraws water from the Snake River to irrigate crops grown in the Arena Valley. The Smith Farm Pump Replacement Project will replace an existing pump station located on a parcel of land that is adjacent to the Oregon border within Government Lot 2 (NW¼, SW¼) of Section 14 T.4N R.6W B.M., Canyon County, Idaho. The Project is on the north side (right bank) of the Snake River at river mile 406.5 (Figure 1). Simplot is preparing the permit submittal for stream alteration with the Idaho Department of Water Resources (IDWR) and the U.S. Army Corps of Engineers (ACOE). The ACOE has requested a habitat assessment and presence/absence surveys for the Snake River Physa. POWER Engineers was contracted by Simplot to conduct a habitat assessment and survey for the Snake River Physa to aid the regulatory agencies (e.g. Idaho Department of Water Resources, Idaho Department of Fish and Game, Army Corp of Engineers, US Fish and Wildlife Service) in making a determination regarding the impact of the Smith Farm Pump Replacement Project on the snail's continued existence.

1.2 Snake River Physa

Snake River physa is a freshwater snail found in the Snake River in south-central and southwestern Idaho. The Snake River Physa snail was listed as an endangered species throughout its range in 1992 (USFR 1992) along with four other species of freshwater gastropods in Idaho. The range of the Snake River Physa was thought to include appropriate benthic habitats between Grandview, at river mile (RM) 487 to the Hagerman Reach, at RM573; a distribution of only 86 miles of the Snake River (USFWS 2014). It was implied that the range of the Snake River Physa in 1992 was only a portion of its original extent and that this range contraction was the result of anthropogenic habitat alterations; thus it was listed as endangered. However since 1992, numerous more rigorous surveys of the Snake River have been carried out specifically to locate listed taxa. The United States Fish and Wildlife Service completed a review of the Snake River Physa in 2014 and concluded that the actual range of the species was much greater, extending from RM 368 near Ontario, Oregon to the Minidoka Dam at RM 675 — 307 miles in total. The known range of the Snake River Physa when listed in 1992 was, in fact, only 8% of its actual distribution in the Snake River of Idaho and Oregon (USFWS 2014). The Snake River Physa is also exceedingly rare. Only 385 individuals have ever been collected despite thousands of biological samples being collected by the United States Bureau of Reclamation and the Idaho Power Company that specifically targeted freshwater gastropods. The result of this review was that the Snake River Physa was "downlisted" to threatened status under the Endangered Species Act. No critical habitat has been designated for this species.

The Project Area, at RM 406.5, is within the lower reaches of the Snake River Physa range, where the species has been collected with far less frequency and in much lower densities than in the Minidoka Reach. As of January 2015, only 49 live Snake River physa had been collected below C.J. Strike and Swan Falls dams, with densities rarely exceeding 4 snails per square meter (USFWS 2015). Live specimens collected in 1998 were found as near as one mile upstream and downstream of the Project area (Winslow pers. Comm. July 21st, 2016).



Plot: W:\143165_SnapShot\GCS\AppendSurvey_Area.mxd



Legend

- ★ Existing Intake
- County Boundary
- - - State Boundary
- Snail Survey Area
- PLSS Section

Figure 1

**Smith Farms Pump Station
Project & Snail Survey Area**

0 250 500 750

Feet
N



Date: 8/10/2016

SCANNED

....

Early studies describe Snake River physa habitat as predominately on boulder or bedrock substrates, in deep, fast flowing, highly-oxygenated habitats such as rapids (USFR 1992). More recent analysis of collection data indicates the species is most often found in pebble, gravel, or cobble substrates, with water velocity sufficient to keep habitat free of fine sediments and macrophytes (USFWS 2014). Water velocity in occupied habitat is typically >0.5 m/s (USFWS 2014). Collection depths have ranged from less than 0.5 m (1.6 feet) to greater than 3 m (9.8 feet), with the highest densities found at water depths >1.5 m (4.9 feet). Average dissolved oxygen measured in occupied habitats has ranged from 8.36 to 9.99 milligrams per liter (USFWS 2014). Water temperature optimum and thresholds for survival are not well understood for Snake River physa, but they have been found in water temperatures averaging as high as 23.4 °C and have not been found in the cool-water springs (14-16 °C) that flow into the Snake River (USFWS 2014).

2.0 METHODS

On July 29, 2016 two qualified biologists traveled to the Smith Farm in western Idaho to complete the habitat assessment and presence/absence survey. The methods described here and associated take of protected *Physa natricina* are covered under the Federal Fish and Wildlife Permit TE 24048B-0.

2.1 Habitat Assessment

The habitat assessment was conducted from shore and in the water to identify the potential for suitable substrate and hydrology. As summarized in the 5-year review for Snake River Physa (USFWS 2014), typical habitat occupied by *Physa natricina* is gravel to pebble sized substrates in water greater than 1m depth with limited fine sediments, dissolved oxygen between 8.4 and 10.0 mg/L, and stream velocity not less than 0.5 m/sec. Accordingly, we collected information on the benthic substrates, water velocity, water temperatures, and dissolved oxygen concentrations. Information was collected over an approximately 100 m reach of the north shore (right bank) of the Snake River and into the main channel to a depth of 1.5 m. Information on temperature and dissolved oxygen was collected at various depths from 10 cm to 1.5 m. Information on water velocity was collected at the river surface. The presence of algal mats and aquatic macrophytes was noted but no effort was made to determine specific taxa.

2.2 Presence/Absence Survey

We conducted a non-random survey of all available substrate types in an effort to locate the Snake River Physa within the project area and describe the entirety of the freshwater molluscan community at this location. We used viewing buckets and hand collections of cobbles (Richards 2007, Bean 2011) to infer presence. Viewing buckets were used to inspect benthic surfaces for active mollusks that could then be collected and their genera determined. However viewing buckets were only effective to about 30 cm in depth due the high sediment load and low visibility in the water column. Hand collections were completed by non-randomly picking up 40 cobbles (i.e. benthic substrates > 64 mm diameter along any single axis) at depths between 10 cm and 1 m. While absence cannot be ascertained using the cobble-count method, previous surveys have used this method as an efficient proxy for presence/absence surveys (Richards 2007, Bean 2011). All mollusks on selected cobbles were collected for identifications in the lab. Our final collection method employed d-ring dip-nets to "scoop" benthic sediments including (in decreasing order) pebbles, gravels, sand and silt. These finer sediments were sorted through sieves with decreasing mesh sizes (e.g. 2 mm, 1 mm, 0.5 mm) and were then inspected for the presence of mollusks. All mollusks were placed in 95% ETOH and were transported the College of Western Idaho for identification to the level of genus for all mollusks

except those in the family Physidae. All gastropods belonging to the Physidae were examined under magnification to determine if they were likely to be the Snake River Physa. Species, and even genera, in the family Physidae have been under extensive revision in recent years and we made no attempt to resolve taxonomic disagreements here. Thus rather than assigning individuals to the species *Physa gyrina* or *Physa acuta* we left identifications at the generic level and used the published descriptions of the Snake River Physa (Taylor 2003), and other members of the family (Burch 1989), to determine if what we collected were, or were not, *Physa natricina*. All individuals of the genus *Physa* will be provided to the Orma J. Smith Museum of Natural History for curation and permanent storage.

3.0 RESULTS AND DISCUSSION

3.1 Habitat Assessment

The Snake River at the study site on the Idaho-Oregon border is wide, shallow, and relatively slow. This combination of physical features makes it improbable that the Snake River Physa snail will occupy this reach of river. Though small patches of potentially suitable substrate were observed, the dominant physical and chemical characteristics measured at the Project area were outside of the suitable range documented for Snake River Physa (Table 1). Average water temperature recorded during our assessment ($n = 5$) was 26.7° C which is outside of the temperature range that Snake River Physa has been collected at (USFWS 2014). Dissolved oxygen averaged 6.28 mg/L ($n = 5$) which is lower than the 8.4 – 10.0 mg/L reported by USFWS (2014) as characteristic of Snake River Physa habitat. Average stream velocity was 0.23 m/sec, well below the 0.5 m/sec or higher described by USFWS (2014) as characteristic of appropriate habitat for the Snake River Physa. As a consequence of the low stream velocity, the substrate in most of the survey area was dominated by fine sediments (< 2mm diameter) and contained dense patches of submerged aquatic macrophytes. However, small patches within the Survey Area had slightly higher stream velocity values, and in these areas pebble substrates (2mm – 64mm diameter) were the dominant substrate followed by fine substrates and then cobble substrates (> 64mm diameter). One such patch is located directly out from the current pump station intake. These patches may provide a suitable substrate, though the temperature and dissolved oxygen measured at the site indicate that, for at least part of the year, the water quality may not be suitable for Snake River Physa. It is probable that during high flow events, such as typically occur during spring, much of the fines we observed are transported downstream leaving relatively more habitat suitable for the Snake River Physa snail.

TABLE 1 SNAKE RIVER PHYSA HABITAT CHARACTERISTICS RELATIVE TO CONDITIONS OBSERVED AT SMITH FARM PROJECT, JULY 29TH, 2016.

CHARACTERISTIC	PHYSA NATRICINA	SNAKE RIVER AT SMITH FARM
Temperature	≤23.4°C	26.7°C
Dissolved Oxygen	8.4-10.0 mg/L	6.3 mg/L
Stream Velocity	> 0.5 m/sec	< 0.25 m/sec
Dominant Substrate	Pebble (2-64mm)	Pebble (2-64mm)
Sub-dominant Substrate	Cobble (> 64mm)	Fines (<2mm)

3.2 Presence/Absence Survey

We found ten genera of freshwater mollusks belonging to seven different families (Table 2). The most abundant species, by number and by mass, was the non-native bivalve mollusk *Corbicula fluminea* – the Asian Clam. Snails from the family Physidae were the next most abundant taxa though we collected only 23 individuals for identification purposes. The genus *Pyrgulopsis* was the third most abundant taxa collected in our survey followed by *Gyraulus* and *Vorticifex*.

TABLE 2 FRESHWATER MOLLUSK TAXA OBSERVED DURING SURVEY AT SMITH FARM PROJECT SITE, JULY 29TH, 2016.

FAMILY	GENUS	AUTHORITY	RELATIVE ABUNDANCE
Amnicolidae	<i>Amnicola</i>	Gould & Haldeman (1840)	Low
Cyrenidae	<i>Corbicula</i>	von Muhlfeld (1811)	High
Hydrobiidae	<i>Pyrgulopsis</i>	Call & Pilsbry (1886)	High
Hydrobiidae	<i>Potamopyrgus</i>	Stimpson (1865)	Low
Hydrobiidae	<i>Fluminicola</i>	Stimpson (1865)	Low
Lymnaeidae	<i>Stagnicola</i>	Jeffreys (1830)	Low
Physidae	<i>Physa</i>	Draparnaud (1801)	High
Planorbidae	<i>Gyraulus</i>	Charpentier (1837)	Medium
Planorbidae	<i>Vorticifex</i>	Lea (1856)	Medium
Sphaeriidae	<i>Sphaerium</i>	Scopoli (1777)	Medium

Of the 23 Physidae snails collected, none belonged to the threatened species *Physa natricina* and all appeared to represent a single, morphologically distinct species. The justification of this determination follows and is largely based upon shell morphometrics as described by Dwight Taylor (2003). The Snake River Physa is a small (< 10mm) ovoid snail with a broadly rounded body whorl and a total of three whorls including the protoconch (Taylor 2003). Body whorls have conspicuous, deep sutures. The shell clearly reaches its greatest width anterior to the mid-length of the animal and the aperture is roughly ovate. The parietal wall is simple and the plane of the aperture is oblique to the axis of the shell at about 40° (Taylor 2003).

