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MAR 23 2010

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Name of Renter J. R. Simplot Company Phone 208-336-2110

Mailing address PO Box 27, Boise, ID 83707 Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) Maximum Volume (ac-ft) Nature of Use Period of Use
0.9 cfs 113.25 Industrial Dust Abatement April 15 to October 31
 _____ to _____
 _____ to _____
 Total: 0.9 cfs 113.25 ac-ft

2. Source of water South Fork Sage Creek tributary to Sage Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
9S	46E	18		SE	NE	SE	Caribou

4. Lands to be irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Please see Exhibit A attached hereto
for a list of the place of use for
industrial dust abatement

If the use is for irrigation, show total number of acres proposed through rental. Total Acres _____

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐
 If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. _____
2. Do you own the land at the proposed place of use? Yes ☐ No ☒
 If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. Please See Exhibit A attached hereto for the response to this question. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system. Suction intake, pump, motor & pipeline.

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
None

3. Will the proposed place of use receive water from any other source? Yes ☐ No ☒
If yes, describe. _____

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. Please see Exhibit A for the response to this question.

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

E. RENTAL TERM

1. Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☐ No ☒
If yes, please specify the number of years desired through proposed rental. _____

I hereby assert that 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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

J. R. Simplot Company

By: [Signature]
Signature of Applicant

Gray Young, Associate
General Counsel and
Assistant Secretary
Printed Name and Title*

3/22/10
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

Exhibit A

Question A.4. Lands to be irrigated or place of use:

Response:

“DA” = Dust Abatement for Roadways

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	45E	25													DA		DA	DA	
	46E	30											DA						
		31						DA	DA			DA	DA	DA			DA		
9S	45E	13													DA		DA	DA	
	46E	6		Lot 2 DA	DA	DA	Lot 3 DA							DA		DA	DA		
		7			DA		DA			DA	DA			DA		DA	DA		
		18					DA			DA	DA		DA	DA			DA		
		19		DA			DA	DA											

Question B.2. Do you own the land at the proposed place of use?

Response: The roads that will receive dust abatement treatment are located on lands owned by the United States of America, Forest Service (“USFS”) and Bureau of Land Management (“BLM”). The use of the water for purposes of dust abatement is required to control fugitive dust emissions pursuant to the air operating permit for the Smoky Canyon Mine issued by the Idaho Department of Environmental Quality in July 1983. It is also a requirement of the current BLM and USFS mine operating permits.

Exhibit A

Question C.4. If the use is not for irrigation, please provide detailed description of the proposed use and how you determined the amount of water required.

Response: A 30,000 tanker truck will be used to apply water to the roadways. Using the distance of the roadways to be treated, the width of the roadways and the frequency of the applications required to overcome evaporation, thereby preventing dust emissions, the following is the intended rate volume required during each month of the intended use:

Month	Volume of Water to be applied for Dust Abatement this Month (In Gallons)
May, 2010	2,250,000
June, 2010	2,250,000
July, 2010	10,000,000
August, 2010	10,000,000
September, 2010	10,000,000
October	2,400,000
Total	36,900,000
Total (in Acre Feet)	113.24

Application to Rent Water from the Water Supply Bank for Dust Abatement

