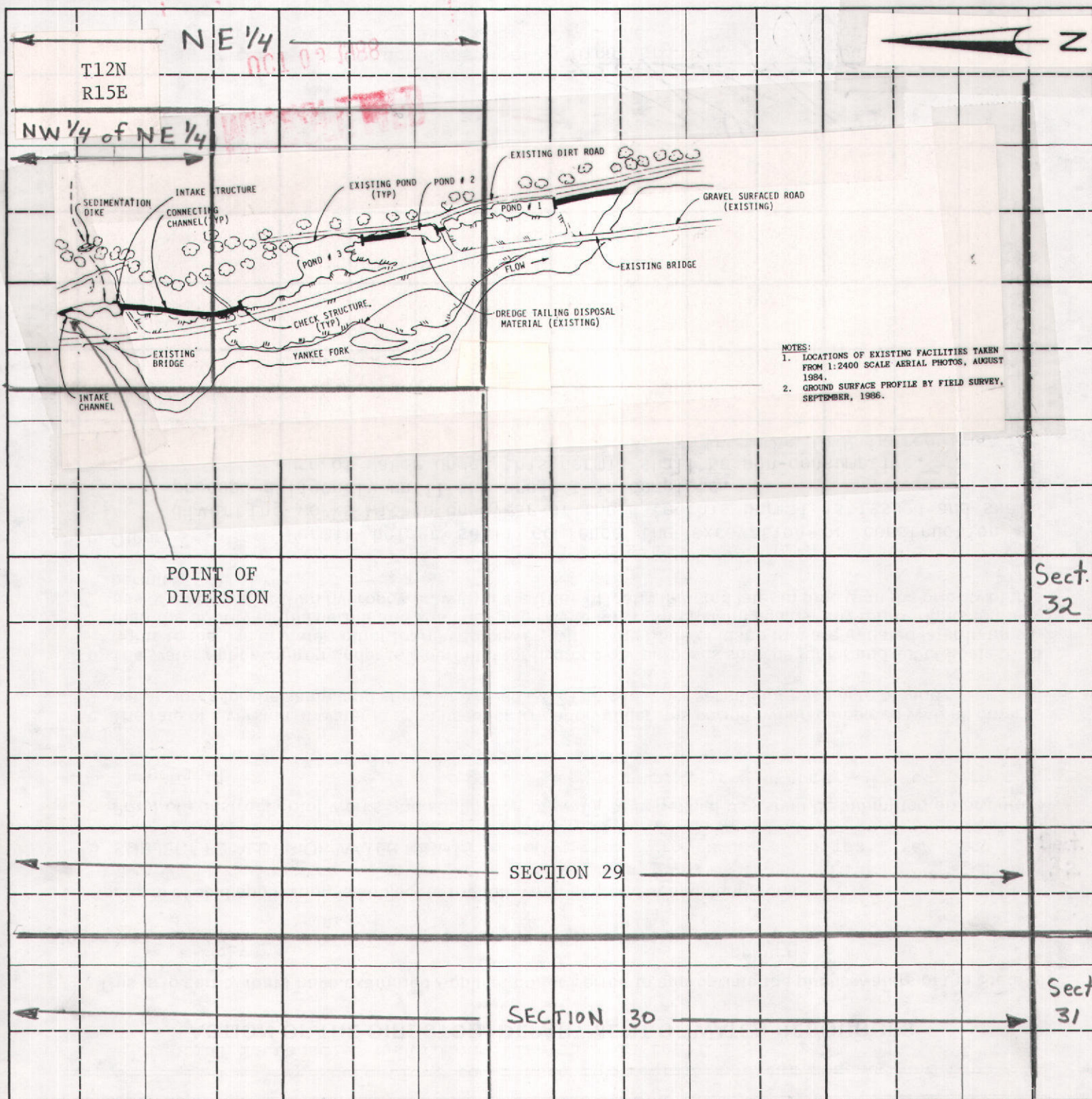


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



NOTES:
1. LOCATIONS OF EXISTING FACILITIES TAKEN FROM 1:2400 SCALE AERIAL PHOTOS, AUGUST 1984.
2. GROUND SURFACE PROFILE BY FIELD SURVEY, SEPTEMBER, 1986.

Scale: 1 inch = 660 feet

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.

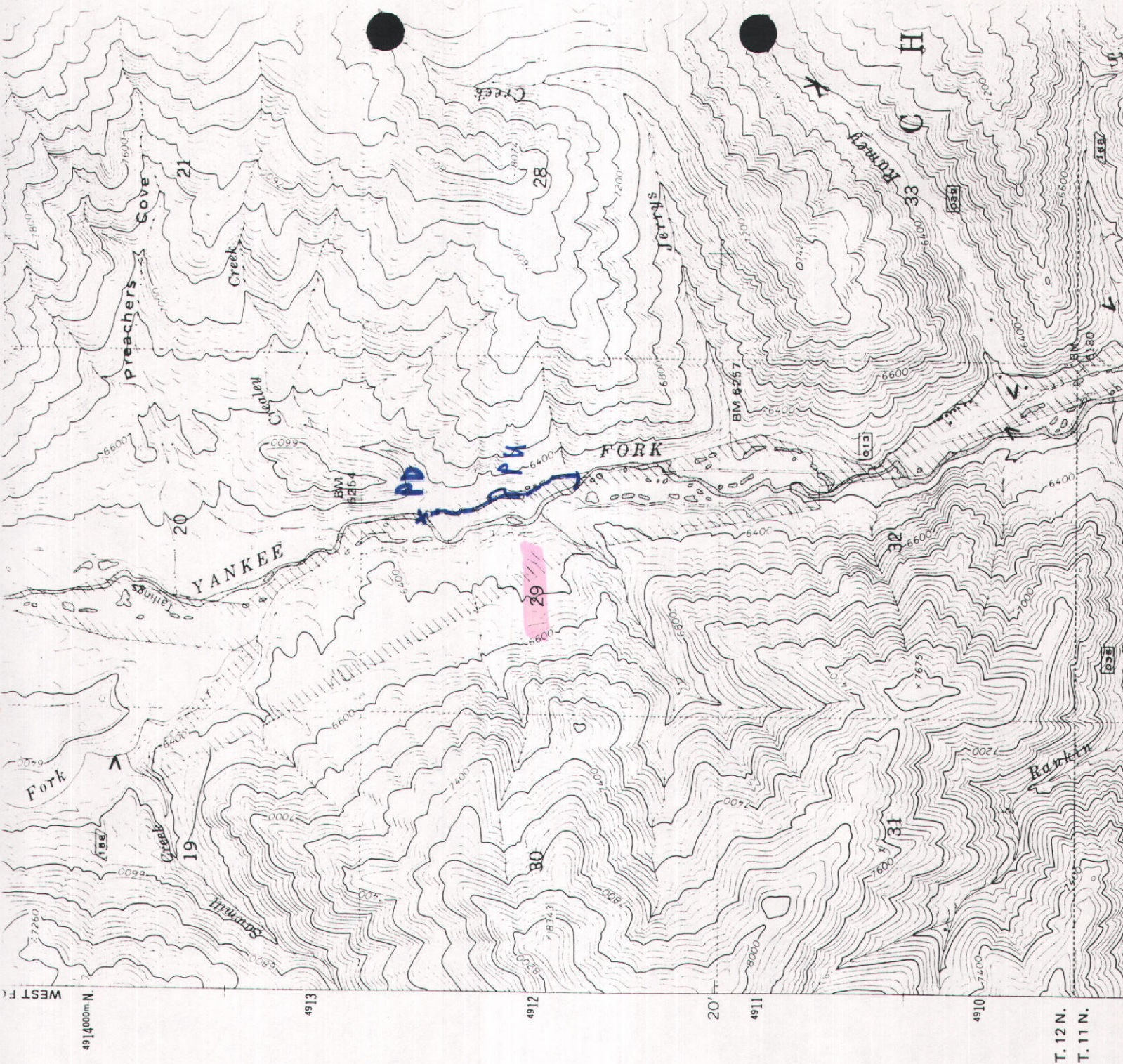
J.R. SIMPLOT COMPANY

By

Russell Shaver
(Applicant)

-Secretary

OCT 03 1988



72-7404

12N-RKE-S29

MACROFILMED
JUN 14 1995

72-7404

P/D



P/U



MICROFILMED
JUN 14 1968

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:

72-7404

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

Use: Recreation (5.0 CFS)
Recreation Storage (2.43 AFA)

Date Filed: 5/28/87

In: W1/2NE1/4, NWSE, Sec. 29,
T12N, R15E

The permit (s) will be subject to
all prior water rights. Protests
must be filed with the Director 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
8/3/87

RECEIVED

JUL 30 1987

Department of Water Resources
Southern Region Office

OCT 03 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07404

Priority: May 28, 1987

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 3620.0 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 5.000 cfs of water from:

SALMON RIVER, YANKEE FORK tributary to SALMON RIVER

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>
RECREATION	01/01 to 12/31	5.00 CFS	3620.0 AF
RECREATION STORAGE	01/01 to 12/31		2.4 AF
	Totals	5.00 CFS	3620.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: RECREATION

TWN RGE SEC

12N 15E 29

NWNE

SWNE

NWSE

CONDITIONS/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. Recreation use is for rearing habitat enhancement for the anadromous fish runs in the Yankee Fork of the Salmon River.

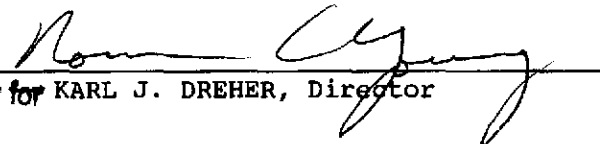
JUN 14 1995

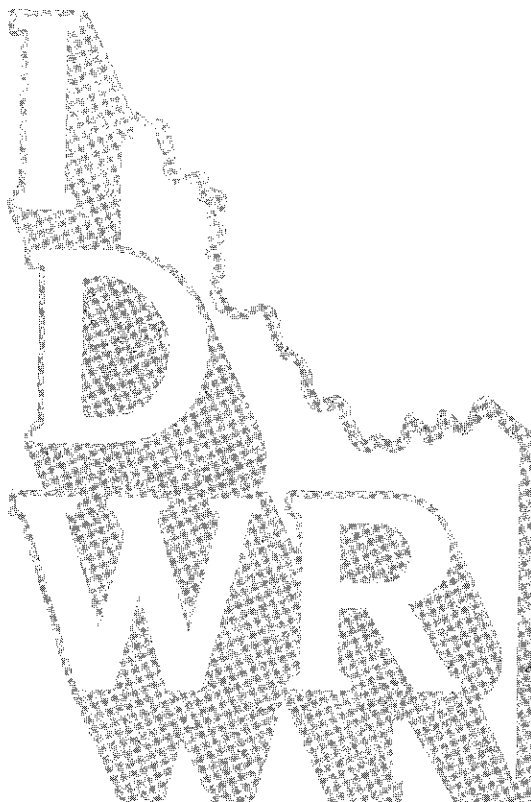
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 72-07404

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 15
day of June, 1995.


Acting for KARL J. DREHER, Director



JUN 14 1995

RECEIVED
JUL 31 1991

STATE OF IDAHO

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

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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. 72-7404 Telephone No. 208-336-21102. Name(s) of Permit Holder(s): J. R. Simplot Company3. Post Office Address: P.O. Box 27, Boise, ID 837074. Source of Water: Yankee Forka. If ground water, well driller's name: NA Date drilled: NAb. Pump horsepower: NA Pressure (psi): NA Dynamic pumping level (ft.): NA

5. Extent of Use:

Domestic (No. of households)Irrigation (No. of acres)Stockwater (No. and type of stock)Other Recreation/Recreation StoragePonds 1-36. Total rate and/or volume for which proof is submitted 5 cfs 2.43 acre/feet

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

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

OR

Flow Measurement Port: Required? Yes X No Installed? Yes No8. Fee Enclosed: \$ 200/ \$0 (See License Examination Fee Schedule)

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

Mike Rowe
Name208-238-3748
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.

AUG 22 1991

July 18, 1991
DateRonald N. Graves
Signature (and title if on behalf of a company or organization) Ronald N. Graves, Secretary

Form 202
6/85Ident. No. 72-7404

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 Yankee Fork which is a tributary of Salmon River

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 29 Township 12N Range 15E B.M. Custer County; additional
points of diversion if any: NA

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) Recreation storage

Amount 2.43 AF for ponds 1-3 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)

5. Total quantity to be appropriated is (a) 5 and/or (b) 2.43
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. The swampy area directly adjacent to the Yankee Fork at the upstream end of PS-3 is separated from the Yankee Fork by riprap berm installed during the construction of the adjacent bridge. This riprap material would have to be removed so water could flow into the pond series. Flow into PS-3 would be controlled by a 36 in. culvert installed beneath an existing dirt road. See attached figure.

b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity Ponds 1-3; 2.43 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).

RECORDED

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											*	R		

*Addition made per telephone conversation with Dudley Reiser,
on 6/30/87.

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

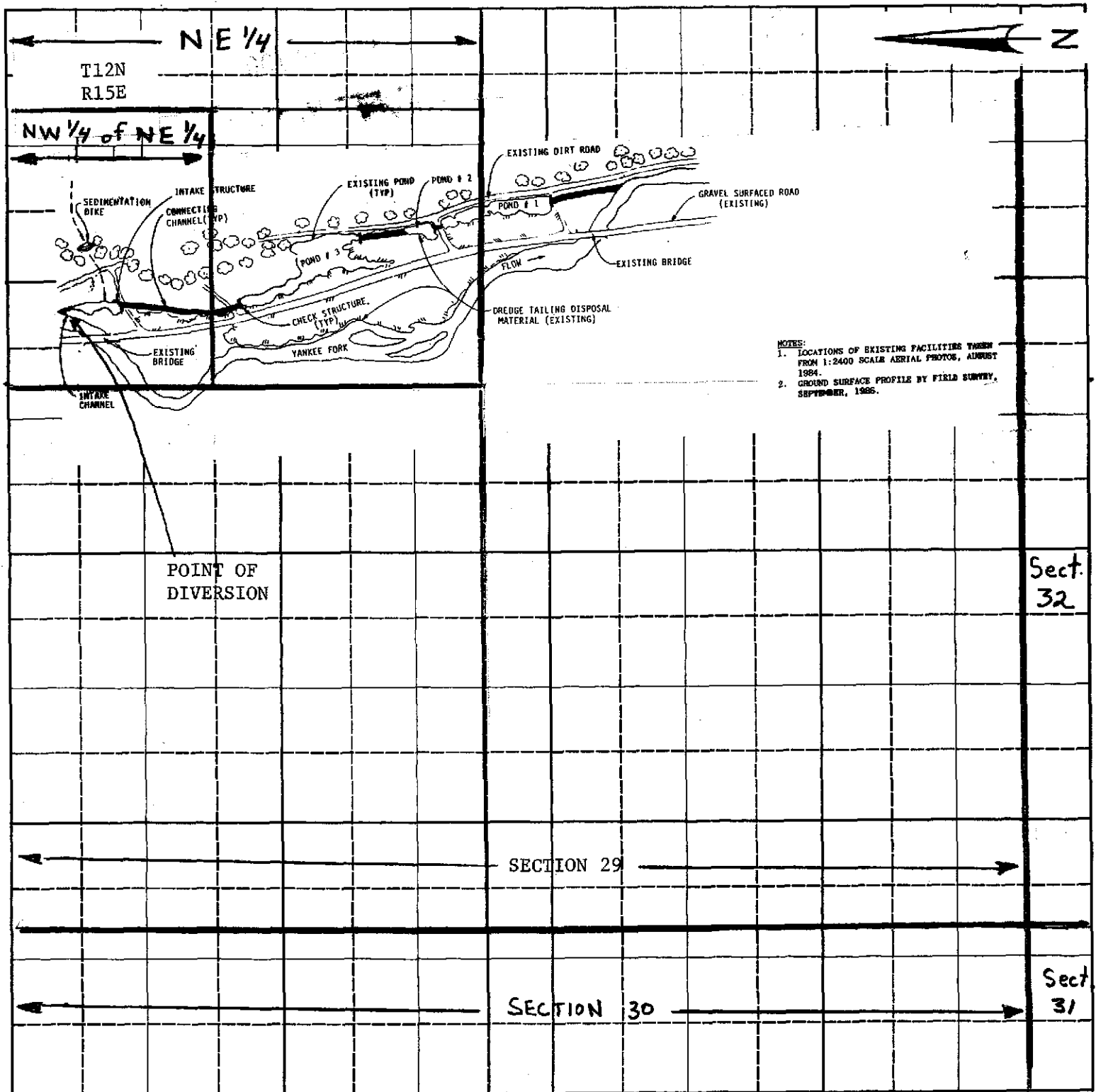
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

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.

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



NOTES:
1. LOCATIONS OF EXISTING FACILITIES TAKEN FROM 1:2400 SCALE AERIAL PHOTOS, AUGUST 1984.
2. GROUND SURFACE PROFILE BY FIELD SURVEY, SEPTEMBER, 1985.

Scale: 1 inch = 660 feet

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

OCT 03 1988

J.R. SIMPLOT COMPANY

By Ronald L. Shaw -Secretary
(Applicant)

Proposed Priority 5/28/87

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

Fee \$ 125.00 ⁰²⁸⁷⁴⁸ Received by M. Baldwin # 45050 Date 6/30/87

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

Publication approved M. 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. 72-7404, 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, 1991.

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.

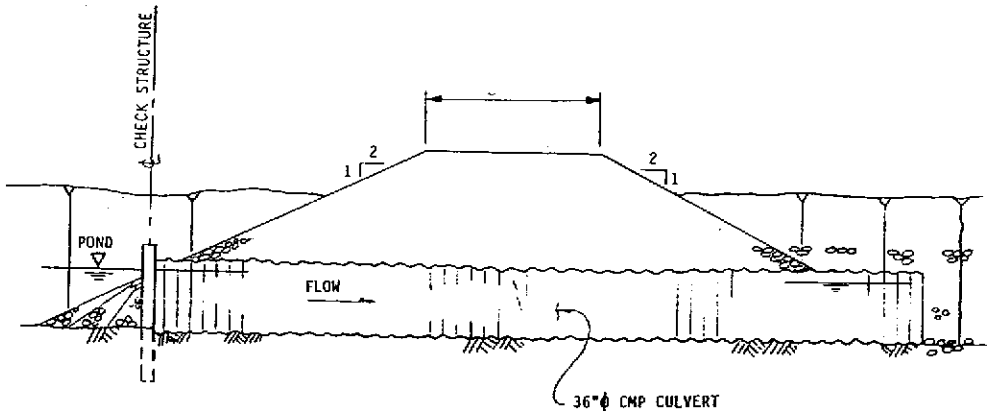
This permit is subject to the agreement dated 3/7/88 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

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

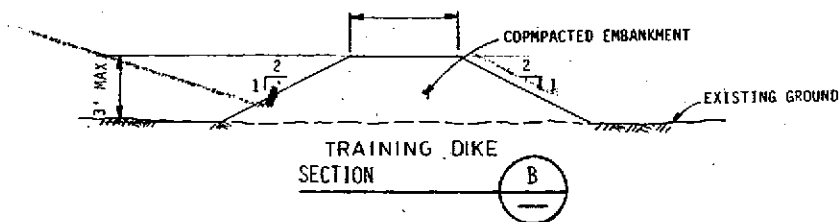
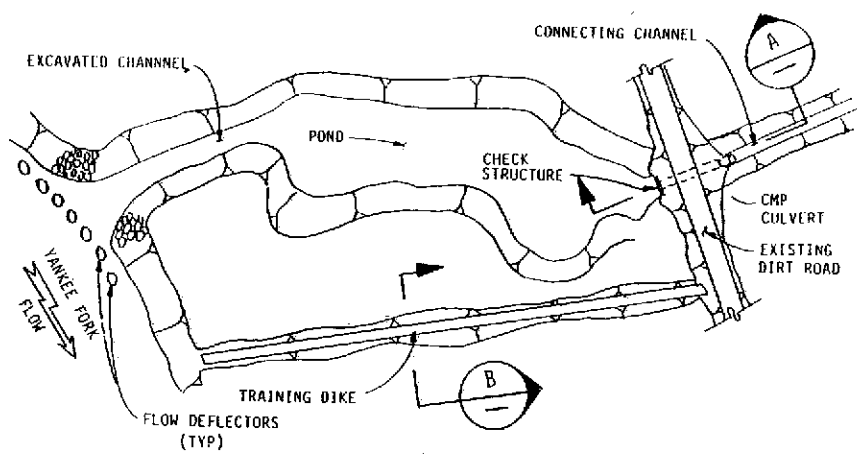
MICROFILMED

OCT 03 1988

Director



SECTION A



MICROFILMED

OCT 03 1988

POND SERIES 3
INTAKE STRUCTURE PLAN,
SECTIONS, AND DETAILS

YANKEE FORK FISHERIES ENHANCEMENT
YANKEE FORK OF THE SALMON RIVER
CUSTER COUNTY, IDAHO

DATE: SHEET OF

12N 15E

72-7404

BM
6254

29

FORK

MICROFILMED

OCT 05 1988

BM 6257



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 1, 1995

J R SIMPLOT CO
P O BOX 27
BOISE ID 83707

RE: WATER RIGHT NOS. 72-07400/72-07401/72-07404

Dear Water Right Holder(s):

Enclosed are copies of the Water Right Licenses issued on the above referenced permits. If you have any questions, please contact me within 10 days of receipt of these licenses.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:rl

enclosures

RECEIVED

JUN 14 1995

WR0749NP
No. L72-07404

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/16/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT CO PO BOX 27 BOISE ID 83707 (208) 336-2110	05/28/1987	RECREATION RECREATION STORAGE	01-01 12-31 01-01 12-31	5.000 CFS	3620.00 AFA 2.40 AFA
TOTAL DIVERSION:					5.000 CFS	3620.00 AFA

Water Source: SALMON RIVER, YANKEE FORK

Tributary to: SALMON RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 5.000 CFS

Point(s) of Diversion: T12N R15E S29 NWNE

CUSTER County

Place of use Legal Description for: RECREATION

				NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
12N	15E	29	:			R		R												R		:

Pou County: CUSTER

Conditions of Approval:

027 - Use of water under this right shall be non-consumptive.

Remarks: 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. Recreation use is for rearing habitat enhancement for the anadromous fish runs in the Yankee Fork of the Salmon River.

Dates: App. Received: 05/28/1987 Priority Date: 05/28/1987
Proof Due Date: 08/01/1991 Proof Made Date: 07/31/1991
Exam Made Date: 08/12/1992 Exam Sent to S.O.: 11/16/1994
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 05/16/95 BCHAPMAN 05/16/95 BCHAPMAN

LICENSE REVIEW CHECKLIST



PERMIT NO. 72-07404 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? YANKEE FORK SALMON RIVER
Notice of Intent to Void necessary? ☐

POINT OF DIV Amendment needed? ☒
Overlaps? ☒

PLACE OF USE Amendment needed? ☒
Overlaps? Uses same ponds as 72-07405

DIV RATE Permit/fee limits: 5 CFS
Meas Q = 5 Theo Q = 5 Recommend: 5.0
Combined rates exceed capacity ☐

ANNUAL VOLUME STORAGE
Volume Limit: 2.43 Season: 1-1 to 12-31
Calculations: Flow limit: 5 cfs x 365 x 1.9835 = 3619.9
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? ☐
YES Other EDIT agreement remark; use remark

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

COMMENTS: _____

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	<u>NO</u>
<u>Recreation</u>	<u>5</u>	<u>3620</u>	Adjustment Memo Needed	<u>NO</u>
<u>Rec Storage</u>	<u>2.4</u>	<u>3620</u>	LICENSE	☒
<u>Total</u>	<u>5</u>	<u>3620</u>	1ST AMEND LETTER	
			2ND AMEND LETTER	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 17 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 72-7404

1. Owner: J. R. Simplot Co.

Phone No. 336-2110

Current Address: P.O. Box 27, Boise, ID 83707

2. Accompanied by: Mike Rowe

EXAM. DATE: 8-12-1992

Address: Fisheries Dept., P.O. Box 306, Ft. Hall, ID 83203

Phone No. 238-3748

Relationship to Permit Holder: project biologist

3. Source: Yankee Fk. Salmon R. tributary to Salmon River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 72-07405

☐ Copies Attached

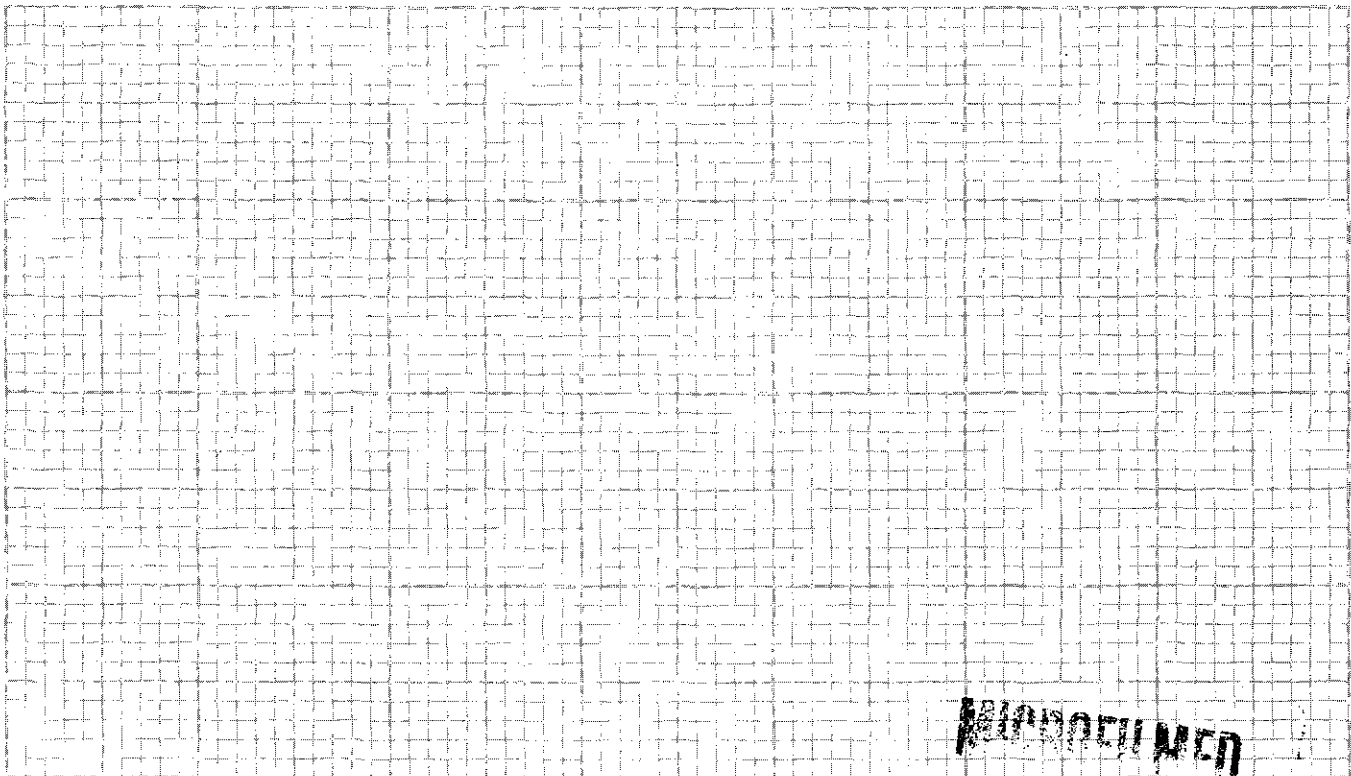
2. Other water rights with same point of diversion: None

☐ 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 Quad Map



Scale: 1" = _____

JUN 14 1995

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.)

Rock diversion in Yankee Fork, channel to pond, channel back into Yankee Fork. Channels provide a better water supply to old tailings ponds, & allow access into & out of this area by young trout & salmon. There is one large pond & 2 smaller, narrow ponds (all existing prior to this permit).

☐ 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	NW	NE	29	12N	15E	Custer	

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	29		R	R											R			
				AS	RS											AS			

Do not use this space

JUN 14 1995

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 Amps x .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:

5 cfs x 1.9835 AF/day/cfs x 365 days/yr = 3619.9 AFA

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JUN 14 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Flows were low due to continuing drought & time of year, so no measurements were taken. Recommend permitted amount be licensed.
P/D is in different 10-year target than described in permit, but is in same quarter-quarter; no amendment needed.
Other permit on this system is for intergravel flow thru the ponds & connecting channel. Total flow thru system is unknown.

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	3619.9
Recreation Storage	"	"		2.43
Totals:			5.0	3619.9

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 11-16-92

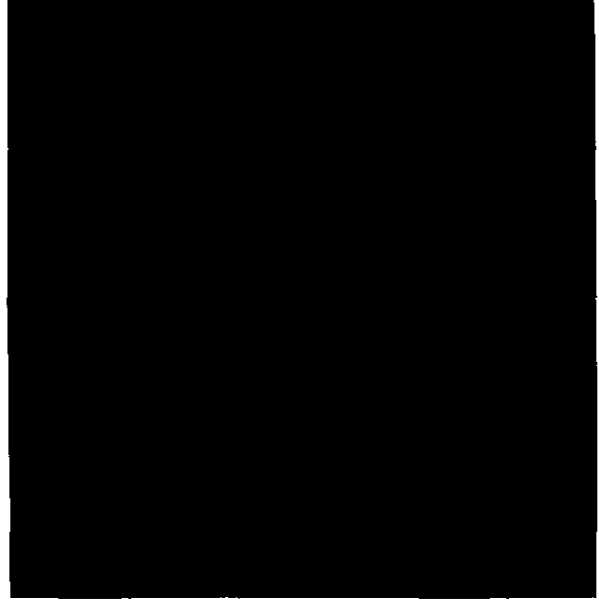
CONSULTANT SEAL

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

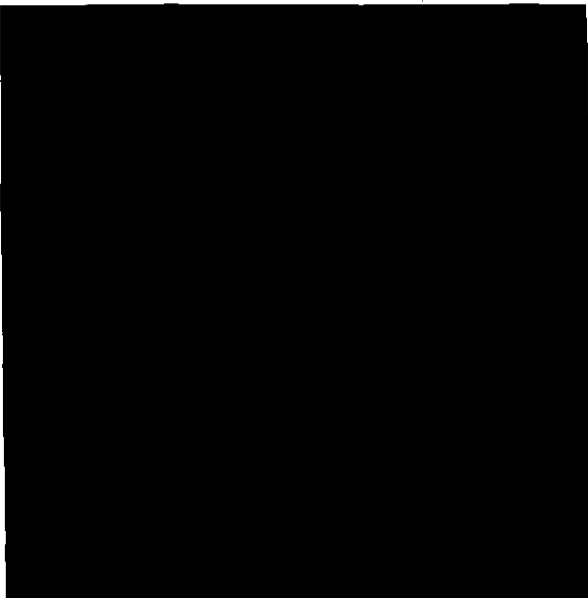
RECORDED

JUN 14 1995

P/D



P/u



RECEIVED
JUN 14 1964

August 14, 1991

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07404

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

MICROFILMED

AUG 22 1991

CORPORATE HEADQUARTERS

July 30, 1991

RECEIVED
JUL 31 1991

Department of Water Resources

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

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

1991

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

138709
~~738709~~
May 31, 1991

RE: PERMIT NO. 72-07404 PROOF DUE NOTICE

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

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

NOT RECORDED

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 06 1988

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 *CR*

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

RECEIVED

OCT 03 1988

RECEIVED

MAY 4 1988

Department of Natural Resources
Central Region Office

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APR 11 1988



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

RECEIVED

APR 06 1988

Department of Water Resources

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

INDEXED

OCT 03 1988

APR 16 1988

AGREEMENT

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 and in accordance with this Agreement.

MICROFILMED

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 or abandonment.

MICROFILMED

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 Forster C. Smith
Its President

STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

Dated: 3-18-88

By Jeff McConly
Its Director
SHOSHONE-BANNOCK TRIBES

Dated: March 7, 1988

By Marvin D. Colman
Its

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

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OCT 03 1988

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APR 06 1938

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:

MICROFILMED

OCT 03 1988

EXHIBIT

1 1 1

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.

RECORDED

OCT 05 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 any and all liability, damage, claim, loss or expense arising out of or related to the exercise of Grantee's rights hereunder.

RECEIVED
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.

RECORDED

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

J.R. SIMPLOT, COMPANY

Marvin D. Osborne

Marvin D. Osborne, Chairman

Date: Sept. 9, 1987

London C. Smith

Senior Vice Pres.

Date: 9-11-87

MICROFILMED

OCT 03 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.

A. M. Schritter
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

Barrel Walker
Notary Public

(SEAL)
Corporate

(SEAL)
Notary

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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

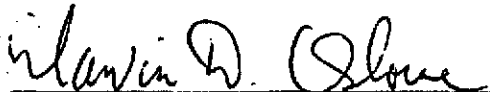
WHEREAS, the project area includes private lands owned in fee simple by the J.R. Simplot Company of Boise, Idaho; and

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.

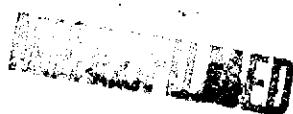

Marvin D. Osborne, Chairman
Fort Hall Business Council

SEAL

CERTIFICATION

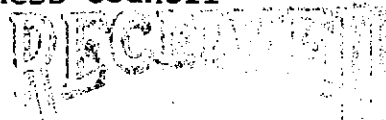
I HEREBY CERTIFY, that the foregoing resolution was passed while a quorum of the Business Council was present by a vote of 4 in favor, 2 absent (AF,DF), and 1 not voting on the date this bears.


Velda R. Auck, Secretary
Fort Hall Business Council



OCT 03 1988

GAME-87-11364


APR 06 1988

Yankee Fork Applications

11/12/87

Samplot (Belzer) — Samplot has granted easment
at no cost to tribe for construction

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

F#6 — Anonymous 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 05 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

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OCT 05 1988

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NOV 4 1987

Department of Water Resources
Southern Region Office

10/19/87

NAME AND ADDRESS OF SENDER
J. R. Simplot Co.
72-7405
Re: 72-7399 thru

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified

I certify that we have
☐ 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 F

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
NUMBER OF ARTICLE	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	343 J. R. Simplot	.22	.70	.75										
2	344 Carl Richards													
3	345 Bechtel Environmental, Inc													
4	346 IDFG, Region 6 (Herb Pollard)													
5	347 IDFG, Jerry Conley													
6	348 Howard Fumker													
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916712

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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)	The full declaration of value is required on all domestic and international mail. Commercial Insurance—Payment of the full registry fee is required valued up to \$1,000 or the full amount of the deductible if the deductible is \$1,000. The maximum indemnity payable is \$25,000 for registered mail, and \$400 for insured mail. Special handling charges apply only to third class parcels. Special delivery service also includes special handling service.

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

MICROFILMED

OCT 05 1988

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

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 -Protestant
Jerry Conley, Director
Box 25
Boise, ID 83707

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

Jonathan H. Marvel -Protestant *withdrawn*
P.O. Box 1602
Hailey, ID 83333

MICROFILMED

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

MICROFILMED

OCT 05 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

RECEIVED

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

MICROFILMED

OCT 09 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

MICROFILMED

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:

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Very truly yours,

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

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MICROFILMED

OCT 09 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
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.

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Very truly yours,

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

LH:mb

Enclosure

MICROFILMED

OCT 09 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.

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Very truly yours,

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

LH:mb

Enclosure

MICROFILMED

OCT 09 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

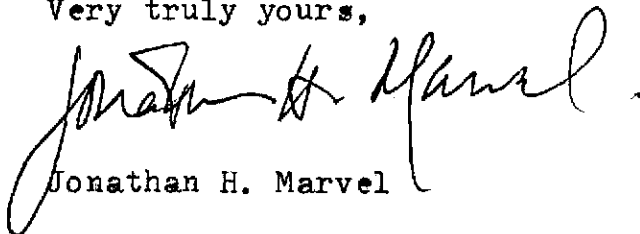
August 14, 1987

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

MICROFILMED

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 06 1987

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

MICROFILMED

OCT 05 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):

- 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

RECEIVED

OCT 03 1988

LOH:MB

JONATHAN H. MARVEL A.I.A. ARCHITECT

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

RECEIVED

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

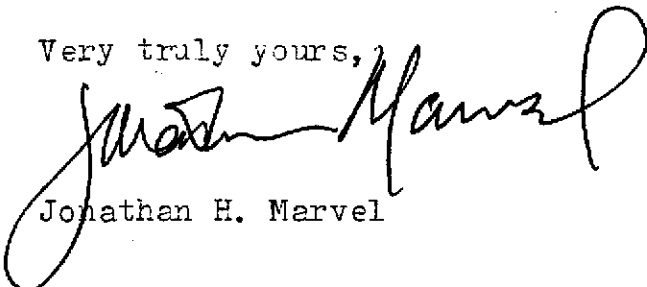
Dear Sirs:

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

RECEIVED

OCT 03 1988

RECEIVED

AUG 5 1987

Department of Water Resources
Southern Region Office



August 3, 1987

600 South Walnut • Box 25
Boise, Idaho 83707

RECEIVED

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 06 1988

EQUAL OPPORTUNITY EMPLOYER



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 D. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosure

MICROFILMED

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

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 D. 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

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

MICROFILMED

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 D. Holmes, P.E.
Southern Region Supervisor

LH:MB

Enclosure

MICROFILMED

OCT 03 1988

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

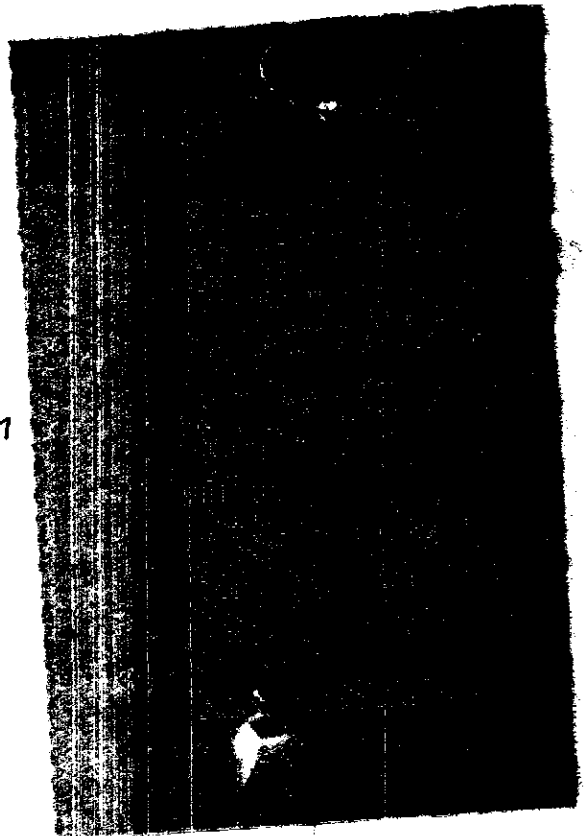
Subscribed and sworn to before
me this 28th day of July
1987

Ethel M. Beck

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

3-21-92

OK
MB
8/3/87



RECEIVED

JUL 30 1987

MICROFILMED
Department of Water Resources
Idaho Region Office

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 03 1988

NOTICE OF APPLICATION FOR WATER PERMIT

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

72-7404

SIMPLOT, J.R., COMPANY

P.O. Box 27; Boise, ID 83707

SOURCE: Yankee Fork trib. to Salmon River

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

Use: Recreation	(5.0 CFS)
Recreation Storage	(2.43 AFA)

Date Filed: 5/28/87

In: W1/2NE1/4, 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 03 1988

**NOTICE OF APPLICATION
FOR WATER PERMIT**

The following application (s)
have been filed to appropriate the
public waters of the State of Idaho:
72-7404

SIMPLOT, J.R., COMPANY
P.O. Box 27, Boise, ID 83707

SOURCE: Yankee Fork trib. to
Salmon River

Diversion Pt.: NWNWNE, Sec.
29, T12N, R15E, Custer County; 5
miles North & ½ mile East of
Sunbeam.

Use: Recreation (5.0 CFS)
Recreation Storage (2.43 AFA)

Date Filed: 5/28/87

In: W½NE¼, NWSE, Sec. 29,
T12N, R15E

The permit (s) will be subject to
all prior water rights. Protests
must be filed with the Director 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 17 1987

Department of Agriculture
Southern Region Office

RECEIVED

OCT 06 1988