

MAR 09 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) J. R. Simplot Company Phone 208-336-21102. MAILING ADDRESS P. O. Box 27 City BoiseState ID Zip 83707 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 24-7113, 24-7164 and 24-7169
24-7113, 24-7164 and 24-7169

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 3.48 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
8S	45E	24		SE	SE	SE	Caribou	Groundwater	Existing
8S	46E	18		NE	SE	SE	Caribou	Groundwater	New

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Enclosed locked well house. Flow meter will be installed and read remotely at mill. Existing well already enclosed in locked well house and equipped with flow meter read at the mill.

- b. Who owns the property at the point(s) of diversion? USA

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
"Pilot" hole authorized by BLM under Minor Mine Modification. Permanent Authorization from BLM Pending.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

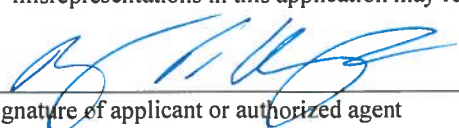
7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

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

J.R. Simplot Company

By: Terry T. Uhling, Senior Vice

President, Secretary and General Counsel


Signature of applicant or authorized agent

Print name and title if applicable

Date

February 23, 2012

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$740⁰⁰ Date 3-13-12

Received by JK

Receipt # E037396

Preliminary review completed by _____

Date _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 24-7113

Current Owner: J R SIMPLOT CO

Priority Date: 9/26/1980

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	3.48 CFS	1615.2 AF
	<u>Total Diversion</u>	3.48 CFS	1615.2 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 Sec. 24, Twp 08S, Rge 45E B.M.
CARIBOU County

Place of Use

INDUSTRIAL Within POWER County

T06S R34E S7	NESW	T06S R34E S7	SESW
T08S R45E S25	NESE	T08S R45E S25	SESE
T08S R46E S7	NWSE	T08S R46E S7	SWSE
T08S R46E S21	SWNW		

Conditions of Approval:

1. R08 Return flow discharged to a surface water system shall meet Idaho Water Quality Standards.
2. L04 WHEN WATER USED UNDER THIS RIGHT IS DISCHARGED INTO THE NATURAL CHANNEL, SETTLING PONDS MUST BE MAINTAINED WHICH ARE CAPABLE OF REDUCING THE SILT LOAD TO SUCH A LEVEL THAT THE QUALITY WILL NOT BE IMPAIRED FOR OTHER BENEFICIAL USES.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 5/31/2007

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 24-7164

Current Owner: J R SIMPLOT CO

Priority Date: 12/20/1983

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.21 CFS	6.4 AF
	<u>Total Diversion</u>	0.21 CFS	6.4 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SE1/4	Sec. 25,	Twp 08S,	Rge 45E B.M.
CARIBOU County				

Place of Use

INDUSTRIAL Within CARIBOU County

T08S R45E S25	NESE	T08S R45E S25	SESE
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Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 5/31/2007

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 24-7169

Current Owner: J R SIMPLOT CO
Priority Date: 6/27/1985
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>
INDUSTRIAL	01/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.2 CFS	37.5 AF
0.2 CFS	37.5 AF

Location of Point(s) of Diversion

GROUND WATER
CARIBOU County

SE1/4SE1/4SE1/4 Sec. 24, Twp 08S, Rge 45E B.M.

Place of Use

INDUSTRIAL Within CARIBOU County

T08S R45E S25	NENE	T08S R45E S25	SENE
T08S R45E S25	NESE	T08S R45E S25	SESE
T08S R45E S30	NWNW	T08S R45E S30	SWNW
T08S R45E S30	NWSW	T08S R45E S30	SWSW
T08S R45E S31	NENE	T08S R45E S31	NWNE
T08S R45E S31	SWNE	T08S R45E S31	SENE
T08S R45E S31	NENW	T08S R45E S31	NWNW
T08S R45E S31	SWNW	T08S R45E S31	SENW
T08S R45E S31	NESW	T08S R45E S31	NWSW
T08S R45E S31	SWSW	T08S R45E S31	NESE
T08S R45E S31	NWSE	T08S R45E S31	SWSE
T08S R45E S31	SESE	T08S R45E S36	NENE
T08S R45E S36	NWNE	T08S R45E S36	SWNE
T08S R45E S36	SENE	T08S R45E S36	NENW
T08S R45E S36	NWNW	T08S R45E S36	SWNW
T08S R45E S36	SENW	T08S R45E S36	NESW
T08S R45E S36	NWSW	T08S R45E S36	SWSW
T08S R45E S36	SESW	T08S R45E S36	NESE
T08S R45E S36	NWSE	T08S R45E S36	SWSE
T08S R45E S36	SESE		

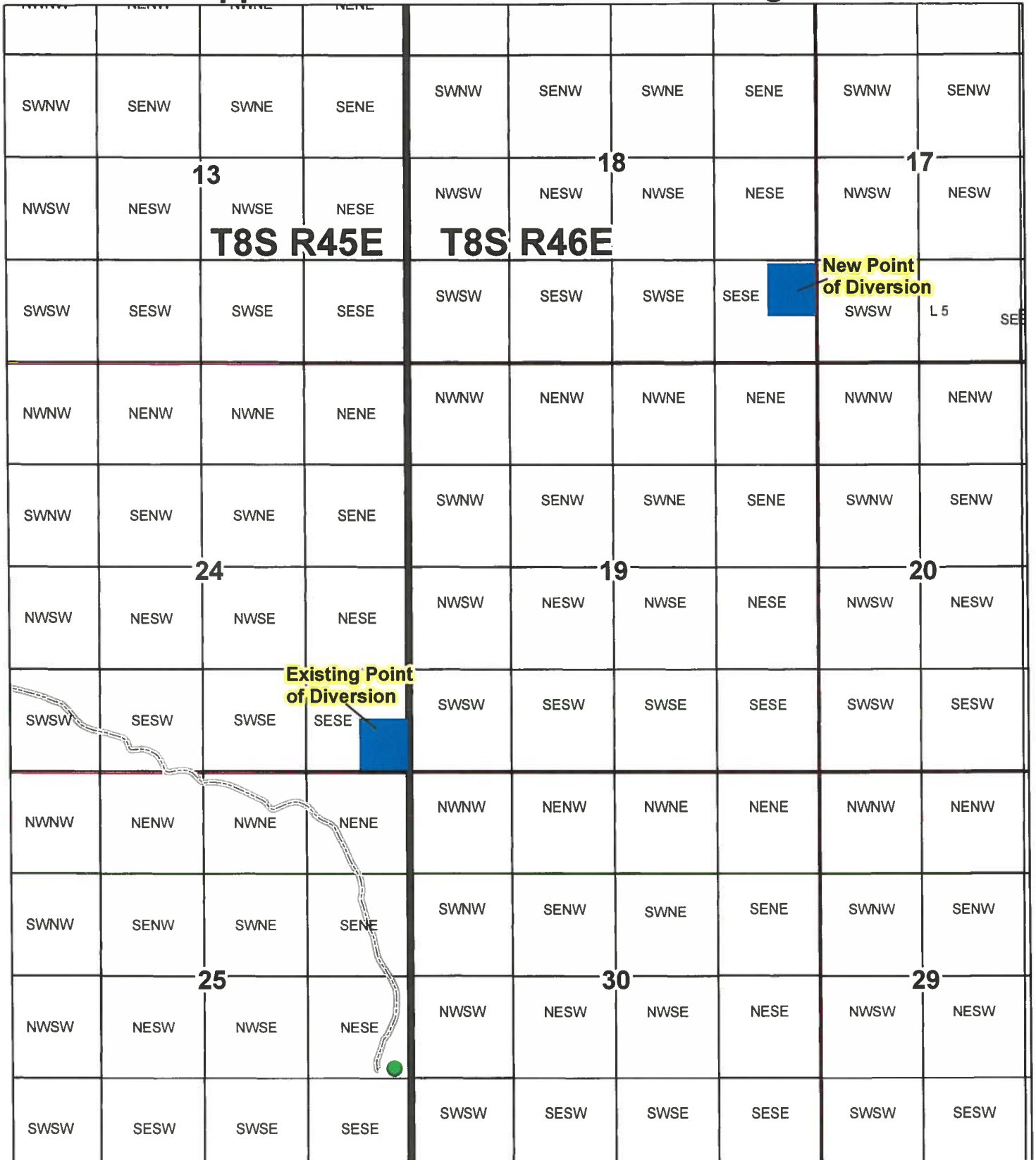
Page _____ of _____

Conditions of Approval:

1. R09 Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 5/31/2007

Application for Transfer of Water Rights



Map Notes: To add a new point of Diversion to Water Right Nos.:

24-7113
24-7164
24-7169

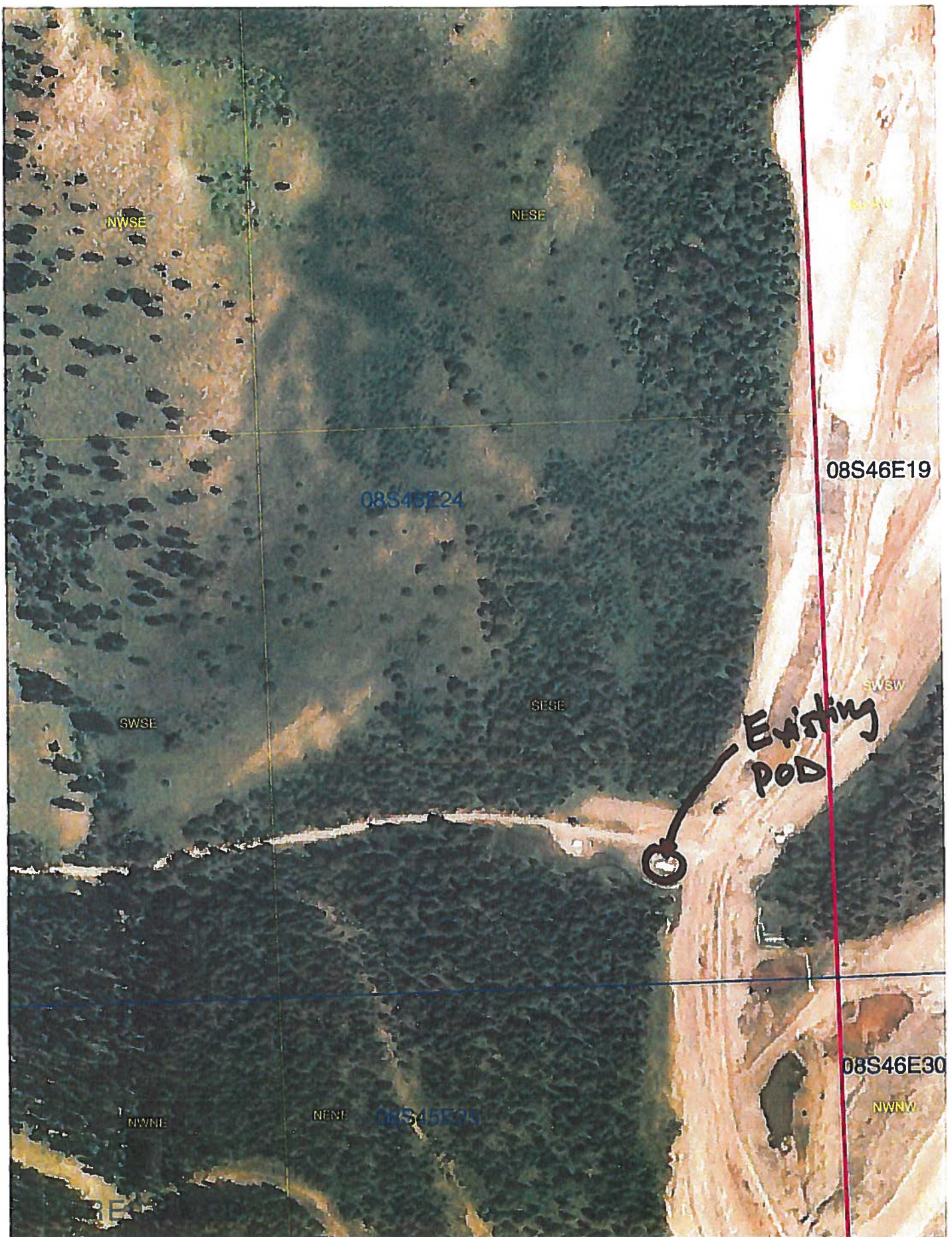
Legend:

- = Townships
- = Sections
- = Quarter Quarters

Simplot
Bringing Earth's Resources to Life



00.076.15 0.3 0.45 0.6 Miles





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Department of Water Resources
Eastern Region

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United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho Falls District Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401
(208) 524-7500



In Reply Refer To:
3500
IDI-26843

November 15, 2011

Scott Lusty
Manager, Smoky Canyon Mine
JR Simplot Company
PO Box 1270
Afton, WY 83110

Dear Scott,

This letter approves Simplot's proposal, *Minor Mine Modification for Disturbance Associated with a Pilot Hole*, submitted to the Bureau of Land Management (BLM) dated November 3, 2011. This is a minor modification to the mine and reclamation plan (MRP) approved by the Bureau of Land Management (BLM) in our record of decision for the *Smoky Canyon Mine, Panels B & C—Final Supplemental Environmental Impact Statement (SEIS)* of May 31, 2002. The 1.2-acre disturbance associated with drilling the pilot hole will occur within Federal lease I-26843 on lands managed by the Soda Springs Ranger District of the Caribou-Targhee National Forest. This approval does not apply to drilling, operating, or reclaiming a full-scale culinary/industrial well.

A joint review by the BLM and US Forest Service (FS) of Simplot's proposal demonstrates the modification conforms to applicable land use plans and is in compliance with the governing ROD for the 2002 SEIS. The FS provided no objections and no further agency review is needed for Simplot to proceed as planned.

Simplot must continue to abide by all mitigation measures associated with Smoky Canyon Mine and included in the 2002 ROD, as well as the following stipulations:

- Harvesting of merchantable timber must be pre-approved and coordinated with the FS by calling Doug Heyrend at 208-557-5807.
- In order to minimize potential impacts to migratory birds, all logging must be timed to occur prior to the onset of nesting season in March or after August. If that is not possible, then bird nest surveys must be completed by Simplot and any tree with a nest felled prior to nesting season.
- Simplot should stake the northeast corner of I-26843 to help ensure the disturbance stays on lease.

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Department of Water Resources
Eastern Region

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- Contaminated water may not be discharged to Smoky Creek. Testing of water discharged must comply with all applicable State and Federal rules and regulations.
- The energy dissipation structure at Smoky Creek must be removed when it is no longer needed.
- Standard best management practices must be utilized at all times.

If you have any questions regarding this approval, please contact Jeff Cundick at 208-478-6354.

Sincerely,



Joe Kraayenbrink
District Manager

Enclosure: Approved mine plan modification

Cc (without enclosure):

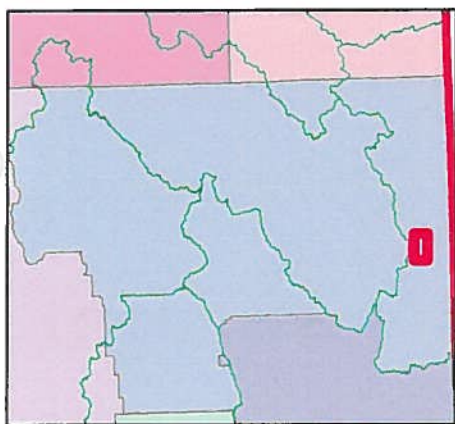
Lori Hamann, Simplot
Jack Isaacs, FS
Mary Kauffman, FS
Soda Springs District Files, FS
Doug Tanner, IDEQ



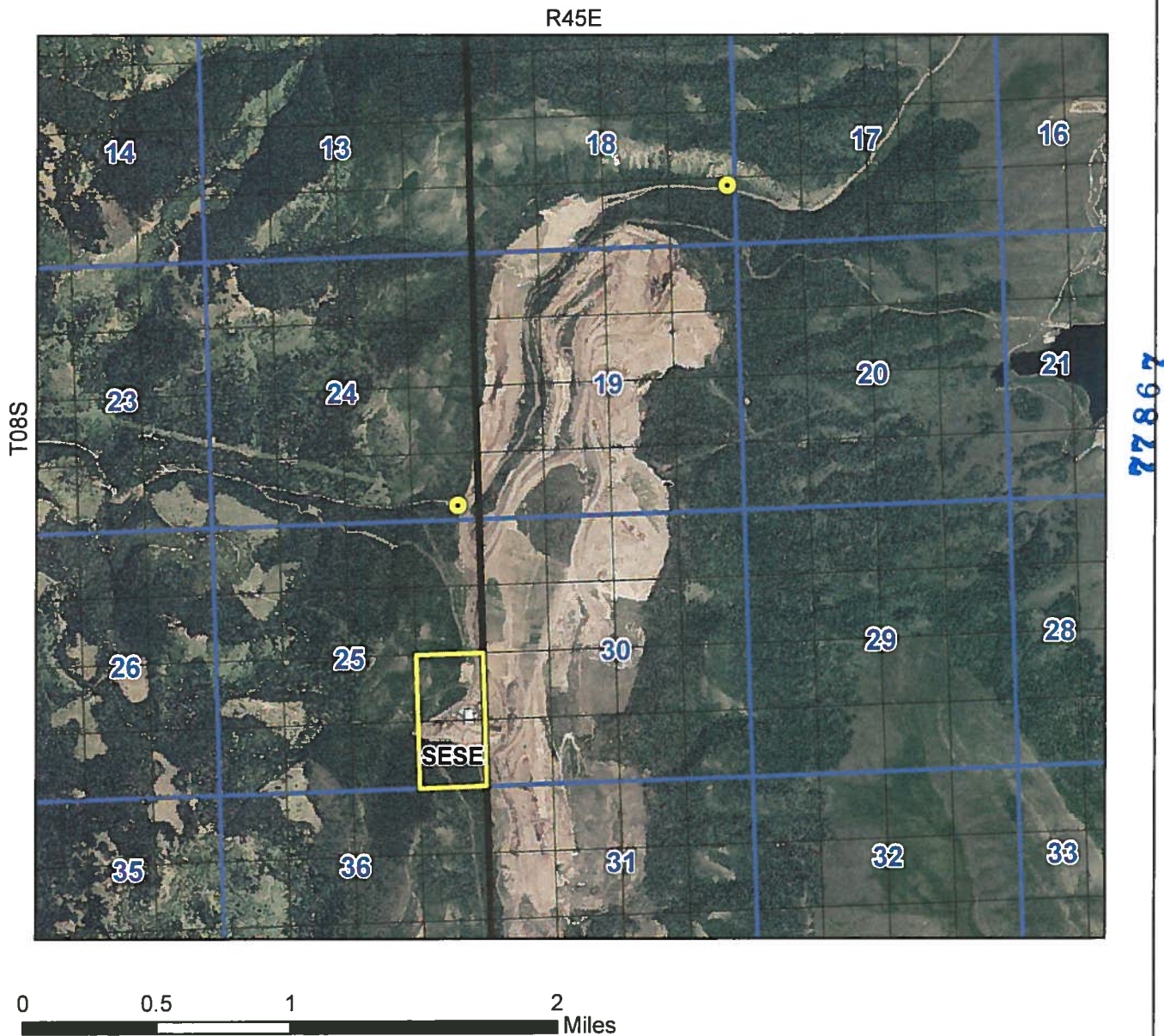
Idaho Department of Water Resources

Water Right
24-7164
(INDUSTRIAL)

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



**Caribou County
IDWR Basin 24**

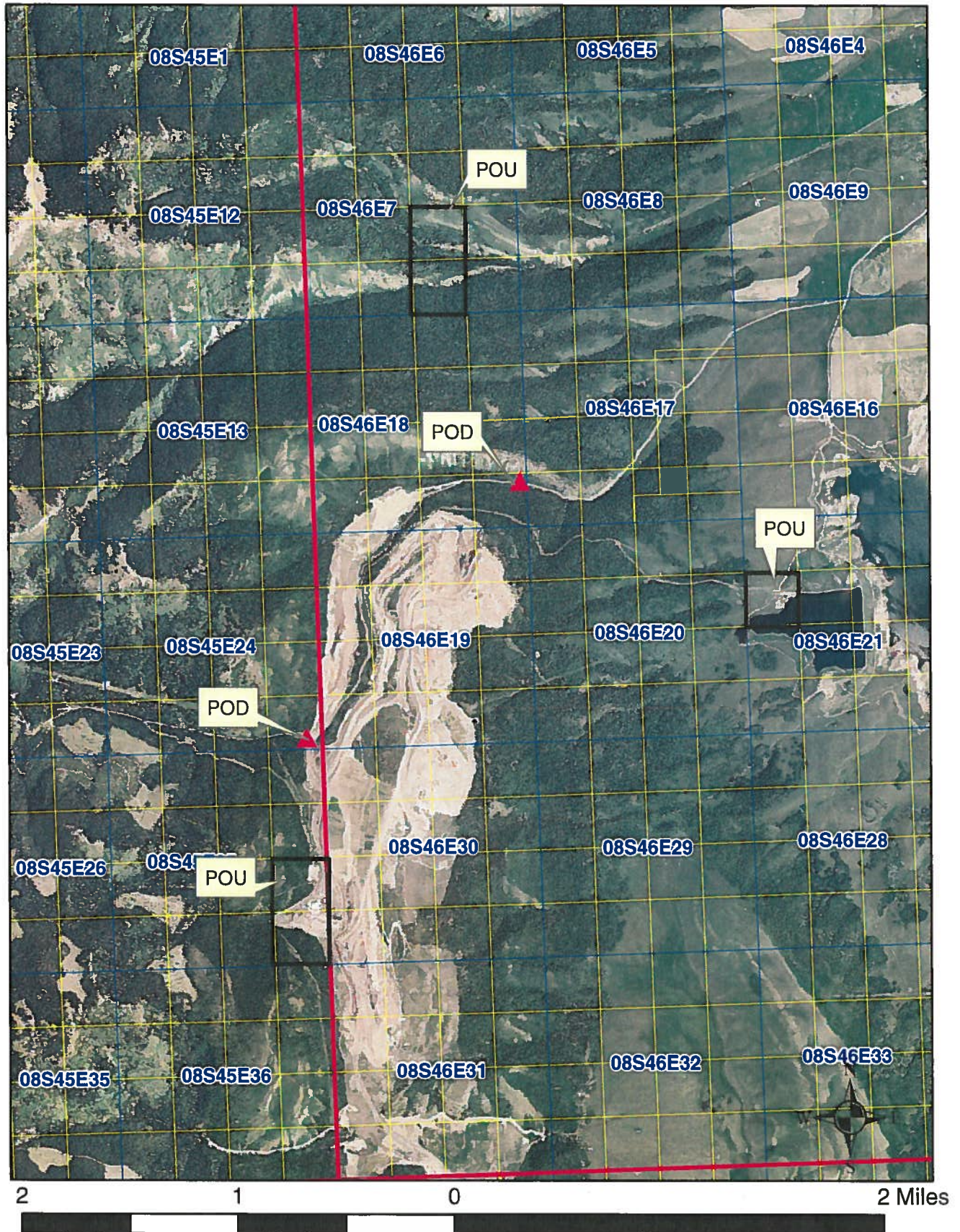


Prepared by Kidman, Denise
On April 19, 2012
2009 Aerial Photography



Water Right 24-7113

JR Simplot- Proposed Transfer 77867

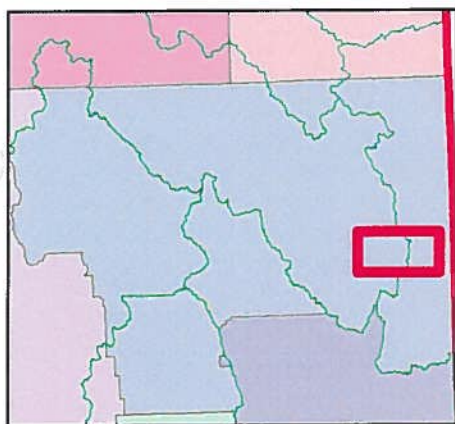




Idaho Department of Water Resources

**Water Right
24-7169
(INDUSTRIAL)**

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Caribou County
IDWR Basin 24**

Prepared by Kidman, Denise
On April 19, 2012
2009 Aerial Photography

