

Ap. # 79992

RECEIVED

APR 03 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

WATER RESOURCES
WESTERN REGION

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) J. R. Simplot Company Phone (208) 336-2110

Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address P. O. Box 27, Boise, Idaho 83707 City Boise

State Idaho Zip 83707 Email: _____

I am the owner of Water Appropriation Permit No. 63-33207 and request that the permit be amended as follows:

- ☒ Change point of diversion ☐ Add point of diversion ☐ Change period of use
☒ Change nature of use ☒ Change place of use ☐ Other _____

1. Point of diversion: ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
								See Exhibit A	

2. Period and nature of use: ☐ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount 3/ 900 for Industrial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: ☐ No changes to place of use. Skip item #3 and proceed to #4.

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 _____

4. **Property ownership:** ☐ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.

- 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:
- _____
- _____
- _____

5. **Describe the proposed change in narrative form:**

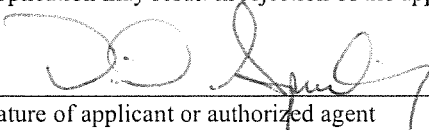
Permit No. 63-33207 will be modified from an irrigation use to an industrial use for a meat processing and packing facility. Water discharged from the meat packing facility will be land applied. The meat processing facility will be located within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N R.2E, B.M. The balance of the above referenced place of use will be the location where water discharged from the plant will be land applied. The points of diversion located within Gov't Lots 6 and 7 in T.1N, R.2E described above are to provide the flexibility for the construction of up to 3 wells. The applicant intends to construct two wells within Gov't Lot 7 and one well within Gov't Lot 6.

6. **Map:** ☒ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. **Signature:**

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

 David Spurling, Senior Vice President, 30 March 2015
Signature of applicant or authorized agent Print name (and title, if applicable) Date

Signature of applicant or authorized agent Secretary and General Counsel
Print name (and title, if applicable) Date

