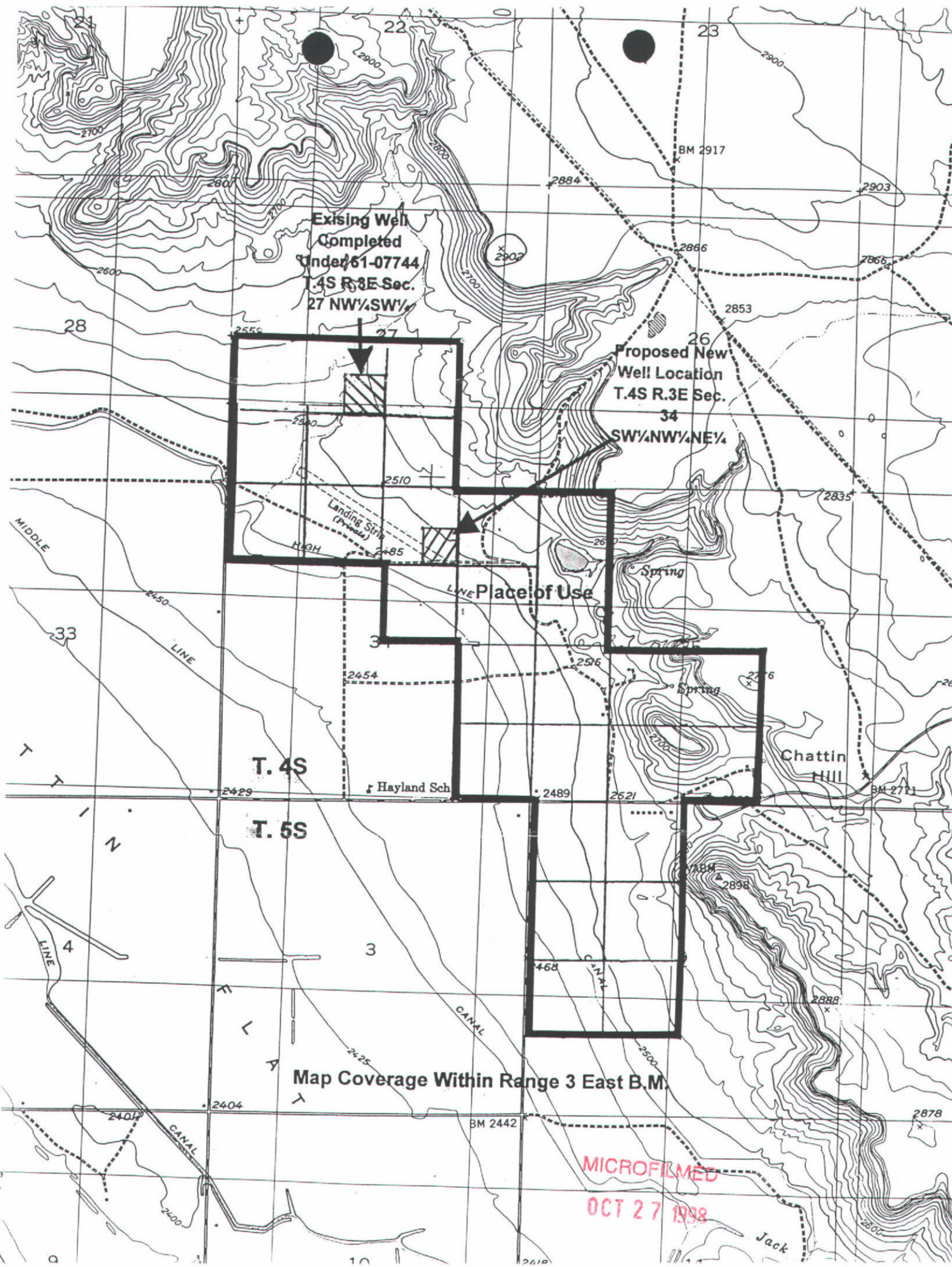




Existing Well  
Completed  
Under 61-07744  
T. 4S R. 3E Sec.  
27 NW 1/4 SW 1/4

Proposed New  
Well Location  
T. 4S R. 3E Sec.  
34  
SW 1/4 NW 1/4 NE 1/4

Place of Use

T. 4S

T. 5S

Hayland Sch

Chattin Hill

Map Coverage Within Range 3 East B.M.

MICROFILMED  
OCT 27 1998

[illegible]

Ronald N. Graves, Secretary

the public water

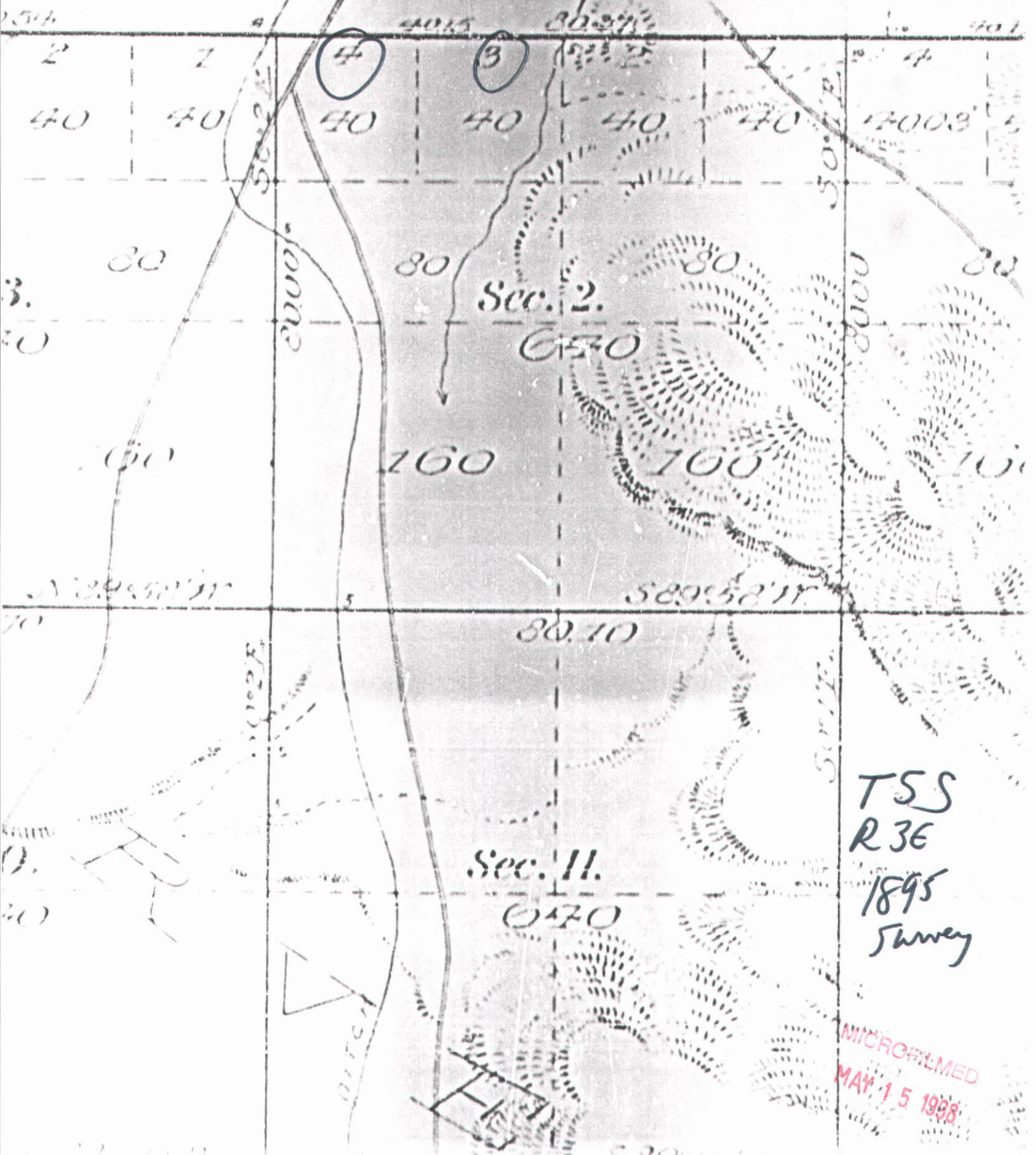


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TSS  
R36  
1895  
Survey

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AUG 18 1998

RECEIVED

AUG 19 1998

WATER RESOURCES  
WESTERN REGION

## Affidavit of Publication

County of Elmore } ss.  
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

### Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 5th day of August, 1998, and the last publication having been made on the 12th day of August, 1998; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 12th day of

August, 1998

Cynthia A. Roberson  
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.

### NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that **J.R. SIMPLOT COMPANY**, PO Box 27, Boise ID 83707 has applied to the Department of Water Resources to Change the Point of Diversion of the following water right in Elmore County Pursuant to I.C. § 42-211:

#### RECORDED RIGHT

Permit 61-07744, ground water, filed on 01/22/98 for 3.34 cfs diverted in T4S R3E S27 NWSW and used for stockwater in portions of T4S R3E S27, S34, & S35 and T5S R3E S2.

#### PROPOSED AMENDMENT

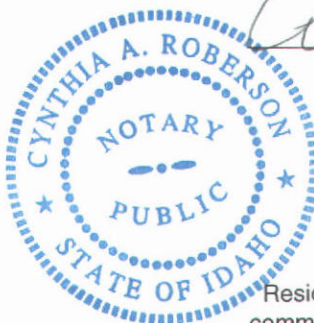
Add point of diversion in T4S R3E S34 SWNWNE.

The amended permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before August 24, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director.  
First Publication August 5, 1998.  
Last Publication August 12, 1998.