Physids collected in our survey were morphologically quite different. They were mostly small (< 10mm) though some exceeded 1cm in total length. However in contrast to *Physa natricina*, these snail's shells were broadly conic to globosely conic; measuring between 60° and 70°. The shells possessed four or five whorls and these were not well impressed; the body whorl not rounded. The maximum width of the snail's shell was at mid-length, the aperture was elongate, and the plane of the aperture ranged from parallel to the axis of the shell to, at most, 10° to the axis of the shell. The parietal lip was simple as in *Physa natricina*.

3.3 Conclusion

In summary, the Snake River at the Smith Farm project site does not represent high quality habitat for the Snake River Physa. Though the species was collected nearby, those collections were nearly 20 years ago and the river bottom and water chemistry may have changed in the intervening years. Areas of suitable substrate do exist but they are interspersed with areas of high temperature, low dissolved oxygen, fine sediments, and abundant submerged aquatic vegetation. Our field survey documented at

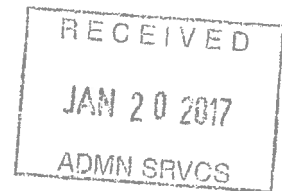
least ten species of freshwater mollusks including members of the genus *Physa*, however these do not belong to the threatened species: *Physa natricina*. The molluscan community at this location on the Snake River is dominated by the invasive freshwater bivalve *Corbicula fluminea*. All physid snails from this survey can be viewed at the Smith Museum of Natural History in Caldwell, Idaho.

4.0 REFERENCES

- Bean, B (2011). Spatial distribution and habitat use of the Bliss Rapids snail. Master of Science thesis, Boise State University, Idaho, 61 pp.
- Burch, J.B. (1989). *Freshwater Snails of North America*. Malacological Publications, Hamburg, MI.
- Richards, DC (2007). Biological opinion of the effects of the City of Twin Falls, Idaho propose Auger Falls project on freshwater mollusks of concern. Technical report submitted to: J-U-B Engineers, Inc. 115 Northstar Ave., Twin Falls, Idaho 83318.
- Taylor, D.W. (2003). Introduction to Physidae (Gastropoda: Hygrophila): Biogeography, classification, morphology. *International Journal of Tropical Biology and Conservation*, 51(1): 1-299.
- U.S. Federal Register (USFR). (1992). Endangered and threatened wildlife and plants: determinations of endangered or threatened status for five aquatic snails in southcentral Idaho. Federal Register 57: 59244-59256.
- U.S. Fish and Wildlife Service (USFWS). (2014). 5-Year Status Review for Snake River physa (*Physa(Haitia) natricina*). U.S. Fish and Wildlife Service, Region 1, Idaho Fish and Wildlife Office, Boise, ID. 45 pages.
- U.S. Fish and Wildlife Service (USFWS). (2015). Biological opinion for the Grandview Bridge rehabilitation project, 01EIFW00-2014-F-0397. Idaho Fish and Wildlife Office, Boise, Idaho.
- Winslow, D. (2016). U.S. Fish and Wildlife Service biologist, personal communication. Email dated July 21st, 2016.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
720 EAST PARK BOULEVARD, SUITE 245
BOISE, IDAHO 83712-7757



January 13, 2017

Regulatory Division

SUBJECT: NWW-2017-014-B03, Abandon and Construct Irrigation Diversion Structure

Mr. Vic Conrad
Simplot Company
999 Main Street, Ste. 1400
Boise, Idaho 83702

Dear Mr. Conrad:

We have determined that your proposed project, Abandon and Construct Irrigation Diversion Structure, is authorized in accordance with Department of Army (DA) **Nationwide Permit (NWP) No. 3: Maintenance**. This project is located at 31747 Peckham Road, within Section 14 of Township 4 North, Range 6 West, near latitude 43°40'57.40" N and longitude -117°01'36.07" W, in the community of Wilder, Canyon County, Idaho. Please refer to **File Number NWW-2016-014-B03** in all future correspondence with our office regarding this project.

Project activities involve the discharge of 172 cubic yards of riprap below the ordinary high water mark of the Snake River. The Snake River is considered a waters of the United States (U.S.), including wetlands. The project involves the replacement of an existing irrigation pump station and construction of a new intake channel on the shoreline of the Snake River. The intake to the existing pump station forebay consists of a culvert extending into the Snake River. This intake will be plugged and abandoned in place. The new irrigation diversion will consist of an excavated earthen intake channel from the Snake River to a 18-foot deep concrete wet well with two riprap jetties (one 5-foot wide and one 12-foot wide top width), which will extend up to 27-foot waterward into the Snake River. There will be no heavy equipment working in the active river channel. All work will be performed on the top-of bank or on the proposed jetties. Erosion and sediment control devices will be employed during construction to minimized sediment transport into the Snake River. The project is expect to impact an estimated 0.03 acres of open channel of the Snake River. No wetlands will be impacted. The purpose of this project is to ensure irrigation water to agricultural fields. All work shall be done in accordance to the attached drawings 1 through 4 titled *Arena Valley Pump Station*, J.R. Simplot Company, dated December 13, 2016.

AUTHORITY

DA permit authorization is necessary because your project involves the discharge dredged and/or fill material into waters of the U.S., including wetlands. This authorization is outlined in Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

PERMIT CONDITIONS

You must comply with all regional, general, and special conditions for this verification letter to remain valid and to avoid possible enforcement actions. The regional and general permit conditions for *NWP No. 3: Maintenance* are available online at <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision/NationwidePermits.aspx>. If you are unable to access this website or would prefer a hard copy of the regional and general conditions please notify us and we will provide you a copy. In addition you must also comply with the special conditions listed below.

GENERAL CONDITIONS:

Nationwide General Condition 12 – Soil Erosion and Sediment Controls and s emphasized in this permit verification letter to ensure that your project must include erosion and sediment control devices in areas subject to our jurisdiction.

Nationwide General Condition 12 - Soil Erosion and Sediment Controls requires that "Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practical date."

Nationwide General Condition 13: Removal of Temporary Fills. "Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated as appropriate."

SPECIAL CONDITIONS:

- a) Permittee shall perform in-water during low flow to minimize sediment transport into the Snake River.
- b) Permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable Waters, the permittee will be required, upon due notice from the Corps of

Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

- c) Permittee shall install and maintain at the permittee's expense, any safety lights and signals, as prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities in navigable Waters of the United States.
- d) Permittee is responsible for all work done by any contractor. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization, including any Special Conditions listed above. Permittee shall also ensure these terms and conditions are incorporated into engineering plans and contract specifications.

WATER QUALITY CERTIFICATION

You must also comply with the conditions detailed in the Section 401 Water Quality Certification (WQC) issued by the Idaho Department of Environmental Quality (IDEQ) on July 5, 2012. For your review, a copy of this 401 WQC is available on the IDEQ's website at: <http://www.deq.idaho.gov/media/848141-nationwide-permits-2012-401-certification-final-0712.pdf>. If you have questions regarding the conditions set forth in the Water Quality Certification, telephone the IDEQ directly at (208) 373-0550.

WORK ACTIVITIES NOT REQUIRING DA AUTHORIZATION

The construction of a new pump station, 18-foot deep wet well, and excavation of the earthen intake channel, and placement of dredge material on existing access roads in drylands does not require a DA permit authorization. If your project purpose or scope of work changes, please contact this office immediately.

COMPLIANCE CERTIFICATION

Further, Nationwide Permit General Condition 30 (*Compliance Certification*) requires that every permittee who has received NWP verification must submit a signed certification regarding the completed work and any required mitigation. The enclosed Compliance Certification Form is enclosed for your convenience and must be completed and returned to us.

LIMITATIONS OF THIS VERIFICATION

This letter of authorization does not convey any property rights, or any exclusive privileges and does not authorize any injury to property or excuse you from compliance with other federal, state, or local statutes, ordinances, regulations, or requirements which may affect this work.

EXPIRATION OF THIS VERIFICATION

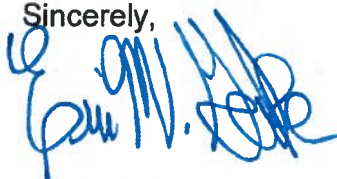
This verification is valid until **March 18, 2017**, unless the NWP is modified, suspended or revoked. If your project, as permitted under this NWP verification is changed and/or modified, you must contact our office prior to commencing any work activities. In the event you have not completed construction of your project by March 18, 2017, please contact us at least 60-days prior to this date. A new application and verification may be required.

CUSTOMER SERVICE

We actively use feedback to improve our delivery and provide you with the best possible service. Please take our online customer service survey to tell us how we are doing. Go to: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. If you have questions or if you would like a paper copy of the survey, telephone our office at: (208) 433-4464. For more information about the Regulatory Program, visit us online at: <http://www.nwww.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>.

If you have questions or need additional information about this permit, you can contact me at (208) 433-4462, by mail at the address in the letterhead, or email at eric.m.gerke@usace.army.mil. For informational purposes, a copy of this letter will be sent to: Mr. Aaron Golart with the Idaho Department of Water Resources; Mr. Lance Holloway with the Idaho Department of Environmental Quality; Mr. Rick Ward with the Idaho Department of Fish and Game; and, Mr. Scott McGourty, P.E., SPF Water Engineering, LLC.

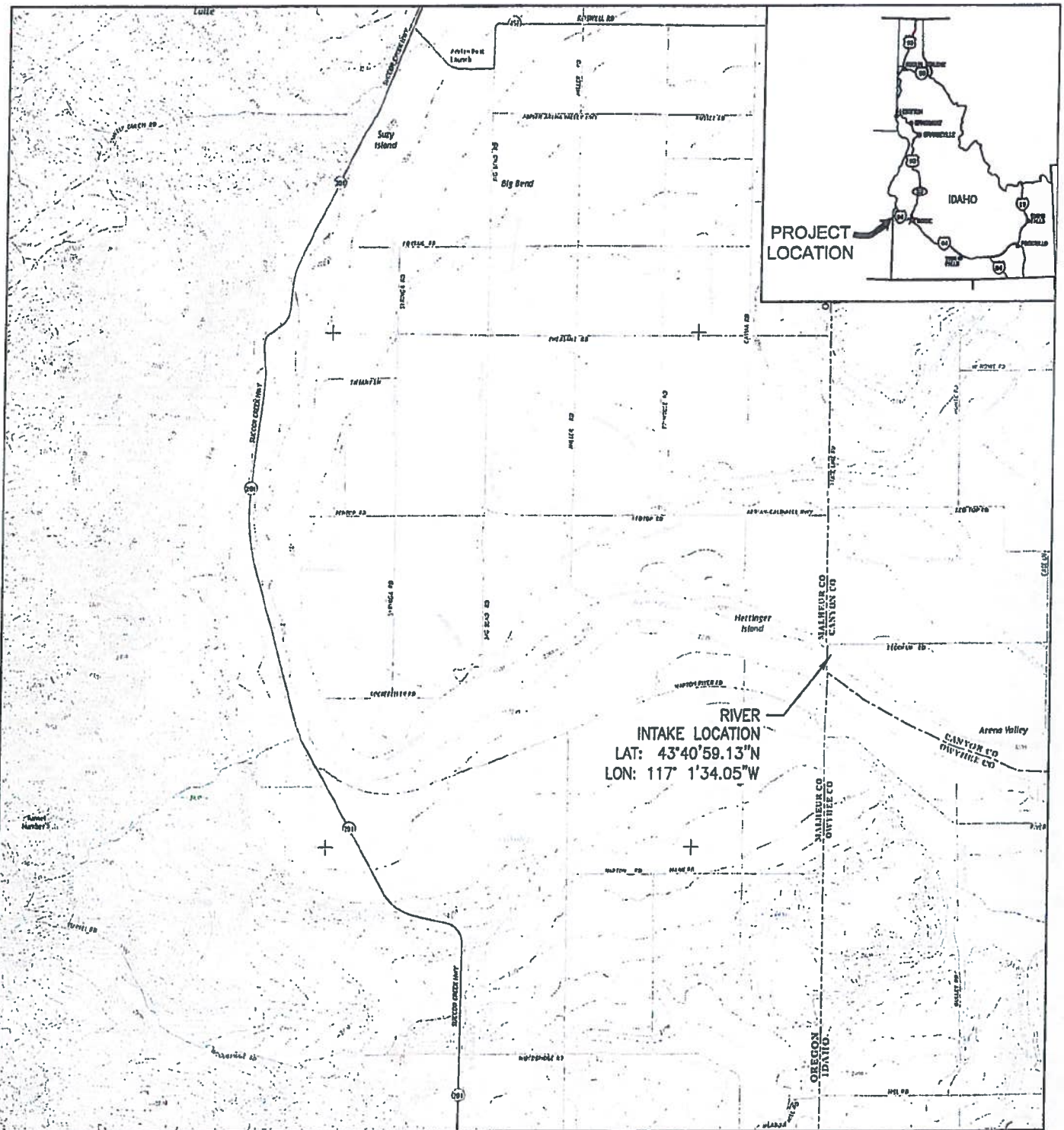
Sincerely,



Eric M. Gerke
Project Manager
Regulatory Division

Enclosures:

Drawings 1 through 4 titled: *Arena Valley Pump Station*, J.R. Simplot Company, dated December 13, 2016.



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

USACE/IDWR JOINT APPLICATION
ARENA VALLEY PUMP STATION
J.R. SIMPLOT COMPANY

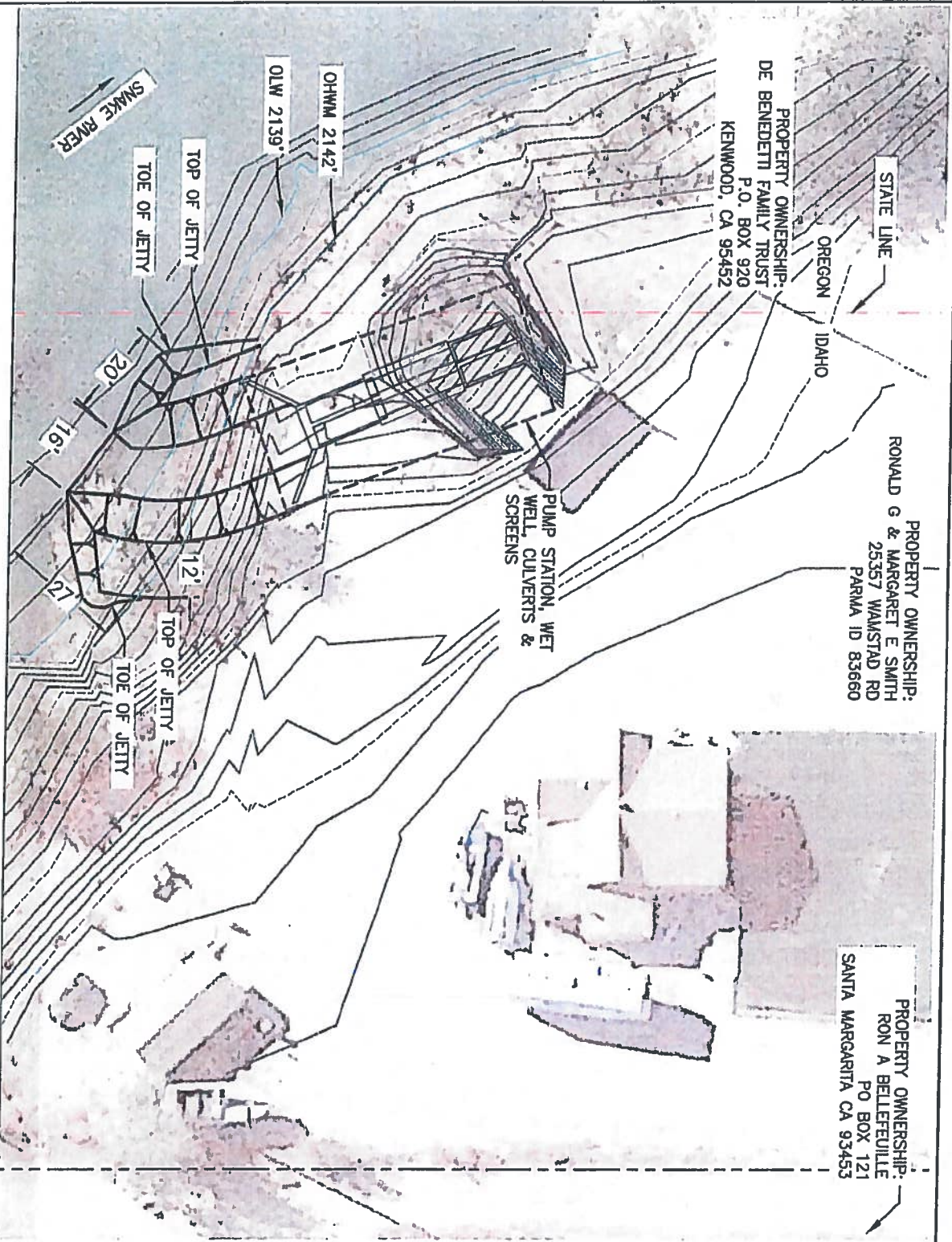
SCALE: AS SHOWN

DRAWN BY: SM

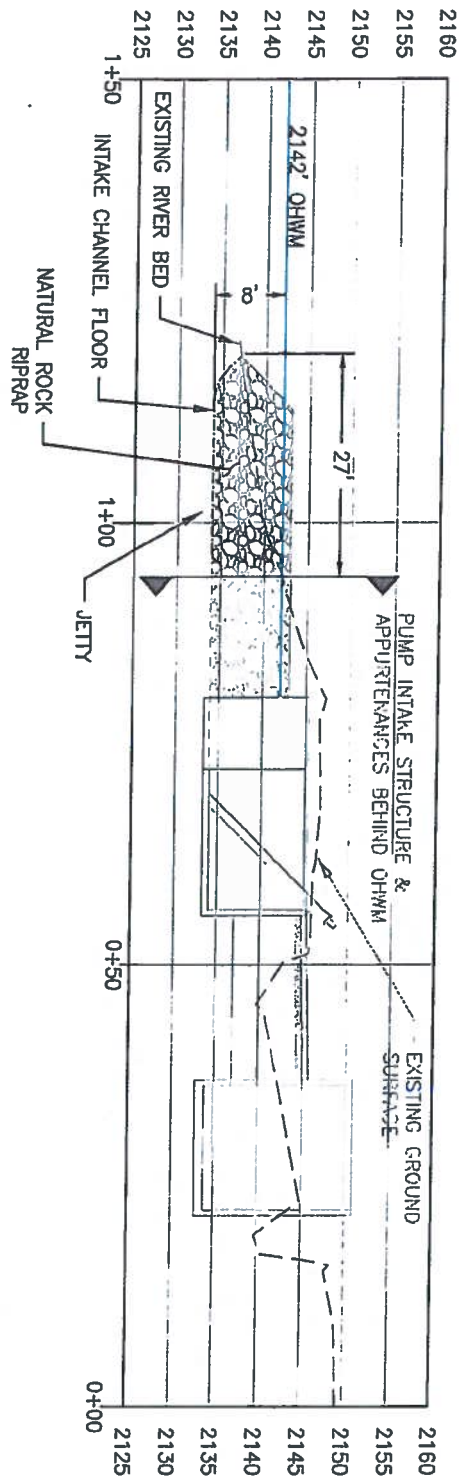
LOCATION AND VICINITY MAP

NOTES:
TOPOGRAPHIC IMAGERY FROM U.S. GEOLOGICAL SURVEY
QUADRANGLE MAP: "ADRIAN, OREGON-IDAHO" 7.5 MINUTE, 2014

NOTE: LINEWORK IS APPROXIMATE WITH RESPECT TO AERIAL PHOTOGRAPH.



		J.R. SIMPLOT COMPANY ARENA VALLEY PUMP STA USACE/IDWR JOINT APPLICATION	 300 East Mallard Drive, Suite 350 Boise, Idaho 83706 Tel (208) 383-4140 Fax (208) 383-4156
SCALE: AS SHOWN			
DESIGN BY: SM	DATE: 12/13/2016		
DRAWN BY: SM	DATE: 12/13/2016		
CHECK BY: BH	DATE: 12/13/2016	PLAN VIEW	



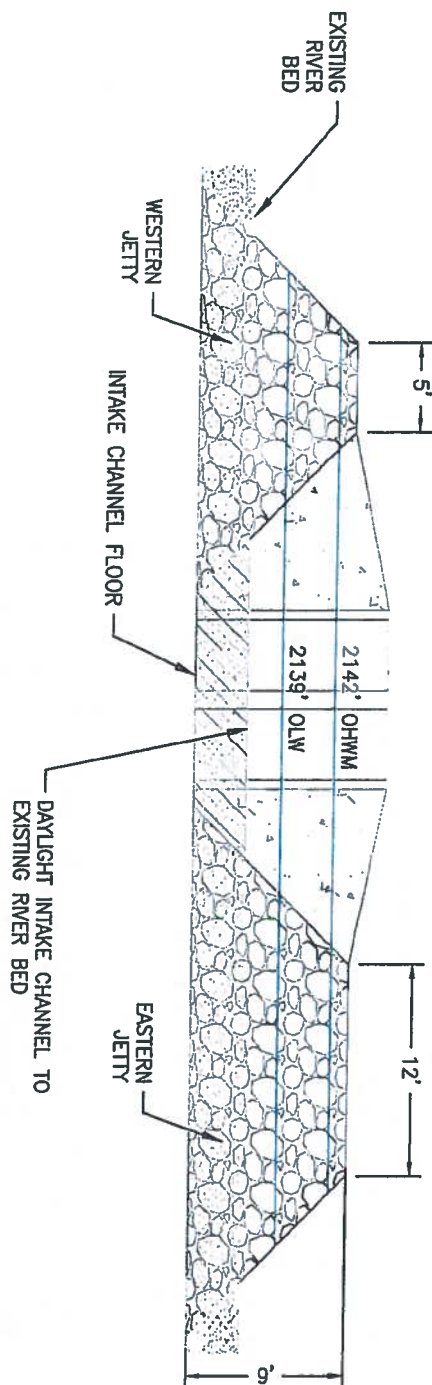
Snake River Pump Intake Profile



J.R. SIMPLOT COMPANY ARENA VALLEY PUMP STA USACE/IDWR JOINT APPLICATION		 300 East Mallard Drive, Suite 350 Boise, Idaho 83706 Tel (208) 383-4140 Fax (208) 383-4156
SCALE: AS SHOWN		
DESIGN BY: SM	DATE: 12/13/2016	
DRAWN BY: SM	DATE: 12/13/2016	
CHECK BY: BH	DATE: 12/13/2016	SNAKE RIVER PROFILE VIEW



SNAKE RIVER PUMP INTAKE CROSS-SECTION



SCALE: AS SHOWN		J.R. SIMPLOT COMPANY ARENA VALLEY PUMP STA USACE/IDWR JOINT APPLICATION CROSS-SECTION VIEW	 300 East Mallard Drive, Suite 350 Boise, Idaho 83706 Tel (208) 383-4140 Fax (208) 383-4156
DESIGN BY: SM	DATE: 12/13/2016		
DRAWN BY: SM	DATE: 12/13/2016		
CHECK BY: BH	DATE: 12/13/2016		

TRANSFER OF NATIONWIDE PERMIT

When the structures or work authorized by this Nationwide Permit, **NWW-2017-014-B03, Abandon and Construct Irrigation Diversion Structure**, are still in existence at the time the property is transferred. The terms and conditions of this Nationwide Permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this Nationwide Permit, the associated liabilities and compliance with the terms and conditions the transferee must sign and date below.