FOR DEPARTMENT USE ONLY

Received by  Date 4/3/15
Received by  Date 4/3/15
Reviewed by  Date 4/20/15

Receipt No. W042983

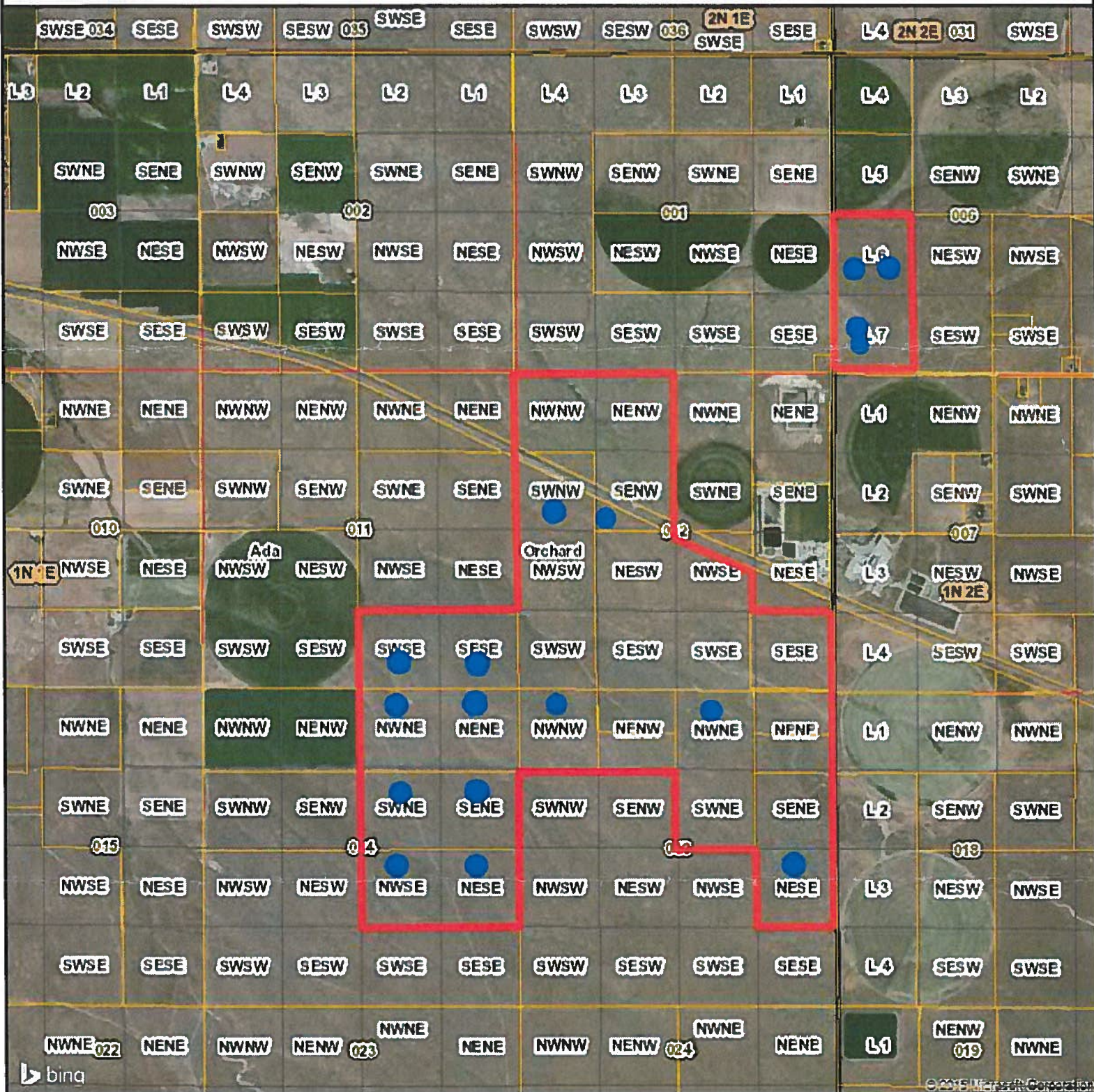
Exhibit A

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.

Revised April 23, 2015
 Oil Control



Map Notes: Red Outline: Place of Industrial Use

Blue Dots: Points of Diversion

Revised April 23, 2015
D. C. C.

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, May 01, 2015 9:34 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Categories: Legal Ad Confirmed

Good Morning Janice Hildreth,

Please see the attached ad for publication on 5/7/15 & 5/14/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Water Resource Agent
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

May 1, 2015

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

RE: Application for Permit No. 63-34048
Application for Amendment No. 63-33207

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 5/26/2015. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34048

DEAN SNYDER

3199 S SELATIR PL

MERIDIAN, ID 83642

Point of Diversion NWNE S28 T03N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 3/6/2015

Place of Use: IRRIGATION

T03N R01E S28 NWNE

Total Acres: 4

Water bearing zone to be appropriated is from 55 to 200 feet.

PROPOSED AMENDMENT OF WATER PERMIT

J R Simplot Company of PO Box 27, Boise, ID, 83707, filed Application No. **79992** to amend a water permit with a 2010 priority from ground water totaling 3.0 cfs for irrigation use. The permit provides irrigation water for property located on the south side of W Thompson Rd. and 1 mile east of South Pleasant Valley Rd. The applicant proposes to amend the permit to change the nature of use to industrial use for a meat processing plant, change the season of use, change the points of diversion, and change the place of use to lands south of Kuna Mora Rd., approximately 2 miles east of Pleasant Valley Rd., and 1.5 miles west of South Cloverdale Rd.

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 rights or proposed amendment, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application 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 5/26/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/7/2015 and 5/14/2015

PROPOSED AMENDMENT OF WATER PERMIT

J R Simplot Company of PO Box 27, Boise, ID, 83707, filed Application No. 79992 to amend a water permit with a 2010 priority from ground water totaling 3.0 cfs for irrigation use. The permit provides irrigation water for property located on the south side of W Thompson Rd. and 1 mile east of South Pleasant Valley Rd. The applicant proposes to amend the permit to change the nature of use to industrial use for a meat processing plant, change the season of use, change the points of diversion, and change the place of use to lands south of Kuna Mora Rd., approximately 2 miles east of Pleasant Valley Rd., and 1.5 miles west of South Cloverdale Rd.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the permit and the proposed amendment. Protests may be submitted based on the criteria of Sec 42-211, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before <date>. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on < dates >

Walker, Kay

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Friday, April 24, 2015 1:19 PM
To: Grimm, Angie
Cc: Peppersack, Jeff; Walker, Kay
Subject: RE: Amendment of Permit 63-33207

Awesome Angie. Thank you!

From: Grimm, Angie [mailto:Angie.Grimm@idwr.idaho.gov]
Sent: Friday, April 24, 2015 12:52 PM
To: Conrad, Vic
Cc: Peppersack, Jeff; Walker, Kay
Subject: RE: Amendment of Permit 63-33207

Vic,

After speaking with Kay, it appears the application is in order and we should be able to advertise this next round. The notice will appear in the paper the first two weeks of May (Ada Co. is a Thurs paper so notice will be 5/7 & 5/14) with a protest deadline date of May 26th (May 25th is a holiday). Please let me know if you have any questions on this.

Angie

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Friday, April 24, 2015 10:37 AM
To: Peppersack, Jeff; Walker, Kay
Cc: Grimm, Angie
Subject: RE: Amendment of Permit 63-33207

Angie,

Assuming we stay on track, can you give me the dates this would advertise. I need to let folks here know.

I want to thank each of you for helping with expediting the advertising of this. I know your workloads are very heavy; and just wanted to let you know how much we appreciate your help.

Thank you.

From: Conrad, Vic
Sent: Friday, April 24, 2015 9:57 AM
To: 'Peppersack, Jeff'; Walker, Kay
Cc: Grimm, Angie
Subject: RE: Amendment of Permit 63-33207

Jeff,

I cannot afford to get bogged-down on this issue. In the interests of preserving our advertising schedule let's proceed as you propose. We may need to revisit our pending application for a new permit as a follow-up. For now, let's proceed with your plan. Thank you.

From: Peppersack, Jeff [mailto:Jeff.Peppersack@idwr.idaho.gov]
Sent: Friday, April 24, 2015 9:37 AM

To: Conrad, Vic; Walker, Kay
Cc: Grimm, Angie
Subject: RE: Amendment of Permit 63-33207

Vic,
I understand that modern irrigation systems and practices also strive to conserve water. For land application systems, our policy based on our understanding of land application requirements, is to consider land application to be 100% consumptive with no losses. This is often accomplished by under-irrigating to ensure no runoff or deep percolation. For normal irrigation, a pivot system can attain efficiencies toward 90%. That means there are at least 10% losses – necessary to fully irrigate the crop and avoid crop stress. If you want consideration for something other than the consumptive use limit in your amendment to industrial use, you'll need to provide a detailed analysis of the comparisons between the consumptive use for irrigation vs the consumptive use for industrial, including land application. As a starting point, I looked up the net irrigation requirement (precipitation deficit) for the area for alfalfa using the ET Idaho website. The requirement for the Kuna area is 3.4 acre feet per acre. That compares pretty closely to our standard at 3.5 acre-feet per acre. If land application is required to fully consume the water, then the maximum that could be authorized would be our standard consumptive use value at 3.5 acre-feet per acre. If you want to justify losses in your land application system at something other than 0%, we'd be happy to review an analysis, but it seems any losses would be contrary to land application requirements.

I'd be happy to discuss further. Give me a call if you like – I'm at Western Region today.

Jeff

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Thursday, April 23, 2015 10:19 AM
To: Peppersack, Jeff; Walker, Kay
Cc: Grimm, Angie
Subject: RE: Amendment of Permit 63-33207

Jeff,
You are correct. The ultimate objective of any land application system is to manage the application of nutrients so they are used by the crop and to prevent runoff. These are also the same objectives we use in farming land that is not involved in a land application system. If we apply too much water or nutrients that migrate below the root zone, we are losing money.

From: Peppersack, Jeff [<mailto:Jeff.Peppersack@idwr.idaho.gov>]
Sent: Thursday, April 23, 2015 9:36 AM
To: Conrad, Vic; Walker, Kay
Cc: Grimm, Angie
Subject: RE: Amendment of Permit 63-33207

Vic,
I guess it depends on the final disposition of the water at the end of the process. Our current understanding of land application use is that it is a form of wastewater treatment (that's why we include it as part of the industrial use instead of calling it irrigation). In most land application processes, it is understood that water cannot return to the public supply – it must be fully consumed by the crop. That would mean it must be carefully applied to ensure no deep percolation below the root zone and no runoff. We have understood that to be a water quality requirement. With this in mind, it would be different than application of water for irrigation where a percentage returns to the public supply. Can you clarify the requirements so we can determine if a limitation based on consumptive use is appropriate?

