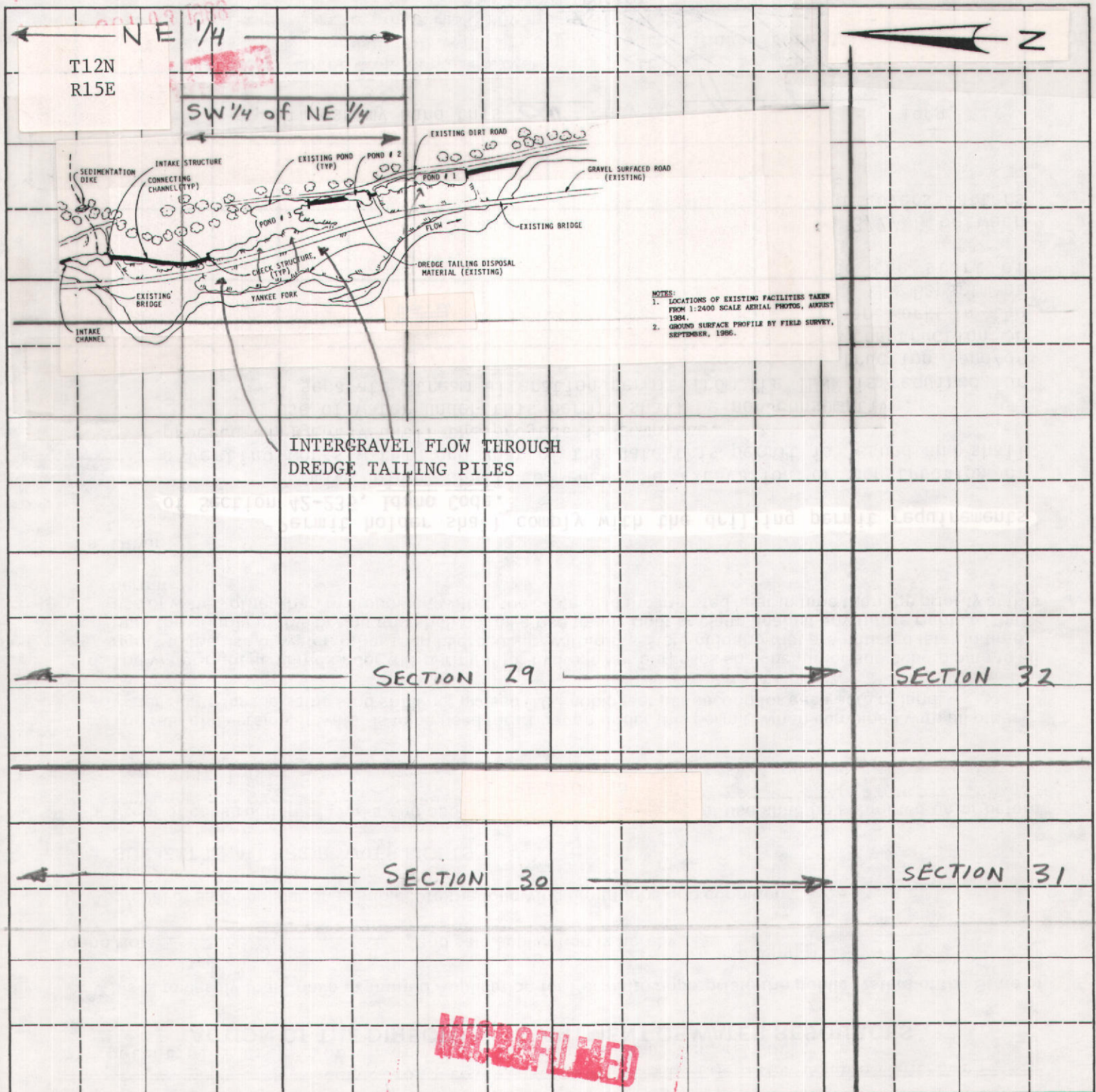


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

Russell D. Grouse

-Secretary

(Applicant)

72-7465

12N-R15E-S29

4914000m N

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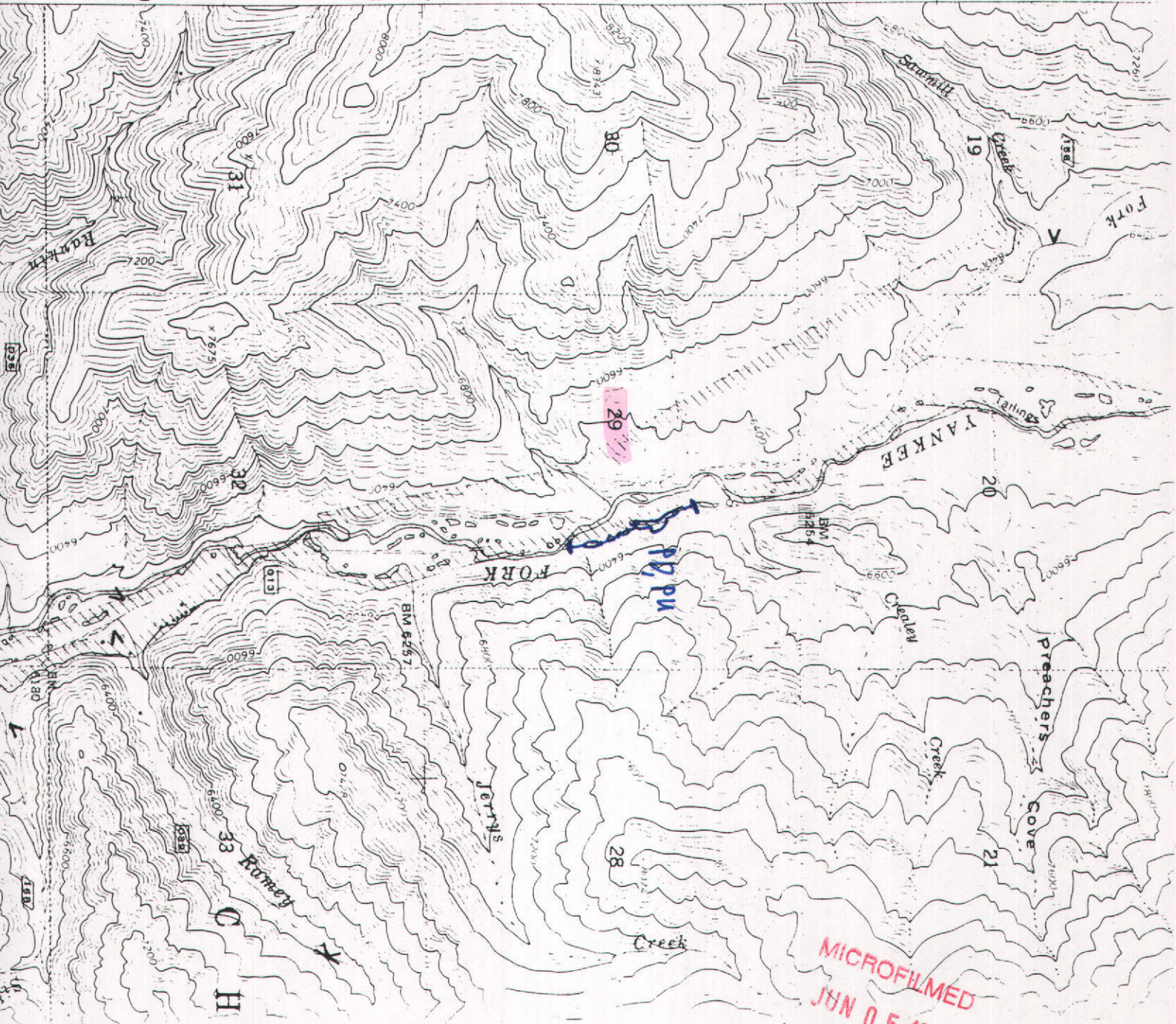
4913

4912

4911

4910

T. 12N.
T. 11N.



72-7405



PD/PU



MICROFILMED
JUN 05 1998

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks
Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2

consecutive weeks, commencing with
the issue dated July 16
1987 and ending with the issued
dated July 23 1987

Margaret Parks
Subscribed and sworn to before
me this 28th day of July
1987

Ethel M. Beck
Notary Public, residing at Challis,
Idaho. My commission expires on

3-21-92

NOTICE OF APPLICATION
FOR WATER PERMIT
The following application (s)
have been filed to appropriate the
public waters of the State of Idaho:

72-7405

SIMPLOT, J.R., COMPANY
P.O. Box 27, Boise, ID 83707
SOURCE: Groundwater Yankee
Fork tributary to Salmon River
Diversion Pt.: NWSWNE,
SWSWNE, Sec. 29, T12N, R15E,
Custer County; 5 miles North & 1/2
mile East of Sunbeam.

Use: Recreation (5.0 CFS)

Date Filed: 5/28/87

In: SWNE, NWSE, Sec. 29, T12N,
R15E

The permit (s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources,
Southern Region, 2148 Fourth
Avenue East, Twin Falls, Idaho
83301 on or before August 3, 1987.

KEN JUNN, Director
Published: July 16 & 23, 1987.

OK
MB
8/3/87

RECEIVED

JUL 30 1987

Department of Water Resources
Southern Region Office

MICROFILMED

OCT 03 1988

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07405

Priority: May 28, 1987

Maximum Diversion Rate: 3.30 CFS

Maximum Diversion Volume: 2385.0 AF

This is to certify, that J R SIMPLOT CO

PO BOX 27

BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 28, 1987; and has submitted Proof of Beneficial Use on July 31, 1991. An examination indicates that the works have a diversion capacity of 3.300 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	3.30 CFS	2385.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 29, Township 12N, Range 15E
NWSE , Sec. 29, Township 12N, Range 15E
CUSTER County

PLACE OF USE: WILDLIFE

TWN RGE SEC

12N 15E 29

SWNE

NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right shall be non-consumptive.
6. This right is subject to the agreement dated 3/7/88 between the right holder and protestants to the extent such agreement covers matters within the jurisdiction of the Department.
7. Wildlife use is for developed off-stream fish habitat.
8. Source is shallow underflow hydrologically connected to the Yankee Fork of Salmon River.

MICROFILMED

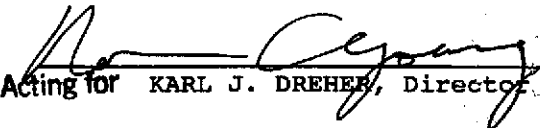
JUN 05 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 72-07405

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16TH
day of April, 1993.