Name of New Owner:

Street Address:

Mailing Address:

City, State, Zip:

Phone Number:

Signature of TRANSFeree

DATE

COMPLIANCE CERTIFICATION



US Army Corps of Engineers
Walla Walla District



Permit Number: NWW-2017-014-B03

Name of Permittee: J.R. Simplot Company (Mr. Vic Conrad)

Date of Issuance: January 13, 2016

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

**Mr. Eric M. Gerke
U.S. Army Corps of Engineers
Walla Walla District
Boise Regulatory Office
720 East Park Boulevard, Suite 245
Boise, Idaho 83712-7757**

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit. The required mitigation was also completed in accordance with the permit conditions.

Signature of PERMITEE

DATE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

11/01/2017

JR SIMPLOT COMPANY
C/O VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Application for Permit No. 2-10536

Dear Applicant:

The department set you a letter dated 1/03/2107 that outlined some additional information required to process your application. Your response received on 10/27/2017 has been reviewed and determine to be insufficient. Please see the following descriptions and submit the information as required by IDAPA 37.03.08.040.05 for irrigation projects of greater than 200 acres.

c. Information relative to the effect on existing water rights, Section 42-203A (5) (a), Idaho Code, shall be submitted as follows:

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

d. Information relative to sufficiency of water supply, Section 42-203A (5) (b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A (5) (c), Idaho Code, shall be submitted as follows:

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

Specifically, will you supply a copy of the stream alteration permit for the pump relocation/replacement and other (if any) pertinent information related to that project.

Additionally, the response letter stated "The applicant will install most if not all of the system to divert and transport water to the place of use described under application 2-10536". This statement indicates other parties will be involved with constructing the diversion works. Please provide the names of other parties involved and any other pertinent information regarding the cooperative system construction.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information if necessary. Your written response is needed within the next thirty (30) days. The application will become void without a timely written reply. Refunds are not available for voided applications. IDWR rules, forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "PH" followed by a wavy line.

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov



J.R. Simplot Company
Simplot Headquarters
1099 W. Front Street
Boise, Idaho 83702
P.O. Box 27
Boise, Idaho 83707

208 336 2110

October 23, 2017

Phill Hummer
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
OCT 27 2017
WATER RESOURCES
WESTERN REGION

Re: IDWR Application for Permit No. 2-10536.

Dear Phill:

The following are provided in response to your letter of October 3, 2017 seeking additional information in accordance with Water Appropriation Rule 40, Subsections 040-05c through 040.05g.

Effect on Existing Water Rights

Application 2-10536 seeks the right to divert up to 14.66 cfs from a diversion located at Snake River mile marker 406.5. From this point, the Snake River leaves the State of Idaho flowing into the State of Oregon, then re-enters the State of Idaho at approximately river mile 399.4. The nearest water right downstream of the point of diversion identified under 2-10536 is water right 3-4022, with a point of diversion within Gov't Lot 1 T.5N R.6W Section 23, at approximately river mile 399.2, more than 7 miles downstream of the diversion proposed under 2-10536. Water right 3-4022 authorizes the diversion of 0.12 cfs from the Snake River for the irrigation of 4 acres. A copy of the Partial Decree entered in the Snake River Basin Adjudication for water right 3-4022 is attached.

The next water right downstream of 3-4022 is water right 3-2030. The point of diversion for this water right is located within Gov't Lot 2 T.5N R.6W Section 14, at approximately River Mile 398.4. This water right provides for the diversion of 1.3 cfs for stockwater and the irrigation of 65 acres. This water right is approximately 8 miles downstream of the point of diversion identified under 2-10536. A copy of the Partial Decree entered in the Snake River Basin Adjudication for water right 3-2030 is also attached.

The quantity of water available in the Snake River is further described below as measured at the USGS Weiser gaging station. When considering these measured flows and the distance between the point of diversion for 2-10536 and the points of diversion for 3-4022 and 3-2030, any impacts from diverting water under 2-10536 will be attenuated long before reaching the points of diversion

under 3-4022 and 3-2030. There will not be any impacts to existing downstream water right holders arising from the diversions under 2-10536.

Sufficiency of Water Supply

The minimum stream flow of the Snake River at the USGS Weiser Gage is 4,750 cfs established by water right number 3-6 held by the State of Idaho Water Resource Board. Using the USGS Surface-Water Daily Statistics for the period beginning October 1, 1957 until September, 30, 2017, the mean of daily mean values for each day during this 59 year period is attached. This analysis reveals that the mean of the daily mean flow exceeds the minimum flow established by water right no. 3-6 on each day throughout the year. This is an indication that water is available for appropriation upstream of the Weiser Gage.

Using this same period of record, a second statistical analysis is also enclosed for the 5th percentile of daily mean values. This analysis yields daily values showing the daily mean flow rate for which 95% of the mean of the mean daily flows exceed. The lowest flow shown in this table occurs on July 24th (5,900 cfs). This exceeds the 4,750 minimum flow by more than 1,150 cfs indicating water is available above the Weiser Gage to divert 14.66 cfs under 2-10536.

In addition to the daily statistics provided, also enclosed is a copy of a presentation dated July 30, 2010 by the Treasure Valley CAMP Advisory Committee to the Idaho Water Resource Board. Among the "Conclusions" contained on the last page of this presentation are the following:

"A considerable amount of flow could be removed for additional use above the Weiser before impacting the minimum stream flow at the Weiser Gage."

Diversions from the Snake River above Weiser remain similar to those that existed in 2010. The conclusion by the Advisory Committee reinforces the enclosed flow statistics indicating water is available in the Snake River above the Weiser Gage for appropriation.

Good Faith, Delay or Speculative Purposes

Pipe that will be used to transport water from the point of diversion to the place of use was ordered in September, 2017. The applicant will install most if not all of the system to divert and transport water to the place of use described under application 2-10536. There is no question about the applicant's intentions to complete development under this application.

Financial Resources

The applicant already has a substantial investment in the design, permitting, easements and materials. The applicant is prepared make the balance of the investment required to complete the construction of this project.

Local Public Interest

In connection with obtaining the joint permit for stream alteration, the applicant commissioned an analysis for the presence of the Snake River Physa, a freshwater snail listed as endangered in a certain reach of the Snake River. On July 29, 2016 biologists conducted an assessment of habitat and collected samples in searching for the Snake River Physa within the area near the proposed point of diversion. During this survey, the biologist found that the habitat conditions are not high quality for Snake River Physa. In addition none of the ten species found during the survey were listed as endangered. A copy of the August 9, 2016 report is attached.

With confirming the absence of the endangered Snake River Physa, the proposed irrigation of farm land is in direct support of the local public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Vic Conrad", with a stylized flourish at the end.

Vic Conrad

Land, Water & Asset Recovery

Enclosure

Water Right 3-4022

PAGE 1
Jun-20-2007

Water Right 3-2030

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 03-02030

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUN 30 PM 1 49

NAME AND ADDRESS: DONALD CONE
27501 PIONEER LN
PARMA, ID 83660

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.30 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/09/1954

POINT OF DIVERSION: T05N R06W S14 LOT 2 (SESENW) Within Canyon County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	1.30 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

The use of water for irrigation under this right may begin as
early as March 1 provided other elements of the right are not
exceeded. The use of water before March 15 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE: Irrigation Within Canyon County
T05N R06W S14 LOT 1 (NENW) 37.0 LOT 2 (SENW) 28.0
65.0 Acres Total

Stockwater Within ERROR County
Same as Irrigation

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

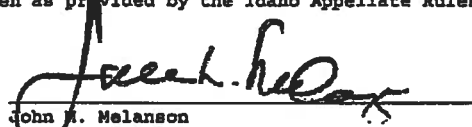
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECEIVED
JUL 01 2009
DEPARTMENT OF
WATER RESOURCES

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John A. Melanson
Presiding Judge of the
Snake River Basin Adjudication

USGS Weiser Gage 13269000
(Mean of Mean Daily Flows for Each Day
Beginning October 1, 1957 to September
30, 2017)



National Water Information System: Web Interface

USGS Water Resources

Data Category:

Surface Water

Geographic Area:

United States

GO

Click to hideNews Bulletins

- [Please see news on new formats](#)
- [Full News](#)

USGS Surface-Water Daily Statistics for the Nation

The statistics generated from this site are based on approved daily-mean data and may not match those published by the USGS in official publications. The user is responsible for assessment and use of statistics from this site. For more details on why the statistics may not match, [click here](#).

USGS 13269000 SNAKE RIVER AT WEISER ID

Available data for this site

Time-series: Daily statistics

GO

Washington County, Idaho
Hydrologic Unit Code 17050201
Latitude 44°14'44", Longitude 116°58'51" NAD83
Drainage area 69,200 square miles
Contributing drainage area 69,200 square miles
Gage datum 2,086.64 feet above NGVD29

Output formats

HTML table of all data

Tab-separated data

Reselect output format

00060, Discharge, cubic feet per second,

Day of month	Mean of daily mean values for each day for 59 - 60 years of record in, ft3/s (Calculation Period 1957-10-01 -> 2017-09-30)											
	Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	16,200	17,500	19,800	23,600	24,300	24,700	15,200	9,850	11,000	13,100	14,400	14,400
2	16,200	18,000	19,900	23,800	24,100	24,500	14,800	9,830	11,100	13,100	14,400	14,500
3	16,000	17,800	20,000	23,900	24,100	24,500	14,400	9,950	11,200	13,200	14,300	14,600
4	15,800	17,400	20,000	24,100	24,100	24,400	14,100	9,960	11,200	13,200	14,300	14,800
5	15,500	16,800	20,100	24,200	24,000	24,500	13,700	9,930	11,400	13,300	14,100	14,900
6	15,400	16,700	20,000	24,400	23,900	24,600	13,300	9,900	11,500	13,400	14,000	14,800
7	15,300	16,800	20,300	24,600	23,900	24,500	12,900	9,940	11,500	13,500	14,000	14,800

8	15,300	17,200	20,700	24,900	24,100	24,200	12,400	9,950	11,600	13,700	14,000	14,900
9	15,400	17,400	20,800	25,300	24,300	24,200	12,100	9,940	11,700	13,800	14,000	14,700
10	15,600	17,500	20,900	25,000	24,300	24,300	11,700	9,900	11,800	13,800	14,100	14,800
11	15,700	17,300	21,300	24,800	24,200	24,100	11,500	9,870	11,800	14,000	14,100	14,800
12	15,800	17,300	21,400	24,800	24,500	23,800	11,100	9,830	12,100	14,100	14,000	14,800
13	15,800	17,500	21,600	24,800	24,500	23,500	10,900	9,980	12,100	14,200	14,100	14,700
14	16,300	18,100	21,900	25,000	24,600	23,100	10,900	10,100	12,200	14,500	14,200	14,800
15	16,600	18,300	21,700	25,200	25,000	22,700	10,600	10,100	12,400	14,500	14,200	15,100
16	16,800	18,700	22,000	25,100	25,600	22,600	10,500	10,200	12,400	14,300	14,000	15,000
17	17,400	19,300	22,300	25,100	25,900	22,100	10,200	10,200	12,500	14,200	14,000	14,800
18	17,600	19,700	22,400	25,300	26,000	21,500	10,100	10,300	12,600	14,300	14,100	14,700
19	17,500	19,900	22,700	25,300	26,000	21,000	9,980	10,400	12,700	14,300	14,300	14,700
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22	17,500	20,100	22,100	25,600	25,600	19,500	9,790	10,600	12,800	14,200	14,200	15,400
23	17,100	20,100	22,400	25,400	25,400	19,100	9,770	10,700	12,900	14,300	14,300	15,700
24	16,900	20,200	22,900	25,600	25,500	18,700	9,770	10,700	12,900	14,400	14,300	15,700
25	16,900	20,000	23,000	25,700	25,400	18,400	9,780	10,800	13,000	14,200	14,500	15,900
26	16,600	19,800	23,700	25,100	25,200	18,100	9,690	10,900	13,100	14,300	14,500	15,800
27	16,800	19,600	23,600	24,800	25,400	17,500	9,640	11,000	13,000	14,400	14,500	15,600
28	16,700	19,700	23,300	24,800	25,400	17,100	9,680	10,900	13,000	14,300	14,300	15,600
29	16,800	20,700	23,200	24,600	25,400	16,200	9,740	11,000	13,000	14,300	14,300	15,900
30	16,900		23,400	24,200	25,400	15,700	9,680	10,900	13,000	14,300	14,500	15,900
31	17,300		23,600		25,300		9,750	11,000		14,400		16,000

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USGS Weiser Gage 13269000
(05th Percentile of Daily Mean Values for
Each Day Beginning October 1, 1957 to
September 30, 2017)



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USGS Surface-Water Daily Statistics for the Nation

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USGS 13269000 SNAKE RIVER AT WEISER ID

Available data for this site

Time-series: Daily statistics



GO

Washington County, Idaho Hydrologic Unit Code 17050201 Latitude 44°14'44", Longitude 116°58'51" NAD83 Drainage area 69,200 square miles Contributing drainage area 69,200 square miles Gage datum 2,086.64 feet above NGVD29	Output formats HTML table of all data Tab-separated data Reselect output format
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00060, Discharge, cubic feet per second,

 05th percentile of daily mean values for each day for 59 - 60 years of record in, ft³/s (Calculation Period 1957-10-01 -> 2017-09-30)

Period-of-record for statistical calculation restricted by user

Day of month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	9,680	9,910	10,100	10,000	7,870	8,960	6,990	6,980	7,140	9,240	10,500	9,390
2	9,690	9,910	10,200	9,030	7,760	8,300	6,950	6,650	7,310	9,760	10,400	9,720
3	9,350	9,490	10,000	9,400	7,780	7,970	6,950	6,480	7,560	9,530	10,200	9,690
4	9,460	9,660	10,600	9,580	8,430	7,850	6,740	6,610	8,010	9,310	10,100	9,670
5	9,540	9,300	10,100	10,100	8,440	7,700	6,860	6,670	7,850	9,470	10,100	9,700
6	9,750	9,300	10,400	10,200	8,170	7,740	6,890	6,590	8,020	9,590	9,960	9,890
7	9,760	9,480	10,500	9,890	8,660	7,920	6,830	6,810	7,860	9,780	10,200	9,700
8	9,660	9,410	10,200	9,830	8,990	8,330	6,980	6,930	7,950	9,590	10,100	9,670
9	9,820	9,500	10,700	9,250	8,410	8,270	6,610	6,940	7,870	9,670	10,100	9,640
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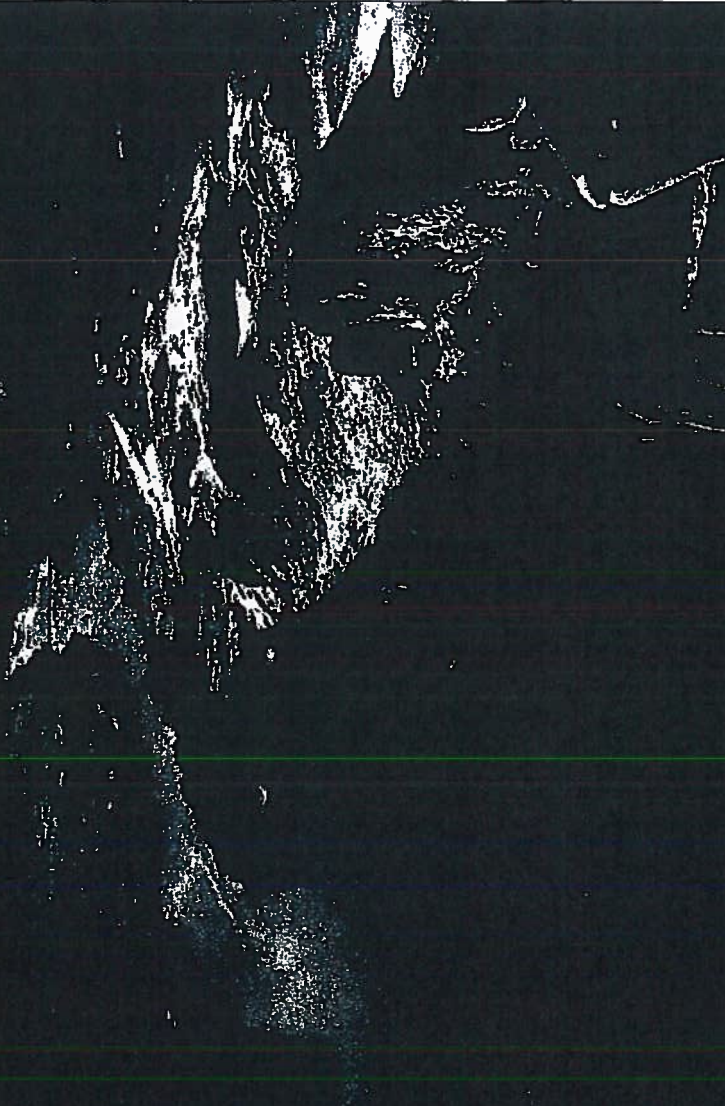
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13	9,740	9,760	10,200	9,080	8,450	8,020	6,700	7,020	8,040	9,450	10,400	9,610
14	9,840	9,700	9,740	8,690	8,630	7,840	6,850	7,100	7,880	9,700	10,200	9,540
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16	9,720	9,890	10,200	8,380	8,970	7,790	6,990	6,770	8,450	9,580	10,100	9,630
17	9,630	10,500	10,300	8,220	8,980	7,770	7,190	6,770	8,570	9,440	10,200	9,210
18	9,840	10,000	10,400	8,540	9,010	7,500	7,240	6,730	8,590	9,770	9,980	9,460
19	9,560	9,670	10,400	8,380	8,810	7,210	6,880	6,950	8,660	9,860	10,200	9,720
20	9,600	9,490	10,100	8,730	9,620	7,490	6,310	6,950	8,790	9,960	10,100	9,690
21	9,610	9,710	10,600	8,630	9,820	6,980	6,200	6,910	8,650	10,200	9,890	9,630
22	9,740	9,510	10,100	9,260	9,790	6,800	6,200	6,880	8,670	9,980	9,720	9,450
23	9,520	10,000	9,890	8,690	8,940	6,400	5,920	7,170	9,170	10,200	9,710	9,700
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25	9,580	10,100	10,100	8,650	9,670	6,130	6,080	7,320	9,180	9,850	9,840	9,740
26	9,630	9,970	10,200	8,490	10,000	6,600	6,560	7,600	9,270	10,200	9,870	9,800
27	9,870	10,100	10,300	7,650	10,400	6,940	6,510	7,810	9,290	9,960	10,000	9,340
28	9,630	10,100	10,200	7,510	10,300	7,120	6,540	7,770	9,300	9,990	10,100	9,620
29	9,800		9,580	8,080	10,100	7,100	6,760	7,890	9,210	10,200	9,710	9,530
30	9,470		10,400	7,750	9,730	6,910	6,710	7,860	9,270	10,200	9,700	9,260
31	9,800		9,950		9,400		6,810	7,600		10,200		9,420

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**July 30, 2010 Treasure Valley CAMP
Advisory Committee Presentation to the
Idaho Water Resource Board**

IDAHO
Water Resource Board



Flow Obligations Downstream of the Boise River Basin

Treasure Valley CAMP Advisory Committee

July 30, 2010 Meridian, Idaho





Flow Delivery Obligations Downstream of the Boise River Basin

- The Purpose of presentation is to present obligations to deliver flow downstream from the Boise River Basin.
- There is not an interstate compact or agreement between Idaho, Oregon, and Washington on the use or allocation of Snake River flows.
- However there are two downstream obligations:
 - 1) Minimum flow at Weiser Gage on Snake River
 - 2) Downstream flow augmentation



Minimum Flow on Snake River at Weiser Gage

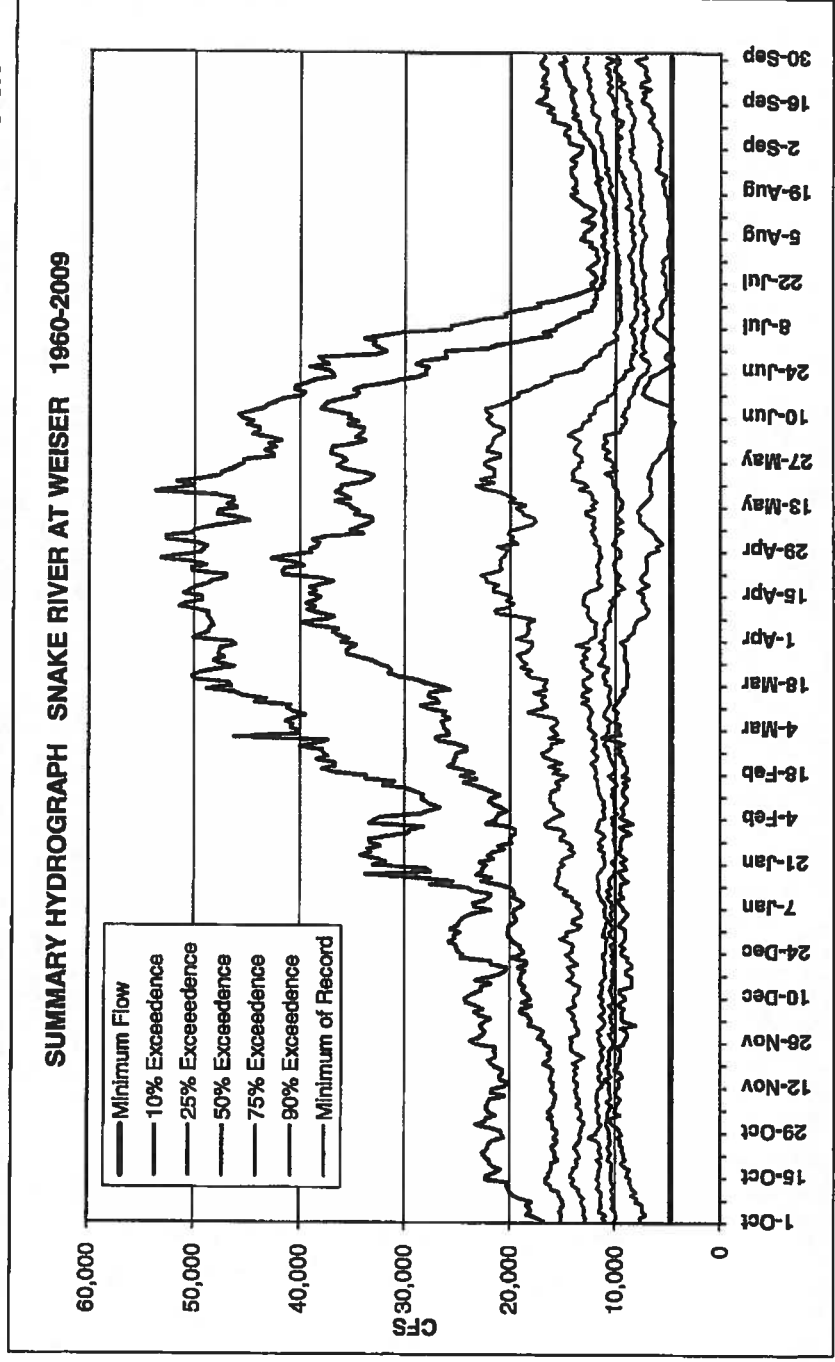
- Minimum streamflow water right of 4,750 cfs (year round) held by Idaho Water Resource Board. This water right has a priority date of 1976 and was established by legislative approval of the State Water Plan in that year.
- Purpose is to ensure an adequate flow into the Hells Canyon Complex for hydropower generation, and to protect other instream values.
- Boise River flow makes up only a part of the Snake River at Weiser. Additional flow comes from the Snake (minimum flow at Swan Falls Dam of 3,900/5,600 cfs), Payette, and Weiser Rivers, and from Oregon rivers including the Owyhee and the Malheur.





Minimum Flow on Snake River at Weiser Gage

As can be seen from this chart, there is a substantial amount of flow that can be withdrawn before the minimum flow is reached.





Flow Augmentation

- Up to 487,000 acre-feet is provided from sources in Idaho upstream of Hells Canyon every year for flow augmentation.
- Purpose is to assist survival of ESA-listed fish species downstream of Hells Canyon dam.
- The Bureau of Reclamation acquires most of this water through voluntary rentals from the Boise, Payette, and Upper Snake Rental Pools, some from release of Reclamation's own "un-contracted" storage, and some from the Bell Rapids lease agreement with the Water Resource Board.



Flow Augmentation

- Program and volumes were formalized as part of the 2004 Snake River Water Rights Agreement (Nez Perce Agreement), which was approved by the Idaho Legislature and the U.S. Congress.
- About 42,000 acre-feet of the flow augmentation comes from the Boise River storage reservoirs.
- Consideration has been given to efforts to move this contribution out of the Boise River (such as building Galloway Reservoir on the Weiser River), in order to free up this 42,000 acre-feet for future needs in the Boise River basin.



Conclusions

- There are two components to flow delivery obligations downstream of the Boise River basin:
 - The 4,750 cfs minimum streamflow water right at the Weiser Gage,
 - The (up to) 487,000 acre-feet delivery for flow augmentation (42,000 from the Boise River storage reservoirs).
- A considerable amount of flow could be removed for additional use above the Weiser before impacting the minimum streamflow at the Weiser Gage.
- The Boise River component of flow augmentation could potentially be moved out of the basin in order to make this storage available for future needs in the basin.

**August 9, 2016 Power Engineers
Snake River Physa Snail Assessment**

August 9, 2016

J.R. SIMPLOT COMPANY

Smith Farms Pump Station Replacement Project

Snake River Physa Snail Assessment

PROJECT NUMBER:
143165

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Snake River Physa Snail Assessment

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1.0 INTRODUCTION

The following report presents the background, methods, and findings of a habitat assessment and survey for the Snake River Physa snail (*Physa (Haitia) natricina*) in conjunction with the J.R. Simplot Company's request for services from POWER Engineers.

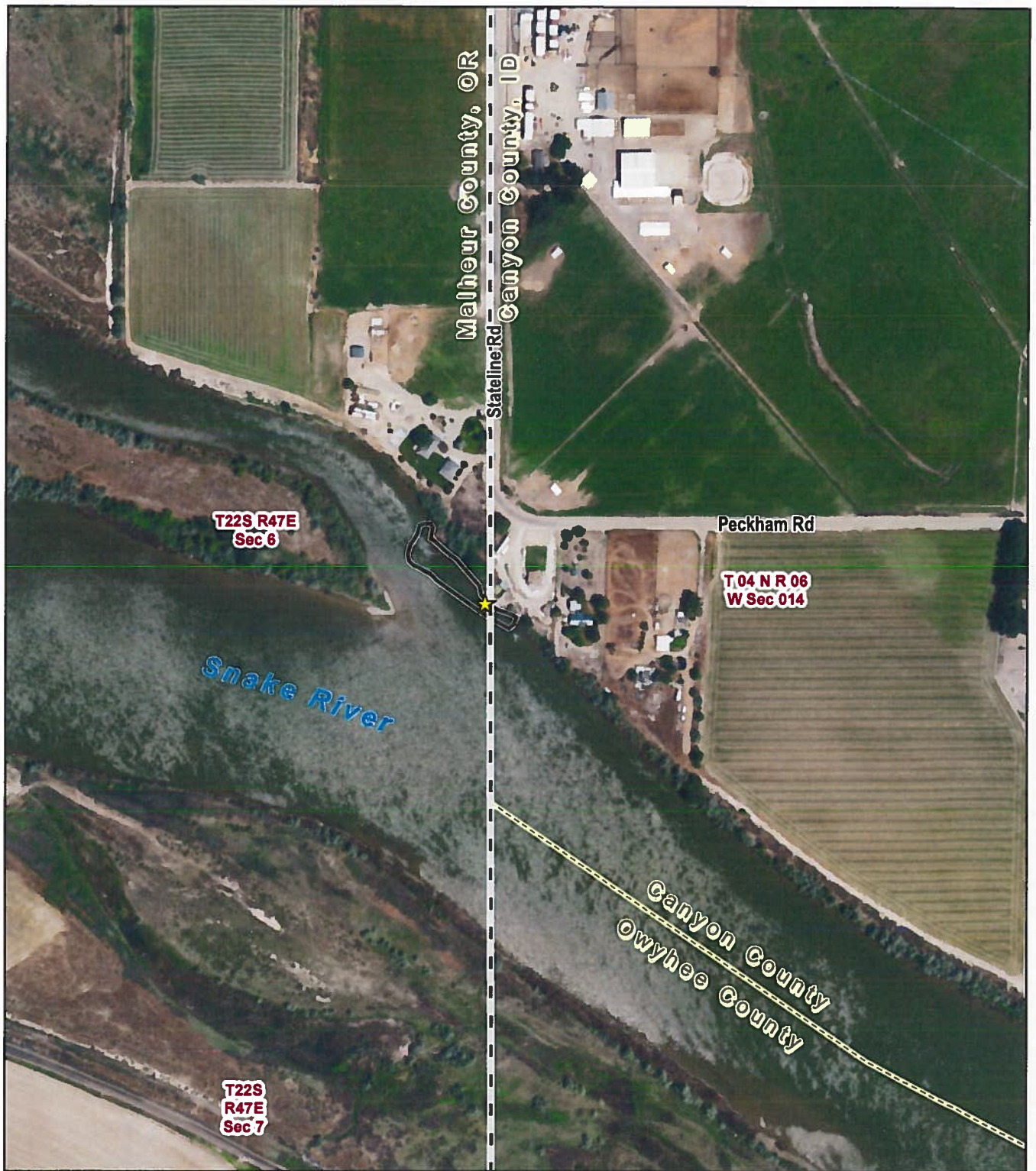
1.1 Project Description

The J.R. Simplot Company (Simplot) owns real property in southwestern Idaho, near the town of Wilder, Idaho, and withdraws water from the Snake River to irrigate crops grown in the Arena Valley. The Smith Farm Pump Replacement Project will replace an existing pump station located on a parcel of land that is adjacent to the Oregon border within Government Lot 2 (NW¼, SW¼) of Section 14 T.4N R.6W B.M., Canyon County, Idaho. The Project is on the north side (right bank) of the Snake River at river mile 406.5 (Figure 1). Simplot is preparing the permit submittal for stream alteration with the Idaho Department of Water Resources (IDWR) and the U.S. Army Corps of Engineers (ACOE). The ACOE has requested a habitat assessment and presence/absence surveys for the Snake River Physa. POWER Engineers was contracted by Simplot to conduct a habitat assessment and survey for the Snake River Physa to aid the regulatory agencies (e.g. Idaho Department of Water Resources, Idaho Department of Fish and Game, Army Corp of Engineers, US Fish and Wildlife Service) in making a determination regarding the impact of the Smith Farm Pump Replacement Project on the snail's continued existence.

1.2 Snake River Physa

Snake River physa is a freshwater snail found in the Snake River in south-central and southwestern Idaho. The Snake River Physa snail was listed as an endangered species throughout its range in 1992 (USFR 1992) along with four other species of freshwater gastropods in Idaho. The range of the Snake River Physa was thought to include appropriate benthic habitats between Grandview, at river mile (RM) 487 to the Hagerman Reach, at RM573; a distribution of only 86 miles of the Snake River (USFWS 2014). It was implied that the range of the Snake River Physa in 1992 was only a portion of its original extent and that this range contraction was the result of anthropogenic habitat alterations; thus it was listed as endangered. However since 1992, numerous more rigorous surveys of the Snake River have been carried out specifically to locate listed taxa. The United States Fish and Wildlife Service completed a review of the Snake River Physa in 2014 and concluded that the actual range of the species was much greater, extending from RM 368 near Ontario, Oregon to the Minidoka Dam at RM 675 —307 miles in total. The known range of the Snake River Physa when listed in 1992 was, in fact, only 8% of its actual distribution in the Snake River of Idaho and Oregon (USFWS 2014). The Snake River Physa is also exceedingly rare. Only 385 individuals have ever been collected despite thousands of biological samples being collected by the United States Bureau of Reclamation and the Idaho Power Company that specifically targeted freshwater gastropods. The result of this review was that the Snake River Physa was “downlisted” to threatened status under the Endangered Species Act. No critical habitat has been designated for this species.

The Project Area, at RM 406.5, is within the lower reaches of the Snake River Physa range, where the species has been collected with far less frequency and in much lower densities than in the Minidoka Reach. As of January 2015, only 49 live Snake River physa had been collected below C.J. Strike and Swan Falls dams, with densities rarely exceeding 4 snails per square meter (USFWS 2015). Live specimens collected in 1998 were found as near as one mile upstream and downstream of the Project area (Winslow pers. Comm. July 21st, 2016).



Path: W:\143165_SimplestODGIS\Mapas\Survey_Area.mxd



Legend

- ★ Existing Intake
- County Boundary
- - - State Boundary
- Snail Survey Area
- PLSS Section

Figure 1

Smith Farms Pump Station Project & Snail Survey Area

0 250 500 750

Feet
N



Date: 8/10/2016

Early studies describe Snake River physa habitat as predominately on boulder or bedrock substrates, in deep, fast flowing, highly-oxygenated habitats such as rapids (USFR 1992). More recent analysis of collection data indicates the species is most often found in pebble, gravel, or cobble substrates, with water velocity sufficient to keep habitat free of fine sediments and macrophytes (USFWS 2014). Water velocity in occupied habitat is typically >0.5 m/s (USFWS 2014). Collection depths have ranged from less than 0.5 m (1.6 feet) to greater than 3 m (9.8 feet), with the highest densities found at water depths >1.5 m (4.9 feet). Average dissolved oxygen measured in occupied habitats has ranged from 8.36 to 9.99 milligrams per liter (USFWS 2014). Water temperature optimum and thresholds for survival are not well understood for Snake River physa, but they have been found in water temperatures averaging as high as 23.4 °C and have not been found in the cool-water springs (14-16 °C) that flow into the Snake River (USFWS 2014).

2.0 METHODS

On July 29, 2016 two qualified biologists traveled to the Smith Farm in western Idaho to complete the habitat assessment and presence/absence survey. The methods described here and associated take of protected *Physa natricina* are covered under the Federal Fish and Wildlife Permit TE 24048B-0.

2.1 Habitat Assessment

The habitat assessment was conducted from shore and in the water to identify the potential for suitable substrate and hydrology. As summarized in the 5-year review for Snake River Physa (USFWS 2014), typical habitat occupied by *Physa natricina* is gravel to pebble sized substrates in water greater than 1m depth with limited fine sediments, dissolved oxygen between 8.4 and 10.0 mg/L, and stream velocity not less than 0.5 m/sec. Accordingly, we collected information on the benthic substrates, water velocity, water temperatures, and dissolved oxygen concentrations. Information was collected over an approximately 100 m reach of the north shore (right bank) of the Snake River and into the main channel to a depth of 1.5 m. Information on temperature and dissolved oxygen was collected at various depths from 10 cm to 1.5 m. Information on water velocity was collected at the river surface. The presence of algal mats and aquatic macrophytes was noted but no effort was made to determine specific taxa.

2.2 Presence/Absence Survey

We conducted a non-random survey of all available substrate types in an effort to locate the Snake River Physa within the project area and describe the entirety of the freshwater molluscan community at this location. We used viewing buckets and hand collections of cobbles (Richards 2007, Bean 2011) to infer presence. Viewing buckets were used to inspect benthic surfaces for active mollusks that could then be collected and their genera determined. However viewing buckets were only effective to about 30 cm in depth due the high sediment load and low visibility in the water column. Hand collections were completed by non-randomly picking up 40 cobbles (i.e. benthic substrates > 64 mm diameter along any single axis) at depths between 10 cm and 1 m. While absence cannot be ascertained using the cobble-count method, previous surveys have used this method as an efficient proxy for presence/absence surveys (Richards 2007, Bean 2011). All mollusks on selected cobbles were collected for identifications in the lab. Our final collection method employed d-ring dip-nets to “scoop” benthic sediments including (in decreasing order) pebbles, gravels, sand and silt. These finer sediments were sorted through sieves with decreasing mesh sizes (e.g. 2 mm, 1 mm, 0.5 mm) and were then inspected for the presence of mollusks. All mollusks were placed in 95% ETOH and were transported the College of Western Idaho for identification to the level of genus for all mollusks

except those in the family Physidae. All gastropods belonging to the Physidae were examined under magnification to determine if they were likely to be the Snake River Physa. Species, and even genera, in the family Physidae have been under extensive revision in recent years and we made no attempt to resolve taxonomic disagreements here. Thus rather than assigning individuals to the species *Physa gyrina* or *Physa acuta* we left identifications at the generic level and used the published descriptions of the Snake River Physa (Taylor 2003), and other members of the family (Burch 1989), to determine if what we collected were, or were not, *Physa natricina*. All individuals of the genus *Physa* will be provided to the Orma J. Smith Museum of Natural History for curation and permanent storage.

3.0 RESULTS AND DISCUSSION

3.1 Habitat Assessment

The Snake River at the study site on the Idaho-Oregon border is wide, shallow, and relatively slow. This combination of physical features makes it improbable that the Snake River Physa snail will occupy this reach of river. Though small patches of potentially suitable substrate were observed, the dominant physical and chemical characteristics measured at the Project area were outside of the suitable range documented for Snake River Physa (Table 1). Average water temperature recorded during our assessment (n = 5) was 26.7° C which is outside of the temperature range that Snake River Physa has been collected at (USFWS 2014). Dissolved oxygen averaged 6.28 mg/L (n = 5) which is lower than the 8.4 – 10.0 mg/L reported by USFWS (2014) as characteristic of Snake River Physa habitat. Average stream velocity was 0.23 m/sec, well below the 0.5 m/sec or higher described by USFWS (2014) as characteristic of appropriate habitat for the Snake River Physa. As a consequence of the low stream velocity, the substrate in most of the survey area was dominated by fine sediments (< 2mm diameter) and contained dense patches of submerged aquatic macrophytes. However, small patches within the Survey Area had slightly higher stream velocity values, and in these areas pebble substrates (2mm – 64mm diameter) were the dominant substrate followed by fine substrates and then cobble substrates (> 64mm diameter). One such patch is located directly out from the current pump station intake. These patches may provide a suitable substrate, though the temperature and dissolved oxygen measured at the site indicate that, for at least part of the year, the water quality may not be suitable for Snake River Physa. It is probable that during high flow events, such as typically occur during spring, much of the fines we observed are transported downstream leaving relatively more habitat suitable for the Snake River Physa snail.

TABLE 1 SNAKE RIVER PHYSA HABITAT CHARACTERISTICS RELATIVE TO CONDITIONS OBSERVED AT SMITH FARM PROJECT, JULY 29TH, 2016.

CHARACTERISTIC	PHYSA NATRICINA	SNAKE RIVER AT SMITH FARM
Temperature	≤23.4°C	26.7°C
Dissolved Oxygen	8.4-10.0 mg/L	6.3 mg/L
Stream Velocity	> 0.5 m/sec	< 0.25 m/sec
Dominant Substrate	Pebble (2-64mm)	Pebble (2-64mm)
Sub-dominant Substrate	Cobble (> 64mm)	Fines (<2mm)

3.2 Presence/Absence Survey

We found ten genera of freshwater mollusks belonging to seven different families (Table 2). The most abundant species, by number and by mass, was the non-native bivalve mollusk *Corbicula fluminea* – the Asian Clam. Snails from the family Physidae were the next most abundant taxa though we collected only 23 individuals for identification purposes. The genus *Pyrgulopsis* was the third most abundant taxa collected in our survey followed by *Gyraulus* and *Vorticifex*.

TABLE 2 FRESHWATER MOLLUSK TAXA OBSERVED DURING SURVEY AT SMITH FARM PROJECT SITE, JULY 29TH, 2016.

FAMILY	GENUS	AUTHORITY	RELATIVE ABUNDANCE
Amnicolidae	<i>Amnicola</i>	Gould & Haldeman (1840)	Low
Cyrenidae	<i>Corbicula</i>	von Muhlfield (1811)	High
Hydrobiidae	<i>Pyrgulopsis</i>	Call & Pilsbry (1886)	High
Hydrobiidae	<i>Potamopyrgus</i>	Stimpson (1865)	Low
Hydrobiidae	<i>Fluminicola</i>	Stimpson (1865)	Low
Lymnaeidae	<i>Stagnicola</i>	Jeffreys (1830)	Low
Physidae	<i>Physa</i>	Draparnaud (1801)	High
Planorbidae	<i>Gyraulus</i>	Charpentier (1837)	Medium
Planorbidae	<i>Vorticifex</i>	Lea (1856)	Medium
Sphaeriidae	<i>Sphaerium</i>	Scopoli (1777)	Medium

Of the 23 Physidae snails collected, none belonged to the threatened species *Physa natricina* and all appeared to represent a single, morphologically distinct species. The justification of this determination follows and is largely based upon shell morphometrics as described by Dwight Taylor (2003). The Snake River Physa is a small (< 10mm) ovoid snail with a broadly rounded body whorl and a total of three whorls including the protoconch (Taylor 2003). Body whorls have conspicuous, deep sutures. The shell clearly reaches its greatest width anterior to the mid-length of the animal and the aperture is roughly ovate. The parietal wall is simple and the plane of the aperture is oblique to the axis of the shell at about 40° (Taylor 2003).

Physids collected in our survey were morphologically quite different. They were mostly small (< 10mm) though some exceeded 1cm in total length. However in contrast to *Physa natricina*, these snail's shells were broadly conic to globosely conic; measuring between 60° and 70°. The shells possessed four or five whorls and these were not well impressed; the body whorl not rounded. The maximum width of the snail's shell was at mid-length, the aperture was elongate, and the plane of the aperture ranged from parallel to the axis of the shell to, at most, 10° to the axis of the shell. The parietal lip was simple as in *Physa natricina*.

3.3 Conclusion

In summary, the Snake River at the Smith Farm project site does not represent high quality habitat for the Snake River Physa. Though the species was collected nearby, those collections were nearly 20 years ago and the river bottom and water chemistry may have changed in the intervening years. Areas of suitable substrate do exist but they are interspersed with areas of high temperature, low dissolved oxygen, fine sediments, and abundant submerged aquatic vegetation. Our field survey documented at

least ten species of freshwater mollusks including members of the genus *Physa*, however these do not belong to the threatened species: *Physa natricina*. The molluscan community at this location on the Snake River is dominated by the invasive freshwater bivalve *Corbicula fluminea*. All physid snails from this survey can be viewed at the Smith Museum of Natural History in Caldwell, Idaho.

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GARY SPACKMAN
Director

10/3/2017

JR SIMPLOT COMPANY
C/O VIC CONRAD
PO BOX 27
BOISE ID 83707

Re: Application for Permit No. 2-10536

Dear Applicant:

Your recent application for permit regarding the use of Snake River water for irrigation is being processed. To assist the Idaho Department of Water Resources (IDWR) in completing the initial processing steps, please submit additional information required by IDAPA 37.03.08.040.05 for irrigation projects of greater than 200 acres. This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g (copy attached):

1. Effect on existing water rights
2. Sufficiency of water supply
3. Good faith, delay or speculative purposes
4. Financial resources
5. Local public interest.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information if necessary. Your written response is needed within the next thirty (30) days. The application will become void without a timely written reply. Refunds are not available for voided applications.

IDWR rules, forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

The applicant has submitted detailed plans for the reconstruction of the pumping station to be used as the point of diversion and has received the necessary permits from the appropriate offices. The issuance of these permits indicates the impacts of the construction will be minimal.

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

As part of the normal processing procedure request for comments regarding the proposed project were sent to the Idaho Fish and Game, IDWR Planning Bureau, and the owner of the property at the proposed point of diversion. IDFG responded with a statement that the proposed project raised no concerns. Nobody protested the application during the allotted protest period. Additionally, the applicant commissioned a habitat assessment of the pumping station location that concluded the habitat is not suitable for the threatened Snake River Physa snail.

29512 1666444

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

RECEIVED

SEP 22 2017

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

County of Canyon)

SS.

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

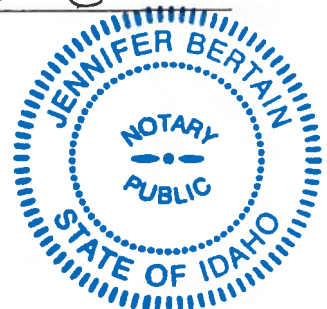
That said notice was published the following:
09/07/2017 09/14/2017

Sharon Jessen

STATE OF IDAHO)
County of Canyon)

On this 14th day of September in the year of 2017 before me a Notary Public, personally appeared. Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Jennifer Bertain
Notary Public for Idaho
Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

2-10536
J R SIMPLOT CO
1099 W FRONT ST
PO BOX 27
BOISE, ID 83707
Point of Diversion L2(NWSW) S14 T04N R06W CANYON
County Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to 11/15 14.66 CFS
Total Diversion: 14.66 CFS
Date Filed: 7/21/2017
Place of Use: IRRIGATION
T04N R05W S5 SWSE
T04N R05W S7 NE(ALL) NESE NWSE SESE
T04N R05W S8 NW(ALL)
T04N R05W S18 NESE NWSE SESE
T04N R06W S12 SWNE SENE SWNW SENW NWSW
NESE NWSE
Total Acres: 733

JOE RN 9/26/17

63-34384
ANN OBENDORF
GREG OBENDORF
26496 DEB LN
PARMA, ID 83660
(3)Points of Diversion SESE S23 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
(2)Points of Diversion SWSE S23 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Point of Diversion L6(NWNW) S25 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Point of Diversion L2(SWSE) S25 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE 11/01 to 03/01 23.5 CFS
Use: WILDLIFE 11/01 to 03/01 23.5 CFS
Use: WILDLIFE STORAGE 11/01 to 03/01 790.9 AF
Total Diversion: 23.5 CFS, 790.9 AF
Date Filed: 5/16/2017
Places of Use: WILDLIFE, WILDLIFE STORAGE
T05N R05W S23 NESE NWSE SWSE SESE

JOE RN 9/26/17

63-34372
JACOB FILLMORE
MARNIE FILLMORE
18954 LOWER PLEASANT RIDGE RD
CALDWELL, ID 83607
Point of Diversion SWSW S24 T04N R04W CANYON
County Source WASTE WATER
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 4/12/2017
Place of Use: IRRIGATION
T04N R04W S24 SWSW
Total Acres: 10

JOE RN 9/26/17

63-34420
DAVID L GASTMAN
SHARON T GASTMAN
PO BOX 505
STAR, ID 83669
Point of Diversion L4(NWNW) S1 T04N R02W CANYON
County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 04/15 to 10/30 0.04 CFS
Total Diversion: 0.08 CFS
Date Filed: 7/21/2017
Places of Use: DOMESTIC, IRRIGATION
T04N R02W S1 L4(NWNW)
Total Acres: 2
Water bearing zone to be appropriated is from 0 to 200 feet.

JOE RN 9/26/17

PROPOSED AMENDMENT OF WATER PERMIT

BID LLC of 777 W. Main St. Ste 900 Boise ID 83702 filed Application No. 81783 on July 3, 2017 to amend a water permit no. 63-33910 with a 2014 priority from the Boise River totaling 4.5 cfs for wildlife, recreation, wildlife storage, and recreation storage purposes. The permit provides wildlife, recreation, wildlife storage, and recreation storage water for property located approximately 3.7 miles southeast of Parma, Idaho. The applicant proposes to amend the permit to add a point of diversion from the Boise River located approximately 1.5 miles southeast of the place of use in Gov Lot 3 (NENW) of Section 36, Township 05 North, Range 05 West, Boise Meridian

JOE RN 9/26/17

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed amendment(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 9/25/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

September 7, 14, 2017

1666444



*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, ID 83705

ORDER NUMBER 53297

Ruby Aufderheide

(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 15th day of September in the year of 2017 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: May 8, 2020

PUBLISHED ON: 09/07/2017, 09/14/2017

TOTAL AD COST: 157.41

FILED ON: 9/14/2017

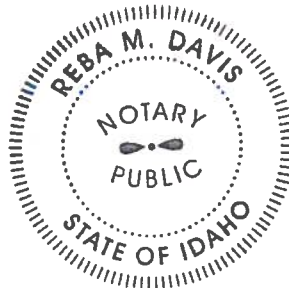
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Total Diversion: 14.66 CFS
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Place of Use: IRRIGATION
T04N R05W S5 SWSE
T04N R05W S7 NE(ALL) NESE NWSE SESE
T04N R05W S8 NW(ALL)
T04N R05W S18 NESE NWSE SESE
T04N R06W S12 SWNE SENE SWNW SENW NWSW NESE
NWSE
Total Acres: 733

63-34384
ANN OBENDORF
GREG OBENDORF
26496 DEB LN
PARMA, ID 83660
(3)Points of Diversion SESE S23 T05N R05W CANYON County
Source BOISE RIVER Tributary SNAKE RIVER
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Source BOISE RIVER Tributary SNAKE RIVER
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GARY SPACKMAN, Director
PUBLISH: September 7 and 14, 2017



RECEIVED
SEP 18 2017

WATER RESOURCES
WESTERN REGION

✓ OK RN 9/26/17

- Fatal error needs readv.

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICE

Date:	09/14/2017	INVOICE NO.	137855
Account No.	964760		
Description	137855 The foll		
Times	2	Lines	50
		Tab. lines	
		\$	225.00
Sold To: DEPT OF WATER RESOURCES 2735 AIRPORT WAY BOISE ID 83705	PO#	2-10536	

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis , being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a news-paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 137855 The foll attached hereto and which is made a part of this affadavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 09/07 , or once a Week for 2 consecutive Week , the first publication thereof being on the 09/07/2017 , and the last publication thereof being on the 09/14/2017 , and said 137855 The foll was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

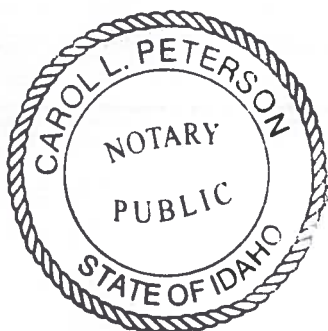
Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 15th day of September in the year of 2017 , before me, a Notary Public, personally appeared Karen J. Lewis , known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Carol Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2023

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Total Diversion: 14.66 CFS

Date Filed: 7/21/2017

Place of Use: IRRIGATION

T04N R05W S5 SWSE

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Total Acres: 733

63-34384

ANN OBENDORF

GREG OBENDORF

26496 DEB LN

PARMA, ID 83660

(3) Points of Diversion SESE S23 T05N R05W CANYON County

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Use: WILDLIFE 11/01 to 03/01 23.5 CFS

Use: WILDLIFE STORAGE 11/01 to 03/01 790.9 AF

Total Diversion: 23.5 CFS, 790.9 AF

Date Filed: 5/16/2017

Places of Use: WILDLIFE, WILDLIFE STORAGE

T05N R05W S23 NESE NWSE SWSE SESE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed amendment(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 9/25/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/7/2017 and 9/14/2017

Proof of Publication The Post Register

State of Idaho
County of Bonneville

RECEIVED

SEP 18 2017

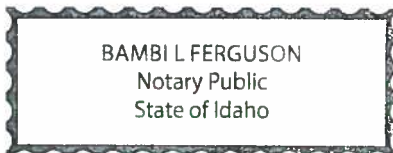
WATER RESOURCES
WESTERN REGION

I, ~~Dawn Giannini~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Legal Notice Representative of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: 55407 for 2 consecutive (days) weeks, between 09/07/2017 and 09/14/2017, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Staci Dockery

Subscribed and sworn to before me, this 14th day of September 2017



Bambl L Ferguson

Notary Public
My commission expires: 06/28/2023

_____ attached jurat _____

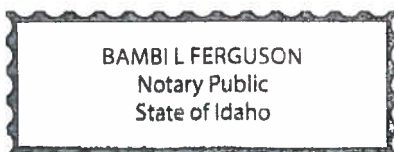
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 14th day of September 2017, before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Bambl L Ferguson

Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires: 06/28/2023

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63-34384

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PARMA, ID 83660

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CANYON County Source BOISE RIVER Tributary
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CANYON County Source BOISE RIVER Tributary
SNAKE RIVER

Point of Diversion L2(SWSE) S25 T05N R05W
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Use: DIVERSION TO STORAGE 11/01 to 03/01
23.5 CFS

Use: WILDLIFE 11/01 to 03/01 23.5 CFS

Use: WILDLIFE STORAGE 11/01 to 03/01 790.9
AF

Total Diversion: 23.5 CFS, 790.9 AF

Date Filed: 5/16/2017

Places of Use: WILDLIFE, WILDLIFE STORAGE
T05N R05W S23 NESE NWSE SWSE SESE

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For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed amendment(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 9/25/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published: 9/7/2017 and 9/14/2017

(55407)

*JOE RW
a126117*

*JOE RW
a126117*

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0003264795	LEGAL NOTICE The following applications have	JR Simplot	\$213.05	2	66

Attention: RACHEL NEELY

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

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Total Acres: 733

✓ OK RN 9/26/17

63-34384

ANN OBENDORF

GREG OBENDORF

26496 DEB LN

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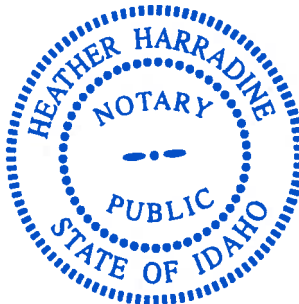
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GARY SPACKMAN, Director

Pub. Sept, 7,14, 2017

0003264795-01



JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 09/07/2017

Ending issue of: 09/14/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 15th day of September in the year of 2017 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine

Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 2/11/2020

Neely, Rachel

From: Bassista, Tom <thomas.bassista@idfg.idaho.gov>
Sent: Friday, September 15, 2017 3:33 PM
To: Neely, Rachel
Subject: RE: Applications for Permit No. 2-10536

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Rachel:

The Idaho Department of Fish and Game has no comments concerning Application for Permit No. 02-10536.

Sincerely,

Tom Bassista
Environmental Staff Biologist
Southwest Region Office
3101 S. Powerline Rd.
Nampa, ID 83686
(208) 465-8465



<https://idfg.idaho.gov>

From: Neely, Rachel [mailto:Rachel.Neely@idwr.idaho.gov]
Sent: Thursday, August 31, 2017 3:12 PM
To: Bassista, Tom
Subject: Applications for Permit Nos. 63-34384 & 2-10536

August 31, 2017

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: THOMAS BASSISTA
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Applications for Permit Nos. 63-34384 & 2-10536

Dear Mr. Bassista:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your

reference. Please review the application, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of September 25, 2017.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov