



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

February 8, 2013

J R Simplot Company  
ATTN: Vic Conrad  
999 Main ST., Suite 1300  
Boise, ID 83707

**COPY**

RE: Water Right Permit No. 61-7743

Dear Mr. Conrad:

I have completed my review of water right 61-7743, and have submitted this permit for licensing. In a meeting with you on January 29<sup>th</sup>, 2013, I promised you that I would review the storage tank associated with the fire protection for water right 61-7743. I spoke with Shelley Keen concerning this issue and he pointed to the same statute, Idaho Code 42-201 Section 3, that I showed you to during our meeting. It is my understanding that the practice of the Department is that a fire protection use can only be used to fight an existing fire. It is also my understanding that you cannot use the 24 hour storage rule to allow minimal storage for fire protection, since you would only be able to store water when there was an existing fire, and you would need to use that storage water to extinguish that fire.

Unfortunately, I am not able to include the storage component in water right 61-7743, and I am not able find any water right that would allow you to store water for fire protection. I have forwarded a copy of this letter to our Water Compliance Bureau.

The licensing process does allow you file a petition of reconsideration to the license. You will have several opportunities to dispute my findings on this issue. I am sorry I could not authorize this storage, but I do not have the authority authorize the fire protection storage component.

Respectfully,

Daniel A. Nelson  
Staff Hydrologist

Cc Rob Whitney, Water Compliance Bureau