

RECEIVEDIdent. No. 72-16896**SEP 26 2012**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of applicant(s) J.R. Simplot Company Phone (208) 389-7359
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address: 999 Main Street, Suite 1300 City Boise
 State ID Zip 83707 Email: vic.conrad@simplot.com
2. Source of water supply Yankee Fork which is a tributary of Salmon River
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
12N	15E	29			NW	NE	Custer	Yankee Fork	Pond Series 3

4. Water will be used for the following purposes:

Amount 295 cfs for Fish Habitat, Recreation purposes from 1-1 to 12-31 (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) 295 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. See attachment 1.
- b. Height of storage dam N.A. feet; active reservoir capacity N.A. acre-feet; total reservoir capacity N.A. 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 N.A. inches; proposed depth of well is N.A. feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? N.A.; drilling firm N.A.;
 Well was drilled for (well owner) N.A.; Drilling Permit No. N.A.

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

- a. Hydropower; show total feet of head and proposed capacity in kW. N.A.
- b. Stockwatering; list number and kind of livestock. N.A.
- c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. N.A.
- d. Domestic; show number of households N.A.
- e. Other; describe fully. A variable amount of water up to 295 cfs will be diverted into a 1300' artificial side channel which will provide habitat for steelhead salmon and resident fish species, restoring and improving the Yankee Fork fisheries.

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. *** PER 9/28/2012 E-MAIL FROM VIC CONRAD**

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	15E	29		F,R	F,R											F,R			
				*															

Total number of acres to be irrigated: 0

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 Right No. 72-7404. The combined rate of diversion of these two rights will not be more than 300 cfs.

10. a. Who owns the property at the point of diversion? J.R. Simplot Co.

b. Who owns the land to be irrigated or place of use? J.R. Simplot Co., United States Dept. of Agriculture, Forest Service

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The U.S.F.S. is a cooperator on this project. See attachment.

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 diverted into a 1300' artificial side channel used for rearing habitat for anadromous (salmon and steelhead) and resident fish species. Increased habitat should increase both the number of anadromous fish in the Yankee Fork and fishing opportunities for both anadromous and resident fish species. This water use is to be non-consumptive--water will flow through the side channel and return to the Yankee Fork at the low end of the channel. Water use permitted under this application shall be subordinate to any existing or future appropriation.

12. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" 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: [Signature]
Signature of Applicant
Terry L. Uhling, 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 jreeder Date 9/27/12 Time _____ Preliminary check by _____
Fee \$ 4560.⁰⁰ Received by jreeder Receipt No. 5032821 Date 9/27/12

ATTACHMENT 1

Ident. No. 72-116894

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source.

The diversion structure for this water right will consist of an "Alcove and Nose" and an "Inlet Structure". The Alcove and Nose would provide low-velocity refuge for juvenile salmonids in the mainstem and a perennial surface water connection to the side channel via the Inlet Channel. The Alcove and Nose would be constructed of gravel and large rock/riprap along the left bank of the mainstem. The Alcove would be sloped at approximately 0.4 percent (adverse grade) from the toe of the mainstem bank at an elevation of 6,246.0 ft and constructed of gravel. The Nose would be a small wedge, impacting approximately 20 ft of the mainstem Yankee Fork; it would be completely submerged at the 2-year flow. The Alcove and Nose would function together to convey flow and juvenile salmonids into the artificial side channel and decrease the potential for sediment deposition in the Alcove.

The Inlet Structure would passively control flow into the artificial side channel and define the transition from the Alcove and Nose to the channel. The Inlet Structure would be constructed of sheet pile with a "notch" approximately 5.0 ft wide and 7.0 ft deep with side slopes of 1H:2V. The Inlet Structure would be embanked approximately 16 ft into the Reinforcement Berms and, in its entirety, span a distance of 44 ft, perpendicular to the flow.

As designed, this diversion structure will take a percentage of the available flow in the Yankee Fork. At a mainstem low flow (approximately 100 cfs), approximately 5 cfs would be routed from the mainstem through the side channel and back to the mainstem. (This 5 cfs represents the amount diverted pursuant to existing water right no. 72-7404 held by the J.R. Simplot Co.) At a mainstem 2-year flow (approximately 1,270 cfs), approximately 110 cfs (9 percent of the mainstem flow) would be routed into the side channel. At higher flows, approximately 5 to 10 percent of the mainstem flow would be routed through the side channel. For example, at a mainstem 50-year flow (approximately 3,300 cfs), approximately 300 cfs (9 percent of the mainstem flow) would be routed through the side channel.

Because there is no active control structure proposed for the project the amounts that will be diverted will be entirely opportunistic and dependent upon the available flows in the Yankee Fork, the following condition should be attached to this right:

This water right is subordinate to all future water rights diverting water from the Yankee Fork and surface and groundwater sources tributary to the Yankee Fork, unless otherwise indicated on the face of the individual water rights.

Yankee Fork Pond Series 3

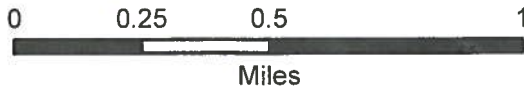


POD

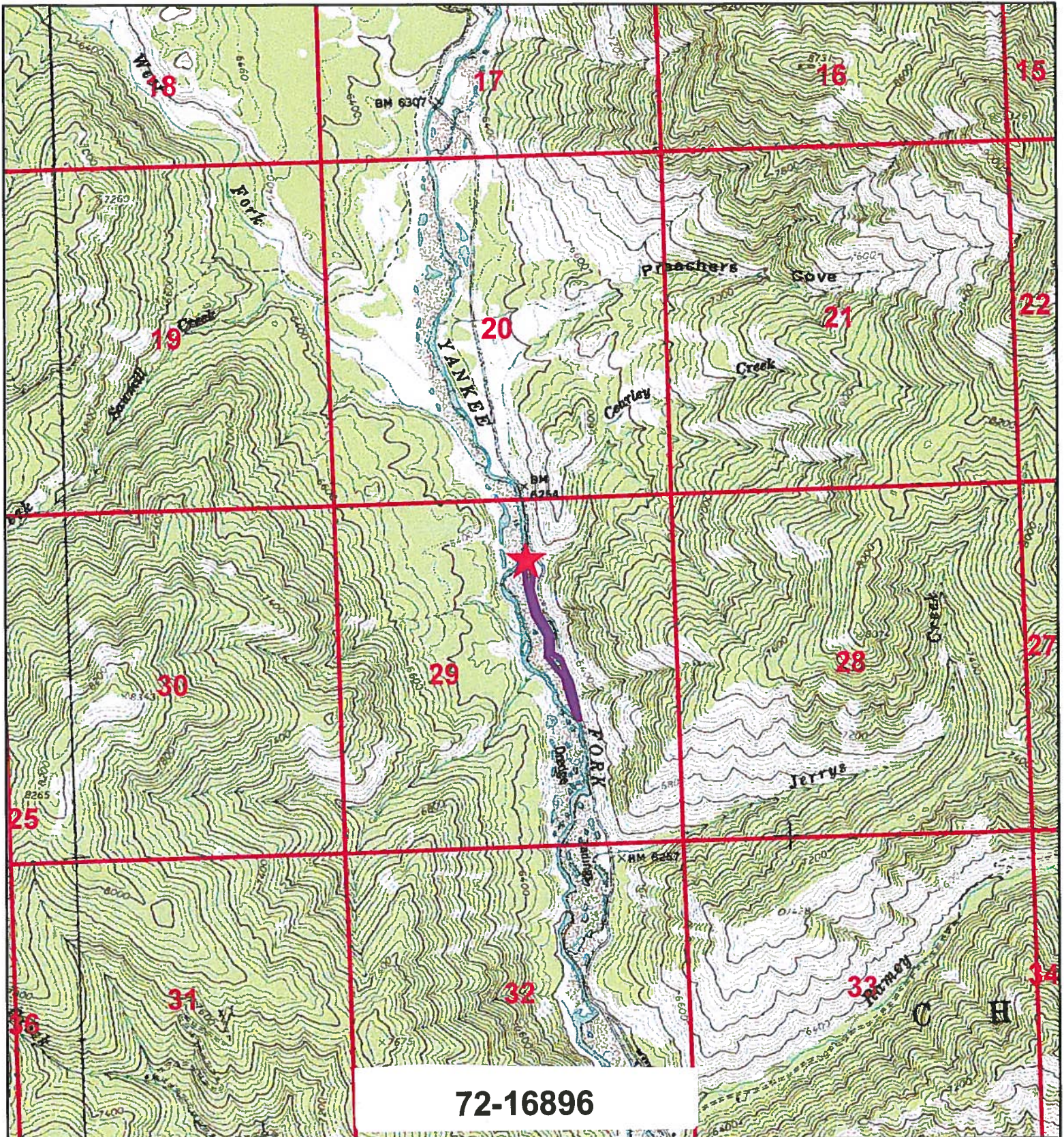


POU

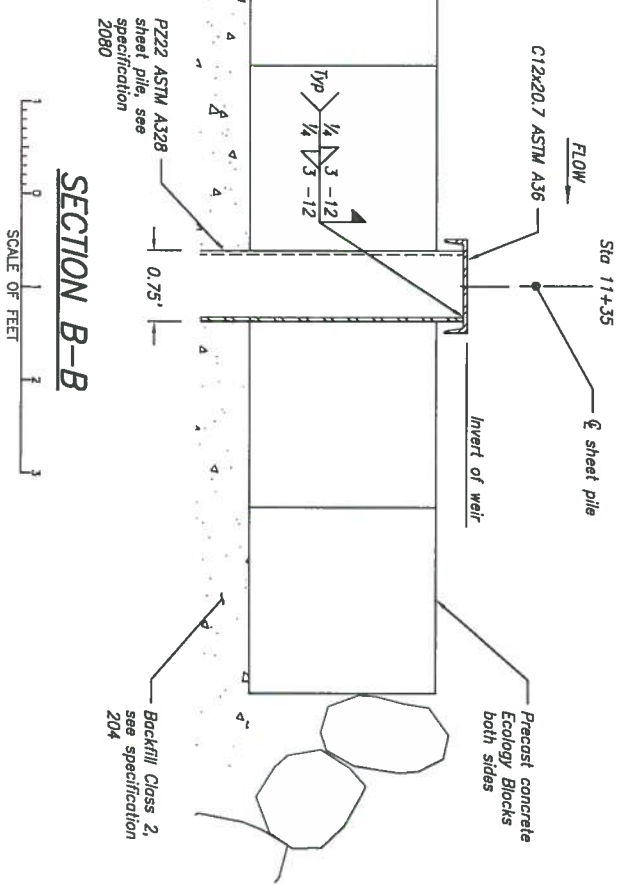
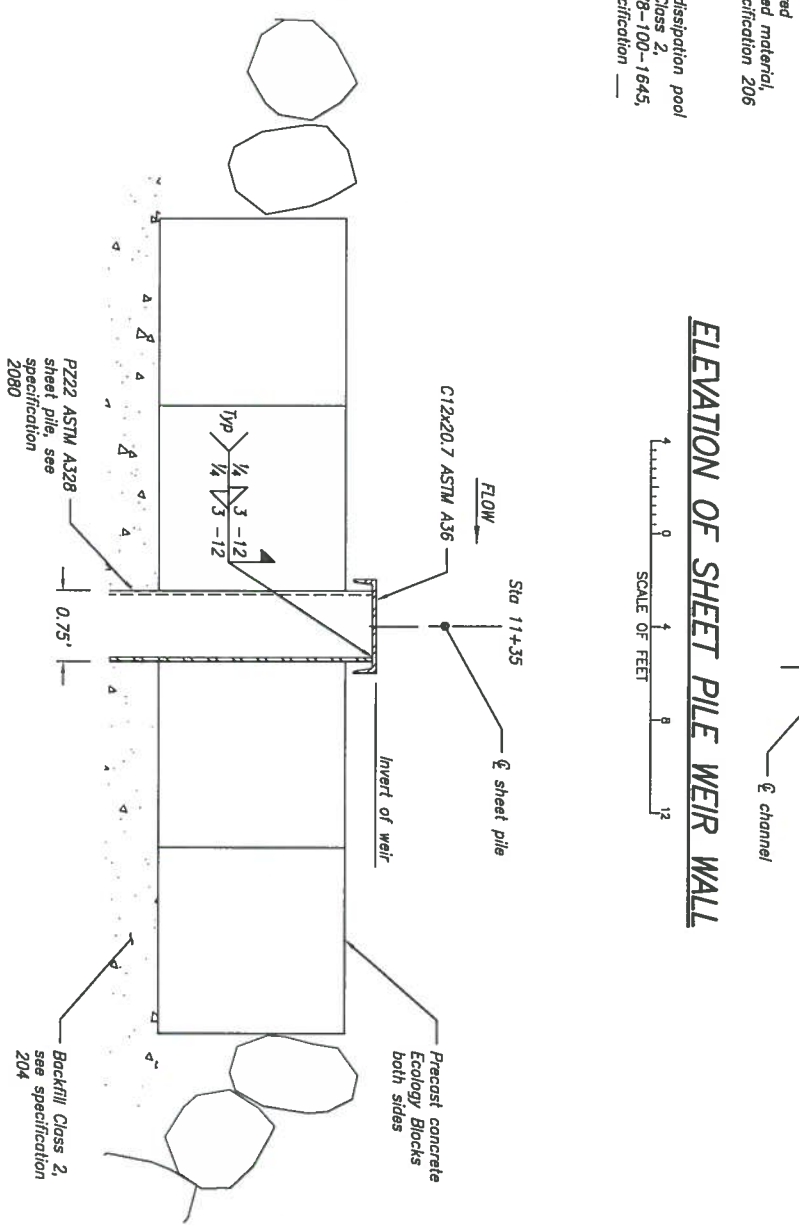
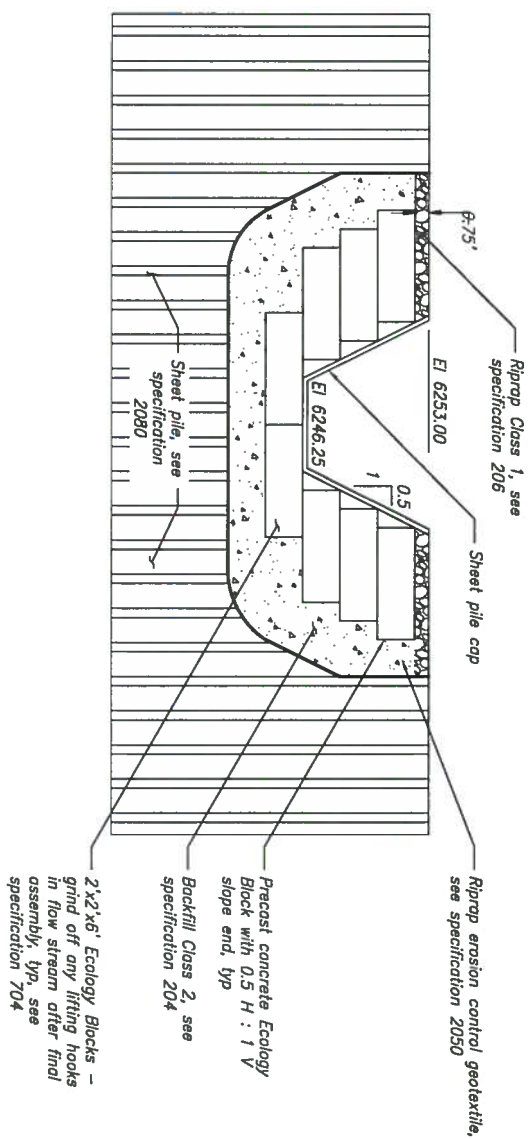
POU and POD - T 12 N, R 15 E, Section 29



1:24,000



72-16896



72-16896



CH2MHILL

J. YOUNG
DESIGNED
L. HANIS
DRAWN
S. CLAYTON, PROJECT MANAGER
CHECKED

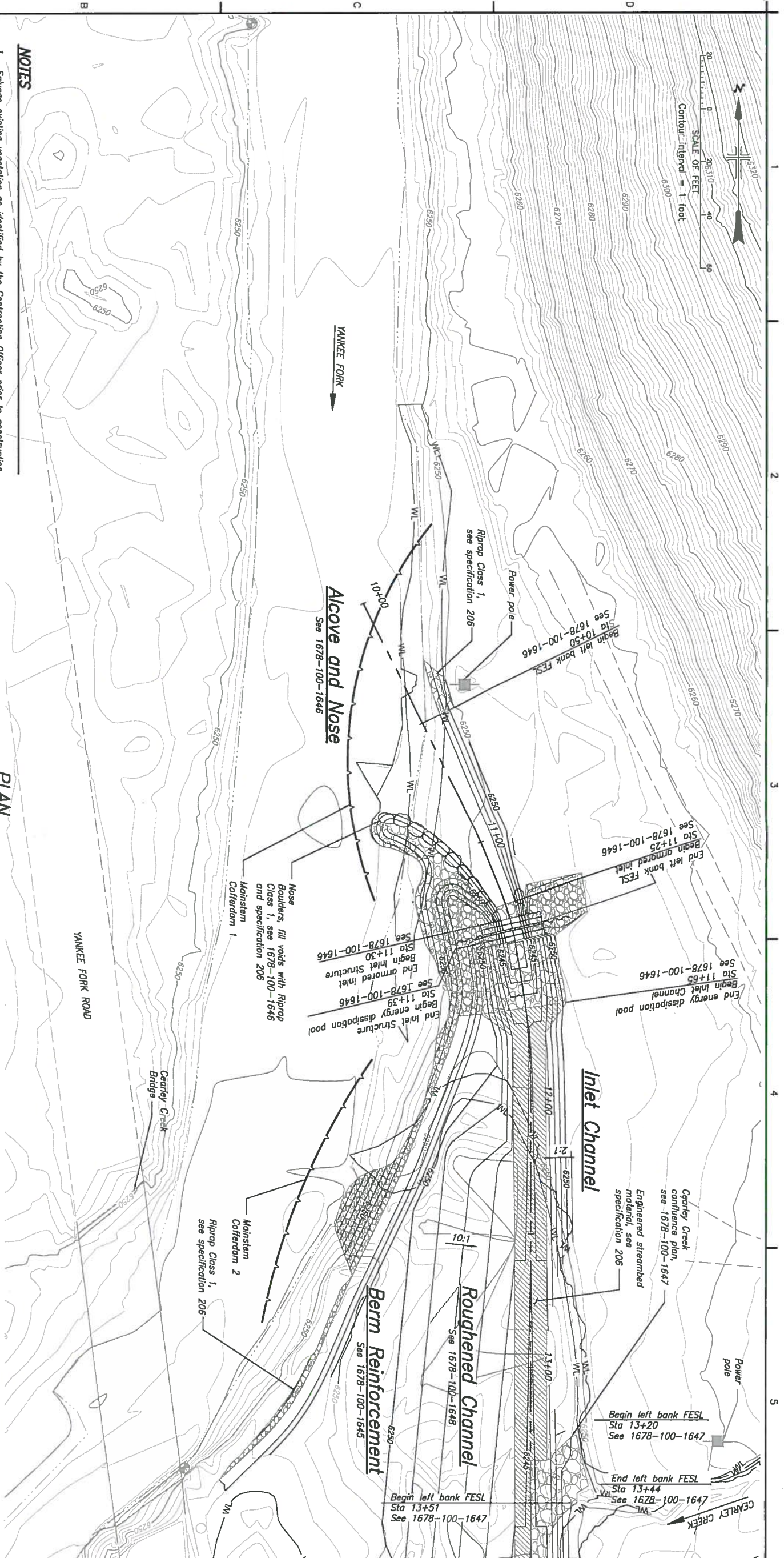
ALWAYS THINK SAFETY
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
COLUMBIA/SNAKE RIVER SALMON RECOVERY PROGRAM
FCRPS HABITAT IMPROVEMENT PROGRAM - IDAHO
UPPER SALMON RIVER BASIN
YANKEE FORK WATERSHED
PS3 SIDE CHANNEL

CONTRACTOR
APPROVED
NAME
DATE
BOISE, IDAHO 2012-06-15

AREA A PLAN
AND PROFILE

1678-100-1634

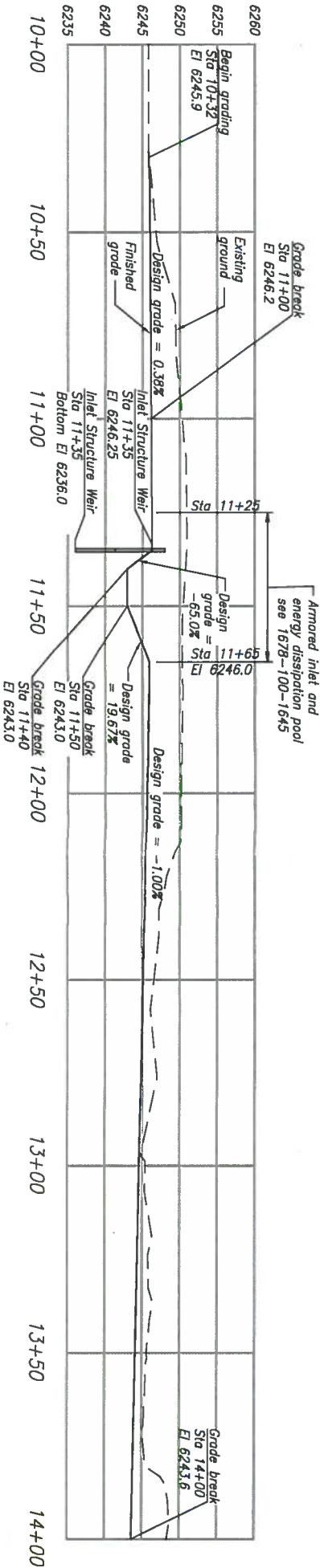
SHEET 6 OF 28



NOTES

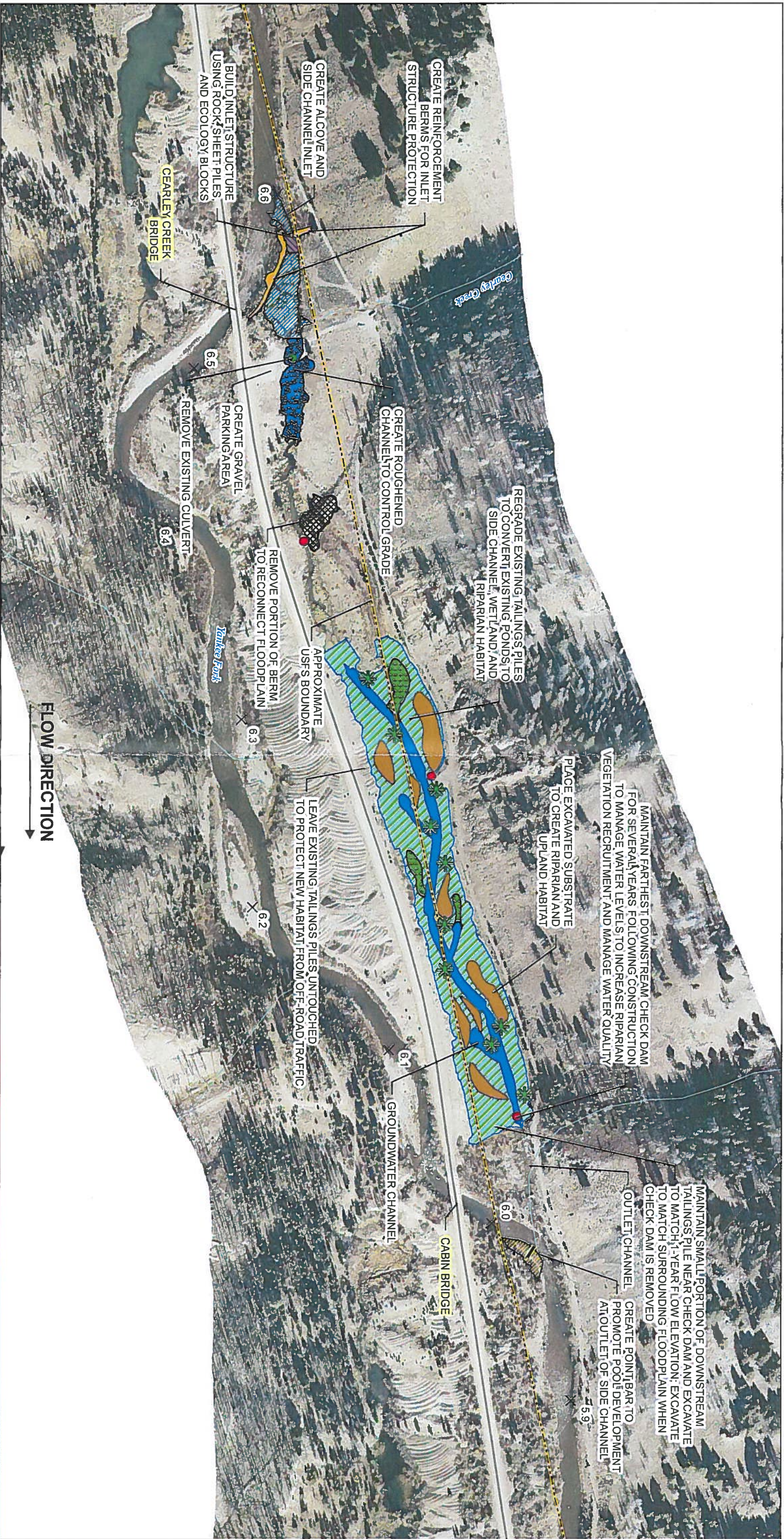
1. Salvage existing vegetation as identified by the Contracting Officer prior to construction.
2. Relocate salvaged vegetation to vegetation stockpile area G.
3. Stockpile all Pond Sediment required to construct project elements shown in the plans and which meet the Growth media specifications into stockpile areas E and F.

PLAN



ALCOVE AND INLET CHANNEL PROFILE

72-16896



BASE

Approximate USFS Boundary

Yankee Fork Road

Tributary Stream

DESIGN ELEMENTS

Removal of Existing Culvert

Removal of Existing Check Dam Structure

Rock Grade Control Structure

DESIGN ELEMENTS

Alcove, Nose, and Inlet Channel

Inlet Structure

Berm Reinforcement

Roughened Channel and Culvert Removal

Floodplain Embankment Removal

Side Channel

Floodplain

Depression Areas

Upland Areas

Point Bar near Outlet Channel Mouth

Wood Habitat Structures

Notes:

1. Ownership boundaries are approximate.
2. Side channel habitat structures constructed of wood and possibly rock to be incorporated following upcoming hydraulic and geomorphic analyses.
3. Strategically placed floodplain benches will be used to increase the natural recruitment potential for riparian species.
4. Supplemental riparian plantings will be incorporated as appropriate.

Source: Aerial (CH2M HILL 2007). Ownership Boundary (BLM 2008). Roads (StreetMap USA and USFS). Tributary (USGS). and Proposed Project Elements (CH2M HILL and Reclamation 2012).

Exhibit 1. PS3 Side Channel
Concept Design Elements
Basis of Design Report
Upper Salmon Subbasin
Yankee Fork Habitat Improvement Project

72-16896

CH2MHILL

Skinner, Corey

72-16896

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Friday, September 28, 2012 2:34 PM
To: Skinner, Corey
Cc: Peter Anderson
Subject: RE: Filing on Yankee Fork

Corey,

Please accept my thanks for checking to this before advertising. Yes, please add the NW¼NE¼ of Section 29 T. 12N R.15E to the proposed place of use.

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Thursday, September 27, 2012 11:59 AM
To: Conrad, Vic
Subject: Filing on Yankee Fork

Vic,

We are reviewing the recent filing that the JR Simplot Co made for the 295 cfs on the Yankee Fork. It appears that the NWNE of Section 9 was left off of the place of use description (item # 8 on the application). If this is correct, could you send an e-mail requesting that the NWNE of Section 9 (T12N, R15E) be added to the place of use description (item # 8 on the application) as reflected on the map that accompanied the application?

Thanks,

Corey Skinner

RECEIVED

SEP 28 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

(via e-mail)

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION OF WATERMASTER

Application for Permit No 72-16896
Applicant's Name: J R SIMPLOT CO
999 MAIN ST STE 1300
BOISE ID 83707

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:
c) ☐ I oppose approval of this application for the following reasons:
d) ☒ Additional Comment:

Given that this diversion is nonconsumptive, benefits from the subordination of the W&S rights, and will be conditioned to be subordinated to future uses, I advocate approving this application without a requirement for measurement and control.

Dated this 28th day of September, 2012

Water District No: 170



Watermaster's Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 28, 2012

J R SIMPLOT COMPANY
C/O VIC CONRAD
999 MAIN ST, STE 1300
BOISE, ID 83707

Re: Application For Permit No. 72-16896

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

Further review of your Application for Permit which proposes diversion of 5.0 cfs or more reveals that additional information is required to be made part of the application file pursuant to Idaho Code provisions and the department's Rules and Regulations for Water Appropriation. The attached sheets give details regarding the information which is requested.

Failure to supply the requested information within 30 days from the date of this letter could result in a regional recommendation that the application be declared void, null, and of no further consideration by the Department.

A legal notice of the application has been prepared and is scheduled for publication in the **CHALLIS MESSENGER, IDAHO STATESMAN, LEWISTON TRIBUNE, POST-REGISTER, TIMES NEWS** on **10/4/2012 and 10/11/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 22, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

GUIDELINE FOR SUBMITTING ADDITIONAL INFORMATION

This outline is intended to assist you with providing the additional information required under Rule 40 of the Department of Water Resources and Idaho Code, Section 42-203A(5)(a) which may help answer questions as to the type of information you should submit. The outline below follows the same order as the attached rules. Please take the time to review the outline. Much of the information requested under Rule 40 may already be available to you. Gathering the necessary information may be of benefit to you in planning the proposed development.

Rule 040.05.c and Idaho Code, Section 42-203A(5)(a) Information relative to effects on existing rights:

i. If diverting from a surface water source with 5 or fewer existing users, submit the water right numbers held by those users if available.

If not available, submit the names and addresses of those users and describe the location of their diversions and types of use associated with those diversions.

ii. If you are diverting from a groundwater source, submit a map locating your proposed well and all other wells within a 1/2 mile radius of your well. It would be helpful to describe the use from those wells (i.e.; domestic, irrigation etc.). You are not required to submit a map if there are no wells within the 1/2 mile radius, but you should indicate if there are no existing wells within that radius, if that indeed is the case.

iii. This rule seeks general information about the type of irrigation system you intend to install and how the project may affect other users. If you feel your proposed project will not affect other users, then explain why. You may describe any techniques or equipment you intend to employ which may reduce impacts on other water rights or promote water conservation.

Rule 040.05.d and Idaho Code, Section 42-203A(5)(b) Information relative to sufficiency of water supply:

i. Provide projections for your peak and average water demands. While your well or diversion may not yet be completed, you should be able to estimate project demand based on size of project (or number of acres irrigated), type or texture of local soils, type of crops grown, and type of irrigation system used. Demand projections should be given in terms of flow rate (cfs or gpm) and annual volume diverted (acre-feet).

Example: A 40 acre tract with 6 handlines and 20 heads/line discharging 3 gpm/head would produce a total flow rate of about 360 gpm or 0.8 cfs (1 in/acre). This flow rate multiplied by average number of hours per set, sets per irrigation and irrigations per year provides number of acre-feet per year or annual volume.

ii. You should be able to provide some basic information about the nature of the water supply. If the diversion is from a surface water source for example, you should provide stream flow data or estimate the amount of stream flow available for diversion and describe generally the seasonal availability of water. If you are diverting from a groundwater source, you should be able to generally describe the aquifer which you plan to divert from, i.e.; deep confined or shallow unconfined aquifer, depth to water level or depth to aquifer, known yields from wells within the same aquifer etc.

Rule 040.05.e and Idaho Code, Section 42-203A(5)(c) Information relative to good faith, delay, or speculative purposes of the applicant:

i. If you do not own the land to be irrigated and/or where the point of diversion is located, you must submit copies of lease agreements, easements or rights-of-way etc. If you are the owner of the place of use and point of diversion, documentation of ownership is not required.

ii. If applicable, submit copies of applications for permits or approvals which are needed from other government agencies or individuals in order to complete the water development project.

Rule 040.05.f and Idaho Code, Section 43-203A(5)(d) Information relative to financial resources:

i and ii. Submit a current financial statement or other statement describing how you will finance the project. You must also submit plans and specifications along with basic estimates of construction and equipment costs of the proposed project.

Rule 040.05.g and Idaho Code, Section 42-203A(5)(e) Information relative to conflict with the local public interest:

i. You, as the applicant, bear the initial burden of coming forward with evidence as to whether your proposed project may have any affect concerning local public interest. If you have any reason to believe that the proposed project under your application may be of concern to any local individuals, governments, tribal reservations, irrigation districts, the State Fish and Game Department, or Health and Welfare Department, then you are responsible for seeking comments from those individuals or groups. This requirement is mandatory for projects located within irrigation districts, canal companies or tribal reservations (failure to obtain comments from the irrigation district, canal company or reservation will delay approval of the application.). All comments must be submitted to the Department of Water Resources.

Maline, Denise

From: Maline, Denise
Sent: Friday, September 28, 2012 9:30 AM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger Cover Letter.docx; 72-16896 Ad.docx

Attached please find (1) legal notice being submitted for publication on October 4th & 11th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

September 28, 2012

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226

RE: Application For Permit No.(s): 72-16896

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 October 22, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

72-16896

J R SIMPLOT CO

999 MAIN ST STE 1300

BOISE, ID 83707

Point of Diversion NWN S29 T12N R15E CUSTER County Source YANKEE FORK Tributary SALMON RIVER

Use: FISH HABITAT 01/01 to 12/31 295 CFS

Use: RECREATION 01/01 to 12/31 295 CFS

Total Diversion: 295 CFS

Date Filed: 9/27/2012

Place Of Use: FISH HABITAT & RECREATION

T12N R15E S29

Application proposes diverting up to 295 cfs of water from the Yankee Fork into an artificial side channel for fish habitat and recreation purposes for anadromous fish species. The point of diversion is located approximately 8.9 miles north and 10.3 miles east of Stanley.

This application proposes the diversion and use of water tributary to the federally designated Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non consumptive purposes.

The applicant has proposed to subordinate this use to all future rights within the Yankee Fork drainage, unless otherwise indicated on the face of the individual water rights.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 22, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Challis Messenger, Times News, Idaho Statesman, Lewiston Tribune & Post Register on October 4th & 11th, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, September 28, 2012 9:31 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; 72-16896 Ad.docx

Attached please find (1) legal notice being submitted for publication on October 4th & 11th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

September 28, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 72-16896

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.

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Denise Maline
Administrative Assistant

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This application proposes the diversion and use of water tributary to the federally designated Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non consumptive purposes.

The applicant has proposed to subordinate this use to all future rights within the Yankee Fork drainage, unless otherwise indicated on the face of the individual water rights.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 22, 2012. The protestant must also send a copy of the protest to the applicant.

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Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

September 28, 2012

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Application For Permit No.(s): 72-16896

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This application proposes the diversion and use of water tributary to the federally designated Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non consumptive purposes.

The applicant has proposed to subordinate this use to all future rights within the Yankee Fork drainage, unless otherwise indicated on the face of the individual water rights.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 22, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Challis Messenger, Times News, Idaho Statesman, Lewiston Tribune & Post Register on October 4th & 11th, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, September 28, 2012 9:32 AM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Idaho Statesman Cover Letter.docx; 72-16896 Ad.docx

Attached please find (1) legal notice being submitted for publication on October 4th & 11th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

September 28, 2012

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

RE: Application For Permit No.(s): 72-16896

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 October 22, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

72-16896

J R SIMPLOT CO

999 MAIN ST STE 1300

BOISE, ID 83707

Point of Diversion NWNE S29 T12N R15E CUSTER County Source YANKEE FORK Tributary SALMON RIVER

Use: FISH HABITAT 01/01 to 12/31 295 CFS

Use: RECREATION 01/01 to 12/31 295 CFS

Total Diversion: 295 CFS

Date Filed: 9/27/2012

Place Of Use: FISH HABITAT & RECREATION

T12N R15E S29

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GARY SPACKMAN, Director

Published in the Challis Messenger, Times News, Idaho Statesman, Lewiston Tribune & Post Register on October 4th & 11th, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, September 28, 2012 9:32 AM
To: Lewiston Tribune (legals@lmtribune.com)
Subject: LEGAL NOTICE
Attachments: Lewiston Tribune Cover Letter.docx; 72-16896 Ad.docx

Attached please find (1) legal notice being submitted for publication on October 4th & 11th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

September 28, 2012

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Application For Permit No.(s): 72-16896

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 October 22, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

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BOISE, ID 83707

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Total Diversion: 295 CFS

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GARY SPACKMAN, Director

Published in the Challis Messenger, Times News, Idaho Statesman, Lewiston Tribune & Post Register on October 4th & 11th, 2012

Skinner, Corey

From: Skinner, Corey
Sent: Friday, September 28, 2012 8:38 AM
To: Case, Morgan
Subject: Pending Application for Permit 72-16896

Morgan,

I thought I would let you know we are processing an application for permit (72-16896) up in the Yankee Fork area within the Salmon River drainage. The application proposes diverting up to 295 cfs of water from the Yankee Fork into an artificial side channel for fish habitat and recreation purposes for anadromous fish species. The point of diversion is located approximately 8.9 miles north and 10.3 miles east of Stanley.

I am forwarding the application to Denise for advertising and scanning. It should be available for viewing in the next few days if needed. Anyways, if you have any comments, concerns, etc. let us know.

Thanks,

Corey

Skinner, Corey

From: Skinner, Corey
Sent: Friday, September 28, 2012 8:34 AM
To: Miller, Nick
Subject: RE: Application for Permit No. 72-16896
Attachments: Recommendation of WaterMaster

Nick,

This application, filed by JR Simplot Co, proposes diverting up to 295 cfs of water from the Yankee Fork into an artificial side channel for fish habitat and recreation purposes for anadromous fish species. The point of diversion is located approximately 8.9 miles north and 10.3 miles east of Stanley. I think that you might be familiar with this one, if not, the file should be scanned in the next few days.

We will need your comments on this one.

Thanks,

Corey

Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,



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

September 25, 2012

Allen Merritt, Regional Manager
State of Idaho
Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
SEP 26 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Application for Water Right Permit; Yankee Fork Salmon River.

Dear Allen:

Enclosed is an application seeking the IDWR's approval to divert a portion of the flow of the Yankee Fork Salmon River into a pond series that will be developed to enhance habitat for anadromous fish. The proposed water use is non-consumptive and will be subordinate to all existing and future water appropriations authorized by the IDWR. Also enclosed is Trout Unlimited, Inc. check no. 39520 in the amount of \$4,560.00. Please use this check to cover your fee for filing the enclosed application.

In providing the required public notice, we request that you include the subordination provisions contained in the application in any advertising. Should you have any questions about this project, please do not hesitate to contact me (phone: 208-389-7359).

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

c: P. Anderson (w/copy of enclosed)
S. Keen (w/copy of enclosed)