Acting for KARL J. DREHER, Director



MICROFILMED
JUN 05 1998

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APR 15 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07405

Date of Priority: May 28, 1987

Maximum Diversion Rate: 3.30 CFS
Maximum Diversion Volume: 2385.0 AF

Comes now J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 72-07405, and requests that the permit be changed as follows:

Source: GROUNDWATER tributary to SALMON RIVER, YANKEE FORK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE	01/01 to 12/31	3.30 CFS	2385.0 AF

LOCATION OF POINT(S) OF DIVERSION:
SWNE , Sec. 29, Township 12N, Range 15E
NWSE , Sec. 29, Township 12N, Range 15E
CUSTER County

PLACE OF USE: WILDLIFE

TWN RGE SEC

12N 15E 29 SWNE NWSE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 15th day of April, 1998.

J.R. Simplot Company
by [Signature]
(Signature)
JUN 05 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07405

FOR DEPARTMENT USE ONLY

Preliminary check by SWR Fee = 50.00 Receipted by VL # 000206 Date 4/15/98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 72-07405 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right shall be non-consumptive.
6. This right is subject to the agreement dated 3/7/88 between the right holder and protestants to the extent such agreement covers matters within the jurisdiction of the Department.
7. Wildlife use is for developed off-stream fish habitat.
8. Source is shallow underflow hydrologically connected to the Yankee Fork of Salmon River.

Witness my hand this 16TH day of April, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
JUN 05 1998

RECEIVED

JUL 31 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

For Office Use Only
Amt. of Fee \$ 200.00
Date 7-31-91
Receipt No. CD21369
Received by UJH

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 72-7405 Telephone No. 208-336-2110
2. Name(s) of Permit Holder(s): J. R. Simplot Company
3. Post Office Address: P.O. Box 27, Boise, ID 83707
4. Source of Water: Groundwater/Yankee Fork Surface Water
- a. If ground water, well driller's name: NA Date drilled: NA
- b. Pump horsepower: NA Pressure (psi): NA Dynamic pumping level (ft.): NA
5. Extent of Use:
- | | |
|--|---|
| Domestic <u> </u> (No. of households) | Irrigation <u> </u> (No. of acres) |
| Stockwater <u> </u> (No. and type of stock) | Other <u>Recreation</u> |

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

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes No

OR

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

8. Fee Enclosed: \$ 200 (See License Examination Fee Schedule)

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

Mike Rowe

Name

208-238-3748

Telephone No.

Fisheries Dept., P.O. Box 306, Fort Hall, ID 83203

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

RECEIVED
AUG 22 1991

July 18, 1991
Date

Ronald N. Graves Ronald N. Graves, Secretary
Signature (and title if on behalf of a company or organization)

Form 202
6/85Ident. No. 72-7405

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

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/Yankee Fork surface ^{flow} which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
 Sec. 29 Township 12N Range 15E B.M. Custer County; additional
 points of diversion if any: *SWSWNE, Sec. 29, T12N, R15E TB

*Per telephone conversation with Dudley Reiser on 6/30/87

4. Water will be used for the following purposes:

Amount 5cfs for Recreation 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) 5 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Surface waters from the Yankee Fork flow through the dredge piles into the ponds naturally. No formal diversion structure is needed; flow control structures will be constructed to maintain pond level.

b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet; period of year when water will be diverted to storage:
1-1 to 12-31 inclusive.

c. Proposed well diameter is NA inches; proposed depth of well is NA 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
3 years (minimum 1 year).

RECEIVED

OCT 03 1988

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Recreation; to be used for rearing habitat enhancement for potential increase of anadromous fish runs in the Yankee Fork.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	15E	29		R												R			

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. _____

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

b. Who owns the land to be irrigated or place of use? J. R. Simplot

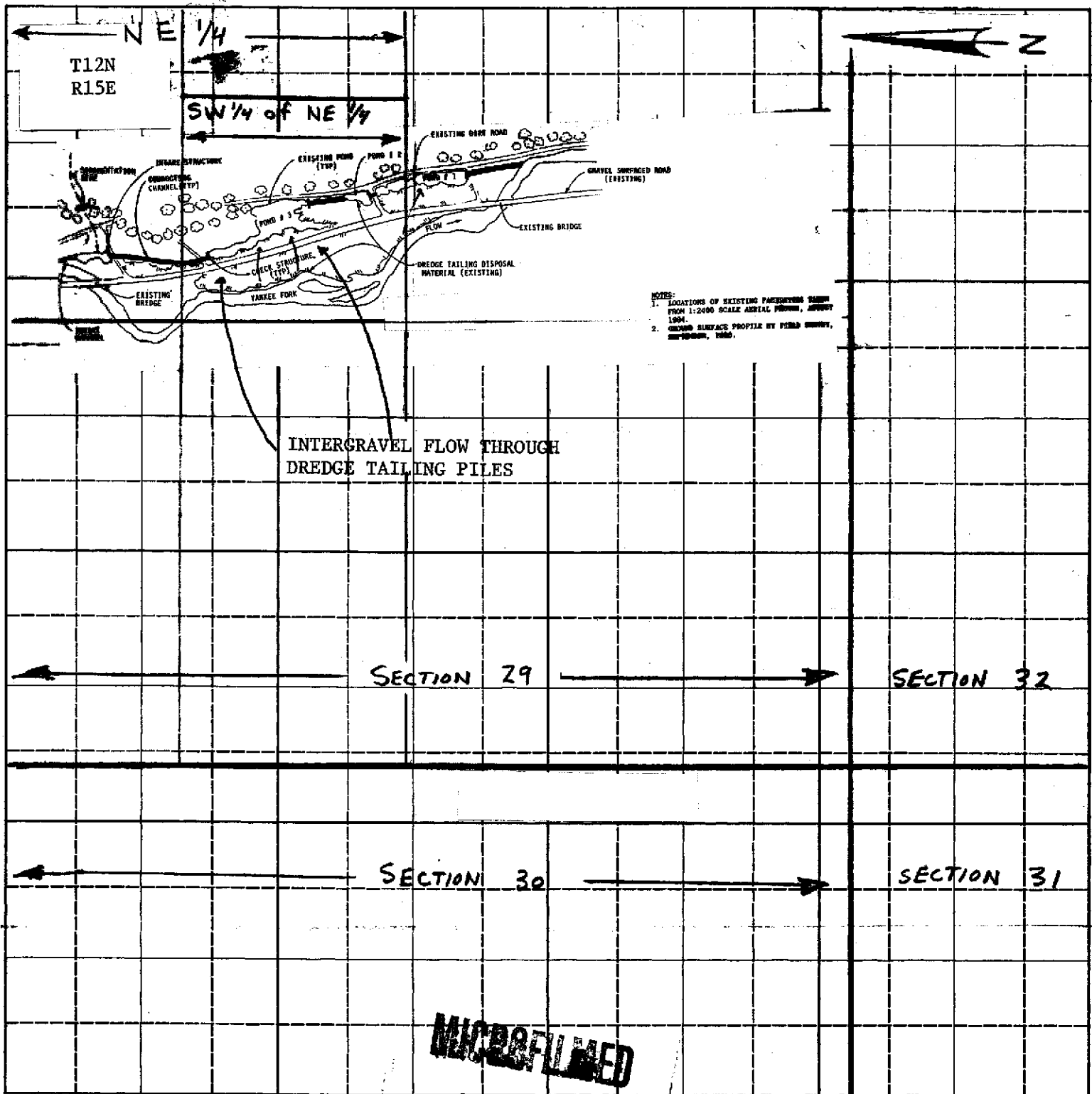
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Water is to be non-consumptively used; it will flow through a series of 3 ponds for rearing habitat enhancement and returned to the Yankee Fork downstream. Recreation storage is for volumes in the ponds to prevent drainage.

RECORDED

OCT 03 1988

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



Scale: 1 inch = 812 feet

OCT 03 1988

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

Richard L. Thomas

-Secretary

(Applicant)

Proposed Priority 5/28/87

Received by M. Baldwin Date 5/28/87 Time 12:41 pm Preliminary check by _____

Fee \$ 125⁰⁰ Ch 028748 Receipted by M. Baldwin # 45050 Date 6/30/87

Publication prepared by M. Baldwin Date 7/8/87 Published in Challis Messenger

Publication approved Mary Baldwin Date 8/3/87

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. 72-7405, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 91.
- 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:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit shall be non-consumptive.

A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If your proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, you must contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.

This permit is subject to the agreement dated 3/7/88 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Witness my hand this 20th day of July, 1988.

Director

MICROFILMED

OCT 03 1988



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

April 17, 1998

PHILIP E. BATT
GOVERNOR

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

KARL J. DREHER
DIRECTOR

RE: WATER RIGHTS 72-07402/72-07405

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permit referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 this 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 this 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, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

MICROFILMED

JUN 05 1998

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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.

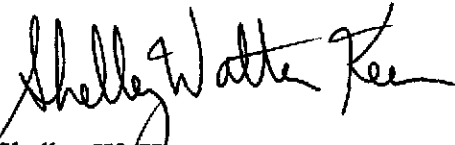
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See

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.

For your records, I have also enclosed copies of your Applications for Amendment of Permit, which were approved.

If you have questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:kl
Enclosures

MICROFILMED

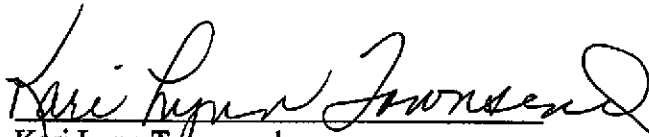
JUN 05 1998

CERTIFICATE OF MAILING

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

Water Rights 72-07402/72-07405

**J R SIMPLOT INC
PO BOX 27
BOISE ID 83707**


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 05 1998

CORPORATE HEADQUARTERS

RECEIVED

APR 15 1998

Department of Water Resources

April 15, 1998

HAND DELIVERY

Shelley Walter Keen
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83705

Re: IDWR Permit No's 72-07399, 72-07402, 72-07405.

Dear Shelley:

Enclosed are the applications to amend the above referenced permits and a \$150.00 check to cover your filing fee. Please provide a receipt of the enclosed filing fee to the person making this delivery.

Sincerely,



Vic Conrad
Simplot Land and Development

Enclsoure

MICROFILMED
JUN 05 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

August 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

Attn: Vic Conrad

RE: Water Right Nos. 72-07399, 72-07402, and 72-07405

Dear Vic:

I have enclosed the three licensing amendments for the Yankee Fork rights. You will see that I have made the change that we discussed.

While I understand that you may need some time to complete your review and return the amendments, I would appreciate getting them back as soon as your review is complete.

The fee for each amendment is \$50.00, or \$150.00 for all three.

If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED

K:\NAME\TRS\SIMPLOT#.DOC JUN 05 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 18, 1996

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: Water Rights 72-07399, 72-07402, and 72-07405

Dear Water Right Holder:

Water Rights 72-07399, 72-07402, and 72-07405 are in the process of being licensed. Before they can be licensed, however, the permits must be amended to describe the rights as they were actually developed.

The enclosed Application for Amendment forms contain information that will be included on the licenses when they are issued. The amendments show the correct locations of the points of diversion and the places of use, as reported by the field examiner. The amendments also show the nature of use as Wildlife, rather than Recreation. Also, please note that the diversion rates are based on the flow data submitted to IDWR by Vic Conrad.

The last page of each Application for Amendment form contains a list of conditions and remarks proposed for the license when it is issued. These conditions and remarks may be modified upon further administrative review.

Please review the amendment forms carefully. If you concur with the information presented, sign the forms and return them with the \$150.00 filing fee (\$50.00 each) within fourteen days.

If you have any questions, please contact me at 208-327-7946.

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

K:\WRLTRS\LICAMEND.DOC

MICROFILMED
JUN 15 1998

Table 1. Flow (cfs) in Yankee Fork off-channel rearing areas, July, 1995.

Pond Series		Inlet	Outlet	Minimum Groundwater Flow
72-07402	1	*	6.40	6.4
72-07405	3	2.30	5.60	3.3
72-07399	4	0.03	0.83	0.8

* Pond series 1 is not directly connected to the mainstem Yankee Fork and is dependent on groundwater for all its flow.

To see the original document, see the notebook entitled
 "Information to Support Development of Water Rights" in
 file 72-07399.

MICROFILMED
 JUN 05 1998

CORPORATE HEADQUARTERS

Certified Mail

Shelley Walter Keen
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-2000

August 31, 1995

RECEIVED

SEP 01 1995

Department of Water Resources

Re: IDWR Permit No.'s 72-07399, 72-07402, 72-07405.

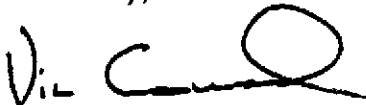
Dear Shelley:

Enclosed is a cover letter and a package of information I received from Mike Rowe, fisheries biologist with the Shoshone-Bannock Tribes, August 22, 1995. Mike's letter and package are self-explanatory and relate directly to our recent communication about the above referenced water rights. We hope the enclosed information will more clearly illustrate the project developed in connection with these rights.

Among other documents, the attached package contains copies of excerpts from larger reports. The excerpts relate to flow measurements that were taken during 1992 and 1993. If you want copies of the full reports, please contact Mike Rowe or me. Mike's phone number is 208-238-3748 - mine is 208-389-7359.

Thank you again for providing us with enough time to collect the additional information. Please contact Mike or myself if you have any questions about the enclosed information.

Sincerely,



Vic Conrad
Simplot Land and Development

Enclosures

c: M. Rowe

MICROFILMED
JUN 05 1998

CORPORATE HEADQUARTERS

July 27, 1995

Certified Mail

Jim Johnson
Water Rights Permits Section Manager

Shelley Walter Keen
Water Rights Supervisor

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-2000

RECEIVE

JUL 28 1995

Department of Water Resources

Re: IDWR Water Right No.'s 72-07399, 72-07402, 72-07405.

Dear Jim and Shelley:

Thank you for taking the time last week to allow Mike Rowe, Fisheries Program Manager for the Shoshone-Bannock Tribes, and I explain our concerns about the Department's recommendation to void the above water rights. As explained, we believe these water rights are an essential component of the water supply for this project and we want the opportunity to provide the Department with additional information to show that water rights have been established.

The objective of this project was to develop off-channel ponds to promote rearing areas for anadromous fish species. Basically, constructing the project involved installing permanent check dam structures at strategic locations within various pond series. The function of the check dams is to control the amount of water contained in various ponds by manipulating the height of the outlet feature of each of the check dams.

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JUN 05 1998

The source of water flowing in to these ponds consists of direct diversion into the ponds from the Yankee Fork of the Salmon River and ground water flowing in to the ponds from the surrounding surface gravels.

During our telephone conversation last week, it became apparent that the Department may not have been aware of the check dams that were installed to regulate the amount of water beneficially used within this project. The check dams were installed for the sole purpose of controlling the amount of water contained in the various pond series. We believe these are important elements of this project that should have been considered by your field examiner during his/her August 12, 1992, visit to this site.

Because your field examiner was not aware of the check dams, we request an extension of time until September 1, 1995, to provide you with additional information to show that water rights have been developed. During this time it is our intent to provide the Department with photographs of the various check dams, a schematic drawing detailing the location of each check dam within the project, and water measurements demonstrating the significance of the groundwater component of the total water supply for this project.

When considering the water control features that have been installed for this project we believe you will agree that the requirements for establishing a water right were satisfied prior to the date proof was filed.

Because we are already gathering the additional information we request your prompt response if an extension until September 1, 1995, is unacceptable. Please contact me if you have any questions about the information we are gathering. My phone number is 389-7359.

Sincerely,



Vic Conrad

Simplot Land and Development

c: M. Rowe - Shoshone-Bannock Tribes

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JUN 05 1998

M E M O R A N D U M

DATE: July 18, 1995

TO: Files 72-07399, 72-07402, 72-07405

FROM: Shelley W. Keen (SWK)

RE: Phone call from Mike Rowe of Shoshone-Bannock Fisheries

=====

Mike Rowe of Shoshone-Bannock Fisheries called this morning to discuss permits 72-07399, 72-07402, and 72-07405. He explained that the tribe is project manager for the J. R. Simplot Company, which is the property owner.

I explained to Mike that these permits probably should not be licensed because there has been no development of a diversion structure and control works. The availability of water flowing through the gravel along the river is a function of the flow in the river and cannot be influenced by the permit holder. The direct diversions from the Yankee Fork itself have been licensed under nos. 72-07400, 72-07401, and 72-07404.

Mike said that he would discuss relinquishing the permits with Vic Conrad of Simplot to save us from having to issue orders to void the permits.

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JUN 05 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 2, 1995

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: Water Rights Nos. 72-07399, 72-07402, and 72-07405

NOTICE OF INTENT TO VOID PERMITS

Dear Water Right Holder:

On August 12, 1992, a field examiner employed by the department conducted a field examination to verify the beneficial use developed under the three permits listed above. While the field examiner found that a valid water right was developed under each of three companion permits, nos. 72-07400, 72-07401, and 72-07404, his findings for the three listed above indicate that crucial water right elements were not developed.

One requirement of a water right is the ability to divert water away from its natural channel or aquifer. Another requirement is the ability to measure and control the diversion. As authorized in chapter 15, title 42, Idaho Code, only the Idaho Water Resources Board may obtain a right to appropriate water to maintain a minimum flow in a natural channel or watercourse.

Our field examiner reported that the natural flow of water through the gravel along the Yankee Fork apparently contributes to the level of water in the ponds along the river. He also reported, however, that there has been no construction of diverting works and no attempt to direct, control, or measure the flow of water through the gravel and into the ponds. Therefore, it appears that the requirements necessary to establish a water right have not been met.

Unless you are able to provide additional information to show that water rights have been developed, I will commence proceedings to void permits 72-07399, 72-07402, and 72-07405. Please submit any information you may have within 30 days of the date of this letter.

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JUN 05 1998

J. R. Simplot Co.

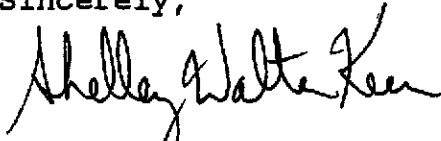
Re: Nos. 72-07399, 72-07402, and 72-07405

June 2, 1995

Page 2

If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

SWK

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JUN 05 1998

LICENSE REVIEW CHECKLIST



PERMIT NO. 72-07405 DATE 5/16/95

NAME Change OK Or Address Change?

PRIORITY DATE Advance? Advanced to:
 Order to reinstate needed?
 Incorrect fee for rate recommended? NO

SOURCE Changes or just clarification of originally intended source?
 Notice of Intent to Void necessary?

POINT OF DIV Amendment needed? Add NWSE
 Overlaps?

PLACE OF USE Amendment needed?
 Overlaps? 72-07404 uses ponds also.

DIV RATE Permit/fee limits: 5 CFS
 Meas Q = Theo Q = Recommend: 5

 Combined rates exceed capacity

ANNUAL VOLUME Volume Limit: Season: 1-1 to 12-31
 Calculations:
 Flow limit: 5 cfs x 365 x 1.9835 = 3620
 Combined volumes exceed capacity/allowable

USES Change in Nature of Use or additional uses?
 Amendment necessary?

ADDITIONAL INFO Supplemental Groundwater PPU Scenario
 Irr/Dom Combination Shared G/W System

NEW REMARKS Multiple p/d(s) in 1/4 1/4?
 Other Keep agreement remark - EDIT

NEW CONDITIONS Watermaster control - District
 Measuring/Locking Devices
 Irrigation Overlap
 Other KEEP 027
 Water Quality Heat/Cool/Fish verified

COMMENTS: Keep "SEEPAGE" AS the same per Jim.

 Add P/D

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	<u>NO</u>
<u>Recreation</u>	<u>5.0</u>	<u>3620</u>	Adjustment Memo Needed	<u>YES</u>
<u> </u>	<u> </u>	<u> </u>	LICENSE	<u> </u>
<u> </u>	<u> </u>	<u> </u>	~~NOT AMEND LETTER~~ <u>P39 + P38 + S05</u>	
<u> </u>	<u> </u>	<u> </u>	~~NOT AMEND LETTER~~ <u>P47 + S05</u>	
<u> </u>	<u> </u>	<u> </u>		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 17 1994

Department of Water Resources

A. GENERAL INFORMATION

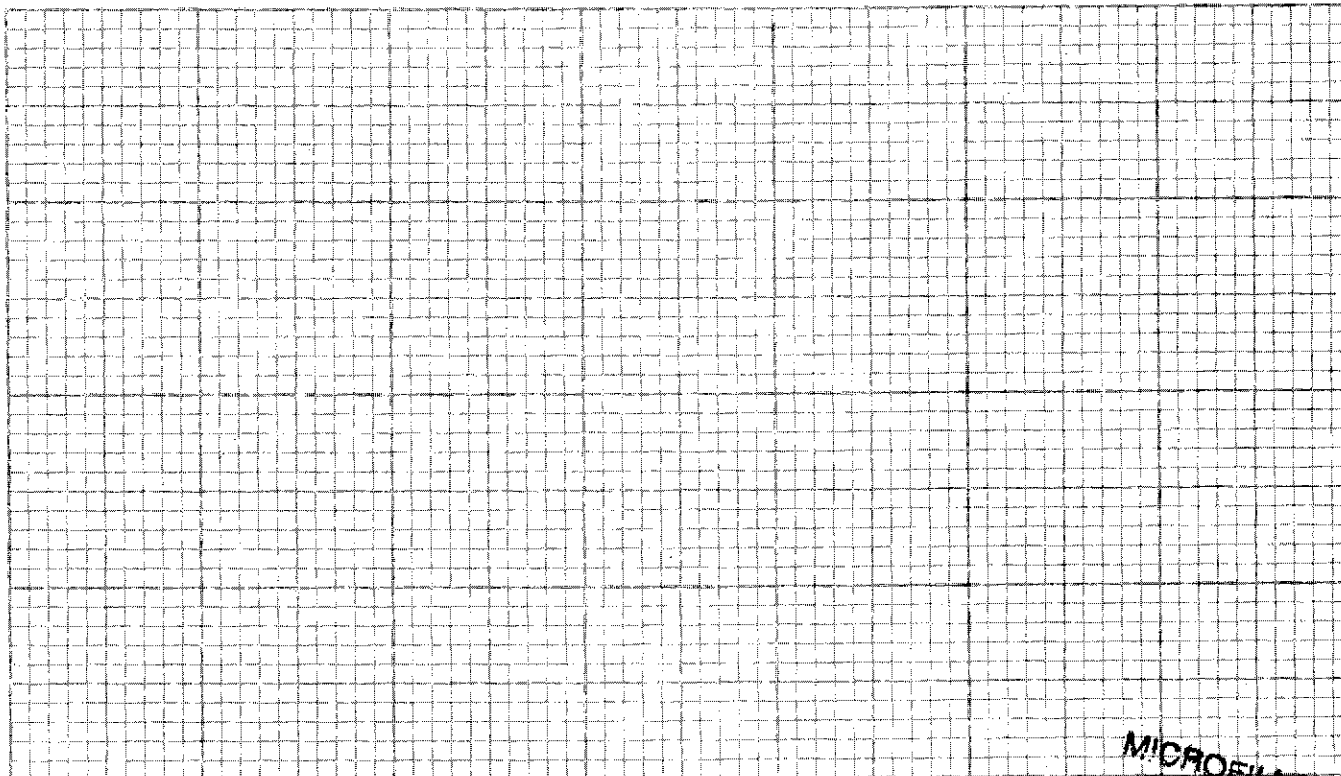
1. Owner: J. A. Simplot Co. Permit No. 72-7405
Current Address: P.O. Box 27, Boise, ID 83707 Phone No. 336-2110
2. Accompanied by: Mike Rowe EXAM. DATE: 8-12-92
Address: Fisheries Dept., P.O. Box 306, Ft. Hall, ID 83203 Phone No. 238-3748
Relationship to Permit Holder: project biologist
3. Source: Seepage tributary to Yankee Fk. Salmon R.

B. OVERLAP REVIEW

1. Other water rights with same place of use: 74-7404 ☐ Copies Attached
2. Other water rights with same point of diversion: - ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached See Quad Map



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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Channels have been dug to connect old tailings ponds with main Yankee Fork. Permit 74-7404 provides for direct flow from Yankee Fork, while this permit covers inter-gravel flow between Yankee Fk. & the old ponds, see Remarks.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NE	27	12N	15E	Custer	
			NE	NW	SE	"	"	"	"

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12N	15E	27			R											R			

Do not use this space

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JUN 05 1998

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Not measured.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Permit 72-7404 covers diversion from Yankee Fork in the same P/U as this permit, so I am only showing seepage as a source on 74-7405. Since this water starts on the land surface & flows out naturally back onto the land surface, I do not think that groundwater is the correct term for this source. Flow is dispensed & impossible to measure, so recommend the permitted amount be licensed. Permittee has no control over this flow. By allowing direct flow back into Yankee Fk, retention time in ponds (& therefore evaporation loss) is probably reduced from what it used to be. Project increases rearing areas for small trout & salmon.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation	1-1	12-31	5.0	
Totals:			5.0	

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton

Signature J. E. Stanton

Certification Date _____

Field Report Preparation Date 9-28-92

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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JUN 05 1998

MEMORANDUM

TO: File 72-07405 / J.R. Simplot
FROM: Brenda Chapman
DATE: May 16, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Recreation	1-01 to 12-31	5.0	3620.0

According to Rule 5,1,10. of the Beneficial Use Rules and Regulations, the only uses exempt from listing the volume are municipal and fire protection. (see attached copy of the rule)
Based on that information, a volume has been assigned to the recreation use.

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JUN 05 1998

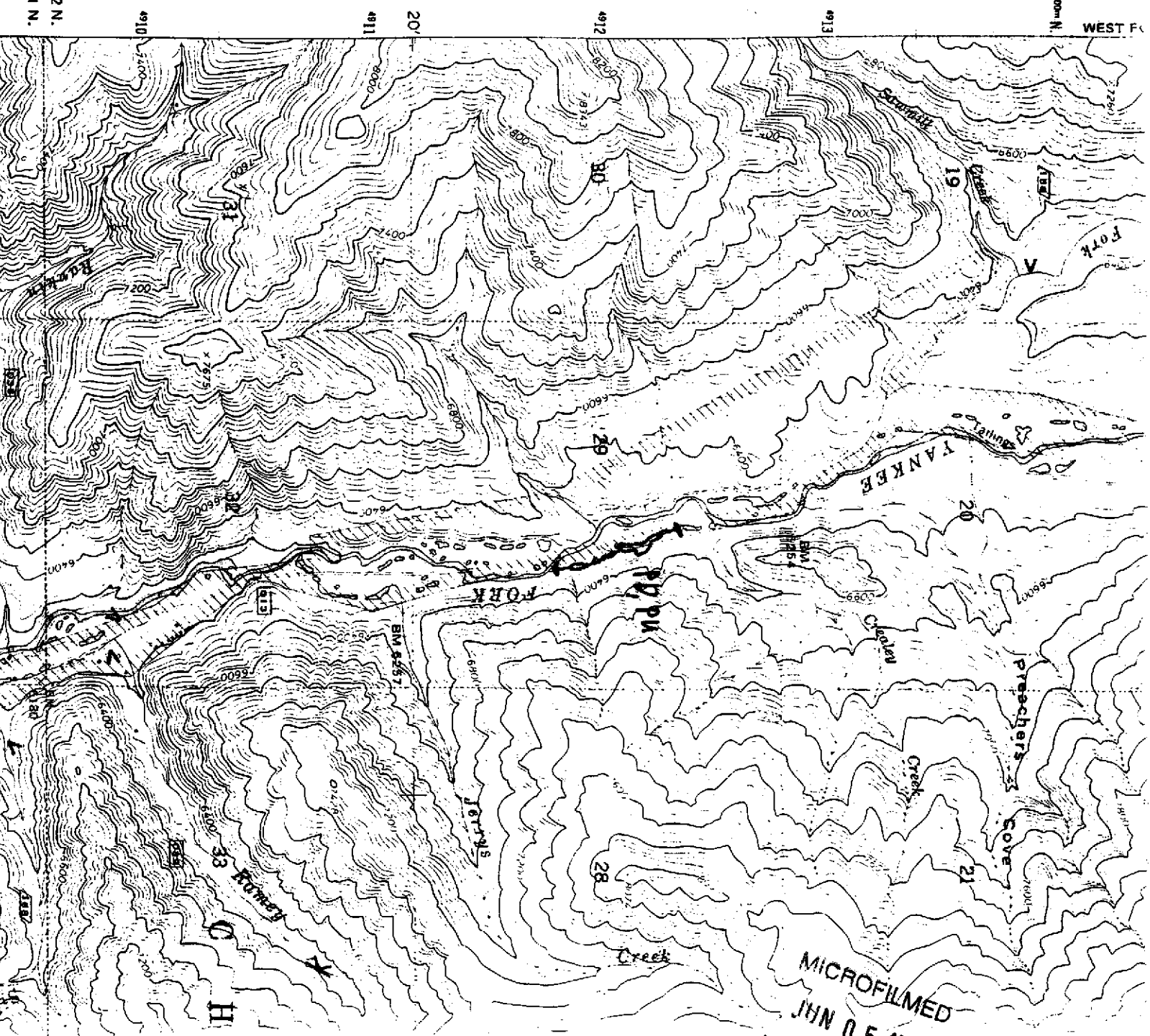
- 5,1,7. If the water is used for irrigation, the boundaries of the various irrigated areas and the location of the project works providing water to each shall be platted on the proof maps and the full or partial acreage in each legal subdivision of 40 acres or government lot shall be shown.
- 5,1,8. Irrigated acreage shall be shown on the field report to the nearest whole acre in a legal subdivision except the acreage shall be shown to the nearest one-tenth acre for permits covering land of five acres or less.
- 5,1,9. Where a permit has been developed as separate distribution systems from more than one point of diversion, the separate areas irrigated from each point of diversion shall be shown on the proof maps as described hereinbefore and the legal subdivisions embracing the irrigated areas for each such respective point of diversion together with the total irrigated area shall be described.
- 5,1,10. The field examiner does not need to show total volume of water for municipal and fire protection uses on the field report unless the project works provide for storage of water.
- 5,1,11. The total number of holding/rearing ponds and the dimensions and volume of the ponds shall be shown on the field report for fish rearing or fish propagation use. The annual volume shall be calculated based on the changes of water per hour.
- 5,1,12. Information shall be submitted concerning the beneficial use that has been made of the water unless the purpose of use is for irrigation. For example, for stockwater use, the number and type of stock watered shall be provided. Similar indications of the extent of beneficial use shall be provided for all other non-irrigation uses.
- 5,1,13. Information on the period during each year that the water is used shall be described for each use.
- 5,1,14. For permits having more than one use, the diversion rate measured for each use shall be described.
- 5,1,15. The amount (rate and/or volume) of water shall be limited by the smaller of the permitted amount, the amount upon which the license examination fee is paid, the capacity of the diversion works or the amount beneficially used, including any statutory limitation of the duty of water.

72-7465

12N-R15E-S29

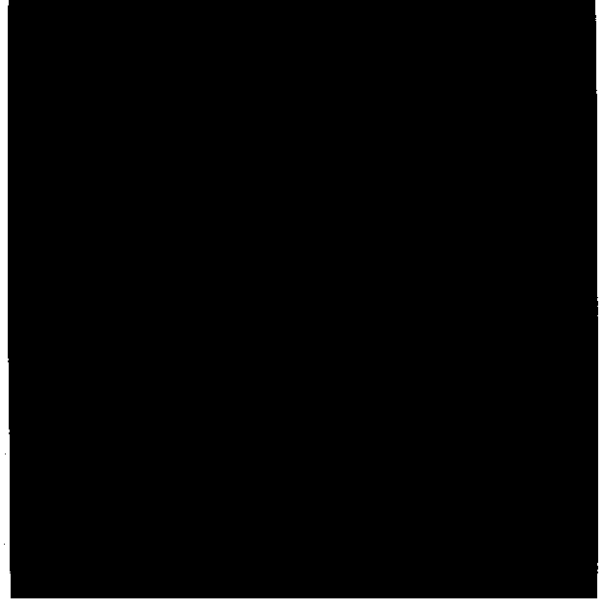
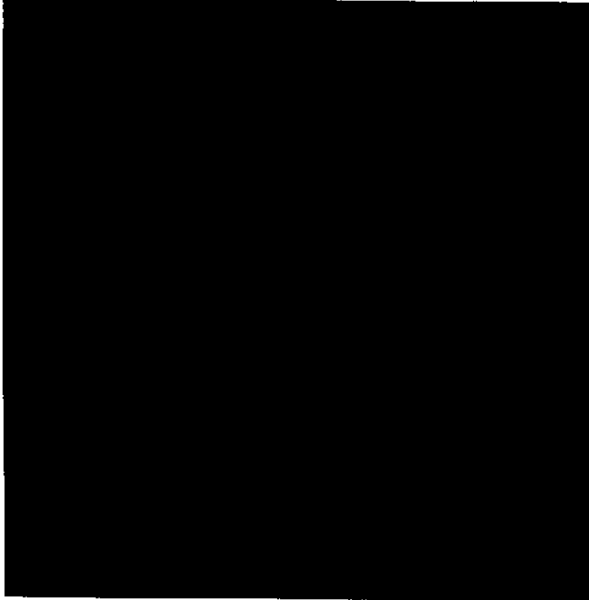
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T. 11N.

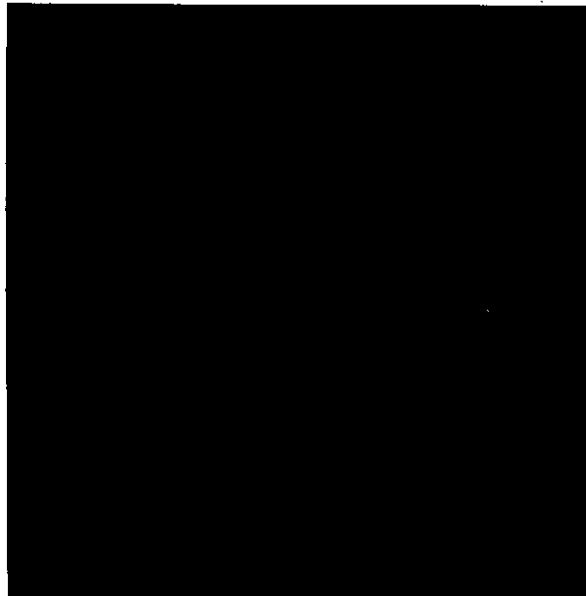


MICROFILMED
JUN 05 1998

72-7405



PD/PU



MIORON
JUN 05 1968

August 14, 1991

J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 837070000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07405

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MAILED

AUG 22 1991

CORPORATE HEADQUARTERS

RECEIVED
JUL 31 1991

Department of Water Resources

July 30, 1991

Rita I. Fleck
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Permit Nos. 72-7399, 72-7400, 72-7401,
72-7402, 72-7403, 72-7404, and 72-7405

Dear Ms. Fleck:

Please find enclosed six Proof of Beneficial Use forms and one Request for Extension form with reference to the permits identified above.

Also enclosed is our check in the amount of \$1,355.00 in payment of the department's examination fees. Below is an itemization of the respective permits and the fees for each permit:

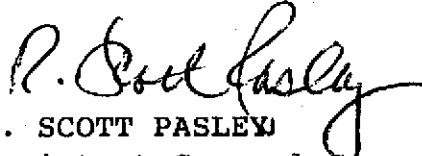
<u>Permit No.</u>	<u>Amount Submitted</u>
72-7399	\$200.00
72-7400	\$200.00
72-7401	\$200.00
72-7402	\$325.00
72-7403	\$ 15.00
72-7404	\$200.00
72-7405	\$200.00

RECEIVED
AUG 22 1991

Rita I. Fleck
July 30, 1991
Page 2

Thank you for your assistance in this matter.

Sincerely,



R. SCOTT PASLEY
Assistant General Counsel

RSP:ccr
Enclosures

cc: Vic Conrad
Mike Rowe

3989z

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AUG 22 1991

138709

~~138712~~

May 31, 1991

J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 837070000

PROOF DUE NOTICE

RE: PERMIT NO. 72-07405

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 August 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

AUG 22 1991.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 20, 1988

RE: Permit Nos. 72-7399/7400/7401/7402/7403/7404/7405

J.R. Simplot Co.
Box 27
Boise, ID 83707

Gentlemen:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval on the fourth pages.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permits were issued, and you must proceed diligently until the projects are completed. The enclosed blue cards must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permits were approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits into licenses.

Sincerely,

GARY SPACKMAN
Supervisor, Water Allocation Section

GS:sc

Enclosures

cc: Carl Richards

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OCT 03 1988

MEMORANDUM

Date: July 19, 1988
To: Files 72-7399, 72-7402 and 72-7405
From: L. Glen Saxton *LGS*
RE: EXPLANATION OF GROUNDWATER SOURCE

The three applications referenced above show "groundwater" as one of the sources on each application. The term groundwater is commonly used to describe wells. Wells, however, are not proposed under the applications. The term "groundwater" perhaps could have been more accurately described as "seepage", but since the applications were advertised showing a source of groundwater, the term has not been changed on the face of the applications.

The use shown as "recreation" perhaps could have been shown as "fish propagation" or "fish rearing" but is adequately described as to intent on the applications themselves. A change on the description of the use probably isn't necessary at this point, since the change can be made at the time of licensing, if the department chooses to do so.

NOT REFILED

OCT 03 1988

MEMORANDUM

TO: FILES 72-7400 THRU 72-7405

FROM: KAY WALKER

RE: BPA ENVIRONMENTAL ASSESSMENT AND EXCLUSION

DATE: JULY 15, 1988

SEE FILE 72-7399 FOR BONNEVILLE POWER ADMINISTRATION'S ENVIRONMENTAL ASSESSMENT AND EXCLUSION REGARDING ALL OF THE APPLICATIONS LISTED ABOVE.

MICROFILMED

OCT 03 1988

DATE 6/27/88

FROM Loren Holmes

TO Files 72-7399 thru 72-7405

SUBJECT Measuring Devices - Applications 72-7399 thru 72-7405

I haven't recommended measuring devices on these permits because:

1) There are no other water rights which will be impacted by these diversions

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OCT 03 1988

2) The Use is Non-Consumptive

3) The diversions are not in a water District

4) Measuring structures would put an additional impact on the aesthetics of the area.

SIGNATURE

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 238-3748
(208) 238-3900
(208) 238-3808



FISHERIES DEPARTMENT
P. O. BOX 306
FORT HALL, IDAHO 83203

MEMORANDUM

May 3, 1988

TO: East Fork Interagency Task Force

FROM: Carl Richards, Shoshone-Bannock Tribes, Project Leader *CRichards*

SUBJECT: East Fork of Salmon River Habitat Enhancement Feasibility Study

A meeting will be held at 10:00 a.m. on Thursday, May 12, at the Sawtooth National Recreation Area headquarters in Ketchum concerning the East Fork of the Salmon River habitat enhancement feasibility report recently completed by the Shoshone-Bannock Tribes and their contractor (EA Engineering, Science, and Technology, Inc.). The purpose of this meeting will be to discuss the content of this report and to develop a preferred alternative.

If you have any questions, please feel free to call me at (208) 238-3748.

CR/lgn

cc: files

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OCT 03 1988

RECEIVED

MAY 4 1988

Department of Fish Resources
Sawtooth Region Office

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APR 11 1988



RECEIVED

APR 06 1988

Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

JIM JONES
ATTORNEY GENERAL
STEPHEN V. GODDARD
SUSAN MATTOS
DEPUTY ATTORNEYS GENERAL
IDAHO DEPARTMENT OF FISH AND GAME

600 S. WALNUT ST.
P.O. Box 25
BOISE, IDAHO 83707
(208) 334-3715

April 1, 1988

Keith Higgenson, Director
Idaho Department of Water Resources
STATEHOUSE MAIL
Boise, ID 83720

Re: Water Right Application No. 72-399 through 72-405 to Appropriate Waters of the Yankee Fork River

Dear Mr. Higgenson:

During the middle part of March 1988 the Idaho Department of Fish, Game, J.R. Simplot Company, and the Shoshone-Bannock Tribes entered into an Agreement which resolves the Department of Fish and Game's protest to the above-referenced water right applications. The parties concurred that this Agreement would be incorporated as a condition on any water rights, permits, or licenses that follow from the above-referenced applications. I am enclosing a copy of the Agreement and the attached Exhibit 1 (a grant of easement for a stream project) to be entered as part of the record in this proceeding and to be incorporated as a condition of the water rights, permits, or licenses. As part of this agreement, the Department of Fish and Game withdraws its protests against the above-referenced applications.

Thank you for your consideration in this matter. If you have any questions or desire any further information, please contact me at 334-3715.

Sincerely,

Stephen V. Goddard

Stephen V. Goddard
Deputy Attorney General

SVG:br

Enclosures

c: Bruce Belzer
Carl Richards
David L. Hanson

NOT RECORDED

OCT 03 1988

AGREEMENT

APR 06 1988

Department of Water Resources

This Agreement, made and entered into, by and between the Idaho Department of Fish and Game (Department), the Shoshone-Bannock Tribes (Tribes), and J. R. Simplot Company (Simplot), is made in reference to the following facts:

R E C I T A L S:

A. Simplot has made applications for water rights on the Yankee Fork of the Salmon River (application numbers 72-399 through 72-405) in connection with the Preferred Alternative for habitat enhancement aimed at restoring or enhancing anadromous fishery habitat in the Yankee Fork of the Salmon River as described in the Feasibility Plan for the Enhancement of the Yankee Fork of the Salmon River dated March 1987 ("Enhancement Project"). The Enhancement Project will be initiated, constructed, operated and maintained by the Tribes. The Tribes have also obtained an easement for the Enhancement Project on property owned by Simplot to which the water permits would be appurtenant, as shown in Exhibit 1 attached hereto. The Enhancement Project will be conducted in accordance with the terms and conditions of the easement.

B. The Department has no objection to the Enhancement Project as is currently proposed. Nor does the Department object to Simplot obtaining the water right permits in connection with the Enhancement Project. However, the Department wants to ensure that the water rights are utilized for the purposes set forth in the Enhancement Project in accordance with this Agreement.

OCT 03 1988

NOW, THEREFORE, in consideration of the recitals stated above, the parties agree as follows:

Simplot agrees that:

1. Simplot will not amend the licenses to change the respective uses, purposes or points of diversion authorized by any licenses issued in conjunction with water rights application numbers 72-399 through 72-405, so long as such respective licensed water rights are used on Simplot property by anadromous fish in conjunction with the Enhancement Project.

2. Simplot agrees that no more than 10 cfs cumulative would be permitted and licensed pursuant to the respective applications.

3. For a period of five (5) years from issuance, Simplot will let any respective permits lapse if not put to beneficial use. Once put to beneficial use, then the agreed upon transfer or change restrictions set forth in number 1. above and number 4. below would apply.

4. If put to beneficial use, Simplot will not amend the respective licenses to change the uses, purposes or points of diversion for a period of at least ten (10) years from the date of issuance of the permit(s), even if the water right was no longer used by anadromous fish as described in number 1. above, unless the validity of the water right would be threatened by the applicable non-use or forfeiture law, in which case Simplot could apply to change the water right in order to preserve the water right from ~~forfeiture~~ **ED** abandonment.

OCT 03 1988

Simplot and the Tribes agree that:

1. If at any time should the Enhancement Project cease or be abandoned or the easement obtained by the Tribes be terminated, that notice of this termination of cessation will be provided to the Department as soon as reasonably possible.

The Department agrees that:

1. It will promptly withdraw its protest filed against Simplot application numbers 72-399 through 72-405.

All parties agree that:

1. This Agreement be incorporated as a condition on all of the water rights, permits or licenses resulting from the applications referenced above.

IN WITNESS WHEREOF, the parties have executed this Agreement upon the date following their respective signatures.

J. R. SIMPLOT COMPANY

Dated: MARCH 21, 1988

By Gordon C. Smith
Its Senior Vice President

STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

Dated: 3-18-88

By Jeff McCall
Its Director
SHOSHONE-BANNOCK TRIBES

Dated: March 7, 1988

By Marvin D. Glone
Its

1130v/02-11-88/3:10



OCT 03 1988

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APR 06 1988

Department of Water Resources

GRANT OF EASEMENT

FOR STREAM PROJECT

KNOW ALL PERSONS BY THESE PRESENTS:

That J.R. Simplot Company of Boise, Idaho, (hereinafter "Grantor"), in consideration of the mutual promises set forth below, does hereby grant to the Shoshone-Bannock Tribes, a federally-recognized Indian tribe located at the Fort Hall Indian Reservation, Fort Hall, Idaho, (hereinafter "Grantee"), a non-exclusive easement on the terms and solely for the purposes set forth below, (hereinafter the "Easement"), and located within land owned by Grantor, as described in Exhibit A and hereinafter referred to as "Easement Premises".

1. For the Easement and rights herein granted, Grantee shall pay to Grantor the sum of \$1.00 payable promptly upon the execution of an agreement between Grantee and the Bonneville Power Administration to fund, in whole or in part, the exercise of Grantee's rights hereunder. Failure by Grantee to execute said agreement or to make payment promptly upon execution thereof shall automatically constitute a forfeiture of any right hereunder unless Grantor shall otherwise agree in writing. The acceptance of delayed payment shall not constitute a waiver of any right of Grantor.

2. During the terms of the Easement, Grantee shall have subject to the terms and conditions set forth in this instrument, the following rights:

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OCT 03 1988

GRANT OF EASEMENT FOR STREAM PROJECT
PAGE 2

A. Upon approval by appropriate local, state and federal agencies, to construct and maintain in the Easement Premises, by contract or otherwise, the physical components of the Preferred Alternative for habitat enhancement aimed at restoring anadromous fishery habitat in the Yankee Fork of the Salmon River as described in the Feasibility Plan for the Enhancement of the Yankee Fork of the Salmon River dated March, 1987.

B. Subject to availability of federal funding from Bonneville Power Administration (BPA) or other federal source, to monitor, during and after implementation of the enhancement components in the Preferred Alternative Report and any amendments thereto approved in accordance with paragraph 2.A. above and mutually agreed upon by the Grantor, the progress and effects of such enhancement for so long as salmon continue to spawn and rear in the segment of Yankee Fork and associated dredge ponds lying within the Easement Premises. Grantee shall undertake in good faith all reasonable efforts to obtain federal funding for such monitoring purposes.

C. To access and egress the Easement Premises in conjunction with the reasonable pursuit and enjoyment of the above rights, including maintenance of channels and structures described in 2.A. above. Such channel and structure maintenance by Grantee shall be subject to availability of BPA or other federal funding, and Grantee shall undertake in good faith all reasonable efforts to obtain federal funding for this purpose.

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OCT 03 1988

3. The exercise of Grantee's rights hereunder shall be subject to the following conditions:

A. Roadways used by Grantee on the Easement Premises shall be left in as good a condition as before Grantee's usage, except to the extent that such roadways are to be modified in accordance with the Preferred Alternative Report and any amendment thereto approved in accordance with paragraph 2.A. above.

B. Any damage to Grantor's property caused by or resulting from the negligent acts, errors or omissions of Grantee in the exercise of its rights hereunder or in trespass shall, at Grantor's option, be repaired or restored to its prior condition by Grantee or at Grantee's expense.

C. In exercising its rights hereunder, Grantee shall comply with all applicable federal, state and local laws and regulations.

D. Grantee's exercise of its rights hereunder shall be at its sole risk and expense.

E. Grantee agrees that for purposes of determining Grantee's rights under this Easement, Grantor's rights to mine the Premises by any method whatsoever including, without limitations, dredge mining, shall not be deemed to be limited or restricted by this agreement or by any existing or future law or regulation, and at all times such rights to mine shall be paramount to all of Grantee's rights under this Easement, whether express or implied.

4. Grantee hereby agrees to indemnify, defend and hold harmless Grantor, its successors and assigns, from and against all and all liability, damage, claim, loss or expense arising out of or related to the exercise of Grantee's rights hereunder.

OCT 03 1988

5. Except as otherwise provided in paragraph 2.B. above, and unless this Easement has been extended by mutual agreement prior thereto, this Easement shall terminate automatically on September 1, 2007, and shall be terminable earlier in whole or in part by Grantor for:

- a. Failure to comply with any term or condition of the grant, which failure remains unremedied by Grantee for a thirty (30) day period after receipt by Grantee of written notice from Grantor specifying any basis of asserted non-compliance.
- b. A non-use of the Easement for a consecutive two-year period; provided, however, that failure of Grantee to implement restoration work as provided herein shall not constitute non-use so long as Grantee continues to work toward such implementation; or
- c. An abandonment of the Easement.

6. This Easement is given without warranty or representation and is subject to any prior valid, existing right or adverse claim and is for the term of years as set forth above.

7. Both parties to this Easement, while recognizing the need to restore salmon runs in Idaho and to work cooperatively to achieve that goal, enter into this Easement with the full understanding that Grantor's and Grantee's existing rights are not and will not be diminished hereby. This Easement is limited to the express purposes set forth herein and shall not be construed, explicitly or implicitly, to grant or confer any hunting, fishing, or other related rights or privileges upon Grantee.

8. The conditions of this Easement shall extend to and be binding upon and inure to the benefit of the respective successors and assigns of Grantee and Grantor.

OCT 03 1988

GRANT OF EASEMENT FOR STREAM PROJECT
PAGE 5

IN WITNESS WHEREOF, Grantor and Grantee have executed this
Grant of Easement in duplicate originals upon the dates set forth
below:

SHOSHONE-BANNOCK TRIBES

Marvin D. Osborne
Marvin D. Osborne, Chairman
Date: Sept. 9, 1987

J.R. SIMPLOT, COMPANY

Fordon C. Smith
Senior Vice Pres.
Date: 9-11-87

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OCT 05 1988

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APR 06 1988

STATE OF IDAHO)
COUNTY OF BINGHAM) ss.

Department of Water Resources

On this 9th day of September 1987, before me personally appeared Marvin D. Osborne, who having by me first been duly sworn, did say: That he is the Chairman of the Fort Hall Business Council of the Shoshone-Bannock Tribes, a federally recognized Indian tribe and that as such he executed the foregoing instrument for the purposes therein contained, on behalf of said Tribes pursuant to the resolution of the Fort Hall Business Council attached hereto, and acknowledged to me that said Tribes executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

M. M. Labrute
Notary Public

My commission expires:

5-16-88

STATE OF IDAHO)
COUNTY OF Ada) ss.

BEFORE ME, the undersigned authority, on this day personally appeared Gordon C. Smith known to me to be the person and officer whose name is subscribed to the foregoing instrument as Senior Vice President of J.R. Simplot Company, a Corporation, and acknowledged to me that he executed the same as the act and deed of said Corporation, for the purposes and consideration therein expressed, in the capacity therein stated; and that said Corporation executed said instrument for itself and in the capacities therein specified.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 10th day of September 1987.

My Commission Expires:

May 30, 1993

Laurel Walker
Notary Public

(SEAL)
Corporate

(SEAL)
Notary

RECORDED

OCT 03 1988

RESOLUTION

WHEREAS, the Shoshone-Bannock Tribes have undertaken a project to restore and enhance anadromous fishery habitat in the Yankee Fork of the Salmon River pursuant to federal funding from the Bonneville Power Administration (BPA); and

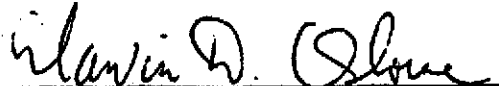
WHEREAS, the project area includes private lands owned in fee simple by the J.R. Simplot Company of Boise, Idaho; and

WHEREAS, at the direction of the Fort Hall Business Council, Tribal staff have negotiated the foregoing "Grant of Easement for Stream Enhancement Project" for the purpose of obtaining the consent of J.R. Simplot Company to implement fish habitat enhancement efforts in the project area pursuant to BPA funding;

NOW, THEREFORE, BE IT RESOLVED BY THE BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES, that the foregoing "Grant of Easement for Stream Enhancement Project" is hereby approved, the Tribal Chairman is hereby authorized to sign said document on behalf of the Tribes, and authorization is hereby given to pay \$1.00 from the Tribes to J.R. Simplot Company in consideration for the easement granted thereby.

Authority for the foregoing resolution is found in the Indian Reorganization Act of June 18, 1934 (48 Stat.984), as amended, and under Article VI, Section 1(g) of the Constitution and Bylaws of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho.

Dated this 9th day of September, 1987.


Marvin D. Osborne, Chairman
Fort Hall Business Council

SEAL

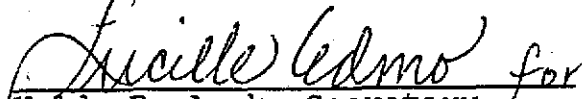
CERTIFICATION

I HEREBY CERTIFY, that the foregoing resolution was passed while a quorum of the Business Council was present by a vote of 4 in favor, 2 absent (AF,DF), and 1 not voting on the date this bears.

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OCT 03 1988

GAME-87-11364


Velda R. Auck, Secretary
Fort Hall Business Council

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APR 06 1988

Yankee Fork Applications
11/12/87

Samplot (32/20) — Samplot has granted easment
at no cost to tide for construction

Samplot is interested in change in use if
fish no longer use facility

F #6 — Anadromous fish production facility
is reserved to the state — water right should
not be held privately. — State has control
over delivery of fish to production facility.

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OCT 03 1988

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 238-3808
(208) 238-3867



TRIBAL FISH & GAME
P. O. BOX 306
FORT HALL, IDAHO 83203

November 3, 1987

Department of Water Resources
Southern Region
Attn: Loren Holmes
2148 4th Avenue East
Twin Falls, Id. 83301

Dear Mr. Holmes:

An informal conference has been scheduled on November 12, 1987, to discuss issues related to water right applications, 72-7399 through 72-7405, on the Yankee Fork River by J. R. Simplot Company. The conference will be held in the third floor conference room of the Department of Water Resources, at 450 West State Street, Boise, at 10:00 a.m.

Should you have any questions concerning this conference, please feel free to call me at 238-3748.

Sincerely,

Carl Richards
Tribal Fisheries Biologist

CR/lgn

cc: Bruce Belzer, J.R. Simplot Company, Boise, Idaho
Dave Hanson, Idaho Department of Fish and Game
Dexter Pitman, Idaho Department of Fish and Game
Steve Goddard, Idaho Department of Fish and Game

MAILED

OCT 03 1988

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NOV 4 1987

Department of Water Resources
Southern Region Office

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS		POSTAGE		FEE		Handling Charge		Actual Value (If Registered)		DUE SENDER IF C.O.D.		R. R. FEE		S. D. FEE		S. H. FEE	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	343	J. R. Simplot																	
2	344	Carl Richards																	
3	345	Bechtel Environmental, Inc.																	
4	346	EDFG, Region 6 (Hank Roland)																	
5	347	EDFG, Jerry Conley																	
6	348	Howard Funker																	
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TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)															

NAME AND ADDRESS OF SENDER

J. R. Simplot

10/19/87
72-7405

Re: 72-7399 true

☐ Registered
☐ Insured
☐ COD
☐ Certified

☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF R.

OCT 03 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATIONS FOR PERMIT NOS. 72-7399) NOTICE OF CONFERENCE
THROUGH NOS. 72-7405)
IN THE NAME OF J.R. SIMPLOT COMPANY)

On May 28, 1987 J.R. Simplot Company filed with the Department of Water Resources applications to appropriate the public waters of the State of Idaho. On August 3, 1987 the Department received protests against the approval of said applications from two individuals and/or organizations. On August 19, 1987 the Department received one withdrawal of protest against said applications.

The Department has set the matter of protest for conference on Thursday, November 5, 1987 at 1:30 p.m. in the conference room at the Department's State Office located at 450 West State Street; Boise, ID.

The conference will be held in accordance with Rule 8 of the adopted rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 19 day of October, 1987.

Loren O. Holmes

Loren O. Holmes
Southern Region Manager

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OCT 03 1988

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

-Applicant

Carl Richards
Tribal Fish & Game
P.O. Box 306
Fort Hall, ID 83203

Bechtel Environmental, Inc.
Dave Cornman, Project Coordinator
P.O. Box 3965
San Francisco, CA 94119

Idaho Dept. of Fish & Game
Herb Pollard, Supervisor
Region 6
1515 Lincoln Road
Idaho Falls, ID 83401

Idaho Dept. of Fish & Game
Jerry Conley, Director
Box 25
Boise, ID 83707

-Protestant

Howard Funke
Tribal Attorney
P.O. Box 306
Fort Hall, ID 83203

Jonathan H. Marvel
P.O. Box 1602
Hailey, ID 83333

-Protestant *Withdrawn*

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OCT 03 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

October 15, 1987

Jonathan H. Marvel
P.O. Box 1602
Hailey, ID 83333

Re: Applications for Permit No. 72-7399 through 72-7405 (J.R. Simplot, Company)

Dear Mr. Marvel:

On August 19, 1987 this office received your letter withdrawing protest against the above referenced applications.

The withdrawal removes you as a party to further action in the matter by the Department.

If we can provide information or be of assistance to you in the future, please let us know.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

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OCT 03 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1987

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

Re: Applications 72-7399 through 72-7405, J.R. Simplot Company

Gentlemen:

The Department is planning to set the matter of the Yankee Fork applications for conference in Boise on November 5, 1987.

The Conference procedure will be according to Rule 8 of the Department's Rules of Practice and Procedure (copy enclosed) and will be preliminary to any hearing which may be held later.

Formal notice setting the time and place for the conference will be mailed on or about October 19.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

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OCT 03 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1987

Bechtel Environmental, Inc.
Dave Cornman, Project Coordinator
P.O. Box 3965
San Francisco, CA 94119

Re: Applications 72-7399 through 72-7405, J.R. Simplot Company

Dear Mr. Cornman:

The Department is planning to set the matter of the Yankee Fork applications for conference in Boise on November 5, 1987.

The Conference procedure will be according to Rule 8 of the Department's Rules of Practice and Procedure (copy enclosed) and will be preliminary to any hearing which may be held later.

Formal notice setting the time and place for the conference will be mailed on or about October 19.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

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OCT 03 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1987

Carl Richards
Tribal Fish & Game
P.O. Box 306
Fort Hall, ID 83203

Re: Applications 72-7399 through 72-7405, J.R. Simplot Company

Dear Mr. Richards:

The Department is planning to set the matter of the Yankee Fork applications for conference in Boise on November 5, 1987.

The Conference procedure will be according to Rule 8 of the Department's Rules of Practice and Procedure (copy enclosed) and will be preliminary to any hearing which may be held later.

Formal notice setting the time and place for the conference will be mailed on or about October 19.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

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OCT 03 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1987

Idaho Dept. of Fish & Game
Herb Pollard, Supervisor
Region 6
1515 Lincoln Road
Idaho Falls, ID 83401

Re: Applications 72-7399 through 72-7405, J.R. Simplot Company

Dear Mr. Pollard:

The Department is planning to set the matter of the Yankee Fork applications for conference in Boise on November 5, 1987.

The Conference procedure will be according to Rule 8 of the Department's Rules of Practice and Procedure (copy enclosed) and will be preliminary to any hearing which may be held later.

Formal notice setting the time and place for the conference will be mailed on or about October 19.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

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OCT 03 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

A. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1987

Idaho Dept. of Fish & Game
Jerry Conley, Director
Box 25
Boise, ID 83707

Re: Applications 72-7399 through 72-7405, J.R. Simplot Company

Dear Mr. Conley:

The Department is planning to set the matter of the Yankee Fork applications for conference in Boise on November 5, 1987.

The Conference procedure will be according to Rule 8 of the Department's Rules of Practice and Procedure (copy enclosed) and will be preliminary to any hearing which may be held later.

Formal notice setting the time and place for the conference will be mailed on or about October 19.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

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OCT 03 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

October 9, 1987

Howard Funke
Tribal Attorney
P.O. Box 306
Fort Hall, ID 83203

Re: Applications 72-7399 through 72-7405, J.R. Simplot Company

Dear Mr. Funke:

The Department is planning to set the matter of the Yankee Fork applications for conference in Boise on November 5, 1987.

The Conference procedure will be according to Rule 8 of the Department's Rules of Practice and Procedure (copy enclosed) and will be preliminary to any hearing which may be held later.

Formal notice setting the time and place for the conference will be mailed on or about October 19.

Very truly yours,

Loren D. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

FILED

OCT 03 1988

JONATHAN H. MARVEL

A.I.A.

ARCHITECT

RECEIVED

CROY STREET EXCHANGE • SUITE L
P.O. BOX 1602 • HAILEY, IDAHO 83333 • (208) 788-2290

AUG 19 1987

Department of Water Resources
Southern Region Office

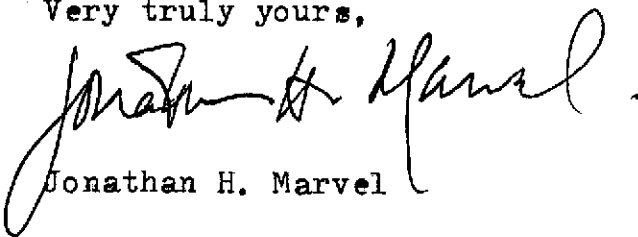
August 14, 1987

Idaho Department of Water Resources
1041 Blue Lakes Boulevard
Twin Falls, Idaho 83301

Dear Sirs:

I hereby request that my protest to the water right applications numbered 72-399 through 72-405 be withdrawn. I am doing so in the belief that the Idaho Department of Fish & Game will pursue their protest of these applications by the J.R. Simplot Co. to help insure future stocks of anadromous fisheries on the Main and Yankee Forks of the Salmon River.

Very truly yours,



Jonathan H. Marvel

cc: Carl Richards, Shoshone-Bannock Tribes
Dexter Pitman, Anadromous Fisheries Manager, Idaho Fish & Game

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OCT 03 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

August 6, 1987

David Cornman
Project Manager
Bechtel Environmental, Inc.
P.O. Box 3965
San Francisco, CA 94119

Re: Applications for Permit Nos. 72-7399, 72-7400, 72-7401,
72-7402, 72-7403, 72-7404, 72-7405

Dear Mr. Cornman:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above referenced applications in behalf of J.R. Simplot Company. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing 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 conflict with the local public interest?

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

Very truly yours,

Loren O. Holmes
LOREN O. HOLMES
Southern Region Supervisor

MAILED

OCT 05 1988

Encl:

cc: J.R. Simplot Company ; Howard Funke, Attorney



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

August 6, 1987

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

A. KENNETH DUNN
Director

Jerry M. Conley, Director
Idaho Fish & Game
Box 25
Boise, ID 83707

Re: Applications for Permit Nos. 72-7399, 72-7400, 72-7401,
72-7402, 72-7403, 72-7404, 72-7405

Dear Mr. Conley:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. 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 you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing 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 conflict with the local public interest?

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

Very truly yours,

Loren O. Holmes

LOREN O. HOLMES
Southern Region Supervisor

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OCT 03 1988

LOH:MB



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

August 5, 1987

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

Jonathan H. Marvel, AIA
P.O. Box 1602
Hailey, ID 83333

Re: Applications for Permit Nos. 72-7399, 72-7400, 72-7401,
72-7401, 72-7402, 72-7403, 72-7404, 72-7405

Dear Mr. Marvel:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

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- 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 conflict with the local public interest?

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

Very truly yours,

Loren O. Holmes
LOREN O. HOLMES
Southern Region Supervisor

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OCT 05 1988

LOH:MB

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AUG 5 1987

Department of Water Resources
Southern Region Office



August 3, 1987

600 South Walnut • Box 25
Boise, Idaho 83707

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AUG 03 1987

hand delivered 2:15
Department of Water Resources

Mr. Loren O. Holmes
Department of Water Resources
1041 Blue Lakes Blvd.
Twin Falls, ID 83301

Re: Yankee Fork Water Rights Applications 72-399, 72-400,
72-401, 72-402, 72-403, 72-404, 72-405.

Dear Mr. Holmes:

The Idaho Department of Fish and Game has reviewed the above-referenced applications. We agree with the intended uses and amounts prescribed in these applications. However, we are unclear as to potential long-term implications of them.

It is possible that operation of the fish rearing ponds may not continue in the long-term. Rebuilding salmon and steelhead runs may preclude the need for the ponds. Catastrophic events could devastate the pond sites. In that event, a change in use and point of diversion of the water right could occur.

Collectively, if the quantity of water in question is diverted at fewer or a single diversion point, substantial or entire reduction of Yankee Fork discharge and impact on fish would result. The impact would negate the advantages to fish sought and gained by the above-referenced water right applications.

With that consideration, our Department protests the applications listed above. Our protest could be withdrawn if certain modifications of the application or if further information relieves our concerns.

Sincerely,

Jerry Mallet
for Jerry M. Conley
Director

MICROFILMED

OCT 05 1988

EQUAL OPPORTUNITY EMPLOYER

JONATHAN H. MARVEL A.I.A. ARCHITECT

CROY STREET EXCHANGE • SUITE L
P.O. BOX 1602 • HAILEY, IDAHO 83333 • (208) 788-2290

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AUG 3 1987

Department of Water Resources
Southern Region Office

July 30, 1987

Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

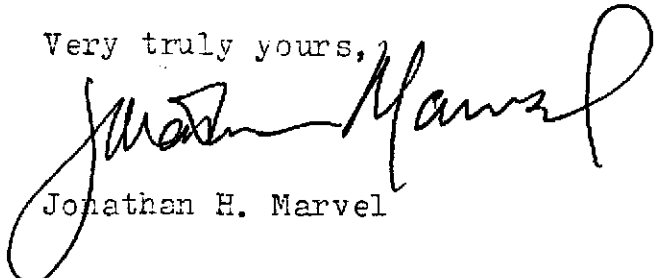
Dear Sirs:

I would like to officially protest 7 applications for non-consumptive water rights on the Yankee Fork of the Salmon River filed by the J.R. Simplot Co. The application numbers are 72-7399; 72-7400; 72-7401; 72-7402; 72-7403; 72-7404; and 72-7405.

My concern for the protest is the possibility that the non-consumptive water right requested could be converted to another non-consumptive right in the future which could seriously jeopardize the goal of the enhancement of anadromous fisheries in the Salmon River drainage.

I will withdraw this protest if this concern were to be shown to be without serious basis.

Very truly yours,


Jonathan H. Marvel

MICROFILMED

OCT 05 1988

POOR QUALITY



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 8, 1987

Dudley Reiser
Bechtel Environmental, Inc.
P.O. Box 3965
San Francisco, CA 94119

Re: Application for Permit Nos. 72-7404, 72-7405

Dear Mr. Reiser:

The Department of Water Resources acknowledges receipt of your water right applications for permit on behalf of J.R. Simplot Company. The applications have been assigned identification Nos. 72-7404, 72-7405. Please refer to these numbers in all further correspondence.

This office will be advertising the applications in the Challis Messenger on 7/16 & 7/23/87. The advertisements will be published correctly for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your receipt no. 45050 for the amount of \$250.00 (\$125.00/72-7404; \$125.00/72-7405).

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

OCT 03 1988

Loren O. Holmes, P. E.
Southern Region Supervisor

LOH:mb



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 8, 1987

Howard Funke, Esquire
Shoshone/Bannock Tribe
P.O. Box 306
Fort Hall, ID 83203

RE: Applications for Water Permit, J.R. Simplot Co.; Nos.
72-7399, 72-7400, 72-7401, 72-7402, 72-7403, 72-7404, 72-7405

Dear Mr. Funke:

Enclosed for your information are copies of applications for water permit which have been filed with this office.

If you have any questions or need additional information regarding these applications, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosure

MICROFILMED
OCT 05 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 8, 1987

Jerry Hinz, Supervisor
Challis National Forest
P.O. Box 404
Challis, ID 83226

RE: Applications for Water Permit Nos. 72-7404, 72-7405

Dear Mr. Hinz:

Enclosed for your information are copies of applications for water permit which have been filed with this office.

If you have any questions or need additional information regarding these applications, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosure

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OCT 03 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 8, 1987

Herb A. Pollard, Supervisor
Idaho Dept. of Fish & Game
1515 Lincoln Road
Idaho Falls, ID 83401

RE: Applications for Water Permit Nos. 72-7404, 72-7405

Dear Mr. Pollard:

Enclosed for your information are copies of applications for water permit which have been filed with this office.

If you have any questions or need additional information regarding these applications, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosure

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OCT 03 1988

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. Margaret Parks

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for ..2.....

consecutive weeks, commencing with
the issue dated July 16.....

1987 and ending with the issued
dated July 23..... 1987

.....Margaret Parks.....

Subscribed and sworn to before
me this 28th day of July.....
1987

.....Ethel M. Beck.....

Notary Public, residing at Challis,
Idaho. My commission expires on

.....3-21-92.....

OK
MB
8/3/87

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JUL 30 1987

Department of Water Resources
Southern Region Office

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OCT 03 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 8, 1987

Custer Publishing Company
P.O. Box 405
Challis, ID 83226

Re: 72-7404, 72-7405

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED

OCT 05 1988

NOTICE OF APPLICATION FOR WATER PERMIT

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

72-7405

SIMPLON, J.R., COMPANY

P.O. Box 27; Boise, ID 83707

SOURCE: Groundwater
Yankee Fork tributary to Salmon River

Diversion Pt: NWSWNE, SWSWNE, Sec. 29, T12N, R15E, Custer County; 5 miles North & 1/2 mile East of Sunbeam.

Use: Recreation (5.0 CFS)

Date Filed: 5/28/87

In: SWNE, NWSE, Sec. 29, T12N, R15E

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before August 3, 1987.

KEN DUNN, Dir.

Published 7/16 & 7/23/87

MICROFILMED

OCT 05 1988

**NOTICE OF APPLICATION
FOR WATER PERMIT**

The following application (s)
have been filed to appropriate the
public waters of the State of Idaho:
72-7405

SIMPLOT, J.R., COMPANY

P.O. Box 27, Boise, ID 83707

SOURCE: Groundwater Yankee
Fork tributary to Salmon River
Diversion Pt.: NWSWNE,
SWSWNE, Sec. 29, T12N, R15E,
Custer County; 5 miles North & ½
mile East of Sunbeam.

Use: Recreation (5.0 CFS)

Date Filed: 5/28/87

In: SWNE, NWSE, Sec. 29, T12N,
R15E

The permit (s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources,
Southern Region, 2148 Fourth
Avenue East, Twin Falls, Idaho
83301 on or before August 3, 1987.

KEN DUNN, Director

Published: July 16 & 23, 1987.

OK
MB
7/20/87

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JUL 14 1987

Department of Water Resources
Southern Region Office

OUT 03 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

June 17, 1987

Dudley W. Reiser
Bechtel Environmental, Inc.
P.O. Box 3965
San Francisco, CA 94119

Re: PS1-SW, PS1-GW, PS3-GW, PS3-SW

Dear Mr. Reiser:

We are returning the above referenced applications for the following reasons:

- 1) The places of use and/or points of diversion do not agree with the map (Item 13).
- 2) The maps which have been glued to the application do not match the scale of the grid.

When the map scale you use under Item 13 does not match the suggested scale, it would be very helpful if you would give the scale used and/or show section corners.

I am enclosing copies of a Forest Service map which shows projected section lines in that area. Hopefully this will be of assistance to you.

We will hold the filing fees until we receive the applications back or receive a request for the fees to be returned.

Sincerely,

Terry G. Blau
Sr. Water Resource Agent

TB:MB

Enclosures

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OCT 03 1988