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OCT 27 1998



**Simplot**

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300  
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

## FAX COVER LETTER

Transmittal Time:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                            |                                              |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------|-----------------------------|
| TO: <b>Cindy Zimmerman</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                            | Fax No. 327-7866                             | DATE: <b>March 16, 1998</b> |
| COMPANY: <b>IDWR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                            | No. of pages including cover sheet: <b>2</b> |                             |
| FROM: <b>Vic Conrad</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Direct Dial Number<br><b>(208)389-7359</b> | FAX NO.<br><b>(208) 389-7333</b>             |                             |
| <b>CONFIDENTIALITY NOTICE:</b> This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You. |                                            |                                              |                             |
| Re: Application no. 61-07744.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                            |                                              |                             |
| Message: As you requested attached is a copy of the Officers of the J. R. Simplot Company.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                            |                                              |                             |
| If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                            |                                              |                             |

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MAY 15 1998

# Simplot

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300  
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

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MAR 10 1998

WATER RESOURCES  
WESTERN REGION

## FAX COVER LETTER

Transmittal Time: \_\_\_\_\_

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------|
| TO: Sue Taylor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  | DATE: March 10, 1998                  |
| COMPANY: IDWR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  | No. of pages including cover sheet: 2 |
| FROM: Vic Conrad                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Direct Dial Number (208)389-7359 | FAX NO. (208) 389-7333                |
| <b>CONFIDENTIALITY NOTICE:</b> This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You. |                                  |                                       |
| <b>RE: Protest Withdrawal to IDWR Application No. 61-07744.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |                                       |
| Message: Please call to confirm that you receive this.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  |                                       |
| If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                                       |

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MAY 15 1998

# Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300  
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

FAX COVER LETTER

Transmittal Time:

TO:

Gary Spackman

MICROFILM

MAY 15 1998

Fax No:

334-2348

DATE:

March 13, 1998

COMPANY:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

APR 1 2003

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 61-7744 Telephone No. 208-336-2110

2. Name of Permit Holder(s): J. R. Simplot Company

3 Mailing Address: PO Box 27 Boise, ID 83707

City Boise State ID Zip 83707

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. Dec. / yr. 1999  
April, 1998 and

Well Driller: Hiddelston & Son, Inc. Drilling Permit Number: 61-98-W-0017-000 and  
61-99-W-0075-200

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): 50,000 hd. cattle

Irrigation (No. of acres): \_\_\_\_\_ Other: \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: 3.34 cfs OR \_\_\_\_\_ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes \_\_\_\_\_ or No X  
Has the measuring device been installed? Yes \_\_\_\_\_ or No X

8. Fee Enclosed: \$ 175.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9 Person to contact to accompany the Department representative during field examination of the water system.

Name: Chuck Jones Telephone Number: 208-834-2231

Address: HC 85, Box 275 Grand View, ID 83624

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

J. R. Simplot Company

Signature of permit holder: By: Ronald N. Graves Date: March 28, 2003

(include your title, if on behalf of company or organization)

Ronald N. Graves, Senior Vice President,  
Secretary and Chief Legal Officer

MICROFILMED

MAY 21 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**AMENDMENT OF PERMIT**  
**PERMIT NO. 61-07744**

This is to certify, that J R SIMPLOT CO  
PO BOX 27

BOISE ID 83707-0027

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

**SOURCE**

GROUNDWATER

Priority: January 22, 1998

**BENEFICIAL USE**                      **PERIOD OF USE**                      **RATE OF DIVERSION**

STOCKWATER                                      01/01 to 12/31                                      3.34 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

NWSW , Sec. 27, Township 04S, Range 03E  
NWNE , Sec. 34, Township 04S, Range 03E  
ELMORE County

**PLACE OF USE:** STOCKWATER

**TWN RGE SEC**

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| 04S 03E 27  | NESW        | NWSW        | Lot 4(SWSW) |
| Lot 3(SESW) | NWSE        | NWSE        | Lot 2(SWSE) |
| 34          | NENE        | NWNE        | SWNE        |
|             | SENE        | NENW        | NWNW        |
|             | NESE        | SESE        |             |
| 35          | NWNW        | SWNW        | NESW        |
|             | NWSW        | SWSW        | SESW        |
|             | NWSE        | SWSE        |             |
| 05S 03E 2   | Lot 3(NENW) | Lot 4(NWNW) | SWNW        |
|             | SENE        | NESW        | NWSW        |

**CONDITIONS OF APPROVAL AND REMARKS**

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2003.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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OCT 27 1998

PERMIT NO. 61-07744

CONDITIONS OF APPROVAL AND REMARKS

5. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
9. The issuance of this right does not grant any right-of-way or easement across the land of another.
10. The Director retains jurisdiction to require by written order the release of purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of the water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. The right holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this condition pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code.
11. Stockwater use is for 50,000 beef cattle in a feedlot.

Witness my hand this 14<sup>th</sup> day ofOctober, 1998  
Chief, Water Allocation Bureau

MICROFILMED

OCT 27 1998

RECEIVED

MAY 18 1998

Receipt No. W023887  
Received By KG  
Date 3/18/98WATER RESOURCES  
WESTERN REGION  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

## OCT 09 1998 APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

Applicant J.R. Simplot CompanyPhone 208-336-2110Address P.O. Box 27 Boise, ID 83707I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 61-07744, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: Change point of diversion ☒ Add point of diversionChange place of use Change nature of use Change period of use Other(New) 1. Point of diversion: SW 1/4 NW 1/4 NE 1/4, Section 34, Township 4S, Range 3E, B.M.,  
County of Elmore. Other points of diversion (Existing) T.4S R.3E Sec. 27 NW 1/4 SW 1/4

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.34 cfs for Stockwater purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount            for            purposes from            to            (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)Amount            for            purposes from            to            (both dates inclusive)  
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated: (Same as permitted)

| T<br>w<br>p | R<br>g<br>e | S<br>e<br>c | NE 1/4 |    |    |    | NW 1/4             |                    |    |    | SW 1/4 |    |                    |                    | SE 1/4 |    |                    |    | TOTALS |
|-------------|-------------|-------------|--------|----|----|----|--------------------|--------------------|----|----|--------|----|--------------------|--------------------|--------|----|--------------------|----|--------|
|             |             |             | NE     | NW | SW | SE | NE                 | NW                 | SW | SE | NE     | NW | SW                 | SE                 | NE     | NW | SW                 | SE |        |
| 4S          | 3E          | 27          |        |    |    |    |                    |                    |    |    | S      | S  | <sup>L4</sup><br>S | <sup>L3</sup><br>S |        | S  | <sup>L2</sup><br>S |    |        |
|             |             | 34          | S      | S  | S  | S  | S                  | S                  |    |    |        |    |                    |                    | S      |    |                    | S  |        |
|             |             | 35          |        |    |    |    |                    | S                  | S  |    | S      | S  | S                  | S                  |        | S  | S                  |    |        |
| 5S          | 3E          | 2           |        |    |    |    | <sup>L3</sup><br>S | <sup>L4</sup><br>S | S  | S  | S      | S  |                    |                    |        |    |                    |    |        |
|             |             |             |        |    |    |    |                    |                    |    |    |        |    |                    |                    |        |    |                    |    |        |
|             |             |             |        |    |    |    |                    |                    |    |    |        |    |                    |                    |        |    |                    |    |        |

Total number of acres to be irrigated =           

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated at the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

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OCT 27 1998

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

[illegible]

Scale 2 FIGHTS AGAIN 1 TALK

J.R. Simplot Company

Ronald N. Graves, Secretary

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

Published in Mtn Home News

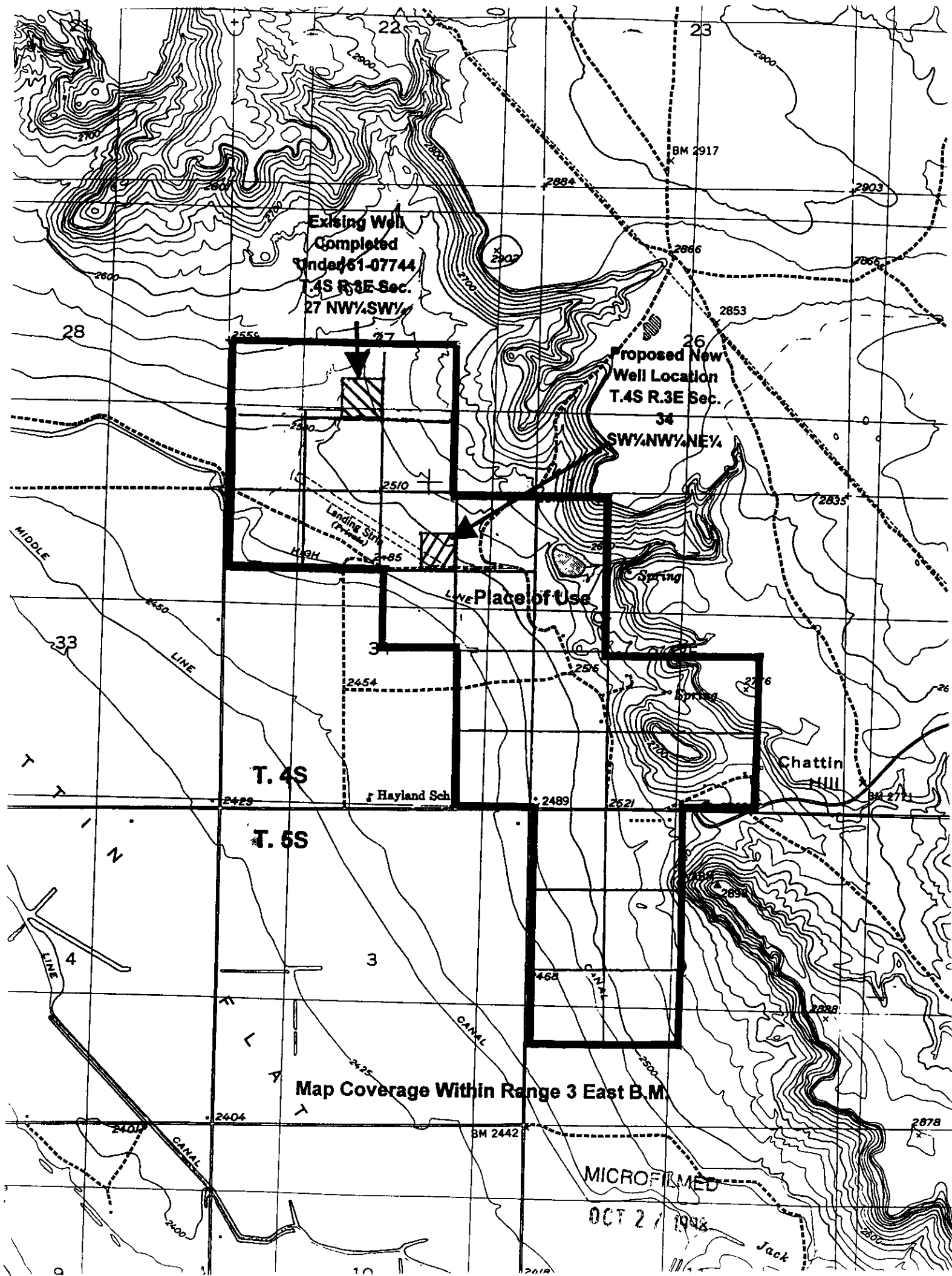
I, \_\_\_\_\_, of the Department of Water Resources hereby

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

MICROFILMED

OCT 27 1998

**SIGNATURE**



State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 61-07744

Proposed Priority: January 22, 1998 Maximum Diversion Rate: 3.34 CFS

This is to certify, that J R SIMPLOT CO

PO BOX 27

BOISE ID 83707-0027

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

01/01 to 12/31

3.34 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 27, Township 04S, Range 03E  
ELMORE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

|              |              |              |              |
|--------------|--------------|--------------|--------------|
| 04S 03E 27   | NESW         | NWSW         | Lot 4 (SWSW) |
| Lot 3 (SESW) | NWSE         | Lot 2 (SWSE) |              |
| 34           | NENE         | NWNE         | SWNE         |
|              | SENE         | NENW         | NWNW         |
|              | NESE         | SESE         |              |
| 35           | NWNW         | SWNW         | NESW         |
|              | NWSW         | SWSW         | SESW         |
|              | NWSE         | SWSE         |              |
| 05S 03E 2    | Lot 3 (NENW) | NWNW         | SWNW         |
|              | SENE         | NESW         | NWSW         |

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2003.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

MAY 14 1998

State of Idaho  
Department of Water Resources**Permit To Appropriate Water**

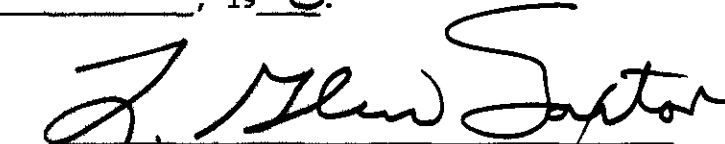
NO. 61-07744

**CONDITIONS OF APPROVAL AND REMARKS**

7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
8. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
9. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
10. The issuance of this right does not grant any right-of-way or easement across the land of another.
11. The Director retains jurisdiction to require by written order the release of purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of the water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. The right holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this condition pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code.
12. Stockwater use is for 50,000 beef cattle in a feedlot.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.  
Witness the signature of the Director, affixed at Boise, this

17<sup>th</sup> day of March, 1998.

  
for Karl J. Dreher, Director

MAR 15 1998

RECEIVED

JAN 21 1998

WATER RESOURCES  
WESTERN REGION

Ident No 61-7744

Form 202  
6/85

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1 Name of applicant J.R. Simplot Company Phone (208) 336-2110

Post office address P.O. Box 27, Boise, Idaho 83707

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is \_\_\_\_\_ 1/4 of NW 1/4 of SW 1/4, Govt Lot \_\_\_\_\_  
Sec. 27 Township 4S Range 3E B.M. Elmore County; additional  
points of diversion if any: NE 1/4 SW 1/4 Sec. 27 T.4S R.3E B.M.

4. Water will be used for the following purposes:

Amount 3.34cfs for Stockwater purposes from 1-1 to 12-31 (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)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3.34 c.f.s. and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6 Proposed diverting works:

a Description of ditches, flumes, pumps, headgates, etc. Wells, pumps, pipelines, stock water  
troughs

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet, total  
reservoir capacity \_\_\_\_\_ acre-feet, period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is 16 inches, proposed depth of well is 500 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

MAY 15 1998

27 T.4S R.3E B.M., Elmore County, State of Idaho.

12. Remarks The applicant and the BLM are exchanging lands pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 as amended. As a result of the exchange the applicant will receive ownership of the N1SW1 and NW1SE1 of Section

10. Describe any other water rights used for the same purposes as described above. 61-00366, 61-00367 61-02028, 61-04017, 61-07398, 61-07667

11. a. Who owns the property at the point of diversion? BLM (see remarks)

b. Who owns the land to be irrigated or place of use? Applicant and BLM (see remarks)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing See Remarks

**Total number of acres to be irrigated.**

[illegible]

ponding place of use below. See instructions for standard symbols

9 Description of place of use

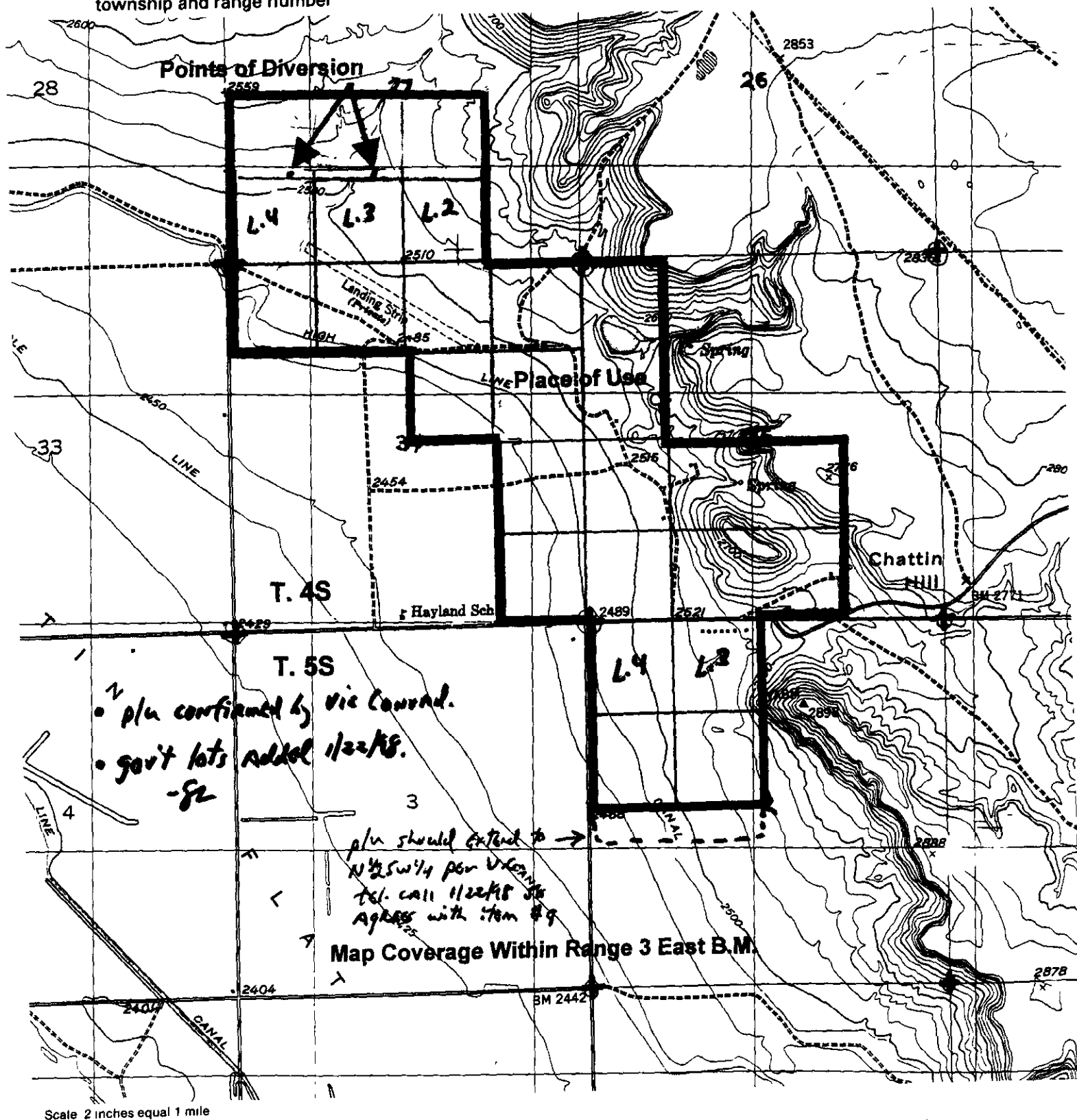
a If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding-

8. Description of proposed uses (if irrigation only, go to item 9).

|                                                                 | a | b | c | d | e |
|-----------------------------------------------------------------|---|---|---|---|---|
| Hydropower; show total feet of head and proposed capacity in KW |   |   |   |   |   |
| Stockwatering; list number and kind of livestock.               |   |   |   |   |   |
| 50,000 hd beef cattle                                           |   |   |   |   |   |
| Municipal; show name of municipality                            |   |   |   |   |   |
| Domestic; show number of households.                            |   |   |   |   |   |
| Other; describe fully                                           |   |   |   |   |   |

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



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

By:

*Ronald N. Graves*  
(Applicant)

Ronald N. Graves, Secretary

D.O.P. (\$ rec'd w/ Appl)

Received by Kh Date 11/21/98 Time 3:55 Preliminary check by SL  
Fee \$ 16000 Receipted by Kh # W023390 Date 11/22/98  
Publication prepared by AT Date 1-28-98 Published in Mtn Home News  
Publication approved Kh Date 2/27/98  
2-4411-98

### 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. \_\_\_\_\_, and said application is hereby \_\_\_\_\_

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 \_\_\_\_\_, 19 \_\_\_\_.

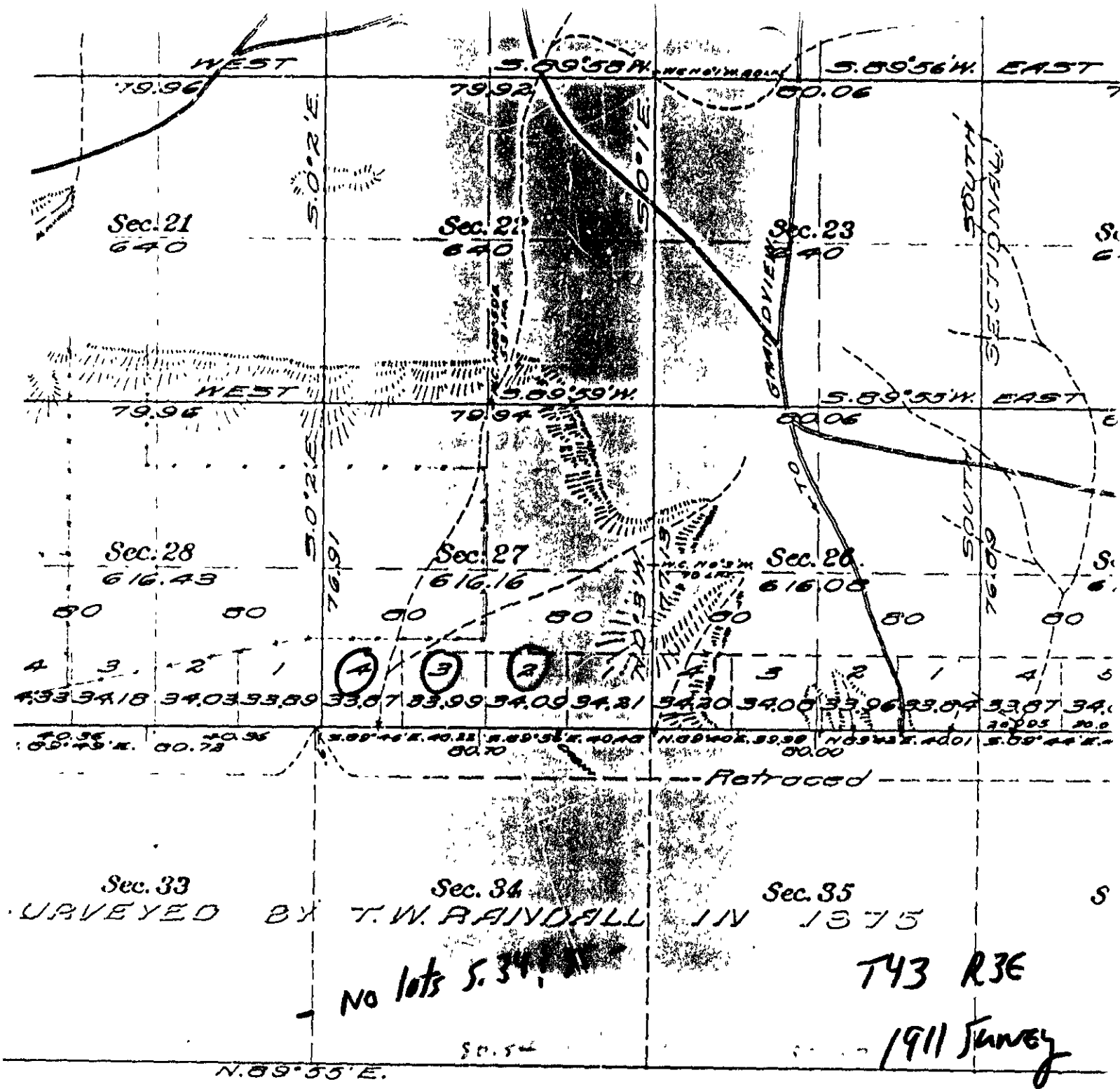
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MAY 15 1998

MAY 15 1998



| Amount of Surveys |      |      | When Surveyed. |                |
|-------------------|------|------|----------------|----------------|
| Mls.              | chs. | lks. | Begun.         | Completed.     |
| 5                 | 76   | 78   | Oct. 10, 1910  | Oct. 10, 1910  |
| 9                 | 75   | 79   | Oct. 10, 1910  | Oct. 11, 1910  |
| 3                 | 1    | 18   | Oct. 11, 1910  | Oct. 11, 1910  |
| 2                 | 77   | 60   | Oct. 11, 1910  | Oct. 11, 1910  |
| 48                | 55   | 53   | Oct. 12, 1910  | Oct. 17, 1910  |
|                   | 10   | 22   | Oct. 10, 1910  | Oct. 16, 1910  |
|                   |      |      | Oct. 30, 1868  | Sept. 30, 1868 |

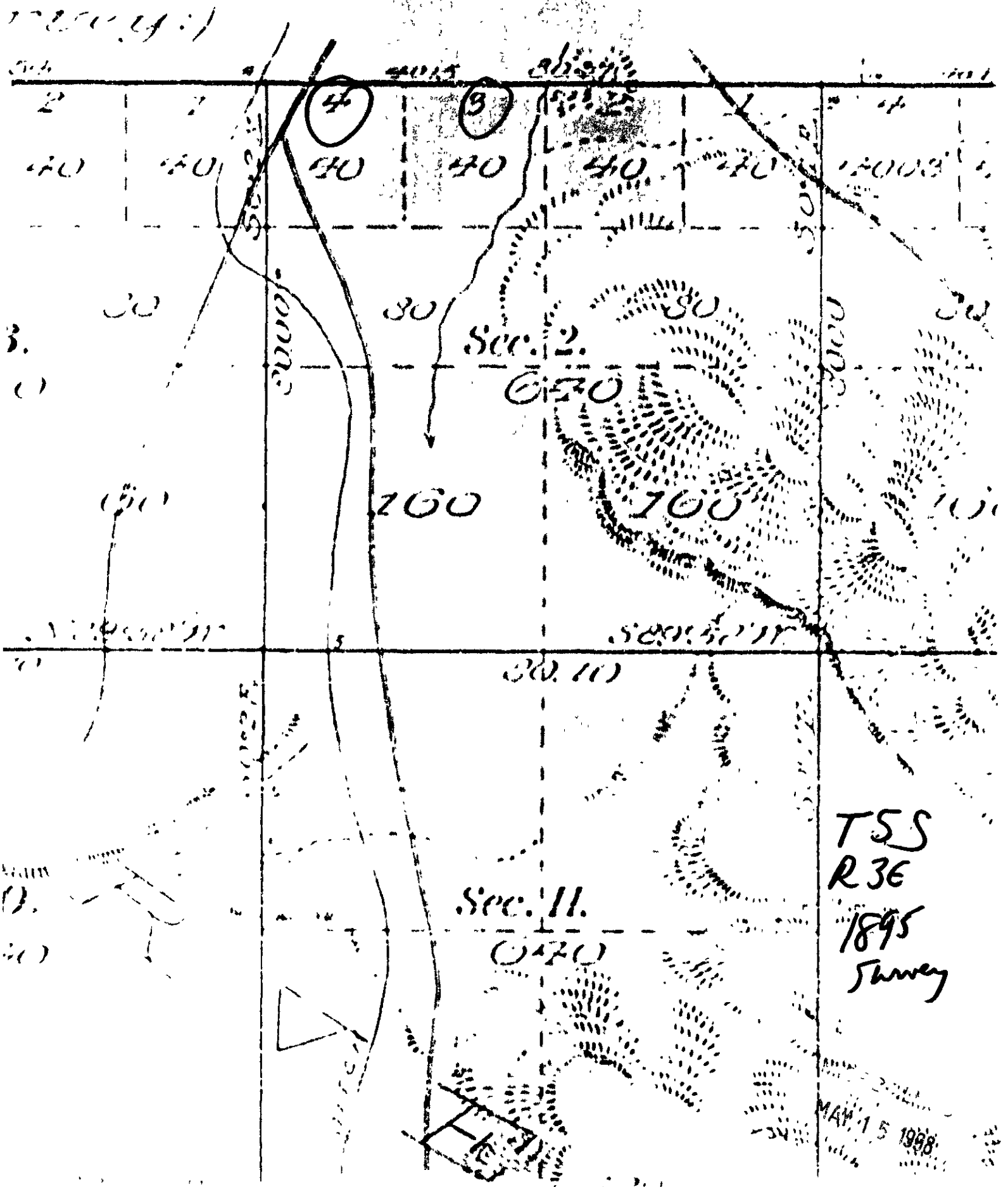
MICROFILMED  
MAR 15 1998

The above map of Township No. 34 North, Range 36 East, is str... in this office, which have been ex... U.S. Surveyor General's C... Boise, Idaho, July 26, 1911

C

B

B





State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 1, 2003

VIC CONRAD  
J R SIMPLOT CO  
PO BOX 27  
BOISE ID 83707

### PROOF ACKNOWLEDGMENT LETTER

**RE: PERMIT NO. 61-7743 & 61-7744**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. I am enclosing copies of the proofs you filed. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial uses.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the Western Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

MICROFILMED

MAY 21 2003

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 61-7744

Reviewed By: dgibson

Date: April 30, 2003

|                                   | <u>Yes</u> | <u>No</u> |                                  | <u>Yes</u>                          | <u>No</u> |
|-----------------------------------|------------|-----------|----------------------------------|-------------------------------------|-----------|
| Proof received timely?            | X          |           | Drilling permit required?        | X                                   |           |
| License examination fee required? | X          |           | Drilling permit No.:             | 61-98-W-0017-000 & 61-99-W-0075-200 |           |
| Appropriate fee submitted?        | X          |           | Drilling permit upgrade needed?  |                                     |           |
| Receipt No                        | C068338    |           | Well driller's report filed?     |                                     | X         |
| Additional Amount Due:            |            |           | Measuring device required?       |                                     | X         |
| Name and address same as permit?  | X          |           | Measuring device installed?      |                                     |           |
| Are the water uses correct?       | X          |           | Measure device waiver requested? |                                     |           |

### Priority Calculation

|                     |              |
|---------------------|--------------|
| Date proof received | 04/01/2003   |
| Date proof due      | - 04/01/2003 |
| Lapse notice sent   | -            |
| No of days late     | = 0          |
| Holiday allowance   | +            |
| Priority date       | + 01/22/1998 |
| New priority date   | = 01/22/1998 |

### Deficiencies of Actions Items

Acknowledge proof

January 31, 2003

J R SIMPLOT CO  
999 MAIN ST STE 1300  
PO BOX 27  
BOISE, ID 83707

PROOF DUE NOTICE

RE: PERMIT NO. 61-7744

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

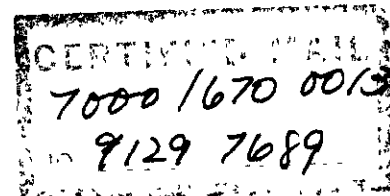
Sincerely,

Deborah J. Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures

MICROFILMED

MAY 21 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 14, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

J R SIMPLOT CO  
PO BOX 27  
BOISE ID 83707-0027

RE: Water Right 61-07744

Dear Permit Holder(s):

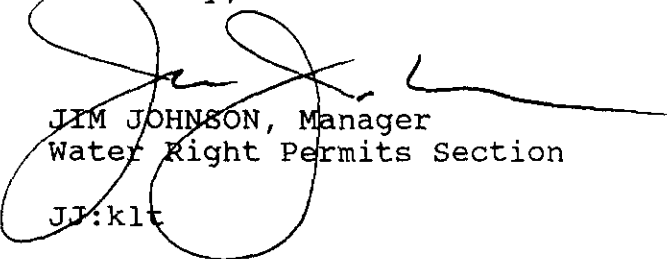
The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a **preliminary order** issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

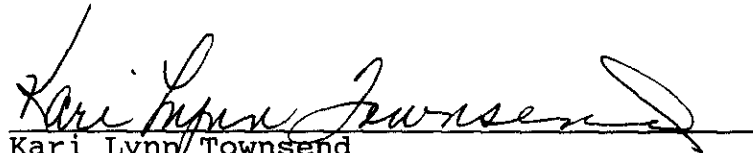
OCT 27 1998

**CERTIFICATE OF MAILING**

I hereby certify that on the 14th day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

**WATER RIGHT 61-07744**

**J R SIMPLOT CO  
PO BOX 27  
BOISE ID 83707-0027**

  
Kari Lynn Townsend  
Secretary

MICROFILMED  
OCT 27 1998

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

### **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### **FINAL ORDER**

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

WR0749NP  
No. B61-07744

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 10/13/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | J R SIMPLOT CO<br>PO BOX 27<br>BOISE ID 83707-0027<br>(208) 336-2110 | 01/22/1998       | STOCKWATER | 01/01 12/31           | 3.340 CFS         |                     |
| TOTAL DIVERSION: |                                                                      |                  |            |                       | 3.340 CFS         |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T04S R03E S27 NWSW ELMORE County  
S34 NWE ELMORE County

Place of use Legal Description for: STOCKWATER

| NE   |     |      |    | NW   |    |      |    | SW   |    |      |      | SE   |    |      |    |      |    |      |      |      |    |      |    |      |      |      |    |      |    |      |  |
|------|-----|------|----|------|----|------|----|------|----|------|------|------|----|------|----|------|----|------|------|------|----|------|----|------|------|------|----|------|----|------|--|
| NENE |     | NWNE |    | SWNE |    | SENE |    | NENW |    | NWNW |      | SWNW |    | SENW |    | NESW |    | NWSW |      | SWSW |    | SESW |    | NESE |      | NWSE |    | SWSE |    | SESE |  |
| T    | R   | S    | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt   | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt   | Ac   | Lt | Ac   | Lt | Ac   | Lt   | Ac   | Lt | Ac   | Lt | Ac   |  |
| 04S  | 03E | 27   | :  |      |    |      |    |      | :  |      |      |      |    |      | :  |      | S  | S    | 04-S | 03-S | :  |      |    | S    | 02-S | :    |    |      |    |      |  |
| 04S  | 03E | 34   | :  | S    |    | S    |    | S    | :  | S    | S    |      |    |      | :  |      | S  |      |      |      | :  | S    |    |      |      |      | S  |      |    |      |  |
| 04S  | 03E | 35   | :  |      |    |      |    |      | :  |      | S    | S    |    |      | :  | S    | S  | S    | S    | :    |    |      | S  | S    |      |      |    |      |    |      |  |
| 05S  | 03E | 2    | :  |      |    |      |    |      | :  |      | 03-S | 04-S | S  | S    | :  | S    | S  |      |      | :    |    |      |    |      |      |      |    |      |    |      |  |

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
61-07744

Other Water Rights Listing Overlapping Place(s) of use:

|           |           |           |           |          |           |           |           |           |           |
|-----------|-----------|-----------|-----------|----------|-----------|-----------|-----------|-----------|-----------|
| 61-00366  | 61-00367  | 61-02028  | 61-04017  | 61-07398 | A02-00088 | A02-00089 | A02-00090 | A02-00091 | A02-00092 |
| A02-00093 | A02-00094 | A02-00095 | A02-04023 |          |           |           |           |           |           |

Conditions of Approval:

- 01M - After specific notification by the department, the right holder
  - shall install a suitable measuring device or shall enter into an
  - agreement with the department to determine the amount of water
  - diverted from power records and shall annually report the
  - information to the department.
- 046 - Right holder shall comply with the drilling permit
  - requirements of Section 42-235, Idaho Code.
- 081 - Use of water under this approval shall comply with applicable
  - water quality standards of the Division of Environmental Quality
  - of the Idaho Department of Health and Welfare.
- 051 - Any license issued by IDWR pursuant to the right or portion
  - thereof for the use of trust water is subject to a term review
  - of 20 years after the date of this approval to determine
  - availability of water for the use and to re-evaluate the public
  - interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an
  - annual use fee if rules are subsequently promulgated which
  - provide for the submittal of the fee.
- 053 - The Director retains jurisdiction over this right and may

Conditions of Approval:

- change, add, or remove any requirement as determined to be appropriate.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

Remarks: GEN The Director retains jurisdiction to require by written order the release of purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of the water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. The right holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this condition pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code.

Stockwater use is for 50,000 beef cattle in a feedlot.

Dates: App. Received: 01/22/1998 Priority Date: 01/22/1998  
Proof Due Date: 04/01/2003 Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/27/1998 User-ID: STAYLOR Subject: P/D & P/U OWNERSHIP  
The applicant and the BLM are exchanging lands pursuant to section 206 of the Federal Land Policy & Management Act of 1976 as amended. As a result of the exchange the applicant will receive ownership of the N1/2SW1/4 and NW1/4SE1/4 of Sec. 27 T04S R03E B.M. Elmore County, State of Idaho.

Date: 03/16/1998 User-ID: CZIMMERM Subject: CORPORATE OFFICERS  
The corporate officers of J R Simplot Co are:  
Stephen A. Beebe, President;  
C. Larry Hinderager, Sr. Vice President;  
James R Munyon, Sr. Vice President;  
Dennis R Mogensen, Sr. Vice President;  
Don J Simplot, Vice President;  
Thomas J Sorge, Treasurer;  
Ronald N Graves, Vice President/Secretary; and  
James D Crawford, Controller.

Date: 03/16/1998 User-ID: CZIMMERM Subject: DIVERSION DESCRIPTION  
2 additional 16" x 500' wells with pumps and pipelines to stock in existing feedlot. May interconnect with 6 existing wells licensed under 61-07398 & 61-07667. If they combine system, they will file a transfer/amendment adding p/ds.

Review Date 10/13/98

**TYPE:**    A = AMENDED                      E = CHANGE N/U                      I = CHANGE P/D & P/U  
              B = CHANGE P/D                  F = CHANGE Per/U                  J = ADD P/D & CHANGE P/U  
              \*C = ADD P/D                    G = OTHER  
              D = CHANGE P/U                  H = CHANGE P/D & + P/D

**PROOF OF B/U RECEIVED?** Yes No **Due < 6 months?** Yes No

Drilled \_\_\_\_\_ No D.P. for section 34

61-98-W-0017-000 was for me  
in sec 27 Receipt # W023779  
4/21/98

Conditions of Approval: 046, 01m, 081, 004, 051/052/053

Remarks/Comments \$50,000 beef cattle in feedlot.

\* Cannot locate info explaining permit approved for only 1 p/d (NESW, 527) and NESW, 527 left off but amendment only lists the 1 p/d in 527, so that point discrepancy is most now.

State of Idaho  
Department of Water Resources  
AMENDMENT ANALYSIS SHEET

RECEIVED

OCT - 9 1998

Department of Water Resources

Right Number 61-077414 WP File Name WB SIMPLOT amend-GV  
Initial Review By: DN Date 6/10/1998  
Applicant IR SIMPLOT Co

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s)  
☐ Increase amount. ☐ Change place of use. ☐ Other \_\_\_\_\_

CHECK:

- ☒ Description of amended point(s) of diversion  
☒ Amount, nature and period of use. If increased, delay date of priority.  
☒ Ownership of point of diversion and place of use.  
☒ Map.  
☐ Signature (must be permit holder).  
☒ Fee.  
☒ Existing water rights from the same source, amended place of use.  
☐ Right number(s) No rights from new POD - POD NOT changed. See comments dated 3/16/1998 for overlap possibilities.  
☐ Yes ☐ No Should amendment be advertised?  
☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? \_\_\_\_\_  
☐ Legal notice electronically transmitted to State Office.  
☒ Additional analysis information attached.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. ☒ Amendment published correctly  
☐ Protest processed.  
☒ Comment letters to: Lonna + George BENNETT, HC85 BOX 271, Grand View 83624  
☒ Copy for region file: Always include application, staff analysis sheet, legal notice  
List other items to copy \_\_\_\_\_  
☒ Approve.  
☐ Deny.

Conditions Same as permit.

By Gary S Date 10/1/98

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete: By \_\_\_\_\_ Date \_\_\_\_\_  
☐ Approved copy sent to applicant and to Region. By \_\_\_\_\_ Date \_\_\_\_\_

RECEIVED

AUG 18 1998

RECEIVED

AUG 19 1998

WATER RESOURCES  
WESTERN REGION

Affidavit of Publication

County of Elmore } ss.  
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I  
am the foreman, or publisher of the

**Mountain Home News**

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 5th day of August, 1998, and the last publication having been made on the 12th day of August, 1998, every Wednesday

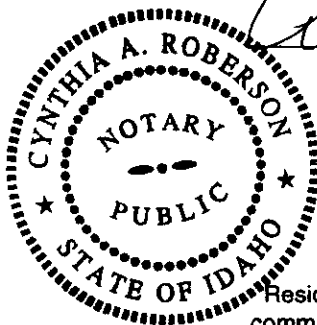
issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 12th day of

August, 1998



Cynthia A. Roberson  
Notary Public

MICROFILMED

OCT 27 1998

Residing in Mountain Home, Elmore County, Idaho My  
commission expires 09-09-2002.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 4, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GEORGE &/OR DONNA BENNETT  
HC 85 BOX 271  
GRAND VIEW ID 83624

Re: Application for Amendment Water Right Permit No. 61-07744 in the Name of J. R.  
Simplot Co.

Dear Interested Party:

Enclosed is a copy of the above-referenced application for amendment which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before July 20, 1998. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 27 1998



J R SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300  
P O BOX 27 BOISE, IDAHO 83707-0027 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

**May 15, 1998**

Gary Spackman, Manager  
State of Idaho  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082

RECEIVED  
MAY 18 1998  
WATER RESOURCES  
WESTERN REGION

**Re: IDWR Permit No. 61-07744.**

Dear Gary:

Simplot constructed the first well under the above referenced permit in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 27 T.4S R.3E pursuant to the terms and conditions of IDWR drilling permit no. 61-98-W-0017-000. This well is currently being developed and we expect that we will need at least one more well to divert the amount permitted under 61-07744.

Enclosed is an application to amend permit no. 61-07744 to add a point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 34 T.4S R.3E. The new point of diversion will be closer than the existing well to George and Donna Bennetts' domestic wells. The Bennetts' protested the original water right application. We do not believe the new point of diversion will impact these wells. However, as a condition to Bennetts' withdrawing their protest Simplot agreed to reconstruct or replace Bennetts' 2 existing wells in the event any well developed under permit 61-07744 impacts the amount of water available in these wells.

I am also enclosing a check to cover the application fee for the enclosed amendment application. Please process the enclosed application and return the receipt for the enclosed application to my attention at the above address.

Sincerely,

Vic Conrad  
Simplot Land and Development

Enclosures

MICROFILMED

OCT 27 1998

mailed 5/19/98  
-gc

**RECEIPT**  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No: W023887

Date: 5/18/1998  
Time: 15:33:54

*GUMA*

Received  
From: J.R. SIMPLOT COMPANY

| Type of Payment                | Program A cct     | Amount    |
|--------------------------------|-------------------|-----------|
| AMENDMENT OF A PERMIT 61-07744 | 62105 229 21 1155 | 50.00     |
| WELL PERMIT                    | 62134 229 21 1205 | 200.00    |
|                                |                   | <hr/>     |
| Total                          |                   | \$ 250.00 |

CHECK 57971

Region: WESTERN

Signature: *Kathy Gal*

*Was d.p. issued already? Where is d.p.? \**  
*Should BENNETT be notified w/ comment letter & amendment?*

*Not clear from appl etc if these items clarified*  
*or not. NO DP IN 5.34 N.W.N.E*  
MICROFILMED  
OCT 27 1998

*-JL 5/19/98*  
*\* is it related to something N/A to this water right?*  
*01-98-W-0017-000*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

July 29, 1998

**MOUNTAIN HOME NEWS**  
**PO BOX 1330**  
**MOUNTAIN HOME ID 83647**

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. 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 affidavits of publication and publication billing to this office before  
**AUGUST 24, 1998.**

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor  
Senior Secretary

MICROFILMED

OCT 27 1998

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that J. R. SIMPLOT COMPANY, PO Box 27, Boise ID 83707 has applied to the Department of Water Resources to Change the Point of Diversion of the following water right in Elmore County pursuant to I.C. § 42-211:

RECORDED RIGHT

Permit 61-07744, ground water, filed on 01/22/1998 for 3.34 cfs diverted in T4S R3E S27 NWSW and used for stockwater in portions of T4S R3E S27, S34, & S35 and T5S R3E S2.

PROPOSED AMENDMENT

Add point of diversion in T4S R3E S34 SWNWNE.

The amended permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before August 24, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Mountain Home News on August 5 and 12, 1998.

MICROFILMED

OCT 27 1998



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 17, 1998

J R SIMPLOT CO  
PO BOX 27  
BOISE ID 83707-0027

#### PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07744

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

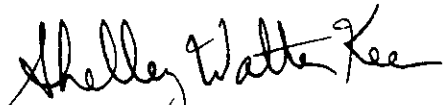
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

MAR 21 1998

to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosures

MAY 15 1993

**CERTIFICATE OF MAILING**

I hereby certify that on the 17TH day of March, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Permit)** to the person(s) listed below:

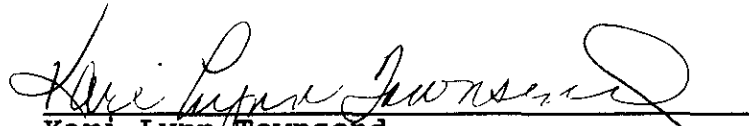
**WATER RIGHT 61-07744**

**J R SIMPLOT CO  
PO BOX 27  
BOISE ID 83707-0027**

---

Kari Lynn Townsend  
Secretary

This is to certify that the **PRELIMINARY ORDER (Approved Permit)** was picked up by an agent of the above named water right holder on March 17, 1998.



---

Kari Lynn Townsend  
Secretary

MAY 15 1998

## **Responding to Preliminary Orders Issued by the Idaho Department of Water Resources**

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### **ORAL ARGUMENT**

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MAY 15 1997

### **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### **FINAL ORDER**

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MAY 15 1997

# APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 61-7744 Name: J R Simplot Co. Date: 3/16/98 Ad OK? ✓ ✓ Gvmt Lts: ✓

**AREA OF CONCERN:**PROTESTED: W/D**SYSTEM COMPLETED:**

&gt; 1 year

≤ 1 year/no proof

**GROUNDWATER: (✓ FLO-CH)**

WMD (✓ MAP)

&gt; 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

WMD Supplemental use

&gt; 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

**DRILLING PERMIT:**

All wells (✓ WDQ3)

Included w/permit

irr in WD

**SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated)**

IN/ABOVE MIN STR FLOW (✓ MAP)

WD (✓ MAP &amp; LISTING)

&gt; 0 10 cfs

≤ 0 10 cfs

WMD (✓ MAP)

&gt; 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

**SPRINGS/SINK, INACTIVE WD & REST OF STATE**

&gt; 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

**RIVER BASINS: (\*Surface water)**

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

**USE:**

Domestic surface

&gt;1 in rest area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

&gt; 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓3 compo)

**LOCATION:**

42-248 area

Boise Front LoGeo

In-stream dev

Irr Dist/Canal Co

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

**OWNERSHIP:****OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**- ~~Yes~~ Yes Mor / GWMA / Trust / Non-trust

- 020 (Protest Agreement) or \*W19 (Order)

- ~~26A~~ P17- ~~P16~~

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- ~~046~~ P23

- Permit No \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_, P99

- P05 (new well location)

- \*WB9

- R04 (WD # \_\_\_\_\_)

- 01J-P08 (MD &amp; LD)

- 01H-P01 (LD) or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- \*W22 -P04, NA

- 007 (w/ remark \*WB9 if above Weiser), NA

- \*W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- \*WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (Injection well)

- R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- 054(req) -081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use),

17G (FERC) or 17M (FERC), 18B-P09, &gt;25 cfs-P18

- R37 (BLM/USFS), NA

- 18A (in &amp; out MD for on-stream storage), 18B-P09 (&gt;10' dam), NA

- P84 in 20/30/40/50/60/70/80 (87) basin)

- 058 (&lt;85° GW temp only)

- P52 (stream channel alteration)

- 023 (Twin Falls area)

- 7- 051-052-053(P74) (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU) land Trade- 001- ① W02 / 50,000 ② Mit- 4/1/2003- emp off (to be faked today per Vic Gons) - need OK

# Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300  
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

## FAX COVER LETTER

Transmittal Time:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |                                    |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------|--|
| TO:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    | DATE:                              |  |
| Cindy Zimmerman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    | March 16, 1998                     |  |
| COMPANY:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    | No. of pages including cover sheet |  |
| IDWR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    | 2                                  |  |
| FROM:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Direct Dial Number | FAX NO.                            |  |
| Vic Conrad                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | (208)389-7359      | (208) 389-7333                     |  |
| <b>CONFIDENTIALITY NOTICE:</b> This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You. |                    |                                    |  |
| Re: Application no. 61-07744.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                                    |  |
| Message: As you requested attached is a copy of the Officers of the J. R. Simplot Company.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                                    |  |
| If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                                    |  |

**J. R. SIMPLOT COMPANY**  
**List of Officers**  
**as of**  
**June 3, 1997**

|                                             |                     |                                                  |
|---------------------------------------------|---------------------|--------------------------------------------------|
| President<br>03-1-94                        | Stephen A. Beebe    | 999 Main Street<br>Suite 1300<br>Boise, ID 83702 |
| Sr. Vice-President<br>02-01-94              | C. Larry Hinderager | 4122 Yellowstone<br>Pocatello, ID 83202          |
| Sr. Vice-President<br>01-16-97              | James R. Munyon     | 6360 S. Federal Way<br>Boise, ID 83706           |
| Sr. Vice-President<br>06-30-97              | Dennis R. Mogensen  | 999 Main Street<br>Suite 1300<br>Boise, ID 83702 |
| Vice-President<br>10-06-69                  | Don J. Simplot      | 999 Main Street<br>Suite 1300<br>Boise, ID 83702 |
| Treasurer<br>01-10-96                       | Thomas J. Sorge     | 999 Main Street<br>Suite 1300<br>Boise, ID 83702 |
| Vice President and<br>Secretary<br>10-06-75 | Ronald N. Graves    | 999 Main Street<br>Suite 1300<br>Boise, ID 83702 |
| Controller<br>01-16-97                      | James D. Crawford   | 999 Main Street<br>Suite 1300<br>Boise, ID 83702 |

E1436

MAY 15 1998

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

MAR 16 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: SR

DATE: 1/22/98

APPLICATION: 61- 7744

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)

Address:

Source: (See USGS Quad for names of water sources)

Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)

County:

Quantity: (flow and/or volume)

Period of use:

Nature of proposed use: (Include description of use)

Description of diverting works:

Time required for beneficial use of water:

Place of use or acres irrigated:

Map: (show T, R, S, QQ &/or QQQ)

Subdivision plat: (for > 1 home in restricted area.  $\geq$  5 homes in non-restricted area)

Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)

Correct fee paid

Gov't. Lots:

NO PID

YES PIU

*Ownership (possessory interest) okay  
per Appl. remarks.*

NO ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

N/A T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area: *wells are south of mt Home gwnms boundary*
- ☐ ☒ 1992 moratorium:
- ☐ ☒ Bull trout impact area
- ☐ ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ Copy to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☐ ☒ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ \*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

Date Response Received

## PROCESSING

APP. NO.

61-7744

YES NO

☒☐

In form for advertising:

☒☒

Statewide advertising: (&gt; 10 cfs &amp;/or 1000 af)

☒☐

Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES

☒ NO☐☒

I.D. Health &amp; Welfare

☐☒

I.D. District Health

☐☒

I.D. Fish &amp; Game

☐☒

I.D. Lands

YES

☒ NO☐☒

U.S. BLM

☐☒

U.S. Forest Service

☐☒

Water Dist. #

☐☒

Other

FINAL REGIONAL PROCESSING REVIEW:

YES

NO

☒☐

Affidavit of publication received:

☒☐

Application published correctly: If not, record action taken.

☒☐

Publication dates and paper recorded on application:

☐☒Final date for protest 2-23-98☒☐

Protests received.

☒☐

Recommendations attached:

☐☒

Measuring device required:

☐☒

Measuring port required:

☒☐

Water delivered by water master? District #

☒☐Special conditions of approval or cover letter: See memo dated March 13, 1998.

See below for additional information

Recommended Date or Priority

1/21/98Recommended by: SamDate: 3/13/98STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION: Use considered non-consumptive so mitigation issue N/A.Use is to expand 100,000 hd. feedlot by another 50,000 cattle so needmore water. They will file transfer if decide to link 2 new wells toexisting 8 well system (lic. 61-07398 & 61-07667).Other water in p/w is surface water, all for other uses except 61-04017includes stockwater.RATE (is implied volume) okay. See notes on 1/22/98 cover memo.

RECEIVED

MAR 16 1998

Department of Water Resources

MEMORANDUM

To: File no. 61-07744  
From: Gary Spackman *Gary*  
Date: March 13, 1998  
Re: Conditions of Approval

I recommend the following conditions of approval:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before ~~August 1, 1998~~.\*
2. Subject to all prior water rights.
3. Construction of the well shall comply with Idaho well construction standards.
4. The director retains jurisdiction to require by written order the release of purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of the water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit. The permit holder has the right to administrative and judicial review of any order requiring mitigation water to be provided under this permit condition pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code.
5. Stockwater is for 50,000 beef cattle.
6. (081) Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

\* per telecon today with Gary Spackman, The limited development period was in error. Gary doesn't have any problems allowing a 5 year development period as requested in the application.

*Cindy Zimmerman*  
3/16/98.

MAY 16 1998

**PROTEST INFORMATION SHEET**

**APPLICANT:** J. R. SIMPLOT

**WR #:** 61-07744

**DATE FILED:** 01 21-1998

**PROTEST DATE:** 02-23-1998

**PROTESTANT(S) NAME & ADDRESS:**

George &/or Donna Bennett, HC 85 Box 271, Grand View, ID 83624

**Attorney - Name & Address**

**Issues** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant - Attorney - Name & Address** \_\_\_\_\_  
\_\_\_\_\_

**Dates:** \_\_\_\_\_

**Acknowledgement Letters** <sup>3-4</sup>  
~~2-27-98~~

**Hearing Notice** \_\_\_\_\_

**Hearing Date** \_\_\_\_\_

**Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 13, 1998

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

**GEORGE &/OR DONNA BENNETT**  
**HC 85 BOX 271**  
**GRAND VIEW ID 83624**

**Re: Application for Permit No. 61-07744**

**Dear Protestants:**

**This office acknowledges the withdrawal of the protest of the above-referenced application for water right permit.**

**The application will now be sent to our state office for final approval subject to certain conditions of approval.**

**If you have any questions concerning this matter, please contact this office.**

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

**Gary Spackman**

**GS:st**

**CC: Applicants**

# Simplot

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300  
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

RECEIVED

MAR 10 1998

WATER RESOURCES  
WESTERN REGION

## FAX COVER LETTER

Transmittal Time:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |                                       |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------|--|
| TO: Sue Taylor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  | DATE: March 10, 1998                  |  |
| COMPANY: IDWR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  | No. of pages including cover sheet: 2 |  |
| FROM: Vic Conrad                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Direct Dial Number (208)389-7359 | FAX NO. (208) 389-7333                |  |
| <b>CONFIDENTIALITY NOTICE:</b> This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You. |                                  |                                       |  |
| RE: Protest Withdrawal to IDWR Application No. 61-07744.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                  |                                       |  |
| Message: Please call to confirm that you receive this.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  |                                       |  |
| If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |                                       |  |

**March 2, 1998**

Gary Spackman, Manager  
Western Region  
State of Idaho  
Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

**Re: Permit Application No. 61-07744.**

Dear Mr. Spackman:

We have resolved our concerns about the above referenced application. With this letter, we are withdrawing our protest dated February 20, 1998, to permit application no. 61-07744.

Sincerely,



George and Donna Bennett  
HC 85 Box 271  
Grand View, ID 83624

MAY 1 1998

# Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300  
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

## FAX COVER LETTER

Transmittal Time: \_\_\_\_\_

TO:

Gary Spackman

DATE:

March 13, 1998

COMPANY:

IDWR - western Region

2

FROM:

Vic Conrad

Direct Dial Number

(208)389-7359

FAX NO.

(208) 389-7333

**CONFIDENTIALITY NOTICE:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.

**RE: IDWR Application No. 61-07744.**

Message: Please let me know if this is acceptable. If so, I will arrange to have it signed then I will fax a copy containing the signature to you.

If you do not receive all of the pages, please call back as soon as possible to (208)389-7303.

MAY 11 1988

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## RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR  
APPLICATION TO BE PROCESSED

Name of Applicant

J. R. Simplot Company

MAR 13 1998

Mailing Address

P. O. Box 27

Boise, Idaho 83707

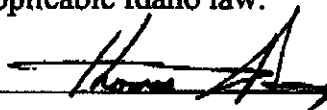
Application No.

61-07744

Mitigation

Applicant acknowledges as a condition of permit approval that by written order, the Director of the Idaho Department of Water Resources may require mitigation with respect to offsetting the depletion of Lower Snake River flows needed for salmon migration purposes. Said written order will be based upon such reduction in flow as may be shown to be caused by the use of water pursuant to the permit issued under this application. The permit holder shall have the right to administrative and judicial review of any order requiring mitigation water to be provided under this permit condition pursuant to the procedures of Section 42-1701A or Chapter 52, Title 67, Idaho Code and any other applicable Idaho law.

Signature

 Treasurer

Date

3-13-98

Please return this form to:

Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

MAY 11 1998

RECEIVED

FEB 23 1998

WATER RESOURCES  
WESTERN REGION

February 20, 1998

Idaho Dept of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

Karl J. Dreher, Director

Dear Sir:

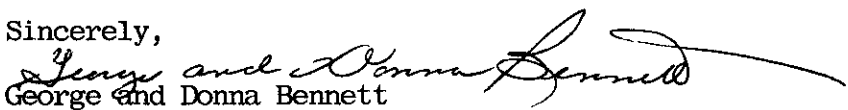
We would like to register a protest to the proposed stockwater well by J.R. Simplot Company, Diversion PT. NWSW Sec 27 T 04S R 03E in ELMORE County: Total Diversion: (3.340 CFS).

We protest ~~the~~ proposed well for the following reasons:

1. This proposed well is directly above and to the East of our property line. During the last expansion of their feedlot, Simplot drilled at least two wells which were further East and these were both dry. When they finally drilled a producing well further toward the West they hit water.
2. This proposed well will pump 3.340 CFS. This is no small amount of water. In December of 1991, our residence well had a static level of 19'. Now the static level is 45'. The well at our employee house had a static level of 34' and is now at 60'. This has occurred since Simplot drilled the well that we speak of in reason 2.
3. This is no domestic well. True, it is to be used as stockwater but the proposed expansion of the feedlot pumping this amount of water continuously year round could jeopardize our wells.
4. If this new well is drilled, and our wells do drop, it is our fear that we will have no recourse for our water. As you know, water is the ONLY valuable resource. Without water in arid climate, our lands are of no value.

Thank you for your consideration of this matter.

Sincerely,

  
George and Donna Bennett  
HC 85 Box 271  
Grand View, Idaho 83624

(208)834-2398

NOTED  
FEB 25 1998

W023458

61-07744



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

March 4, 1998

GEORGE & DONNA BENNETT  
HC 85 BOX 271  
GRAND VIEW ID 83624

Re: Application for Permit No. 61-07744 in the Name of J. R. Simplot

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

  
Gary Spackman

GS:st

MAY 15 1998



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

March 4, 1998

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

J.R. SIMPLOT  
PO BOX 27  
BOISE ID 83707

Re: Application for Permit No. 61-07744

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestants and attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure

Sincerely,

  
Gary Spackman

GS:st

Enclosure: Copy of protest(s)

MAR 15 1998

NOTICE OF APPLIC. JN  
FOR WATER RIGHT

The following applications have been  
filed to appropriate the public waters of  
the State of Idaho:

61-07742

TINGLE, WALTER B  
TINGLE, EVANGELINE  
4530 N. 10TH W. ST.  
MOUNTAIN HOME, ID 83647

Source: GROUNDWATER

Diversion Pt: NWSW Sec 11 T 08S R  
06E in ELMORE County.

Use: Irrigation: (0.050 CFS)

Total Diversion: (0.050 CFS)

Date Filed: 10/30/1997

In: ELMORE County

T03S R06E S11 NWSW

1.5 ACRES TOTAL

This development predated creation  
of the Mountain Home Groundwater  
Management Area.

61-07743

J R SIMPLOT CO

P.O. BOX 27

BOISE, ID 83707

Source: GROUNDWATER

Diversion Pt: SESE Sec 16 T 08S R  
06E in ELMORE County.

Use: DOMESTIC: (0.040 CFS)

FIRE PROTECTION: (0.560 CFS)

Total Diversion: (0.560 CFS)

Date Filed: 1/22/1998

In: ELMORE County

T03S R03E S16 NENE NWNE  
SWNE SENE NESE NWSE SWSE  
SESE

Use will be limited to 2,500  
gallons/day except for fire emergencies.

61-07744

J R SIMPLOT CO

P.O. BOX 27

BOISE, ID 83707

Source: GROUNDWATER

Diversion Pt: NWSW Sec 27 T 04S R  
03E in ELMORE County.

Use: STOCKWATER: (3.340 CFS)

Total Diversion: (3.340 CFS)

Date Filed: 1/22/1998

In: ELMORE County

T04S R03E S27 NESW NWSW Lot  
4 (SWSW) Lot 3 (SESW) NWSE Lot 2  
(SWSE) S34 NENE NWNE SWNE  
SENE NENW NWNW NESE SESE  
S35 NWNW SWNW NESW NWSW  
SWSW SESW NWSE SWSE T06S  
R03E S02 Lot 3 (NENW) NWNW  
SWNW SKNW NESW NWSW

Permits will be subject to all prior  
water rights. Protests may be submitted  
based on the criteria of Sec. 42-203A,  
Idaho Code. Any protest against the  
approval of this application must be  
filed with the Director, Dept. of Water  
Resources, Western Region, 2735  
Airport Way, Boise, Idaho 83705 togeth-  
er with a protest fee of \$25.00 on or  
before FEBRUARY 23, 1998. The  
protestant must also send a copy of the  
protest to the applicant.

KARL J. DREHER, Director

First publication February 4, 1998.

Last publication February 11, 1998.

RECEIVED

FEB 23 1998

WATER RESOURCES  
WESTERN REGION

Affidavit of Publication

County of Elmore } ss.  
STATE OF IDAHO }

I, Coleen W Swenson, do solemnly swear that I  
am the foreman, or publisher of the

**Mountain Home News**

a weekly newspaper of general circulation, pub-  
lished once a week at MOUNTAIN HOME, IDAHO,  
that the notice attached hereto and which is a part  
of publication thereof; was published in said news-  
paper for

2 consecutive weeks, the first publi-

cation having been made on 4th day of

February, 1998, and the last publi-

cation having been made on the 11th day of

February, 1998; every Wednesday

issue of the paper during the period and time of  
publication and that the notice was published in the  
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN  
HOME NEWS has been continuously and uninter-  
ruptedly published in said Elmore County during a  
period of 78 consecutive weeks prior to the first  
publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 11th day of

February, 1998

Christina C. Roberts  
Notary Public

Residing in Mountain Home, Elmore County, Ida-  
ho. My commission expires 09/09/00

# CONVERSATION MEMORANDUM

DATE 1/22/98

FILE \_\_\_\_\_

NAME OF PARTY Vic Conrad & J.R. Singlet

EMPLOYEE SL

RE: Expansion of Feedlot = New Appl. for Permit filed 1/21/98

Confirmed -

2 new wells for more water, more stock.

Probably will combine the 2 wells into system of 8 wells licensed in ~~63~~ 61-07398 & 61-07667.

Licenses cover existing 100,000 animal ~~feedlot~~ feedlot.

Intends to file transfer once (or if) decision is made to combine all wells.

If transfer - should license plus for stock be adjusted to match new well Appl.?

Rate & volume - Reviewer's notes (not part of tel. conversation)

$$5/50,000 \quad 50,000 \times .00022 = 11 \text{ cfs} \\ (\text{RANGE CATTLE})$$

can 3.34 cfs supply VR for stock? Yes ....

$$VR = 50,000 \times .0134 = 670 \text{ AFA}$$

$$V_0 = 3.34 \times 365 \times 1.9835 = 2418 \text{ AFA}$$

MAY 15 1998

$VR < V_0$  for rate okay in Appl

cc: 61-07398 & 61-07667 (J.R. & Regis files)

Vic's Following call - plus transfer correct, may should be adjusted.

CORPORATE HEADQUARTERS

RECEIVED

JAN 21 1998

WATER RESOURCES  
WESTERN REGION

January 21, 1998

**HAND DELIVERY**

Steve Lester  
Water Rights Supervisor  
State of Idaho  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082

**Re: Application for Permit - Stockwater.**

Dear Steve:

Attached is a an application for 3.34 c.f.s. to be diverted from two wells for watering livestock at Simplot's feedlot near Grand View, Idaho. Also enclosed is a \$160.00 check to cover your application fee. If the application is acceptable we would appreciate it being advertised as soon as practical.

Should you have any questions about the application please contact me. My phone number is 389-7359.

Sincerely,



Vic Conrad  
Simplot Land and Development

Enclosures

JAN 21 1998

61-07744

J R SIMPLOT CO  
PO BOX 27  
BOISE, ID 83707

Source: GROUNDWATER

Diversion Pt: NWSW Sec 27 T 04S R 03E in ELMORE County.

Use: STOCKWATER ( 3.340 CFS)  
Total Diversion: ( 3.340 CFS)

Date Filed: 1/22/1998

|                   |              |              |              |              |  |  |  |
|-------------------|--------------|--------------|--------------|--------------|--|--|--|
| In: ELMORE County |              |              |              |              |  |  |  |
| T04S R03E S27     | NESW         | NWSW         | Lot 4 (SWSW) | Lot 3 (SESW) |  |  |  |
|                   | NWSE         | Lot 2 (SWSE) |              |              |  |  |  |
| S34               | NENE         | NWNE         | SWNE         | SENE         |  |  |  |
|                   | NENW         | NWNW         | NESE         | SESE         |  |  |  |
| S35               | NWNW         | SWNW         | NESW         | NWSW         |  |  |  |
|                   | SWSW         | SESW         | NWSE         | SWSE         |  |  |  |
| T05S R03E S02     | Lot 3 (NENW) | NWNW         | SWNW         | SENW         |  |  |  |
|                   | NESW         | NWSW         |              |              |  |  |  |