

RECEIVED

JUN 26 2015

FORM 202 11/13

Ident. No. 63-34038

STATE OF IDAHO
WATER RESOURCES DEPARTMENT OF WATER RESOURCES
WESTERN REGION
(AMENDED) **APPLICATION FOR PERMIT**
To appropriate the public waters of the State of Idaho

(AMENDED)

1. Name of applicant(s) J. R. Simplot Company Phone 208-336-2110
Name connector (check one): and or and/or
Mailing address P. O. Box 27 City Boise
State Idaho Zip 83707 Email _____

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
							See Exhibit A		

4. Water will be used for the following purposes:

Amount 4 cfs/ 200 afa for Industrial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount 3.2 cfs/ 720 afa for Irrigation purposes from March 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 4 cubic feet per second (cfs) and/or (b) 920 acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Pumps, motors and drives will be sized to divert the water from new and existing wells; target water bearing zone will be 300 to 600 ft. below surface.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
c. Proposed well diameter is 16 inches; proposed depth of well is 550 - 600 feet.
d. Is ground water with a temperature of greater than 85°F being sought? Yes No
e. If well is already drilled, when? 2014 & 2015; drilling firm Treasure Valley Drilling; well was drilled for (well owner) J. R. Simplot Company; Drilling Permit No. See 11 below.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; complete and attach the Municipal Water Right Application Checklist.
d. Domestic; show number of households _____
e. Other; describe fully. _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. * = Industrial Use

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	11															*	*	
		12					*	*	*	*	*	*	*	*		*	*	*	
		13	*	*	*	*	*	*							*				
		14	*	*	*	*					*40	*40	*40	*40	*	*			160
1N	2E	6										*	*						

Total number of acres to be irrigated: 160

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Water to be diverted under a pending application to amend permit no. 63-33207

- 10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant and Tom Nicholson
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Please see letter from Tom Nicholson providing consent to identify his land on place of use.

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Water will be used for industrial purposes in a meat processing and packing plant. Water discharged from the plant will then be land applied. Water will also be used for irrigation of 160 acres. Water will be diverted from wells constructed under Drilling Permit Nos. 965586-871645 (Irrigation Well #1), 967343-873402 (Irrigation Well #2) and 968768-874825 (Plant Well #1 currently under construction). Water will also be diverted from additional wells to be constructed in the future.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

J. R. Simplot Company by David Spurling

[Signature]
 Signature of Applicant
 Senior Vice President, Secretary and
 General Counsel
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by cj Date 6-26-15 Time 11:30 Preliminary check by kw
 Fee \$ 370.00 Received by cj Receipt No. W042802 Date 2/6/15
 (pd 850.00 - 480.00 refunded)

Exhibit A

Points of Diversion (All in Ada County, Idaho)

Twp	Rng	Sec	Lot	¼	of	¼	Source
1N	1E	11		SW		SE	Groundwater
				SE		SE	Groundwater
		12		SW		NW	Groundwater
				SE		NW	Groundwater
		13		NW		NE	Groundwater
				NW		NW	Groundwater
				NE		SE	Groundwater
		14		NE		NE	Groundwater
				NW		NE	Groundwater
				SW		NE	Groundwater
				SE		NE	Groundwater
				NE		SE	Groundwater
				NW		SE	Groundwater
1N	2E	6	6	NW		SW	Groundwater
				NW		SW	Groundwater
			7	SW		SW	Groundwater
				SW		SW	Groundwater

The points of diversion shaded above were previously authorized under IDWR Permit Nos. 63-32680 and 63-33296.

RECEIVED

FEB 06 2015

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) J. R. Simplot Company Phone 208-336-2100
 Name connector (check one): and or and/or
 Mailing address P. O. Box 27, Boise, Idaho 83707 City Boise
 State ID Zip 83707 Email _____

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
1N	2E	6	6		NW	SW	Ada	Groundwater	
1N	2E	6	6		NW	SW	Ada	Groundwater	
1N	2E	6	7		SW	SW	Ada	Groundwater	
1N	2E	6	7		SW	SW	Ada	Groundwater	

4. Water will be used for the following purposes:

Amount 4.0 for Industrial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 4.0 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Pumps, motors and drives will be sized accordingly to divert the desired flow rate after wells are constructed and yield is confirmed.
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
- c. Proposed well diameter is 16 inches; proposed depth of well is 600 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? Not Drilled Yet; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. Industrial ("Ind") for Meat Processing and Packing Plant.

Superceded by Amended App. Rec'd 6/26/15

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	11																	
		12					Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind		Ind	Ind	Ind	
		13	Ind	Ind	Ind	Ind	Ind	Ind							Ind				
		14	Ind	Ind	Ind	Ind									Ind	Ind			
1N	2E	6										Ind	Ind						

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Water from the industrial meat processing and packing facility to be located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N, R.2E will be land applied and used to raise crops irrigated on the balance of the place of use described above.

- 10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

There are 4 points of diversion identified above to provide the flexibility to locate 3 wells. Water will be used in the meat packing and processing facility to be constructed within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N R.2E. Water will be discharged from the facility then land applied on irrigated farm land. Water for irrigation of the farm land will be diverted under IDWR permit nos. 63-33296 and 63-32680. The target water bearing zone is between 400 and 500 feet below land surface.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 $\frac{1}{2}$ " x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant

Signature of Applicant

Vic CONRAD, Director LUAR
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by KW Date 3/26/15 Time _____ Preliminary check by _____
Fee \$ 850. Received by CJ Receipt No. W042802 Date 2/6/15



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 14, 2015

IDAHO DEPT OF CORRECTIONS
ATTN MR. PAT DONALDSON
PO BOX 83720
BOISE ID 83720-0018

CITY OF KUNA
ATTN GORDAN N LAW
PO BOX 13
KUNA ID 83634

UNITED WATER IDAHO
ATTN SCOTT RHEAD &/OR
ROGER DITTUS
PO BOX 190420
BOISE ID 83719-0420

Re: Application for Permit No. 63-34038

Dear Interested Parties:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *ID Statesman* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by September 7, 2015. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, August 13, 2015 11:36 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ads for publication on 8/20/15 & 8/27/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

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

August 13, 2015

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No.'s: 63-34076, 63-34053, & 63-34038
Application for Amendment No. 80222
Application for Transfer No. 79778

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/7/2015. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

63-34076

STEVEN B WATERS
PO BOX 190002
BOISE, ID 83719
Point of Diversion SESW S5 T02N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 5/5/2015
Place of Use: IRRIGATION
T02N R01E S5 SESW
Total Acres: 10
Water bearing zone to be appropriated is from 160 to 300 feet.

63-34053

LAUREN E GINGERICH
ALEXANDER MC COY
20601 S PLEASANT VALLEY RD
KUNA, ID 83634
Point of Diversion SESW SWSW S17 T01N R02E ADA County Source GROUND WATER
Use: COMMERCIAL 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.08 CFS
Use: STOCKWATER 01/01 to 12/31 0.19 CFS
Total Diversion: 0.29 CFS
Date Filed: 10/8/2014
Place of Use: DOMESTIC
T01N R02E S17 SESW
Place of Use: STOCKWATER, COMMERCIAL
T01N R02E S17 NESW SWSW SESW
Water bearing zone to be appropriated is from 301 to 378 feet.

63-34038

J R SIMPLOT CO
PO BOX 27
BOISE, ID 83707
(2)Points of Diversion L6(NWSW) S6 T01N R02E ADA County Source GROUND WATER
Point of Diversion SWSE SESE S11 T01N R01E ADA County Source GROUND WATER
(2)Points of Diversion L7(SWSW) S6 T01N R02E ADA County Source GROUND WATER
Point of Diversion SWNW SENW S12 T01N R01E ADA County Source GROUND WATER
Point of Diversion NWNE NWNW NESE S13 T01N R01E ADA County Source GROUND WATER
Point of Diversion NENE NWNE SWNE SENE NESE NWSE S14 T01N R01E ADA County Source GROUND WATER
Use: INDUSTRIAL 01/01 to 12/31 4 CFS
Use: IRRIGATION 03/01 to 11/15 3.2 CFS
Total Diversion: 4 CFS
Date Filed: 2/6/2015
Place of Use: IRRIGATION
T01N R01E S14 SW(ALL)
Place of Use: INDUSTRIAL
T01N R01E S11 SWSE SESE
T01N R01E S12 NW(ALL) SW(ALL) NWSE SWSE SESE
T01N R01E S13 NE(ALL) NENW NWNW NESE
T01N R01E S14 NE(ALL) SW(ALL) NESE NWSE
T01N R02E S6 L6(NWSW) L7(SWSW)
Total Acres: 160
Water bearing zone to be appropriated is from 300 to 600 feet.

PROPOSED AMENDMENT OF WATER PERMIT

BHH Investments 1, LLC of 1025 S Bridgeway Place, Suite 290, Eagle, ID 83616 filed Application No. 80222 on July 8, 2015 to amend a water permit no. 63-33959 with a 2014 priority from groundwater totaling 0.94 cfs for irrigation. The permit provides irrigation water for property located near Eagle Road and E Taconic Drive. The applicant proposes to amend the permit to change the location of the point of diversion from T03N R01E Sec 32 SWNE to T03N R01E Sec 32 SENE.

PROPOSED CHANGE OF WATER RIGHT(S)

The City of Meridian, of 33 E Broadway St, Meridian, ID 83642, filed Application No. 79778 to connect all of the City's municipal wells (PODs) into a common system and list all PODs on the City's municipal water rights totaling 76.62 cfs when combined, water rights located within IDWR Administrative Basin 63. Priority dates range from 1910 to 2009. No new wells will be drilled.

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), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 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 9-7-2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/20/2015 and 8/27/2015



CORPORATE HEADQUARTERS

RECEIVED

July 27, 2015

JUL 29 2015

Kay Walker
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

WATER RESOURCES
WESTERN REGION

Re: IDWR Application for Permit No. 63-34038.

Dear Kay:

In response to your letter dated June 30, 2015, the following are Simplot's replies to the items you requested for items 1 and 2 in accordance with Section 42-203A, Idaho Code:

1. *Will the appropriation injure existing water rights?*

Simplot has reviewed the January 6, 2012 technical memo to Angela Grimm (IDWR) prepared by Christian Petrich, P.E., P.G., Ph.d., on behalf of Kirkwood Bank & Trust. The report was prepared to evaluate water availability under applications for permit 63-32680 and 63-33296. The 2012 memo provides pertinent data to address your question "Will the appropriation injure existing water rights?" Specifically, the memo concluded that groundwater levels have stabilized in recent years and that this stabilization suggests that there is water available for appropriation. These permits were subsequently approved to allow for the irrigation of 784 acres adjacent to and generally covering the place of use now proposed under application 63-34038.

Simplot purchased permits 63-32680 and 63-33296 and associated lands in 2015. The irrigation and industrial uses now proposed under application 63-34038 are essentially additional rate and volume for the general area authorized under permit 63-32680 and 63-33296. As a result, the conclusions in the 2012 report are valid with respect to the additional appropriation proposed by 63-34038.

Two wells were constructed under permits 63-32680 and 63-33296 in 2014 and were brought into production in 2015. These two wells were test pumped as described in the April 28, 2015 monitoring report prepared by Terry Scanlan, P.E., P.G. and submitted to the Department as a condition of permits 63-32680 and 63-33296. As described in the report, Well No. 1 was test pumped at 2,800 gpm and Well No. 2 was test pumped at 2,500 gpm, each with less than 20 feet of drawdown. Analysis of the test data found aquifer transmissivity of approximately 500,000 gpd/ft, which is substantially higher than the conservative 100,000 gpd/ft value used in Petrich's 2012 analysis. As a result

of the higher transmissivity, actual drawdowns from pumping under the approved permits should be less than predicted in the 2012 analysis. It is likely that the amount of drawdown caused by the pumping increase proposed under 63-34038 in combination with that under 63-32680 and 63-33296 will not exceed the drawdown previously predicted for 63-32680 and 63-33296 alone by the 2012 analysis.

Drilling of the two wells in 2014 also found water temperatures of less than 70 degrees F in the water produced from both wells, even though the wells each were screened to below 500 feet. The cold water found in these wells do not indicate the presence of shallow geothermal water which is known to be present further to the north. Thus, due to the water temperatures encountered and the minimal amount of drawdown, pumping of the two wells constructed in 2014 should not be a cause of significant upwelling of low-temperature geothermal water.

The example conditions of approval provided with your June 30, 2015 letter provide a means to further protect existing water rights. Specifically, monitoring will be conducted to document pumping volumes and water levels. Furthermore, the potential for reduced or curtailed diversions, or the need to mitigate impacts, is clearly identified in the event of material injury to senior water rights.

2. *Is the water supply sufficient for the purpose for which it is sought?*

The 2500 gpm pumping rates with less than 20 feet of drawdown measured during testing of the two wells in 2014 indicates that the aquifer is capable of producing adequate water for the purposes requested under 63-34038.

In addition to the above responses I am enclosing the Application 63-34038 Response Form indicating our desire to continue processing the application.

Sincerely,



Vic Conrad
Land, Water & Asset Recovery

Enclosure

RECEIVED

JUL 29 2015

WATER RESOURCES
WESTERN REGION

**APPLICATION 63-34038 RESPONSE FORM
CHECK ONE OF THE FOLLOWING OPTIONS**

OPTION #1 _____

I withdraw my application and request a full refund of my application fee.

OPTION #2 X

Continue processing my application. This will require me to identify the proposed water bearing zone to be appropriated as follows:

Proposed water bearing zone from my existing &/or proposed well(s) will be from
 300 to 550 feet.

I am willing to comply with the proposed measurement and monitoring conditions of approval.

If applicable, the additional information IDWR requested to evaluate my application is:

 X Enclosed

 Not enclosed, but I request a six (6) month extension to provide the information.

DATE:

 July 27, 2015

SIGNATURE(S):

 Vic Conrad
Signature

 Vic Conrad, Director
Land, Water & Asset Recovery
Printed Name & Title ((if applicable))

Signature

Printed Name & Title ((if applicable))



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 30, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

J R SIMPLOT CO
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

RE: Application for Permit No. 63-34038 in South Ada County Ground Water Area

Dear Applicant:

The Idaho Department of Water Resources (IDWR) received your application for permit requesting a new ground water right in South Ada County. This letter provides information regarding the ground water aquifer in that area and some options for you to consider.

Ground Water Aquifer

The cold water aquifer in the area has been declining since the 1960's with an average rate of decline of 0.3 to 0.4 feet per year during the past 30 years. There appears to be a correlation between the increase in water right approvals and declines in the aquifer level. In 1960 the non-domestic ground water diversions equaled approximately 100 cubic feet per second (cfs). By 1980 the cumulative diversion rate approached 500 cfs, and currently the withdrawal rate is about 600 cfs. It appears the aquifer is currently in overdraft and water levels have yet to stabilize to the current demand level.

Low temperature geothermal water (exceeding 85° F.) may be encountered approximately 400 feet in depth in this area. As cold water levels continue to decline, an increase in ground water temperatures will occur due to increased communication with the hotter water. Continued pumping of cold water will reduce the volume of cold water stored in the aquifer, causing increased upwelling of hotter water from below. State law requires low temperature geothermal ground water to be used primarily for its heat value first and subsequently for other uses such as irrigation. Generally, the hotter water cannot be a source for primary irrigation use.

IDWR has very limited data and knowledge regarding hydrology and aquifer characteristics of this area. Additional data and information will continue to be compiled to help determine how these ground water resources should be managed and if new water rights should be approved. However, recent reductions in IDWR resources and staff will make this a slow process and unlikely to be completed soon.

New Water Right Applications

Section 42-203A, *Idaho Code*, requires IDWR to consider certain criteria in processing new water right applications. On a case-specific basis, the applicant must provide IDWR with sufficient evidence to address some or all of the following criteria:

1. Will the new appropriation injure existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought?
3. Is the application made in good faith or for delay or speculation?
4. Does the applicant have sufficient financial resources to complete the project?

7-27-15
Vic preparing
response to
this letter.
will submit
soon.
ICW

Application 63-34038

June 30, 2015

Page 2

5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests of the people within the watershed who will be directly affected by a proposed water use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

Please provide the following information to address some or all of the above criteria. Please respond to items 1 & 2 above. The other items do not need to be addressed at this time.

Recent approvals of similar applications for this area have included the attached conditions of approval. If approved, your application would have similar conditions.

Options for Consideration

Based on the above explanation, the following options are available for your application:

- Withdraw the application and receive a full refund. You may re-file at a later date if desired.
- Continue with the application, including submitting any information requested by IDWR and recognizing possible conditions of approval associated with approval of your application.

Please select your answer by returning the completed response form within the next thirty (30) days. Your application will be voided if a timely response is not received. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please call me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

Enclosures: boundary map, possible conditions of approval, application response form

EXAMPLE OF CONDITIONS OF APPROVAL

The point of diversion (well) authorized for this right shall include a measuring device or other suitable method to allow measurement of the static water level in the well. Water level measurements shall be made monthly throughout the year from the beginning of diversion and use of water in connection with this right and continuing until notified otherwise by the Department. The records shall be made available to the Department upon request.

The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

The right holder shall install a measuring device acceptable to the Department at the point of diversion authorized under this right. The measuring device shall be capable of displaying diversion flow rate and totalized volume measurement. The right holder shall record the flow rate and volume measurements monthly for any calendar year in which water is diverted and used in connection with this right until proof of beneficial use is filed. The records shall be made available to the Department upon request.

Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

If the Department determines based on credible evidence, measurement reports, area data or otherwise that diversion and use of ground water under this right is causing material injury to any senior water right(s), the Department may order the diversion reduced, the diversion curtailed, or the right holder to provide adequate mitigation to remedy the injury.

Proof of application of water to beneficial use shall be submitted no sooner than 4 years and no later than 5 years from the date of approval of this right. A report with no less than 4 years of diversion measurement and aquifer level water monitoring data shall be submitted in connection with filing proof of beneficial use. Submittal of a proof of beneficial use statement without the required report will not be accepted by the Department and may result in cancellation of the permit.

Prior to submitting proof of beneficial use, the right holder shall not assign ownership of the permit to another individual, corporation, partnership, or association without prior approval of the Department.

Failure of the right holder to comply with any condition of approval is cause for the Director to cancel this permit.

Note: A system with multiple wells can have 1 well designated for measuring water levels instead of all the wells. A single measuring device showing the rate of flow and annual volume delivered to the place of use can substitute for flow/volume measuring devices on all the wells. Example, Permit 63-33645.

**APPLICATION 63-34038 RESPONSE FORM
CHECK ONE OF THE FOLLOWING OPTIONS**

OPTION #1 _____

I withdraw my application and request a full refund of my application fee.

OPTION #2 _____

Continue processing my application. This will require me to identify the proposed water bearing zone to be appropriated as follows:

Proposed water bearing zone from my existing &/or proposed well(s) will be from
_____ to _____ feet.

I am willing to comply with the proposed measurement and monitoring conditions of approval.

If applicable, the additional information IDWR requested to evaluate my application is:

_____ Enclosed

_____ Not enclosed, but I request a six (6) month extension to provide the information.

DATE:

SIGNATURE(S):

Signature

Printed Name & Title ((if applicable)

Signature

Printed Name & Title ((if applicable)

June 23, 2015

RECEIVED

JUN 26 2015

Kay Walker
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

WATER RESOURCES
WESTERN REGION

Re: Consent to Identify Land on Simplot Water Right Permit Application.

Dear Kay:

The J. R. Simplot Company is applying for a new water right application that will allow for groundwater to be diverted and used for a meat processing facility and for irrigation purposes. I own the land located within the SW $\frac{1}{4}$ of Section 14, T.1N R.1E, B.M. which is identified under the place of use described under Simplot's permit application.

Please accept this letter as consent for Simplot to identify this land under Simplot's new water right permit application.

Sincerely,



Tom Nicholson



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

JUN 26 2015

WATER RESOURCES
WESTERN REGION

June 24, 2015

Kay Walker
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Amendment to Permit Application No. 63-34038.

Dear Kay:

Enclosed for filing is an amendment to permit application no. 63-34038.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

Walker, Kay

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Wednesday, June 24, 2015 10:14 AM
To: Walker, Kay
Subject: Tom Nicholson Letter
Attachments: SMOUNTAIN V15062407250.pdf

Kay,

Attached is a copy of the letter from Tom Nicholson (last page of attachment) providing his consent to identify the SW¼ of Section 14. The original signed letter will be sent directly to you.

Walker, Kay

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Monday, June 22, 2015 1:13 PM
To: Walker, Kay
Subject: RE: Amended Permit Application (DRAFT).

Very helpful Kay; Thank you. I will make these corrections. Yes, the volume is the limiting factor – so I will reduce the irrigation flow to 3.2 cfs.

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Monday, June 22, 2015 1:10 PM
To: Conrad, Vic
Cc: Walker, Kay
Subject: RE: Amended Permit Application (DRAFT).

Hi, Vic.

I have reviewed the amended application and have a couple of things that need addressed.

1. The amount of water for irrigation purposes. You have used 4.0 cfs but only show 160 acres. $160 \times 0.02 = 3.2$ cfs is the maximum we can allow unless you have justification for an excessive amount of water. The volume you have shown might be a limiter in the future. $160 \text{ acres} \times 4.5 \text{ afa} = 720 \text{ af per year}$.
2. The place of use for the 160 acres of irrigation is not consistent with the map. You have identified the SWNW, SENW, NESW, NWSW, Sec. 14. The place of use outline does not include the SWNW OR SENW, Sec. 14. The "40"s shown are all within the SW1/4, Sec. 14. You either need to fix the map or the place of use for these 40 acre tracts.
3. The industrial place of use matches your permit 63-33207 except you have omitted the N1/2SE1/4 of Sec. 14. Those 40's are included on your map so I would imagine you want to include them.
4. We will need to have a water bearing zone listed so we can include that in our advertisement.

I hope this quick review helps. If you have questions I will be out this afternoon but back in first thing in the morning.
Thanks, Kay

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Monday, June 22, 2015 12:11 PM
To: Walker, Kay
Subject: Amended Permit Application (DRAFT).

Kay,

I revised the permit application to reduce the volume of water for industrial purposes and added an irrigation component. The irrigation will occur on land owned by Tom Nicholson. I will pursue a letter of consent from Tom allowing Simplot to identify this land – however, I am hoping you could take a look at this and make any comments or corrections before I provide him with a copy of the amendment. (it looks like I spelled "irrigation" wrong on the map). I am not asking for you to pre-determine the outcome of the application – only asking if you see anything that you would like changed before we submit it.

Walker, Kay

From: Walker, Kay
Sent: Thursday, March 26, 2015 8:55 AM
To: Vic Conrad
Cc: Walker, Kay
Subject: Amended Page 2 of Application 63-34038

Hi, Vic!

I received the amended page 2 of the above application in the mail yesterday. I was wondering if you had kept a copy and if so, could you please sign it where indicated and send me another copy? It would make the file cleaner if we had a signed copy of that page for our file.

Thanks for your help in this matter!

Kay Walker

Sr. Water Resource Agent

334-2190

MAR 25 2015

WATER RESOURCES
WESTERN REGION

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	11															Ind	Ind	
		12					Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind		Ind	Ind	Ind	
		13	Ind	Ind	Ind	Ind	Ind	Ind							Ind				
		14	Ind	Ind	Ind	Ind									Ind	Ind			
1N	2E	6										Ind	Ind						

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Water from the industrial meat processing and packing facility to be located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N, R.2E will be land applied and used to raise crops irrigated on the balance of the place of use described above.

- 10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

There are 4 points of diversion identified above to provide the flexibility to locate 3 wells. Water will be used in the meat packing and processing facility to be constructed within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N R.2E. Water will be discharged from the facility then land applied on irrigated farm land. Water for irrigation of the farm land will be diverted under IDWR permit nos. 63-33296 and 63-32680. The target water bearing zone is between 400 and 500 feet below land surface.

- 12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
- 13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 $\frac{1}{2}$ " x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant _____

Signature of Applicant _____

Print Name (and title, if applicable) _____

Print Name (and title, if applicable) _____

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ Receipt No. _____ Date _____



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

RECEIVED

MAR 25 2015

WATER RESOURCES
WESTERN REGION

March 23, 2015

Kay Walker
Sr. Water Resource Agent
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: IDWR Application No. 63-34038; Amended Page 2.

Dear Kay:

In response to your letter dated March 17, 2015, I am enclosing an amended and correct page 2 of the application. The map included with the original application is correct. I amended the land list on page two of the application to conform to the place of use shown on the original map.

At this time our target water bearing zone is 400 ft. to 550 ft. below land surface. I included this reference on question #11 on the amended page two attached.

Thank you for identifying the omitted places of use contained on the original application. Should you need any additional information to proceed with the advertising of the application, please contact me.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	12					Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind	Ind		
		13	Ind	Ind	Ind	Ind									Ind				
		14	Ind	Ind	Ind	Ind													
1N	2E	6									Ind	Ind							

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Water from the industrial meat processing and packing facility to be located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N, R.2E will be land applied and used to raise crops irrigated on the balance of the place of use identified above.

- 10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

There are 4 points of diversion identified above to provide the flexibility to locate 3 wells. Water will be used in the meat packing and processing facility to be constructed within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N R.2E. Water will be discharged from the facility then land applied on irrigated farm land. Water for irrigation of the farm land will be diverted under IDWR Permit nos. 63-33296 and 63-32680.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 $\frac{1}{2}$ " x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

J. R. Simplot Company

Signature of Applicant David Spurling, Senior Vice President, Secretary and General Counsel

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Received by AS Date 2/6/15 Time 11:55AM Preliminary check by KW
 Fee \$ 850⁰⁰ Received by AS Receipt No. W042802 Date 2/6/15

Replaced by 2nd page rec'd 3/26/15 -



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 17, 2015

J R SIMPLOT COMPANY
ATTN: VIC CONRAD
PO BOX 27
BOISE ID 83707

RE: Application for Permit No. 63-34038

Dear Vic:

We are in receipt of the above referenced application for permit submitted on February 6, 2015. In an initial review of the application we find we need some corrections to the form, or the map, before we can go any further.

The place of use listed on the application does not agree with the map. The land list is missing the S1/2SE1/4, Sec. 11; the N1/2NW1/4, Sec. 13; and the N1/2SE1/4, Sec. 14; Twp. 1N, Rge. 1E. Please review this discrepancy and amend the application if the map is correct. If the land list is correct and the map is in error, you may just need to correct and resubmit the map for this proposal. We also need to have the water bearing zone listed on the application somewhere. I have included a copy of your original application for your convenience.

You submitted a filing fee of \$850.00 for this application. However, the filing fee for 4.0 cfs is only \$370.00. We will request a refund of \$480.00 be returned to you. The refund will be coming from the State Auditor's Office under separate cover.

Please let us know how you wish to proceed with the place of use under this proposal for application processing to continue. We will be sending additional correspondence regarding the South Ada County Ground Water Area after we get the application corrected. Thank you for your attention to this matter.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

MEMORANDUM

TO: Sascha Marston

FROM: Kay Walker *Kay*

DATE: March 17, 2015

RE : **Refund**

COPY

J. R. Simplot Company paid \$ 850.00 for an Application for Permit on February 6, 2015. The application only requires of fee of \$370.00. A partial refund should be issued.

Please issue a \$480.00 refund as follows:

TO

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

TEL. (208)336-2100

RECEIPT

W042802, copy attached

Copy: 63-34038



CORPORATE HEADQUARTERS

RECEIVED

FEB 06 2015

WATER RESOURCES
WESTERN REGION

February 4, 2015

Steve Lester
State of Idaho
Department of Water Resources
2375 Airport Way
Boise, Idaho 83705-5082

Re: Application for New Water Right Permit.

Dear Steve:

Enclosed for filing is a new application for water right permit. This permit application seeks the appropriation of groundwater that will be used in a new meat processing facility to be constructed south of the intersection of Kuna Mora and South Cole Roads. Water use in the new facility will be non-consumptive then discharged to a land application site located south of the Union Pacific Railroad. The industrial effluent will be used in combination with water diverted under IDWR Permit Nos. 63-33296 and 63-32680 to irrigate crops raised on the land application site.

Please apply the enclosed \$850.00 check to cover your fee for filing the enclosed permit application.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure