

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 63-10629

**PRIORITY:** August 17, 1988

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

J R SIMPLOT CO 1099 W FRONT ST PO BOX 27 BOISE ID 83707-0027

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 12, 1988, and has submitted Proof of Beneficial Use on January 18, 1995. An examination confirms water is diverted from:

**SOURCE:**  
GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| COMMERCIAL            | 01/01 to 12/31       | 0.04 CFS              | 1.2 AF                             |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 19, Twp 04N, Rge 03W, B.M. CANYON County

**PLACE OF USE:** COMMERCIAL

| 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 | 03W | 19  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Use of water under this right shall be non-consumptive.
2. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
3. Commercial use is for office use and vegetable packing.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

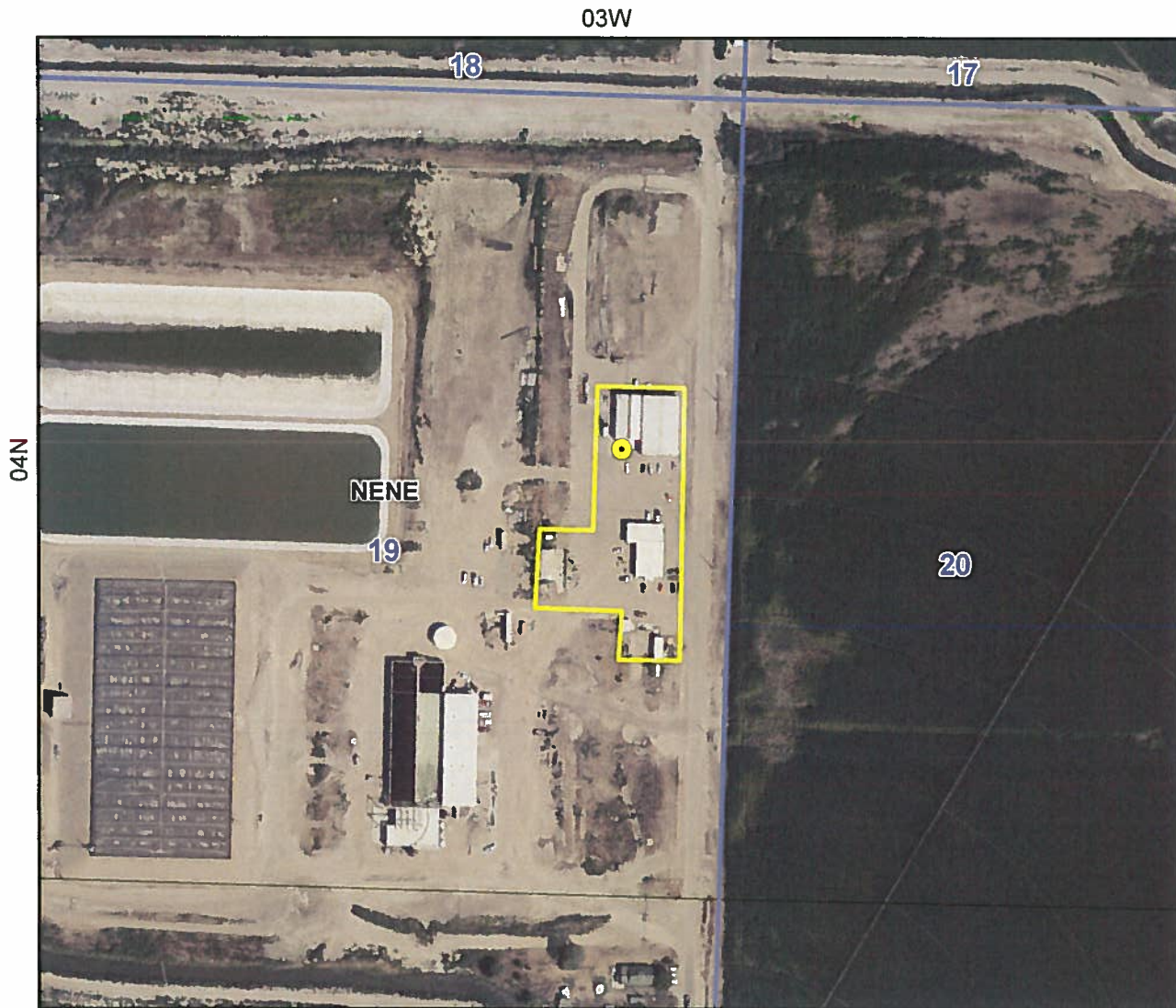
Signed this 14<sup>th</sup> day of December, 2017.



SHELLEY W. KEEN  
Water Rights Section Manager

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
63-10629

This map depicts the COMMERCIAL 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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles





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 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

December 15, 2017

J R SIMPLOT CO  
C/O JAMES B ALDERMAN  
1099 W FRONT ST  
PO BOX 27  
BOISE ID 83707-0027

RE: License No. 63-10629

### Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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.

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 208-287-4951.

Sincerely,

Pamela Skaggs, Water Rights Supervisor  
Water Right Permits Section

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved License**) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**63-10629**

**J R SIMPLOT CO  
C/O JAMES B ALDERMAN  
1099 W FRONT ST  
PO BOX 27  
BOISE ID 83707-0027**

A handwritten signature in black ink, reading "Darla Block", written over a horizontal line.

Darla Block  
Technical Records Specialist

## **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.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-10629**

RECEIVED

DEC 11 2017

DEPARTMENT OF  
WATER RESOURCES

PRIORITY: August 17, 1988

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.2 AF

Comes now

James B. Alderman

J R SIMPLOT CO C/O ~~DAVID SPRUNK~~ 1099 W FRONT ST PO BOX 27 BOISE ID 83707-0027

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-10629, and requests that the permit be changed as follows:

**SOURCE:**

GROUND WATER

**BENEFICIAL USE**

COMMERCIAL

**PERIOD OF USE**

01/01 to 12/31

**DIVERSION RATE**

0.04 CFS

**ANNUAL****DIVERSION VOLUME**

1.2 AF

**LOCATION OF POINT(S) OF DIVERSION:**GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 19, Twp 04N, Rge 03W, B.M. CANYON County**PLACE OF USE:** COMMERCIAL

| 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 | 03W | 19  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 4<sup>th</sup> day of December, 2017.

J. R. Simplot Company

By: 

(Signature)

James B. Alderman

Senior Vice President and Secretary

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-10629**

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by (TK) Fee = /00.00 Received by (TK) # C104385 Date 12/11/2017

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

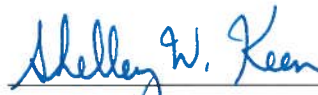
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-10629 with the following:

**CONDITIONS OF APPROVAL**

1. Use of water under this right shall be non-consumptive.
2. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
3. Commercial use is for office use and vegetable packing.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

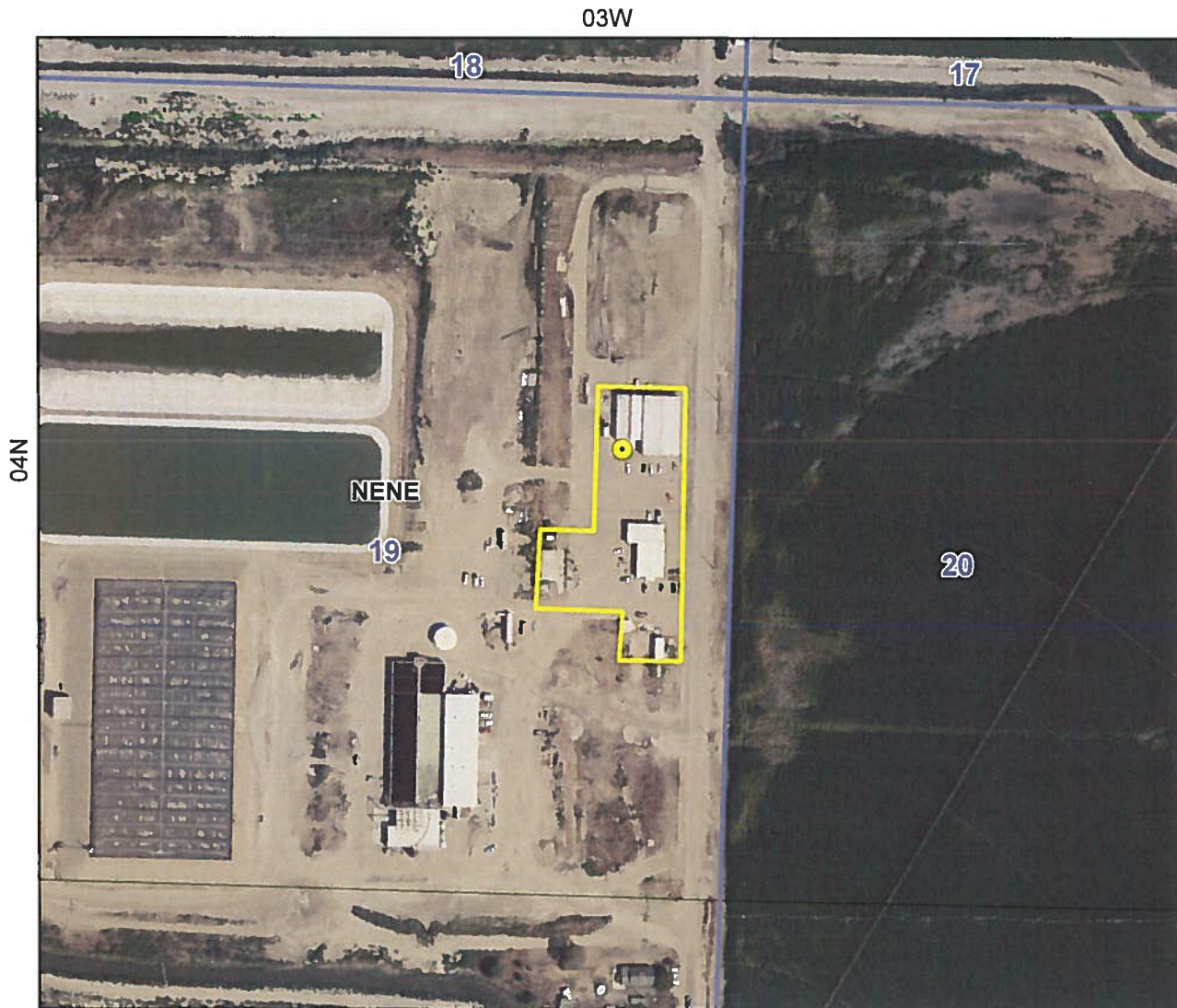
Signed this 14<sup>th</sup> day of December, 2017.



SHELLEY W. KEEN  
Water Rights Section Manager

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
63-10629

This map depicts the COMMERCIAL 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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles





J.R. Simplot Company  
P.O. Box 27, Boise, Idaho  
83707 0027

1099 West Front Street  
Boise, Idaho 83702

Vic.conrad@simplot.com  
208 780 7359 Business  
208 780 7333 Fax

**December 4, 2017**

**RECEIVED**

**DEC 11 2017**

**DEPARTMENT OF  
WATER RESOURCES**

Michele D. Edl  
Senior Water Resource Agent  
State of Idaho  
Department of Water Resources  
322 East Front Street  
Boise, Idaho 83720-0098

**Re: IDWR Permit Nos. 63-10553 and 63-10629**

Dear Michele:

Enclosed for filing are applications to amend the above referenced permits in connection with licensing. Also enclosed is a check in the amount of \$200.00 to cover your fees for filing the enclosed amendments.

Sincerely,

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 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

November 29, 2017

J R SIMPLOT CO  
C/O DAVID SPURLING  
1099 W FRONT ST  
PO BOX 27  
BOISE ID 83707-0027

RE: Permit No. 63-10553 and 63-10629

Dear Permit Holders:

The Department of Water Resources sent you an Application for Amendment form on November 3, 2017 for Permit 63-10629 and on November 13, 2017 for Permit 63-10553. The amendments are required because the field examiner who verified the water use established in connection with your permits reported that one or more elements of your water use differs from the permits. As of this date the Department has not received a response.

If I do not receive the amendments within fourteen (14) days, I will assume you are no longer interested in obtaining water right licenses and your permits will be voided. In case the amendment forms I sent you have been misplaced, new ones are enclosed.

If you have any questions, please contact me as soon as possible at (208) 287-4946.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michele D. Edl'.

Michele D. Edl  
Water Resources Agent, Sr.

Enclosures



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 03, 2017

J R SIMPLOT CO C/O DAVID SPURLING  
1099 W FRONT ST  
PO BOX 27  
BOISE ID 83707-0027

RE: Water Right Permit No. 63-10629

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

\_\_\_\_\_ Point(s) of Diversion

\_\_\_\_\_ Place(s) of Use

  X   Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-287-4946.

Sincerely,

Michele D. Edl  
Water Resource Agent, Sr.

Enclosure(s): Application for Amendment

# MEMORANDUM

**Date:** November 3, 2017  
**To:** Water Right File 63-10629  
**From:** Michele Edl  
**Re:** licensing review

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## **Source and Point-of-Diversion**

The source of water is cool ground water. I created the point-of-diversion shape based on aerial photography and the map attached to the field exam report.

## **Priority Date**

The Proof of Beneficial Use statement was due on November 1, 1994. Instead of a proof statement, the permit holder submitted another request for an extension of time within which to complete the development of a greenhouse use. The extension was denied and the permit lapsed. A completed Beneficial Use statement was received at the state office on January 18, 1995. The permit was reinstated but the priority date was advanced.

## **Water Use**

On May 2, 1996, the water right's examiner confirmed beneficial uses but neither the nature of use nor the quantity of uses which had been authorized by the permit.

The 'proof' statement listed the rate at 5.0 cfs and stated the use as fish propagation and processing. A condition of the permit required the use be non-consumptive but the examiner found that the majority uses were unauthorized consumptive uses in a greenhouse complex.

Some non-consumptive uses had also been developed and are recommended for this license. The non-consumptive uses were domestic type uses in the office and greenhouse and some vegetable washing.

## **Place-of-Use**

Available Canyon County tax parcel information shows that the POU is within property currently owned by Simplot Feed Lots Inc. The physical address of the property is 20875 Wagner Rd, Caldwell ID.

I created a POU shape based on the locations of the non-consumptive uses which were recommended by the examiner.

## **Status and Combined Use**

The well-POD recommended by the examiner may have been an authorized POD for other rights. I haven't been able to confirm any overlap and the well is no longer fitted with pump or piping to enable its use.

## **Recommendations**

And I concur with the examiner's recommendations for the license rate and volume and for a change in nature-of-use.

The nature-of-use will be changed from fish propagation to commercial and will require an amendment to the permit before a license can be issued.

## **Conditions**

The permit holder was not in compliance with the conditions of the permit. No measuring port or device was found.

It was not possible to confirm that the well had been constructed in compliance with the drilling requirements.

The consumptive uses were not authorized and will not be licensed.



## IDAHO SECRETARY OF STATE Viewing Business Entity

Lawrence Denney, Secretary of State

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[ [Monitor SIMPLOT FEED LOTS, INC. business filings](#) ]

### **SIMPLOT FEED LOTS, INC.**

**Type of Business:** CORPORATION, GENERAL BUSINESS

**Status:** MERGED OUT 14 Oct 1980

**State of Origin:** IDAHO

**Date of** 10 Jun 1952

**Origination/Authorization:**

**Registered Agent:**

**Organizational ID / Filing** C26060  
**Number:**

**Number of Authorized Stock**  
**Shares:**

**Date of Last Annual Report:**

**Original Filing:**

[ [Help Me Print/View TIFF](#) ]

**Filed 10 Jun 1952** INCORPORATION

**Amendments:**

[ [Help Me Print/View TIFF](#) ]

**Amendment Filed 09 Jul 1971** NAME CHANGED TO SIMPLOT FEED LOTS, INC.

**Amendment Filed 16 May** OTHER - RA  
**1979**

**Amendment Filed 14 Oct** MERGED OUT  
**1980**

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[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: [sosinfo@sos.idaho.gov](mailto:sosinfo@sos.idaho.gov)