Jeff

From: Conrad, Vic [<mailto:Vic.Conrad@simplot.com>]
Sent: Thursday, April 23, 2015 8:29 AM
To: Walker, Kay
Cc: Peppersack, Jeff; Grimm, Angie
Subject: RE: Amendment of Permit 63-33207

Thank you Kay. I will look into the errors on the application and have a revision to the application for you today.

Question on the volume. The ultimate use of the water is land application (irrigation). The plant use is non-consumptive. After water leaves the plant, the water is treated and applied to land to raise crops. The practical effect of the system is that we are simply extending the route that the water takes to reach the field by running it through a plant first. The ultimate use is for irrigating crop land. Applying the water in the winter builds water storage in the root zone (again, for the purpose of raising a crop).

I prefer maintaining the full volume under the permit (900 acre feet); due to the fact that our ultimate use is for irrigating crop land. If we need to put a condition on the permit limiting the permit to 700 acre feet should the industrial use and land application change; this would be fine. Limiting the permit to 700 acre feet out of the gate under these circumstances seems like an inappropriate treatment of the annual volume when taking into consideration the intended use. Please let me know your thoughts on this.

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Wednesday, April 22, 2015 1:09 PM
To: Conrad, Vic
Cc: Walker, Kay
Subject: Amendment of Permit 63-33207

Hi, Vic!

I just put the attached letter and copy of your application for amendment of the above permit in the U.S. Postal Service mail. Angie asked that I also e-mail these to you since we are trying to expedite the application for you. If you have any questions, feel free to contact us.

Kay Walker
334-2190

Walker, Kay

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Thursday, April 23, 2015 2:42 PM
To: Walker, Kay
Subject: April 23, 2015 Revisions to Map and Exhibit A.
Attachments: April 23, 2015 Revisions to Map and Exhibit A.pdf

Kay,
Attached is as a map that contains the corrected place of industrial use. The small notch in the NESE of Section 12 is not owned by Simplot, consequently I removed it from the place of use (good catch!).

After receiving your comments on the list of points of diversion contained on Exhibit A, I discovered that the points of diversion described under IDWR Permit No. 63-33296 were inadvertently omitted. The attached revision updates the point of diversion list to identify the new points of diversion proposed in Section 6, together with all of the previous points of diversion authorized under IDWR Permit nos. 63-32680 and 63-33296 (pods in sections 11, 12, 13 and 14). I will place the originals of the attached in the mail to you this afternoon.

Please replace the map and Exhibit A included with the original application with the originals once you receive them. Should you have any additional comments or questions, please call.

Thank you,
Vic
389-7359

Exhibit A

Points of Diversion (All in Ada County, Idaho)

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

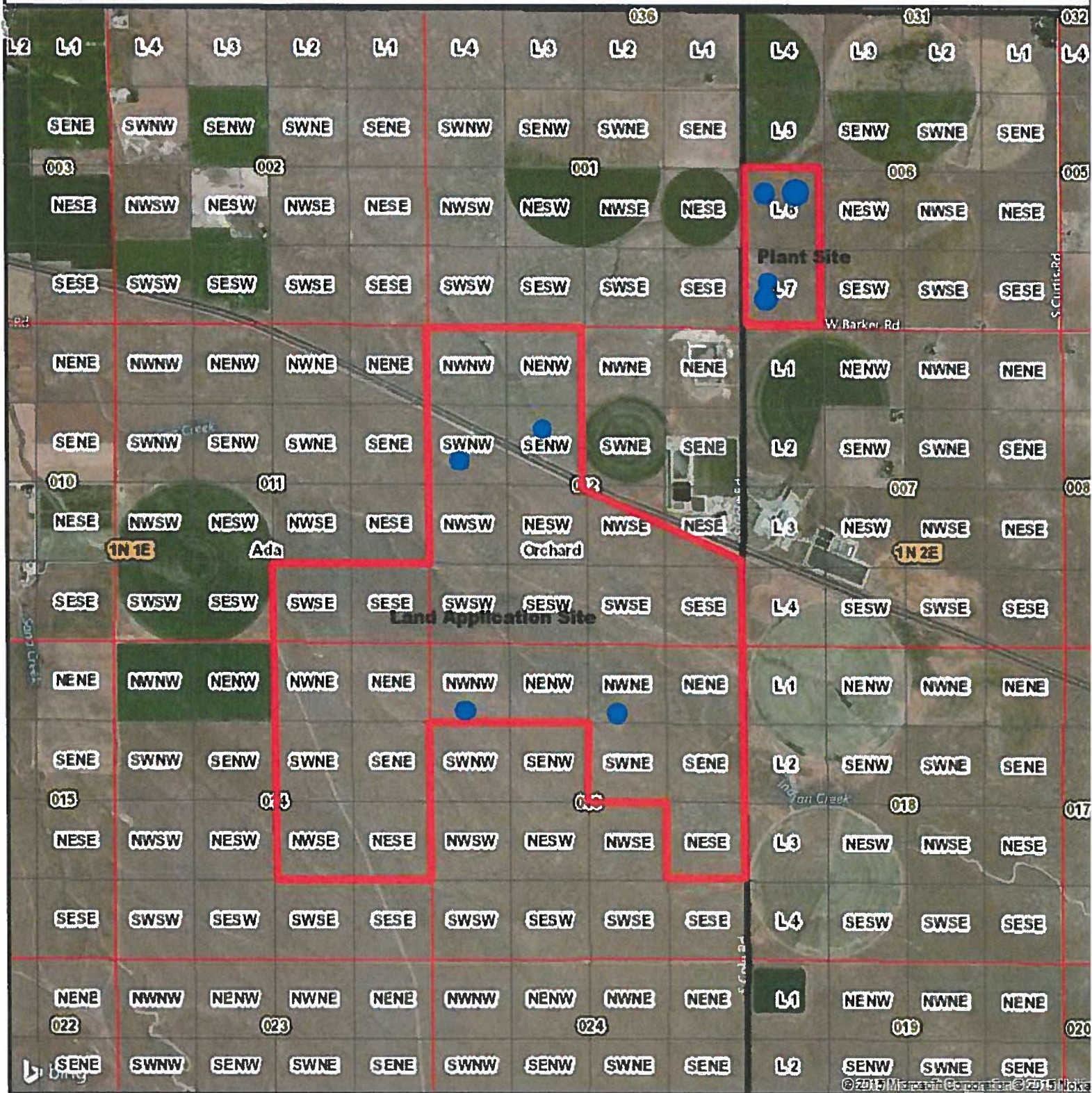
Replaced by Exhibit A rec'd 4/23/15

Exhibit A

Points of Diversion (All in Ada County, Idaho)

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

Replaced by Exhibit A rec'd 4/23/15



Map Notes: Red Outline = Place of Industrial Use

Blue Dots = Points of Diversion

Replaced by map rec'd 4/23/15

Walker, Kay

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Wednesday, April 22, 2015 3:34 PM
To: Walker, Kay
Subject: RE: Amendment of Permit 63-33207

This water bearing zone fits fine.

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Wednesday, April 22, 2015 1:56 PM
To: Conrad, Vic
Cc: Walker, Kay
Subject: Amendment of Permit 63-33207

Hi, Vic!

I just had a discussion with Angie about the water bearing zone under the above permit. The permit was issued with this condition: *Water bearing zone to be appropriated is from 300 to 480 feet.* If this zone does not meet your needs you may want to apply for a different water bearing zone when you revise the amendment application by adding the remark to the application form or maybe on the Exhibit A, showing the locations of the proposed points of diversion. If you have questions concerning this, feel free to contact us.

Thanks,
Kay Walker
334-2190

Walker, Kay

From: Walker, Kay
Sent: Wednesday, April 22, 2015 1:09 PM
To: Vic Conrad
Cc: Walker, Kay
Subject: Amendment of Permit 63-33207
Attachments: Simplot letter.pdf; Amendment Application.pdf

Hi, Vic!

I just put the attached letter and copy of your application for amendment of the above permit in the U.S. Postal Service mail. Angie asked that I also e-mail these to you since we are trying to expedite the application for you. If you have any questions, feel free to contact us.

Kay Walker
334-2190



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

April 22, 2015

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

RE: Application for Amendment of Permit 63-33207

Dear Vic:

We are in the process of reviewing the above application, to prepare it for advertising, and find we need a few corrections to the form or the map, whichever is correct. I have included a copy of the application, as submitted, for your convenience.

The map shows 8 points of diversion. There is no point of diversion on the map in the NESE, Sec. 13, T1N, R1E, as shown on the Exhibit A's (listing of points of diversion) to the form. We received 2 Exhibit A's which are not the same. One of them has 1 point of diversion in both Lots 6 and 7, Sec. 6, T1N, R2E. The second Exhibit A shows 2 points of diversion in each Lot 6 and Lot 7. I guess I need to know which "Exhibit A" to use. The first list does not include 2 points of diversion in Lot 7, Sec. 6 as your remark states. The second includes 2 points in each of the lots which is not consistent with your remarks. I also notice on the map of land application site, you have included the area south of road in NESE, Sec. 12, T1N, R1E, but did not include this location on the land list.

Based on the assumption all water diverted under this permit will be land applied (fully consumptive), the amount of water you have indicated on the form is more than this permit can provide. The consumptive use standard for this area is 3.5 acre feet (af) per acre. We would be able to recognize 200 acres at 3.5 af per acre which would be 700 acre feet for a total volume, rather than 900 af as you have implied on the face of the application. The 700 acre feet is the maximum allowable if all of the industrial waste water is land applied. If all of the industrial waste water is not land applied, the volume amount could be more than 700 acre feet, but additional information must be supplied describing the intended non-consumptive use proposed.

Please make corrections as described above and return to our office for processing. Feel free to contact me if you have any questions in regard to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kay". The signature is stylized with a large, looped "K" and a cursive "ay".

KAY WALKER
Sr. Water Resource Agent

Enclosure

Grimm, Angie

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Friday, April 17, 2015 8:23 AM
To: Grimm, Angie
Subject: IDWR Water Right Permit No. 63-33207.

Angie:

As a follow-up to our conversation, should the IDWR decide that the application to amend permit no. 63-33207 be advertised, we need this to occur as soon as possible. We are in the midst of land use and building permitting with Ada County, air permitting with DEQ and land application permitting with DEQ for the construction of a new beef processing facility. Should we achieve our intended schedule, we hope begin construction in June, 2015. This plant is a substantial investment and will employ approximately 600 people after construction.

This permit will become the water right that is used to run the new plant. The advertising of our amendment (should the IDWR chooses to advertise) is urgent so we can learn of any concerns about the amendment prior to construction. Please let me know if there is anything we can do to assist. We need this amendment advertised as soon as possible so we can be confident this permit will be a reliable source of water for our major investment.



CORPORATE HEADQUARTERS

RECEIVED

APR 03 2015

WATER RESOURCES
WESTERN REGION

March 31, 2015

Jeff Peppersack
Chief, Water Allocation Bureau
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application to Amend IDWR Permit No. 63-33207.

Dear Jeff:

The enclosed application requests the approval of the IDWR to amend the permitted use from irrigation to industrial. The industrial use is for a new meat processing and packing facility that will be constructed within the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6 T.1N R.2E, B.M., Ada County, Idaho. Water discharged from the new plant will be land applied on irrigated farm land shown on the balance of the proposed place of use.

The enclosed application contains 4 points of diversion described in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 6. Ultimately we will need at least 2 wells to provide redundancy for operating the new plant. 4 points of diversion are shown to provide the flexibility in developing these two wells.

The points of diversion identified within Sections 12 and 13 (T.1N R.1E) are the same points of diversion permitted under IDWR permit nos. 63-33296 and 63-32680. In the event we fail in the development of a reliable water supply from the points of diversion in Section 6, we will extend pipelines from the wells constructed under 63-33296 and 63-32680 to operate the plant in Section 6.

To the extent possible, we appreciate any efforts to accelerate the advertising of the enclosed application. Please use the enclosed \$100.00 check to cover your fee for filing the enclosed application.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure