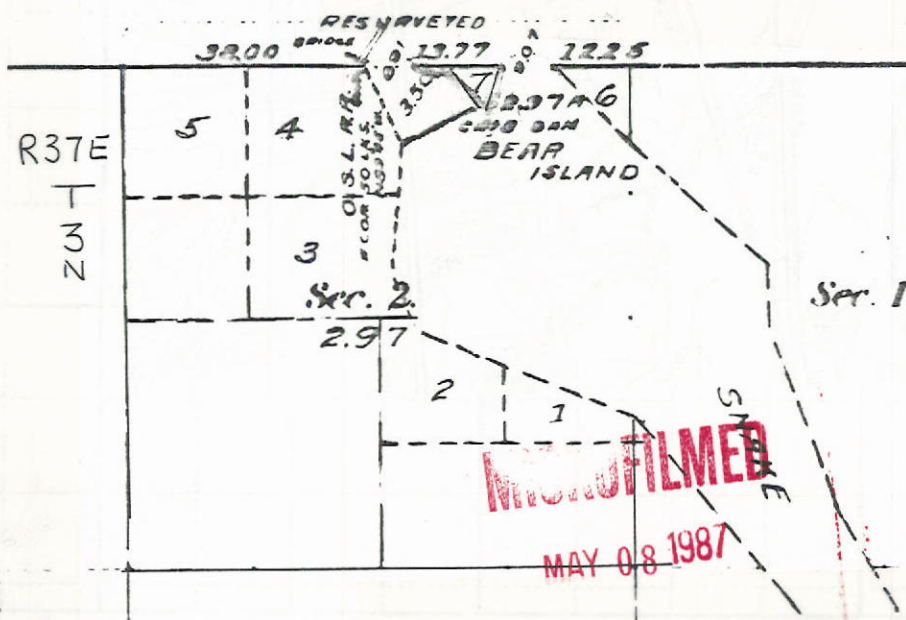




MAY 08 1987

35-8162



MICROFILMED

MAY 08 1987

35-8162

JUN 13 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern District OfficeAPPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant J. R. Simplot Company d/b/a Phone 336-2110
Simplot SoilbuildersPost office address P. O. Box 27, Boise, Idaho Attn: Ron Graves 837072. Source of water supply groundwater which is a tributary of _____3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 Township 3 NRange 37 E B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 1 cfs for Industrial purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 8" well, pumpb. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)c. Proposed well diameter is 8" inches; proposed depth of well is _____ feet.7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 Township 3 NRange 37 E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.(5) If water is to be used for other purposes describe: Domestic/industrial Retail fertilizer
outlet: washing equipment; blending fertilizer; fire control

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

[illegible]

Scale 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. R. SIMPLOT COMPANY, d/b/a
Simplot Soilbuilders

BY: Ronald Thomas Secretary
(Applicant)

SECRET

Proposed Priority 6/13/83

MICROFILMED

Received by CW Date 6-13-83 Time 4:10P

Preliminary check by Kaw Fee \$ 45.00

Receipted by BP Date 6/16/83 # 30891

Publication prepared by BP Date 7/13/83

Published in Post Register

Publication dates 7/21; 7/28/83

Publication approved CW Date 8-4-83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC KW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-8162, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 18th day of March, 1985.

A. Glen Saxton
Chief, Operations Bureau

Proof of Publication
The Post-Register

AUG 4 1983

Price: 10¢ per copy - 10¢ per copy
including District of Columbia

State of Idaho, }
County of Bonneville } ss.

I, Ted Delezene, first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 21st day of July, 1983, last publication having been made on the 28th day of July, 1983, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 1st day of August, 1983.

Robert K. Hapin
Notary Public

My commission expires September 30, 1984.

B10, 1M,

NOTICE OF APPLICATION FOR WATER
RIGHT

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

35-8162

J R SIMPLOT CO
BOISE, ID 83707
Source: GROUNDWATER
Date Filed: 06/13/1983
Diversion Pt. NENW Sec 02 T 03N R 37E
Use: INDUSTRIAL (1.00 CFS); DOMESTIC (0.02 CFS)
In: NENW Sec 02 T 03N R 37E
35-8141

BIRD, RAY
CHERRY, ELMER
427 TROY, IDAHO FALLS, ID 83402
Source: GROUNDWATER
Date Filed: 05/09/1983
Diversion Pt. SWNW Sec 26 T 02N R 37E
Use: STOCKWATER (0.02 CFS); DOMESTIC (0.04 CFS)
In: SWNW Sec 26 T 02N R 37E
23-7099

JOHNSON, ROBERT A. &/or JEAN
RT. 1, BOX 162, BLACKFOOT, ID 83221
Source: HINCKS SPRINGS trib to SINKS
Date Filed: 06/20/1983
Diversion Pt. NWNW Sec 27 T 02S R 46E
Use: DOMESTIC (0.02 CFS)
In: SENE Sec 28 T 02S R 46E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 8, 1983.

KEN DUNN, Director

Published July 21, 28, 1983

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-8162

Priority: June 13, 1983 Amount: .04 CFS 3.4 AFA

This is to certify, that J.R. SIMPLOT CO.
DBA SIMPLOT SOIL BUILDERS

P.O. BOX 27
BOISE, ID 83707

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 13, 1983, and has submitted proof to the Department of Water Resources on October 22, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .32 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Industrial	01/01 to 12/31	.02 cfs	3.4 afa
Domestic	01/01 to 12/31	.02 cfs	3.4 afa
	Totals	.04 CFS	3.4 AFA

LOCATION OF POINT OF DIVERSION(S): LOT 4(NENW), Sec. 2, Township 3N, Range 37E
Bonneville County

PLACE OF USE: Industrial

TWN RGE SEC

3N 37E 2 LOT 4(NENW)

PLACE OF USE: Domestic, same as Industrial use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 22nd day of April, 1987.

MICROFILMED

Acting for the Director

Norman C. Young

MAY 08 1987

April 23, 1987

J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707

RE: Permit No. 35-8162

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAY 08 1987

March 30, 1987

J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707

RE: Permit No. 35-8162

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

Microfilmed

MAY 08 1987

MEMORANDUM

TO: File 35-8162
FROM: Jim Johnson *[Signature]*
DATE: March 26, 1987
RE: Acceptance of Late Examination Fee

The examination fee was received on 7/10/86; it was due on 6/29/86.

Due to the fact that the permit holder did respond to the examination fee request letter sent 4/30/86 by requesting Departmental assistance to help evaluate the necessity of this right with other rights they had covering the same system. Through the exchange of information, it was determined that this right was required to cover uses that were not previously covered by the existing rights. The examination fee was then promptly paid.

No advancement in priority date should occur.

MICROFILMED
MAY 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LICENSING REPORT

RECEIVED

AUG 21 1986

35-8162
Permit No

1. Measurement Calculations

Department of Water Resources

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\text{Theoretical } Q = \frac{8.8 \text{ (HP)} (Eff)}{2.31 \text{ (psi)} + \text{Lift}} = \frac{8.8(16)(0.84)}{2.31(30) + 160} = 0.32 \text{ cfs} \checkmark$$

$$\text{Permit } \Rightarrow Q_{Dom} = 0.02 \text{ cfs} \\ Q_{Ind} = 1.00 \text{ cfs}$$

No industrial use found - ALLOW 0.02 cfs for industrial use which is an occasional washing of truck - see Keith's memo of 8-12-86.
Recommend $Q_{Dom} = 0.02 \text{ cfs}$ by permit

$$Q_{Ind} = 0 \text{ cfs}$$

also see
all previous
correspondence

- b) Volume Calculations for Irrigation: N/A

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{\hspace{2cm}}$$

- c) Volume Calculations for Other Uses:

$$V_{Dom} = \frac{5 \text{ day}}{WK} \times \frac{52 \text{ wk}}{\text{annum}} \times \frac{8 \text{ hr}}{\text{day}} \times \frac{3600 \text{ sec}}{\text{hr}} \times \frac{0.02 \text{ ft}^3}{\text{sec}} \times \frac{af}{43,560 \text{ ft}^3} \\ = 3.4 \text{ afa} \checkmark$$

2. Overlap Review

- a) Other water rights with same place of use: 35-7864 (Relinquished) - see correspondence in file

- b) Other water rights with same point of diversion: 35-7864 (Relinquished)

- c) Analysis:

$$V_{Dom} = 0.02 \text{ cfs} \times \frac{1.9835 \text{ AF}}{\text{cfs day}} \times \frac{8 \text{ hrs}}{\text{day}} \times \frac{1 \text{ Day}}{24 \text{ hrs. 1 yr.}} \times \frac{2600 \text{ ft}^3}{\text{day}} \\ = 3.4 \text{ AFA}$$

allow 3.4 AFA for industrial volume too then limit combined uses to 3.4 AFA since we do not know exactly how many trucks are washed per year. fw

MICROFILMED

MAY 08 1987

pd. 400.00
exam fee

RECOMMENDED AMOUNTS

10 day

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	35-81102	6-13-1983	0.04 cfs	6-13-1983	10-22-1985	0.32 cfs

4. Permit Holder: J. R. Simplot Company dba Simplot Soil-builders
Address: P.O. Box 27, Boise, ID 83707

5. Source: groundwater tributary to —

6. Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>Domestic</u>	<u>1-1</u>	<u>12-31</u>	<u>0.02 cfs</u>	<u>3.4 AF</u>
<u>Industrial</u>	<u>1-1</u>	<u>12-31</u>	<u>0.02 cfs</u>	<u>3.4 AF</u>

Allowable Maximums: ALLOW 0.04
0.02 cfs ✓ 3.4 afa ✓

7. Point(s) of Diversion: ✓

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
	<u>4</u>		<u>NE</u>	<u>NW</u>	<u>2</u>	<u>3N</u>	<u>37E</u>	<u>Bonneville</u>

8. Place(s) of Use ✓

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	37E	2					X												
							GL4												
Total Acres _____																			

9. Recommended Conditions/Remarks: Bathrooms and Fire Control
is the only beneficial use determined
and truck washing - see memo
of 8/12/86.

MicroFILMED

MAY 08 1987

10. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature John W. Argenti
Checked in Regional Office by Keith C. Wilson
Approved in State Office by H. Walker

Date 8-4-86
Date 12 Aug 1986
Date 1-27-87

AUG 21 1955

Phone No. 336 - 2110

93707

EXAM. DATE: 7-31-86

3. Source: groundwater tributary to N/A

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

Pump to two 30-50 psi pressure tanks Lines ~~two~~ to 3 buildings 4 bathrooms Various faucets ~~in~~ throughout the plant.

7. Measurements 40 psi ☐ Additional data/computation sheets attached

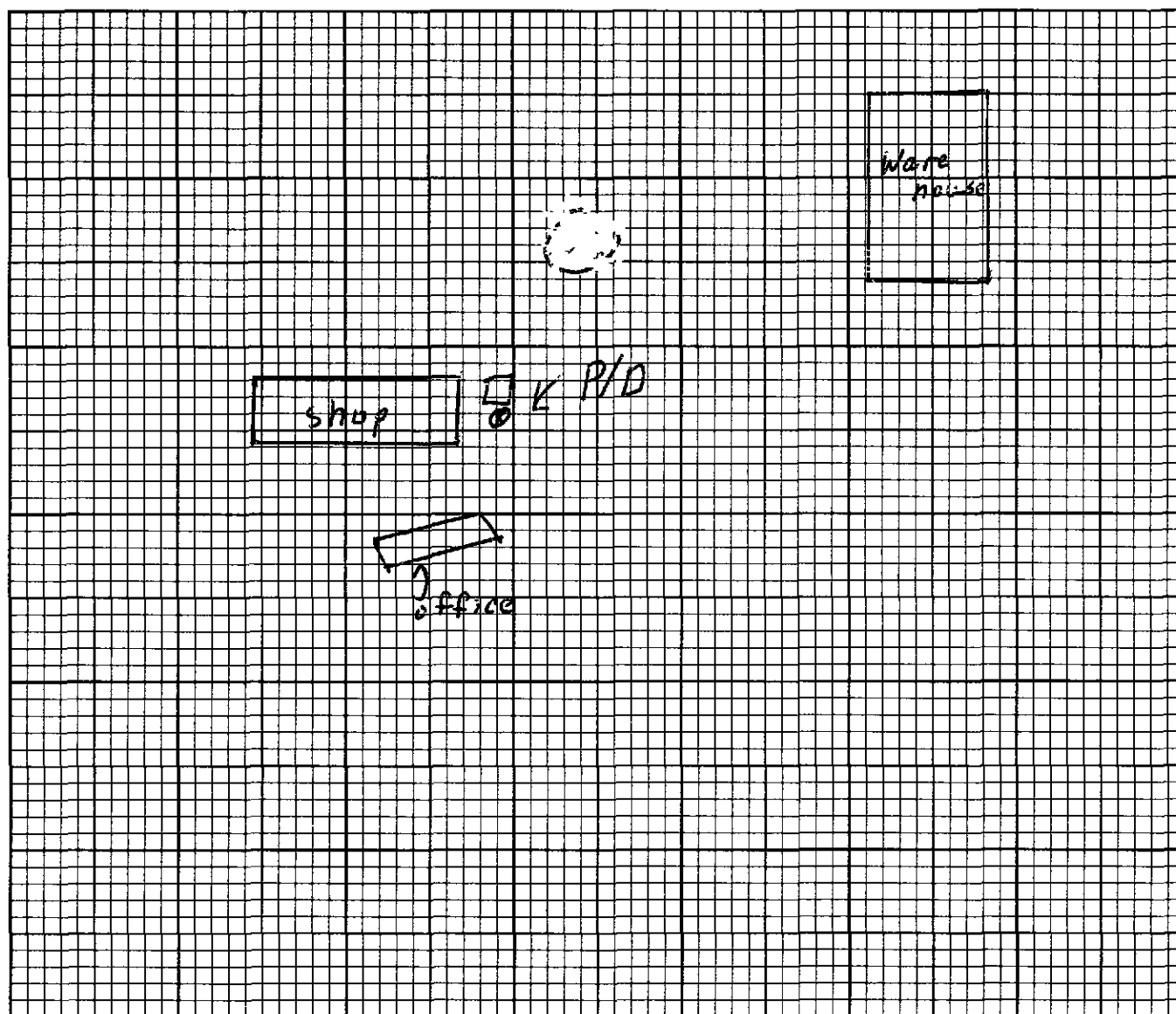
Theoretical

Indicate Method of Determination *US G.S. Topo*

9.	Place(s) of Use:	Irrigation - give acres served by system at time of exam. Indicate Method of Determination
----	------------------	---

Total Acres

10. Other water rights on these lands 35-7864 (Relinquished)
11. Other water right diverted from same p.d. 35-7864
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Lift = 160' Well drilled by Andrew
Well drilling 522-2794. Water is used primarily
for bathrooms & fire Control. Pump is Rated
near 100 gpm.

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature John W. Arantani Date 8-4-86

Consultant's License Number _____

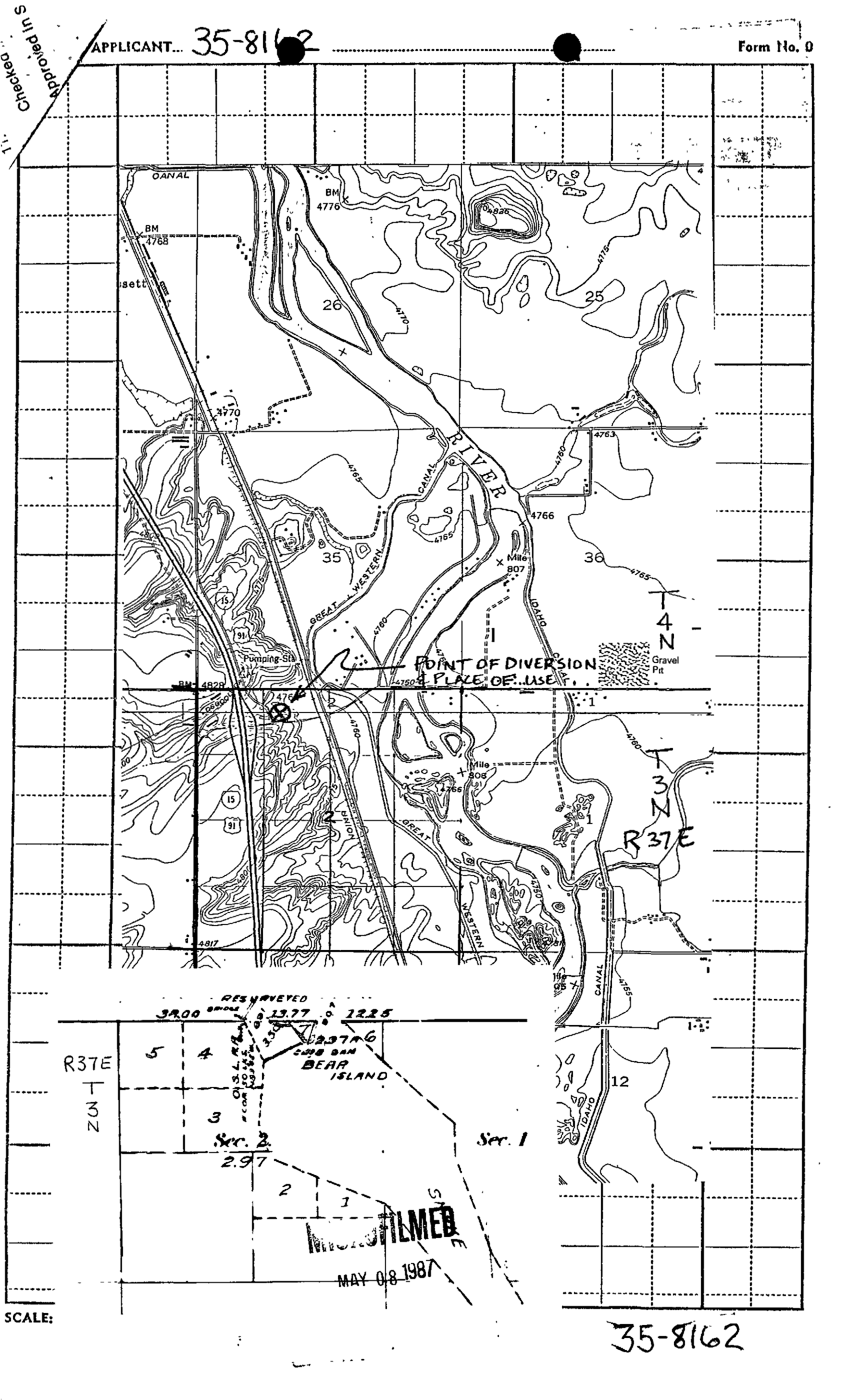
IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

MAY 30 1987



MICROFILMED

MAY 08 1987

35-8162



INTER-DEPARTMENT MEMO — 1

FROM Ernest

DATE August 13, 1986

TO 35-8162

SUBJECT To prevent jeopardizing the priority of this permit, the licensing examination fee should have been submitted by June 30, 1986. The fee, however, was not received until July 10, 1986.

MICROFILMED
MAY 08 1987

Normally the priority should be advanced 10 days from 6-13-83 to 6-23-83. But in this case, Mr. Bruce Belzer was corresponding with the Department on behalf of the applicant as early as May 14, 1986 with questions concerning licensing of the permit. Therefore, I feel it would not be appropriate to advance the priority because the licensing fee was submitted after the 60 day period expired.

SIGNATURE

CONVERSATION MEMORANDUM

DATE 12 Aug 1986

FILE 35-8162

NAME OF PARTY Lynn Shuldborg

EMPLOYEE KEITH C. WILSON

RE: INDUSTRIAL USE UNDER 35-8162

Lynn Shuldborg informed me in a telephone conversation (1305hrs, 12 Aug 1986) that water was used almost exclusively for "domestic" use, and that only an occasional washing of mud off of a truck would water be used for anything else, because of the EPA guidelines.

MICROFILMED

MAY 08 1987

CORPORATE HEADQUARTERS

August 4, 1986

RECEIVED

AUG 5 1986

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

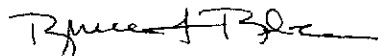
RE: 35-8162

Gentlemen:

This letter is written in response to your August 1st letter, a copy of which I've enclosed.

As you can see from the copies of the prior correspondence, which I have also enclosed, I have submitted the required documentation regarding this permit. Please advise whether your files are complete, or if you need additional information. Thank you.

Sincerely,



BRUCE L. BELZER
Assistant Corporate Counsel

BLB/gmf

Enclosure(s)
4908B

MICROFILMED

MAY 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

35-8162
Permit No.

Ernest 7/17/86

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index AWA 7-31-86 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index AWA 7-31-86 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

- ☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed _____ (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)

Exam Reviewed by Manager of Regional Office _____ (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office _____ Original
Refiled in White File _____ (Initial and date)

MAY 08 1987

MAY 08 1987



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 4, 1986

J. R. Simplot Company
P.O. Box 27
Boise, Idaho 83707

Gentlemen:

Attached herewith is Departmental receipt no. 39788 in
the amount of \$100.00 for your Exam Fee.

Thank you for your prompt attention.

Sincerely,

Michele Davis
Office Secretary

Attachment

MICROFILMED

MAY 08 1987

RECEIVED

AUG 7 1986

4/86

RECEIVED

JUL 14 1986

Department of Water Resources

STATE OF IDAHO

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received 100.00

Date 7-14-86

Receipt # 39788

Receipt by MD

Sent to S.O. 8-7-86

RECEIVED

JUL 10 1986

1. Permit No. 35-8162

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: J. R. Simplot Company

3. Post Office Address: P. O. Box 27, Boise, Idaho 83707

Attn: R. N. Graves Telephone No. (208)336-2110

4. Source of Water: Groundwater

5. Extent of Use:

Domestic (No. of households) Stockwater (No. and type of stock)

Irrigation (acres) Other/Remark Retail fertilizer

outlet (culinary; industrial; fire protection)

6. Total rate &/or volume for which proof is submitted .5 cfs acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

March 18, 1985

8. Person to contact to accompany the department representative during the field examination:

Glen Koester

MAY 08 1987

(Name)

1020 West Broadway, Idaho Falls, ID 83402

(208)522-7077

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7)

July 9, 1986

Date

BY J. R. SIMPLOT COMPANY
[Signature] -Secretary
Signature of Permit Holder (and title, if appropriate)

Copy retained for file



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 30, 1986

RE: Permit Nos. 35-7864 & 35-8162

J.R. Simplot Co.
Attn: Bruce L. Belzer
Box 27
Boise, ID 83707

Dear Bruce:

This letter is written in answer to the questions raised in your correspondence dated 6/13/86.

I do not believe the difference in priority dates between the two permits will ever be a factor in the ability to use water for the uses identified on the permits.

Water for domestic use was identified on both permits and water for industrial use was only identified on the junior permit, No. 35-8162. In the event a groundwater shortage were ever to occur, water for domestic use would always be allowed and since permit 35-7864 did not identify water for industrial use, it would not have any value to you.

I hope this will answer your concerns. If I can be of further assistance, do not hesitate to contact me.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

MAY 08 1987

CORPORATE HEADQUARTERS

June 13, 1986

RECEIVED
JUN 16 1986

Department of Water Resources

Jim Johnson
Water Rights Supervisor
Statehouse
Boise, ID 83720

Re: 35-7864 and 35-8162

Dear Jim:

Thanks for your June 12th letter on these rights. My primary concern in relinquishing 35-7864 instead of 35-8162 is the four year difference in priority dates. Do you foresee that this difference could ever cause any practical problems with water availability in this area. I appreciate your input. Thanks.

Sincerely,



BRUCE L. BELZER
Assistant General Counsel

BLB/dw

MICROFILMED
MAY 08 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

June 12, 1986

RE: Permit Nos. 35-7864 & 35-8162

J.R. Simplot Co.
Attn: Bruce L. Belzer
Box 27
Boise, ID 83707

Dear Mr. Belzer:

After reviewing both of the above referenced permits, it appears that Permit 35-8162 overlaps the intent of Permit 35-7864.

When 35-7864 was filed, it appears the intent was to cover drinking water in the office and the fire protection system. Permit 35-8162 intended to cover the water used in the plant including fire protection, even though it was not specifically identified as a separate use as in Permit 35-7864. Domestic water for office use was also included in Permit 35-8162.

I concur, there is no apparent need for both permits and would recommend that Permit 35-7864 be relinquished and 35-8162 be retained. For your convenience I have enclosed a relinquishment form for Permit 35-7864.

If you have any further questions on this matter, please let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

MICROFILMED

MAY 08 1987

CORPORATE HEADQUARTERS

May 14, 1986

RECEIVED
MAY 15 1986

Department of Water Resources

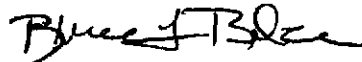
Department of Water Resources
Statehouse
Boise, ID 83720

Re: 35-8162; 35-7864

Gentlemen:

I have received recent correspondence concerning 35-8162 regarding the field examination and the fee structure. In reviewing this matter, I have discovered that this right is almost entirely duplicative of 35-7864. The only differences appear to be the diversion rate and a slight variation of the purpose for which the water is to be used. I have confirmed that we can live with the lesser diversion rate in 35-7864, but my concern is whether or not the purpose as described in 35-7864 is broad enough to cover our actual use. The water is used in a retail fertilizer outlet for various purposes including drinking, sanitary, and rinsing equipment. 35-7864 was completed and submitted by operations personnel, without prior review by this office. The use as described in 35-7864 is "fire protection" and "domestic". Are these terms broad enough to cover our actual use? If not, would an application to change the nature of use be appropriate, as it does not make sense to me to hold both rights. I would appreciate an early response, as I need to respond to 35-8162 prior to July 1, 1986. Thank you for your attention and cooperation in this matter.

Sincerely,



BRUCE L. BELZER
Assistant General Counsel

BLB/dw

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MAY 08 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Storehouse
Boise, Idaho 83720

35-8162
J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707

138665

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

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of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

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MAY 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 19, 1986

J.R. SIMPLOT
P.O. BOX 27
BOISE

ID 83707

RE: Permit No. 35-8162

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

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MAY 08 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
OCT 22 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 35-8162

Name(s) of Permit Holder: J. R. SIMPLOT COMPANY

Post Office Address: P.O. Box 27, Boise, Idaho 83707

Attn: Ronald N. Graves

Telephone No. 336-2110

Source of Water: Groundwater

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks Retail Fertilizer Outlet

Indicate the date water was first diverted and beneficially used under this permit: March 18, 1985

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Ronald N. Graves

(Name)

P.O. Box 27

Boise, Idaho 83707

336-2110

(Address)

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

J. R. SIMPLOT COMPANY

October 21, 1985
Date

By Ronald N. Graves - Secretary
Signature of Permit Holder (and Title, if appropriate)

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILM

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707

MARCH 28, 1985

RE: PERMIT NO. 35-8162

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT NUMEROUS PRIOR APPLICATIONS FOR PERMIT HAVE BEEN FILED TO APPROPRIATE WATER FROM YOUR SOURCE, TO BE USED ON DESERT LAND ENTRY AND/OR CAREY ACT LANDS. DEVELOPMENT OF THESE WATER RIGHTS IS CURRENTLY PREVENTED BY THE U.S. BUREAU OF LAND MANAGEMENT. HOWEVER, IF THE LANDS ARE RELEASED FOR DEVELOPMENT, THE ASSOCIATED WATER RIGHTS WILL RECEIVE WATER PRIOR TO YOUR WATER RIGHT ENCLOSED. THEREFORE BE SURE TO ANALYZE THE FUTURE IMPACT OF THESE RIGHTS BEFORE MAKING A MAJOR INVESTMENT IN A WATER SUPPLY SYSTEM.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR A FLOW MEASUREMENT PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE FLOW MEASUREMENT PORT.

YOU SHOULD BE AWARE THAT THE GROUND WATER YOU PROPOSE TO DIVERT IS LOCATED WITHIN A DRAINAGE BASIN WHERE SURFACE WATERS ARE REGULATED DURING THE MONTHS OF LOW FLOW. IT IS POSSIBLE THAT DIVERSION OF GROUNDWATER MAY HAVE AN ADVERSE IMPACT ON THESE SURFACE WATER FLOWS. INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE PERMITS IN YOUR AREA, BUT WE DO CAUTION THAT DIVERSIONS OF GROUND WATER ARE NOT ALLOWED TO DEplete FLOWS AVAILABLE FOR SURFACE WATER USERS WITH EARLIER PRIORITY DATES. SITING YOUR WELL AS FAR FROM SURFACE SOURCES AS POSSIBLE AND CASING OUT UPPER WATER PRODUCING ZONES MAY REDUCE THE POTENTIAL FOR INTERFERENCE.

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RE: PERMIT 35-8162

PAGE 01
MARCH 28, 1985

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY

APPLICATION NUMBER 35 8162

CHECK:

- ☒ Source
☒ Point of diversion
☒ County
☒ Quantity of water and period of use
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature
☒ Fee
☐ Yes ☒ No Field check required
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Request dam safety information
☒ Yes ☐ No In form to receipt

Field checked by _____
Date _____
Comments _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO

- ☐ Idaho State Health Department. Copies sent by _____ Date _____
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management
☐ U.S. Forest Service
☐ Other _____

PROCESSING

- ☐ Yes ☒ No Platted by _____ Map No. _____
☒ Yes ☐ No Other rights on same place or use Permit 35-7864
☒ Yes ☐ No In form for advertising. Final date for protests Aug 8, 1983
☐ Yes ☒ No Protests received If yes, record information on 4th page of application

FINAL REGIONAL PROCESSING REVIEW

- ☒ Affidavit of publication received Date 8/4/83
☒ Application published correctly If not, record action taken
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by water master? If yes, what district? 01
6-13-1983 Date of priority recommended
Special conditions of approval or cover letter.

app. released in 3rd S.F. dismissal

POOR QUALITY ORIGINAL

By: Ernest Carlson

STATE OFFICE REVIEW

Date Feb 13, 1985

L11, L03, L05, L16

OIC

☐ See attached sheet for more information
By: kw

Date 3/4/85

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RECEIVED
FEB 20 1985

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 13, 1983

Gentlemen,

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a sales proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 8, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 8, 1983.

KEN DUNN, Dir.

Published 7/21 @ 7/28/83.

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25-8162

J.R. SIMPLOT CO.
P.O. Box 27
BOISE, ID 83707

Source: GROUNDWATER

Date Filed: 06/13/1983

Diversion Pt. NENW Sec 02 T 03N R 37E

Use: INDUSTRIAL (1.00 CFS)
DOMESTIC (0.02 CFS)

In. NENW Sec 02 T 03N R 37E

Address
Corrected
on Computer
~~BP~~ 8/18/83

Proofed
By BP
Phone 7/20/83

UNRECORDED

