

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-10553

PRIORITY: December 03, 1987

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 226.0 AF

It is hereby certified that:

J R SIMPLOT CO C/O JAMES B ALDERMAN 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 December 03, 1987, and has submitted Proof of Beneficial Use on February 01, 1996. 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 DIVERSION VOLUME</u>
HEATING	01/01 to 12/31	5.00 CFS	226.0 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
GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp 04N, Rge 03W, B.M. CANYON County

PLACE OF USE: HEATING

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. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
2. Heating use is for greenhouses.

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 15th day of December, 2017.


SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License 63-10553

This map depicts the HEATING 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.

03W



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

0 0.04 0.08 0.16 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

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. 63-10553

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,

A handwritten signature in blue ink that reads "Pamela Skaggs".

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.

63-10553

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



**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. 63-10553

RECEIVED

DEC 11 2017

DEPARTMENT OF
WATER RESOURCES

PRIORITY: December 03, 1987

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 226.0 AF

Comes now

James B. Alderman

J R SIMPLOT CO C/O ~~DAVID SHURKIN~~ 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. 63-10553, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

BENEFICIAL USE
HEATING

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
5.00 CFS

**ANNUAL
DIVERSION VOLUME**
226.0 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 CountyGROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp 04N, Rge 03W, B.M. CANYON County**PLACE OF USE:** HEATING

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 4th 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. 63-10553

FOR DEPARTMENT USE ONLY

Preliminary check by (TK) Fee = 100.00 Receipted 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. 63-10553 with the following:

CONDITIONS OF APPROVAL

1. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
2. Heating use is for greenhouses.

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

Signed this 15th day of December, 2017.


SHELLEY W. KEEN
Water Rights Section Manager



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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 13, 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. 63-10553

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):

 X Point(s) of Diversion

 Place(s) of Use

 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 or email me
Michele.Edl@idwr.idaho.gov

Sincerely,

Michele Edl
Water Resource Agent, Sr.

Enclosure(s): Application for Amendment

MEMORANDUM

Date: November 7, 2017
To: Water Right File 63-10553
From: Michele Edl
Re: licensing review

Source and Point-of-Diversion

The source of water is low-temperature geothermal water.

Only one geothermal well was authorized by this permit. However, two geothermal wells were constructed. They are within the same quarter-quarter and complied with drilling requirements, but the second well-POD was drilled without recognizing that the permit would need to be amended so an amendment will be needed before the license can be issued.

Because the wells had not been correctly located in the geothermal database, the well construction database or the well layer in ArcMap, I discussed getting the locations corrected with K Neely and B Regan. I created the water right point-of-diversion shapes based on aerial photography and the map attached to the field exam report. New spatial points were created and the pertinent well driller logs were associated with those points.

Priority Date

Although a fish propagation facility had been developed as authorized by the permit, that facility was idled in 1991. The initial Proof of Beneficial Use statement would have been due in 1992. Instead of submitting a proof statement on the fish propagation use, the permit holder submitted a request for an extension of time. The request stated that "Alternative uses for the facility are being evaluated." The request was processed, extending the development period to February 1, 1996. A completed Beneficial Use statement was received at the state office on February 1, 1996. There was no change to the priority date.

Water Use

The 'proof' statement listed the rate at 5.0 cfs and stated that the use was geothermal heating. On May 2, 1996, the water right's examiner confirmed beneficial heating uses but also found uses not authorized by either this permit or the companion cool water permit, 63-10629. Only the heating use can be recognized by this license.

Low-temperature geothermal water was used for heating the air and ground in several greenhouses. The spent water was not re-injected. Instead, it was discharged to cooling ponds which then overflowed to a nearby drain.

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 map in the field examiner's report.

Status and Combined Use

The well-PODs recommended by the examiner do not appear to have been authorized PODs for other rights. I haven't been able to confirm any overlap and the wells are no longer fitted with pump or piping to enable their use.

Recommendations

I concur with the examiner's recommendations for the rate but not with her recommendation for the volume.

I recommend 226.0 AF for the heating use volume. My recommendation is based on a calculation of heating loads and greenhouse design¹. Please refer to the attached spreadsheet for the final calculations.

I also recommend that the permit be amended to add the second geothermal well-POD.

Conditions

The heating use was found to be largely in compliance with the conditions of the permit. A measuring port was found but not used by the examiner.

The two wells appear to have been constructed in compliance with the drilling requirements.

Condition k. refers to the State of Idaho Water Plan. I believe that the condition refers to Policy 5G-Snake River Aquaculture which is located on page 38 of the 1986 State of Idaho Water Plan. A copy can be found here <https://www.idwr.idaho.gov/files/iwrb/1986/1986-State-Water-Plan.pdf> The condition is not relevant to a greenhouse complex which uses low temperature geothermal water.

A condition referencing the protest settlement will be retailed on the license.

¹ Geothermal Direct-Use Engineering and Design Guidebook, 3rd ed, Geo-Heat Center, Oregon Institute of Technology, Klamath Falls, OR, 1998.

Created by Michele Edl for 63-10553 (J R Simplot-SunGro Greenhouses)									
Sterling Method		$V = (HL \times DD \times 24 \times Cd) / (\Delta T1 \times k \times C \times \Delta T2)$							
Parameter		Explanation							
V		heat value of the fuel ASHRAE or annual volume Sterling							
HL		peak heating load in BTU/hr							
DD		annual heating degree days							
24		24 hrs/day							
Cd		correction factor; use 0.85 for greenhouses (Geo-Heat Center found Cd varies 0.7 to 0.82)							
deltaT1		design indoor temp minus design outdoor temp							
k		correction factor to account for losses; (system efficiency). Use .9C							
C		constant to correct for units							
deltaT2		temp of incoming geothermal water minus temp of outgoing							
		floor space in ft ^2 calc'd in exam rpt							
		estimated poly area (sum wall & roof area)							
Range of BTU/hr-ft^2		HL(BTU/hr) design or peak heating load							
66.6		10665324.00							
57		18255960.00							
57		9127980.00							
93.81		15022762.52							
Range of calculated results									
V (AF)/yr		$V = (HL \times DD \times 24 \times Cd) / (\Delta T1 \times k \times C \times \Delta T2)$							
		160.47363							
		274.68458							
		137.34229							
		226.03694							
Admin memo 23 spreadsheet									
Required data									
A		Area of liveable space ft squared							
		2 story (N=1, Y=2)							
e		House efficiency factor							
Ti		Inside design temperature in deg F							
To		Average outside design temperature in deg F							
S		Source temperature in deg F							
Calculations									
Ts= 0.3 x (S-Ti) correct%?		Temperature drop across the system							
E=[e x (Ti-To)] x A		Design heat load, BTU/hr							
Q=E/[(500 x Ts) x 448.8]		Flow rate required at given source temperture, cfs							
		Flow rate required at given source temperture, gpm							