6-10-24 Seg 00620 · Pa. 4698.1

= Proposed place of Use

= Proposed point of Diversion

WR#

Application Fee

Permit

B615 (2628)

200 S.

200 W.

D494 TAX 4 (4D)

D316 (5D)

D6 (6D)

D450 (9D)

SECTION 6

T. 10S. R. 24E

THIS MAP SHOULD BE INCLUDED WITH APP. FOR PERMIT FOR J. R. SIMPLOT CO. RECEIPT # C012179 10/12/89

MICROFILMED FEB 07 1992

RECEIVED OCT 19 1989 Department of Water Resources Southern Region Office

RECEIVED
DEC 27 1991
Department of Water Resources
Southern Region Office

91-499
NOTICE OF APPLICATION
FOR TRUST WATER RIGHT
36-08469
J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707
Source: GROUNDWATER
Diversion Pt: NESWNW Sec 6 T 10S R 24E
n MINIDOKA County.
Use: IRRIGATION (.400 CFS)
Total Diversion: (.400 CFS)
Date Filed: 10/12/1989
In: MINIDOKA County
T10S R24E S06 SENW
20.0 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before DECEMBER 23, 1991.
R. Keith Higginson, Director
Published in the South Idaho Press December 6 and 13, 1991.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, }
STATE OF IDAHO } ss.

Monique Jones being first duly sworn, deposes and says that She is the Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of The South Idaho Press for two consecutive weeks, commencing with the issue dated December 6 19 91, and ending with the issue dated Dec. 13, 19 91. Monique Jones

STATE OF IDAHO
COUNTY OF CASSIA }

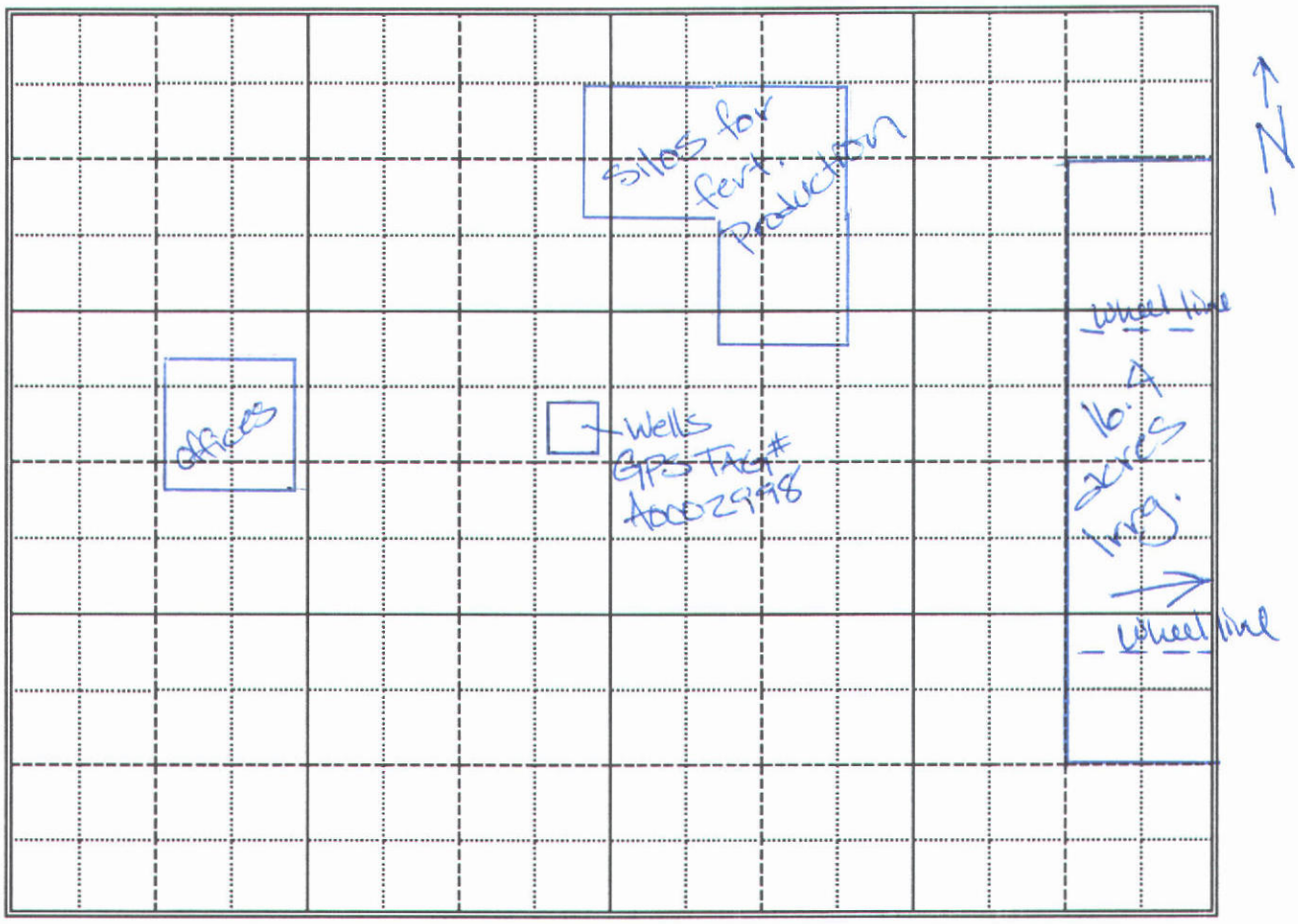
On this 24 day of December in the year of 1991, before me, a Notary Public, personally appeared Monique Jones, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and adknowledged to me that he executed the same.

Kelly Solomon
Notary Public for Idaho
Residing at Burley, Idaho
My commission expires: May 23, 1997

Cost of Publication: 25.92
Notary Fee: .50
Total Cost: 26.42

APPROVED
DEC 27 1991
12-27-91
MICROFILMED
DEC 27 1992

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

X Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required). GIS

X Aerial Photo Attached (required for irrigation of 10+ acres)

X Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	General Elct	40	5K404XA1A		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	FLC 5101			7K0085TB		May 2000

2. **Measurements:** The Fuji averaged 124 gpm, which converts to 0.28cfs.

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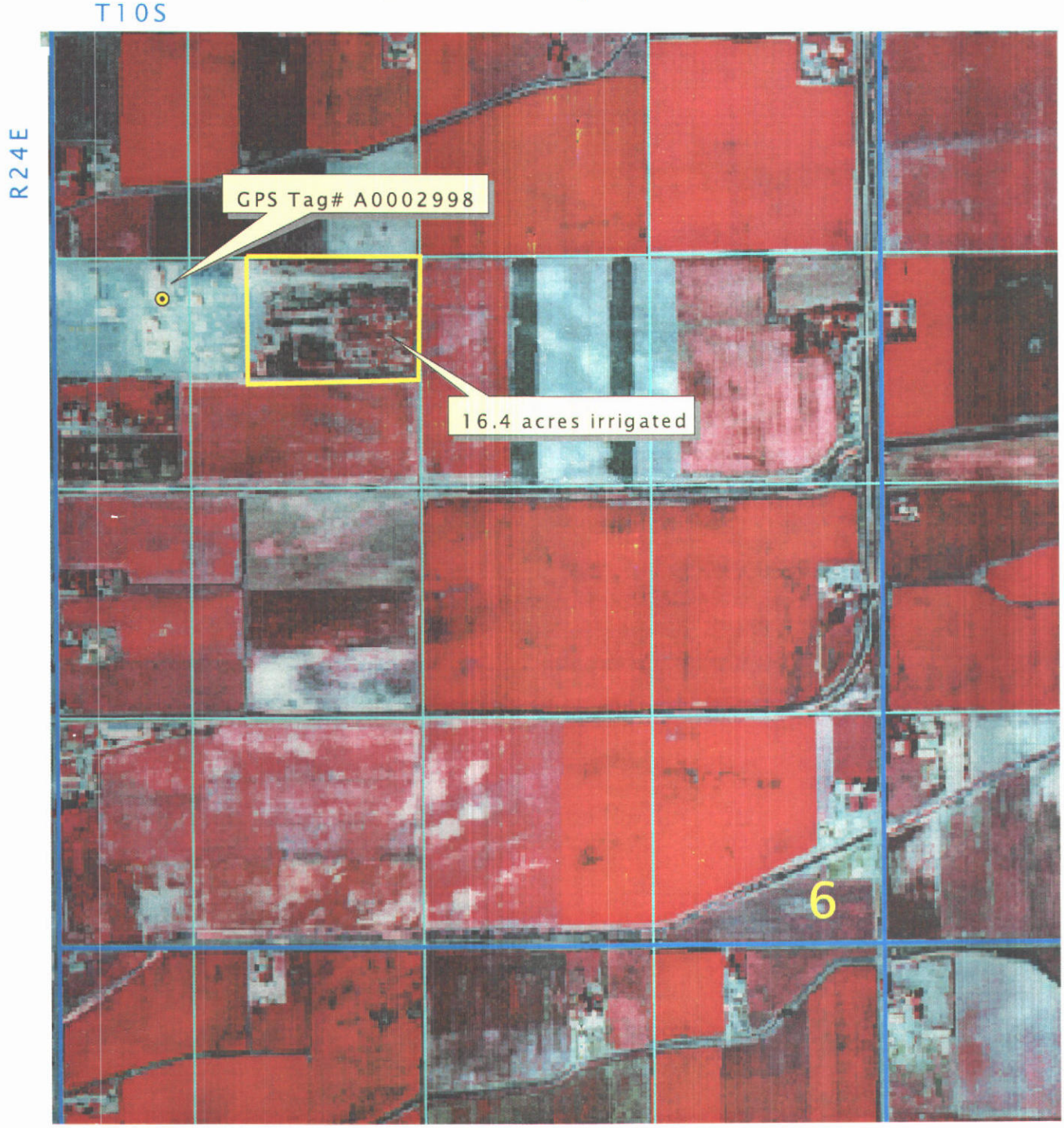
DEC 12 2001

Idaho Department of Water Resource

Recommendation for 36-08469

JR Simplot



Points of Diversion

Quarter-quarter Lines

Section Lines

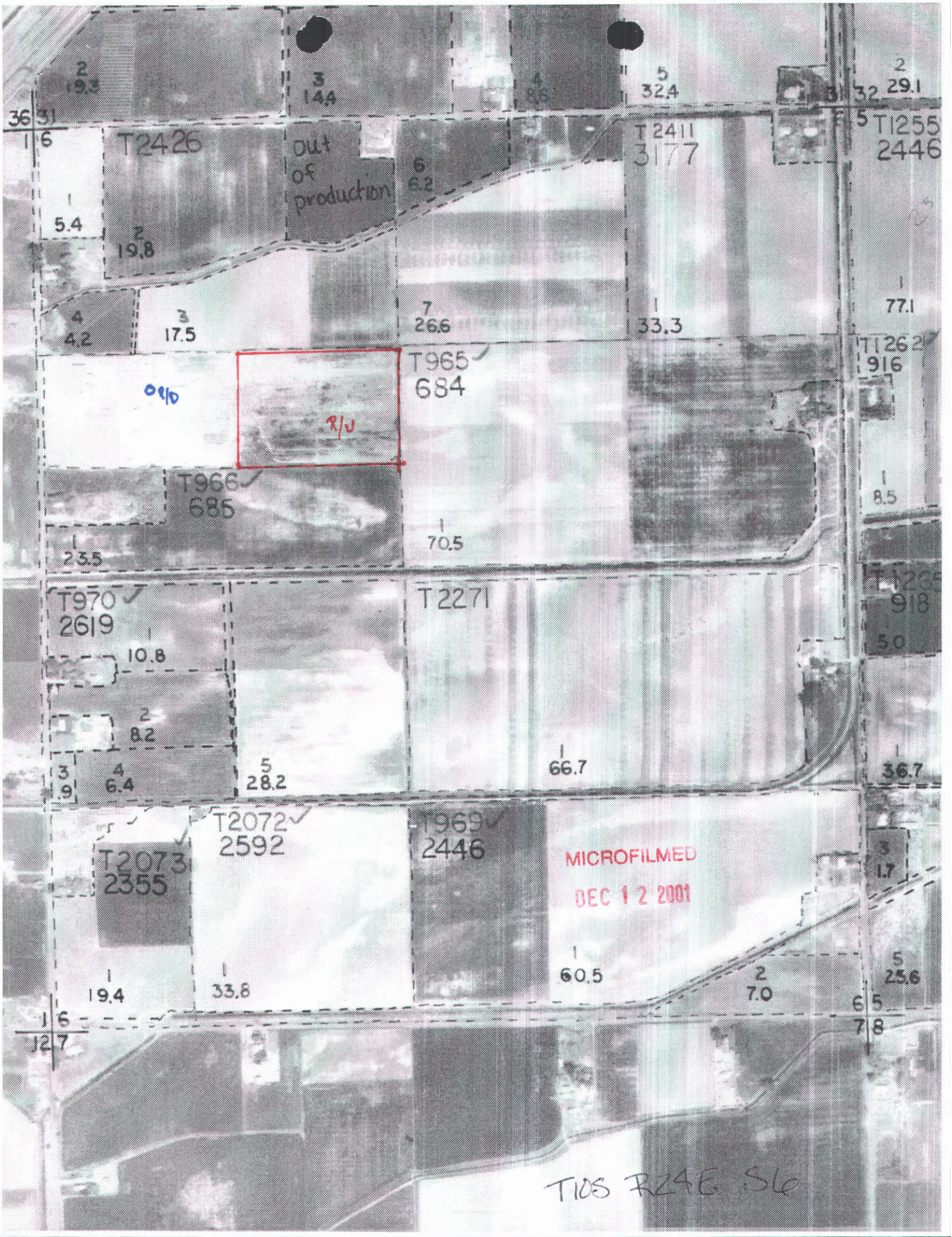
Place of Use

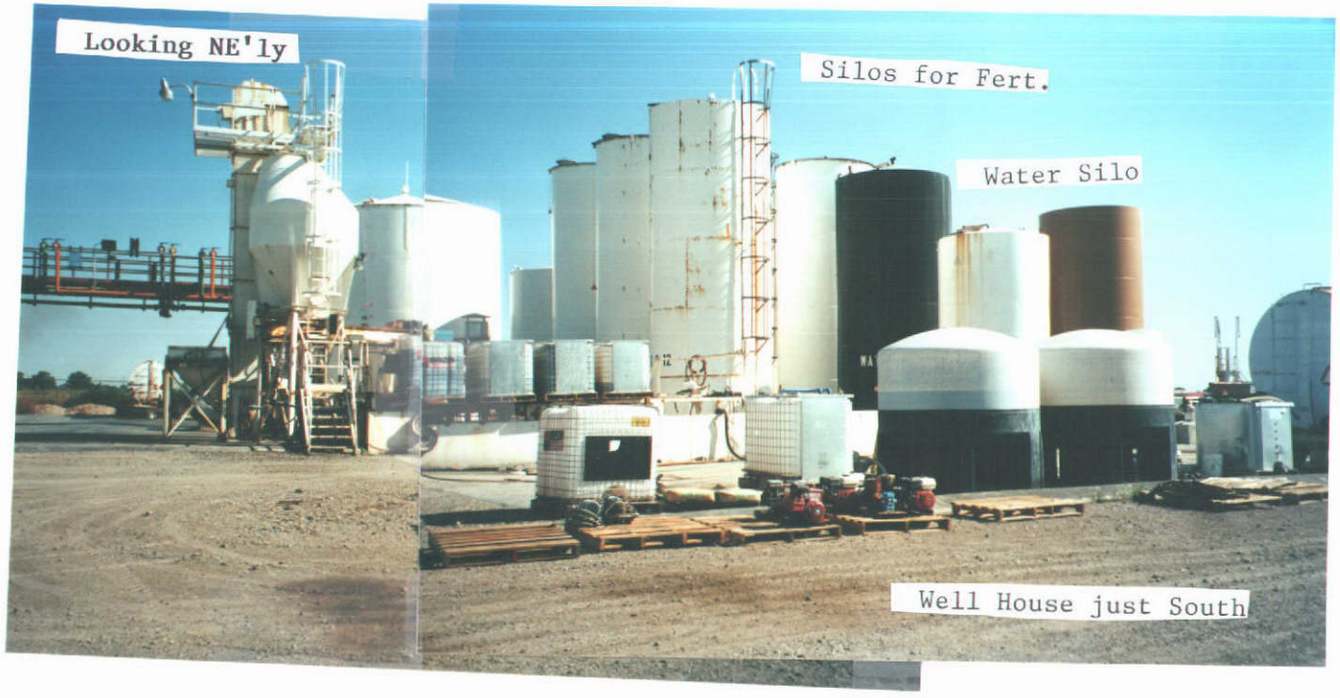
MICROFILMED
DEC 12 2001

N

Point of Diversion
T10S R24E S06
Data entery on Sept 22, 2000

Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom

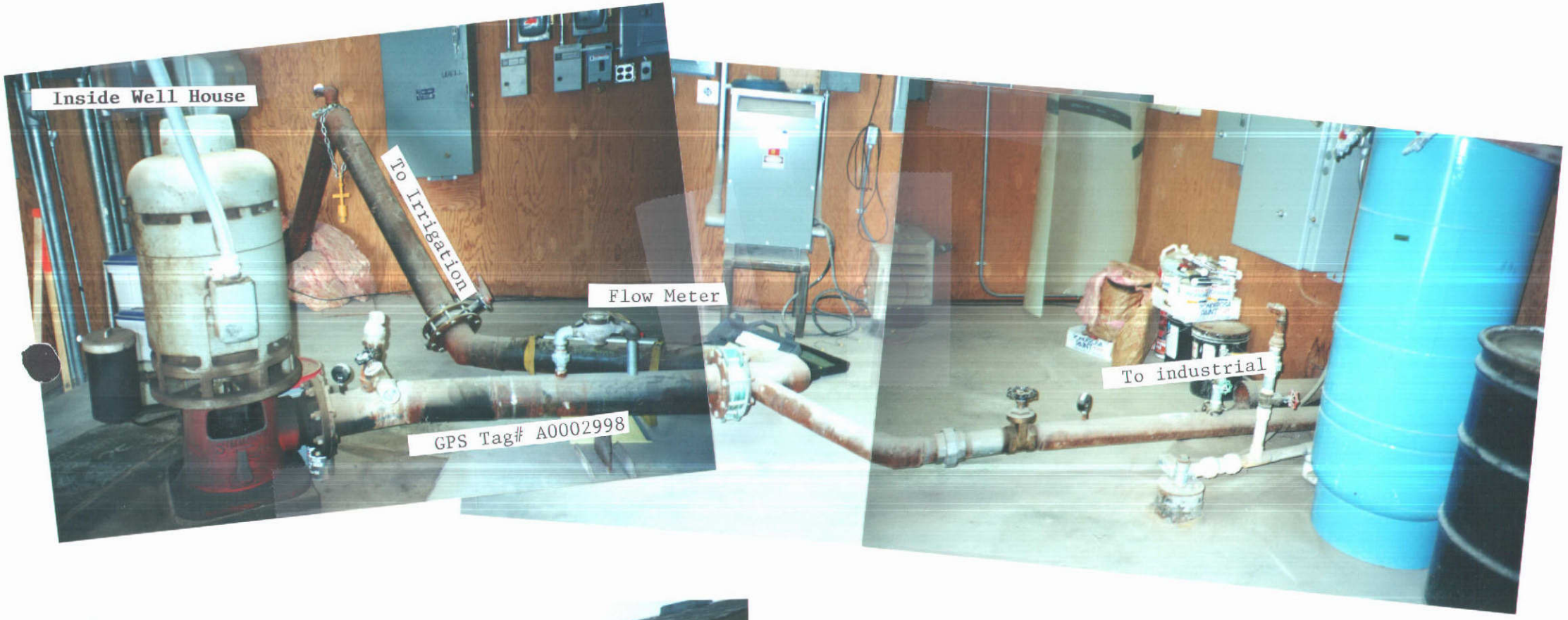

T2426
out of production
T2411
3177
T1255
2446
T1262
916
T965
684
R/W
T966
685
T970
2619
T2271
T1269
918
T2072
2592
T2073
2355
T969
2446
MICROFILMED
DEC 12 2001
T10S R24E Sec



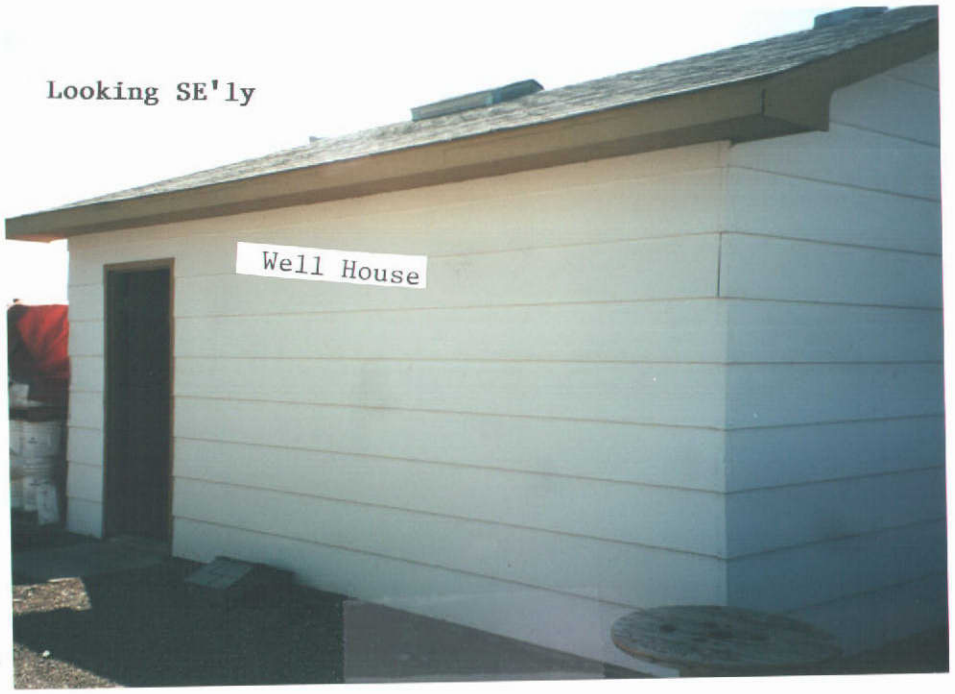
MICROFILM
DEC 12 2001

JR Simplot
FE: Amanda Folsom
Date: August 21, 2000

36-08469



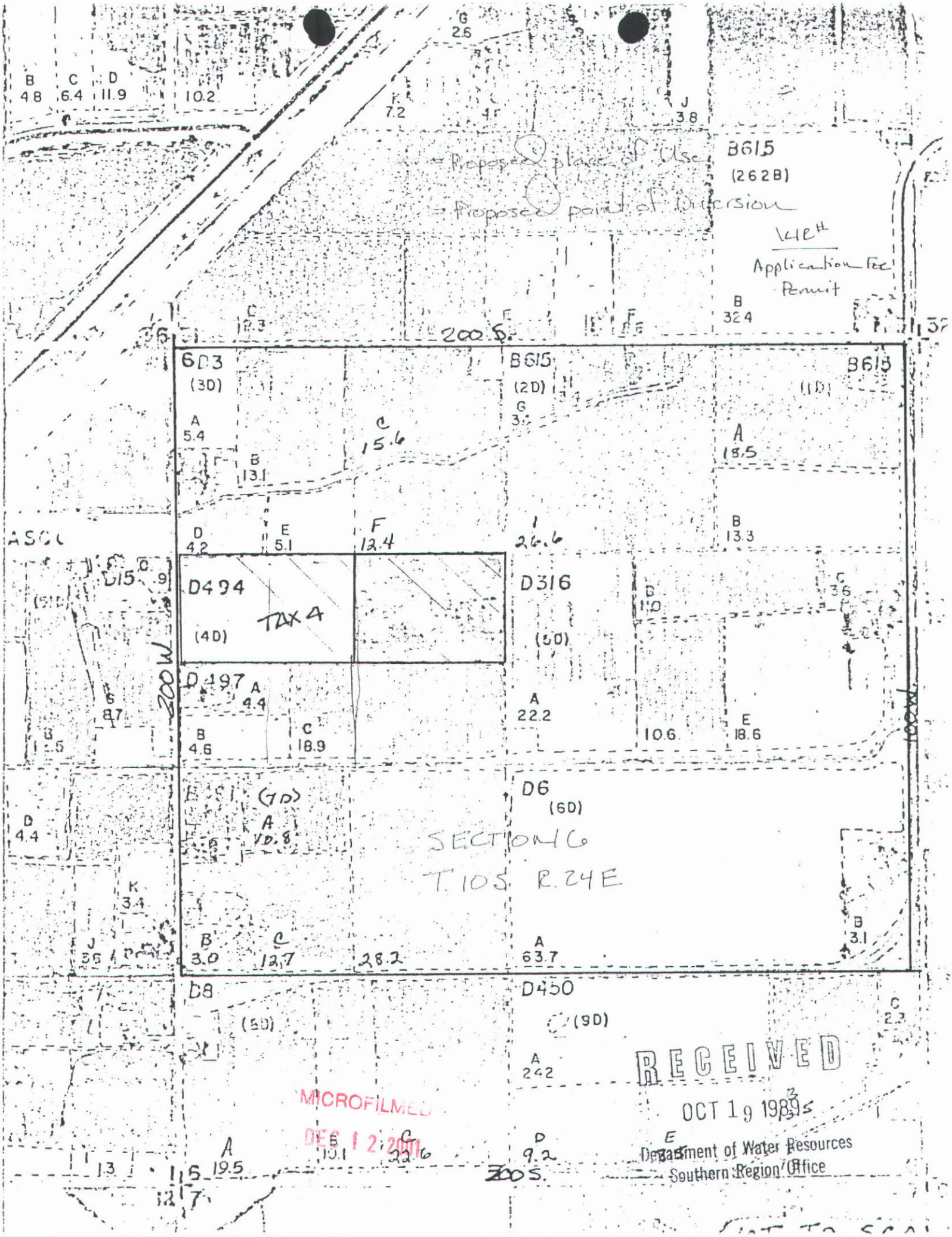
Looking SE'ly



MICROFILMED
DEC 12 2001

JR Simplot
FE: Amanda Folsom
Date: August 21, 2000

36-08469



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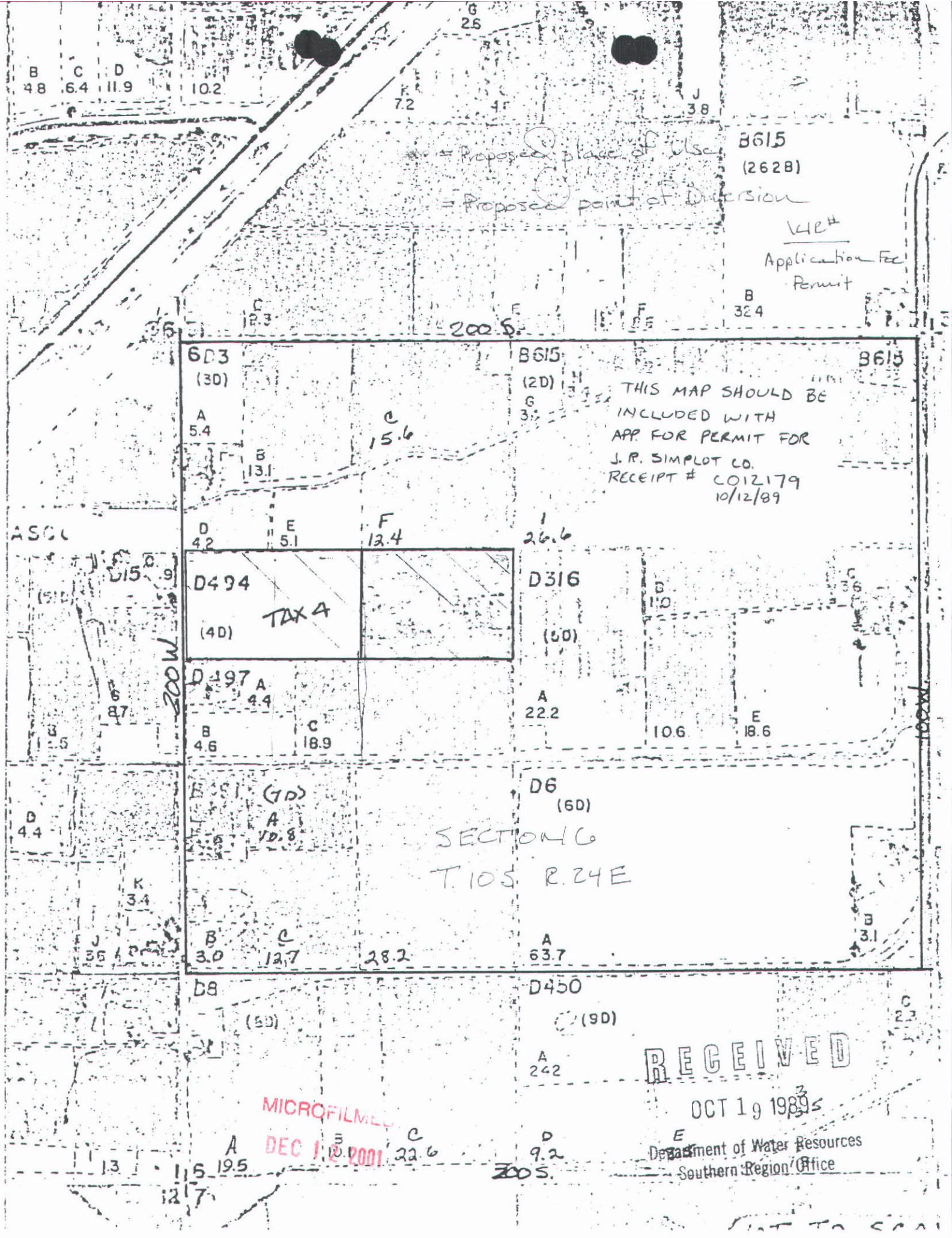
Southern Region Office


= Proposed place of use
= Proposed point of Diversion
WR#
Application Fee
Permit
B615
(2628)
200 S.
THIS MAP SHOULD BE INCLUDED WITH APP. FOR PERMIT FOR J.R. SIMPLOT CO.
RECEIPT # C012179
10/12/89
D494
TAX 4
(4D)
D316
(5D)
D197
D6
(6D)
SECTION 6
T. 10S. R. 24E
D8
(5D)
D450
(9D)
200 W.
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Southern Region Office
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DEC 10 2001

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 36-08469

Priority: October 12,1989

Maximum Diversion Rate: 0.28 CFS
Maximum Diversion Volume: 64.0 AF

It is hereby certified 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 October 12, 1989; and has submitted Proof of Beneficial Use on February 01, 1995. An examination indicates that the works have a diversion capacity of 0.47 cfs of water from:

SOURCE
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
IRRIGATION	3/15 to 11/15	0.28 CFS	64.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER L2 NE¼SW¼NW¼ Sec. 6, Twp 10S, Rge 24E, B.M. MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	6								16.0									16.0

Total Acres: 16

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Right 36-7636 is also diverted through the point of diversion described above.
4. Rights 36-7636 and 36-8469 when combined shall not exceed a total diversion rate of 0.49 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 30TH day of NOVEMBER, 2001.

MICROFILMED
DEC 12 2001

Acting for KARL J. DREHER
Director

No. 21
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 100.
Receipt No. CD32093
Receipt By: [illegible]
Date Receipted: 2/1/95

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Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08469 Telephone No. 208-336-2110

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

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

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo._____ / yr._____

a. Well Driller: Existing Well Drilling Permit Number: ____ - ____ - ____ - ____

b. ***OPTIONAL:***
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): 20 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .40 cfs **OR** _____ acre feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or	No X
	Has the measuring device been installed?	Yes ____ or	No X
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or	No X
	Has the measurement port been installed?	Yes ____ or	No X

8. Fee Enclosed: $ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Sheldon Sorenson Telephone Number: 208-436-0311

Address: 200 W. 225 S. Rupert, Idaho 83350

10. The information given on this form 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.

Signature of permit holder: J.R. Simplot Company By: [signature] Date: JAN. 30, 1995
(Include your title, if on behalf of company of organization)
Ronald N. Graves, Secretary

FEB 14 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS FOR THE APPROPRIATION OF GROUND WATER FROM THE EASTERN SNAKE RIVER PLAIN AQUIFER FOR WHICH PROOF OF BENEFICIAL USE HAS NOT BEEN SUBMITTED AND IS NOT PAST DUE	**ORDER FOR TEMPORARY STAY OF DEVELOPMENT AND NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

FEB 14 1994

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

> In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:
> ...
> (7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

> 02. PERMITS
>
> a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.
>
> b. Notice of the director's action to cancel or modify permits shall be by:
>
> i. Summary Order served by certified mail upon the affected permit holders in the designated area.
>
> ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.
>
> c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

> Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

1995

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

> Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

FEB 14 1995

a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars ($15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of benefical use or a satisfactory response shall result in cancellation of the permit without further notice.

4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.

R. KEITH HIGGINSON
Director

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FEB 14 1995

Form 204
11-91

RECEIVED
JAN 3 1 1994
Department of Water Resources

For Office Use Only
$15 Fee Receipted by DW
Date 1/31/94
Receipt No. C029547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-08469

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

Mailing Address: P.O. Box 27, Boise, Idaho 83707

Date Proof is Due February 1, 1994 Telephone No. 208-336-2110

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

See Attachment #1

Costing $ 4,418.60

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See Attachment #2

Permit holder(s) request an extension to February 1, 19 97.

FEE: $15.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

Ronald N. Graves
Secretary, J.R. Simplot Company

FEB 1 4 1995

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1996.

Signed this 15th day February, 19 94

L. Glen Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08469

Proposed Priority: October 12, 1989 Maximum Diversion Rate: 0.40 CFS
This is to certify, that **J R SIMPLOT CO**
PO BOX 27
BOISE ID 83707
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/15 to 11/15	0.40 CFS

LOCATION OF POINT(S) OF DIVERSION: NESWNW , Sec. 6, Township 10S, Range 24E
MINIDOKA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
10S	24E	6	SENW	20			20

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1994.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
9. Two points of diversion are located within SWNW, S06, T10S, R24E.

RECEIVED
FEB 07 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08469

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

28th day of January, 1997

for R. Keith Higginson, Director

RECEIVED
JAN 27 1992

RECEIVED
OCT 16 1989
Department of Water Resources
Southern Region Office

Form 202
6/85

RECEIVED
OCT 12 1989
Department of Water Resources

Ident. No. 36-08469

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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

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

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE ¼ of SW ¼ of NW ¼, Govt. Lot _____

   Sec. 6 Township 10S Range 24E B.M. Minidoka County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   per standard Ltr. season. 01-3492 328

   Amount .40 (cfs or acre-feet per annum) for Irrigation purposes from ~~March 1~~ 3/15 to ~~December 1~~ 11/15 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated is (a) .40 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. 2 wells, 2 pumps, pipeline to Field.

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

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

   d. Is ground water with a temperature of greater than 90°F being sought? _____

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

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding 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	
10S	24E	6								20									20

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

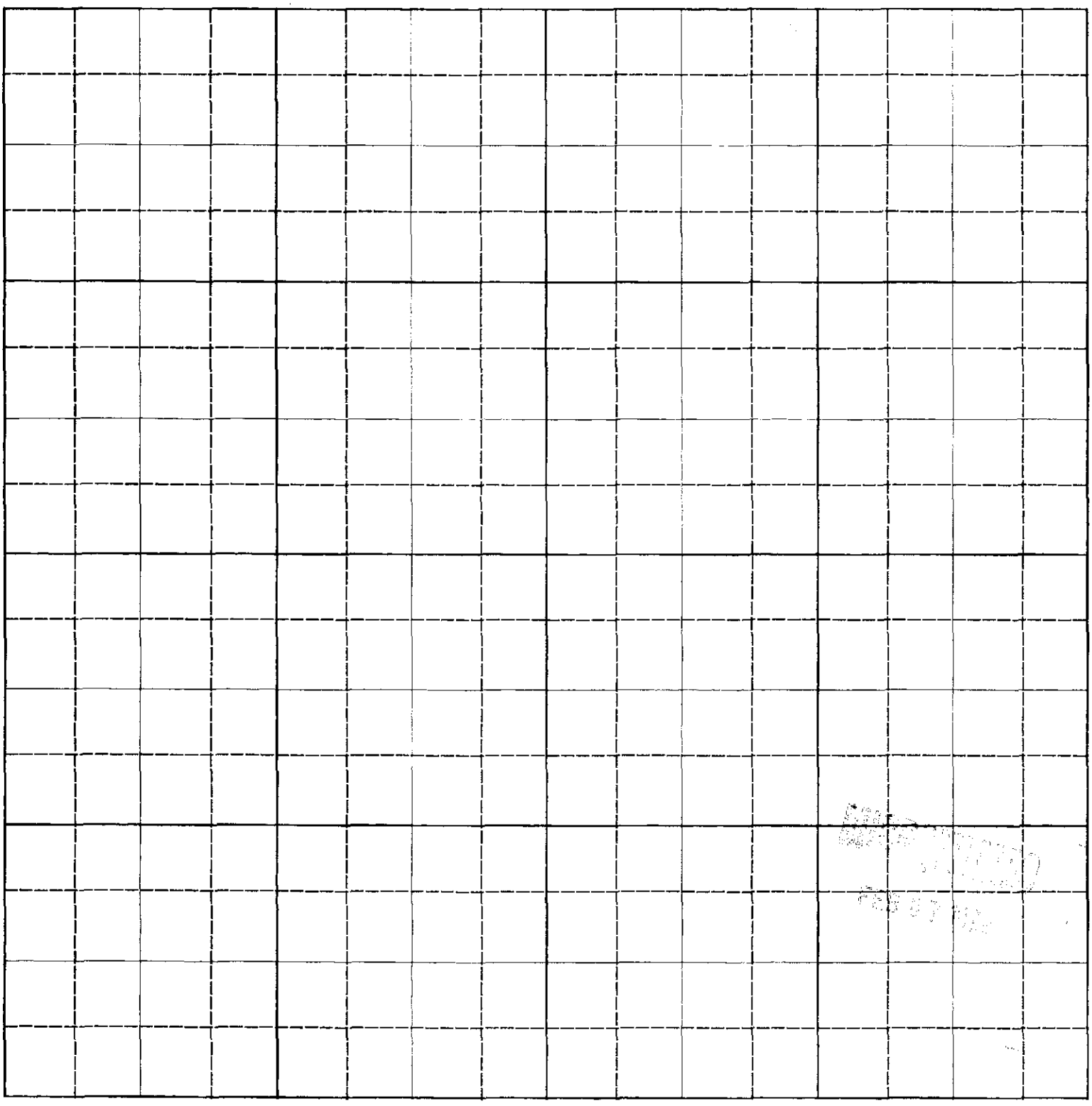
11. a. Who owns the property at the point of diversion? J. R. Simplot Co.

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

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: _____

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



Scale: 2 inches equal 1 mile.

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

J. E. Simplot Company
by Lawrence Groves
(Applicant) Secretary

Received by nht Date 10-12-89 Time 1:25 pm Preliminary check by ND.

Fee $ 45.00 Receipted by nht # 9012178 Date 10-12-89

Publication prepared by MB Date 11-15-91 Published in So. Id. Press

Publication approved M Baldwin Date 12-27-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

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

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

   e. Other:

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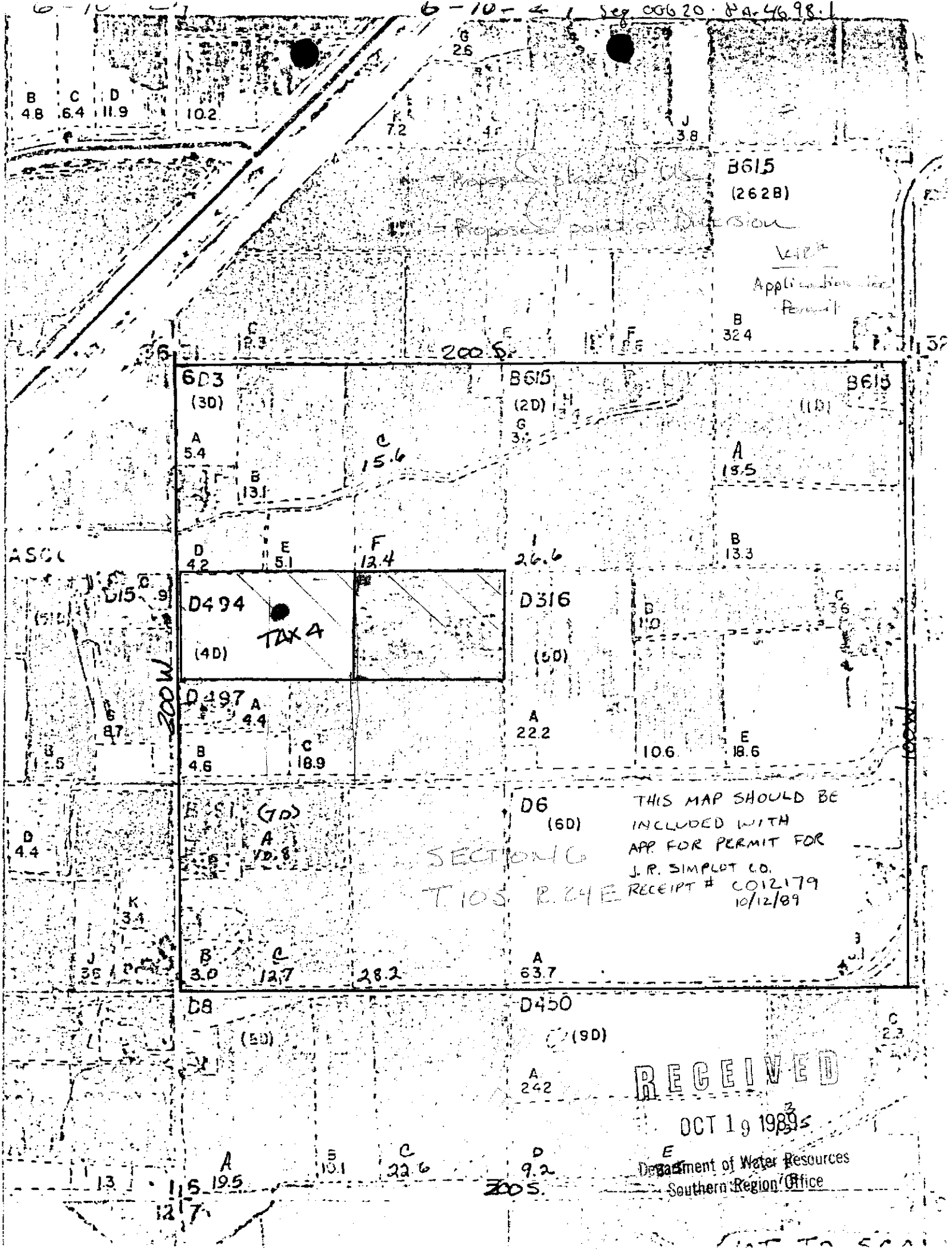
6-10-41 Seq 00620 Pa. 4698.1
B615
(2628)
Proposed Point of Diversion
Application for Permit
200 S.
D603
(3D)
B615
(2D)
B615
(1D)
D494
(4D)
TAX A
D316
(5D)
D497
(4D)
D6
(6D)
THIS MAP SHOULD BE INCLUDED WITH APP FOR PERMIT FOR J. R. SIMPLOT CO. RECEIPT # C012179 10/12/89
SECTION 6
T. 10S. R. 24E
D8
(5D)
D450
(9D)
200 W.
200 S.
RECEIVED
OCT 19 1989
Department of Water Resources
Southern Region Office

J. R. SIMPLOT COMPANY
List of Directors
as of
October 23, 1989

J. R. SIMPLOT 06-23-55	P.O. Box 27 Boise, ID 83707
SCOTT R. SIMPLOT 08-25-70	P.O. Box 27 Boise, ID 83707
A. DALE DUNN 10-01-73	P.O. Box 27 Boise, ID 83707
GORDON C. SMITH 12-19-84	P.O. Box 27 Boise, ID 83707
JAMES E. CONRAD 10-01-73	P.O. Box 1059 Caldwell, ID 83605
DON J. SIMPLOT 05-15-57	P.O. Box 27 Boise, ID 83707
RICHARD R. SIMPLOT 08-25-70	P.O. Box 27 Boise, ID 83707
C. L. OTTER 08-25-70	P.O. Box 27 Boise, ID 83707
GAY SIMPLOT OTTER 10-23-89	P.O. Box 27 Boise, ID 83707
DEAN TRAVIS, JR. 11-29-85	P.O. Box 912 Pocatello, ID 83201
JACK E. MORGAN 10-03-77	1160 Santa Maria Drive Boise, ID 83702
RALPH J. COMSTOCK, SR. 01-06-82	2888 Leisure Drive Boise, ID 83707

9758k

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FEB 07 1990

J. R. SIMPLOT COMPANY
List of Officers
as of
February 15, 1989

Chairman of the Board 10-04-76	J. R. Simplot	P.O. Box 27 Boise, ID 83707
President 05-03-88	Gordon C. Smith	P.O. Box 27 Boise, ID 83707
Senior Vice President 10-06-75	James E. Conrad	P.O. Box 1059 Caldwell, ID 83605
Senior Vice President 11-29-85	Dean Travis, Jr.	P.O. Box 912 Pocatello, ID 83201
Vice President 05-03-88	L. E. Costello	P.O. Box 27 Boise, ID 83707
Vice President 10-06-86	Scott R. Simplot	P.O. Box 27 Boise, ID 83707
Vice President 10-06-69	Don J. Simplot	P.O. Box 27 Boise, ID 83707
Vice President 10-01-73	Richard R. Simplot	P.O. Box 27 Boise, ID 83707
Vice President 10-01-79	C. L. Otter	P.O. Box 27 Boise, ID 83707
Treasurer 12-18-85	James D. Crawford	P.O. Box 27 Boise, ID 83707
Secretary 10-06-75	Ronald N. Graves	P.O. Box 27 Boise, ID 83707

FEB 07 1989

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DEC 27 1991

Department of Water Resources
Southern Region Office

91-499

NOTICE OF APPLICATION FOR TRUST WATER RIGHT
36-08469

J.R. SIMPLOT CO.
P.O. BOX 27
BOISE, ID 83707
Source: GROUNDWATER
Diversion Pt: NESWNW Sec 6 T 10S R 24E
in MINIDOKA County.
Use: IRRIGATION (.400 CFS)
Total Diversion: (.400 CFS)
Date Filed: 10/12/1989
In: MINIDOKA County
T10S R24E S06 SENW
30.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before DECEMBER 23, 1991.

R. Keith Higginson, Director

Published in the South Idaho Press December 6 and 13, 1991.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, } ss.
STATE OF IDAHO }

Monique Jones being first duly sworn, deposes and says that She is the Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of The South Idaho Press for two consecutive weeks, commencing with the issue dated December 6 19 91, and ending with the issue dated Dec. 13, 19 91. Monique Jones

STATE OF IDAHO }
COUNTY OF CASSIA }

On this 24 day of December in the year of 1991, before me, a Notary Public, personally appeared Monique Jones, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and adknowledged to me that he executed the same.

Notary Public for Idaho
Residing at Burley, Idaho
My commission expires: May 23, 1997

Cost of Publication: 25.92
Notary Fee: .50
Total Cost: 26.42

OK
mb
12-27-91

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 3, 2001

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: License No. 36-8469 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on December 3, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8469

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

Kari Lynn Townsend
Secretary

MICROFILMED

EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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DEC 12 2007

FINAL ORDER

The Director 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 Director 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.

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DEC 12 2007

Comment Report

36-8469

1. skeen 11/29/2001 License Review
Comment: License review and data entry by S. Keen on 11/29/2001.

Point of diversion overlap. This right shares a well with 36-7636. claim 36-4256 was disallowed in the SRBA. The system does not seem to have been changed since 36-7636 was licensed, so I am limiting the two rights to a combined rate of 0.49 cfs.

Place of use overlap. Minidoka Irrigation District has claimed this tract. The examiner does not report the use of surface water. Older photography does not show this area to be irrigated. The applicant indicated no other water rights are used on the place of use for this purpose.

2. VAULT 2/2/1995 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

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Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 09 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08469

1. Owner: JR Simplot Co Phone No. 208-336-2110
Current Address: PO Box 27 Boise ID 83707
2. Accompanied by: Brent EXAM DATE : Aug 21, 2000
Address: 225 S 200 W Rupert ID 83350 Phone No. 208-436-0311
Relationship to Permit Holder: Employee
3. Source: Groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use:
2. Other water rights with the same point of diversion: 36-4256 ; 36-07636

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	NW	6	10S	24E	Minidoka	GPS TAG#
									ACOOZ998

2. **Place(s) of Use:** Indicate Method of Determination GIS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	6								164									164

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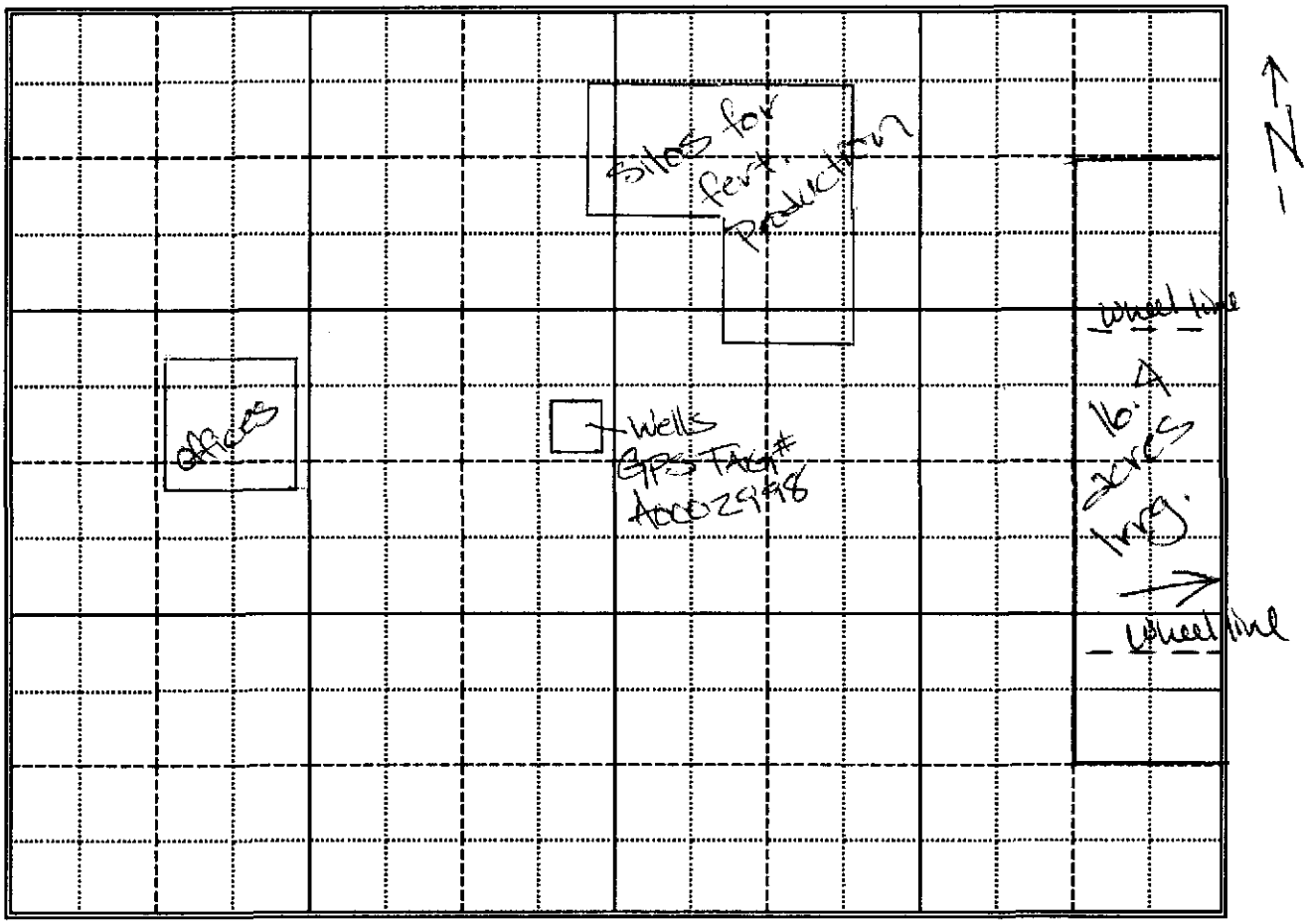
DEC 12 2000

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

X Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
GIS

X Aerial Photo Attached (required for irrigation of 10+ acres)

X Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	General Elect	40	5K404XA1A		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Fuji	FLC 5101			7K0085TB		May 2000

2. **Measurements:** The Fuji averaged 124 gpm, which converts to 0.28cfs.

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E. NARRATIVE/REMARKS/COMMENTS
FILE: 36-08469
FROM: Amanda Folsom
DATE: October 4, 2000

I met with Brent, who is an employee with JR Simplot in Rupert, on August 21, 2000. Some of Brent's duties include supervising the irrigation of the test field behind the factory and the well maintenance. There are two wells located in the NESWNW ¼ of Sec 6, Twn 10S, Rng 24E. The well pertaining to this permit is also used for the production of fertilizer, which is under water rights 36-07636 and 36-04256. The wells are enclosed inside a small building east of the offices. The pipes coming from the larger well split, directing water to the fertilizer silo on the right and to an underground mainline running east to the irrigated acres.

I used the Fuji to attain a measurement of the well pumping to the irrigated acres. The Fuji averaged a measurement of 124gpm, which converts to 0.28cfs. I also used GIS to calculate the acres being irrigated, which came to 16.4 and not 20. The main line runs east from the well to the acres and is there connected to two sets of wheel lines. The land is being currently used for pasture and for fertilizer and planting experiments. My recommendation is as follows:

Irrigation	0.28cfs	65.6afa
Total	0.28cfs	65.6afa

MICROFILMED
DEC 1 2 2001

No.01
LOG NAME:S1
START :08-24 16:21
END :08-24 16:31
INTERVAL:00:01:00

8/24/00 16:21
+1.717E+0 ft/s
+1.285E+2 gal/m
+TOTAL 0000019 gal
-TOTAL 0000044 gal
NORMAL

8/24/00 16:22
+1.700E+0 ft/s
+1.273E+2 gal/m
+TOTAL 0000147 gal
-TOTAL 0000044 gal
NORMAL

8/24/00 16:23
+1.715E+0 ft/s
+1.284E+2 gal/m
+TOTAL 0000275 gal
-TOTAL 0000044 gal
NORMAL

8/24/00 16:24
+1.735E+0 ft/s
+1.299E+2 gal/m
+TOTAL 0000404 gal
-TOTAL 0000044 gal
NORMAL

8/24/00 16:25
+1.573E+0 ft/s
+1.178E+2 gal/m
+TOTAL 0000521 gal
-TOTAL 0000044 gal
NORMAL

8/24/00 16:26
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+1.229E+2 gal/m
+TOTAL 0000641 gal
-TOTAL 0000044 gal
NORMAL

8/24/00 16:27
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NORMAL

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NORMAL

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NORMAL

8/24/00 16:30
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+TOTAL 0001124 gal
-TOTAL 0000044 gal
NORMAL

8/24/00 16:31
+1.604E+0 ft/s
+1.201E+2 gal/m
+TOTAL 0001245 gal
-TOTAL 0000044 gal
NORMAL

Average → 124 gpm

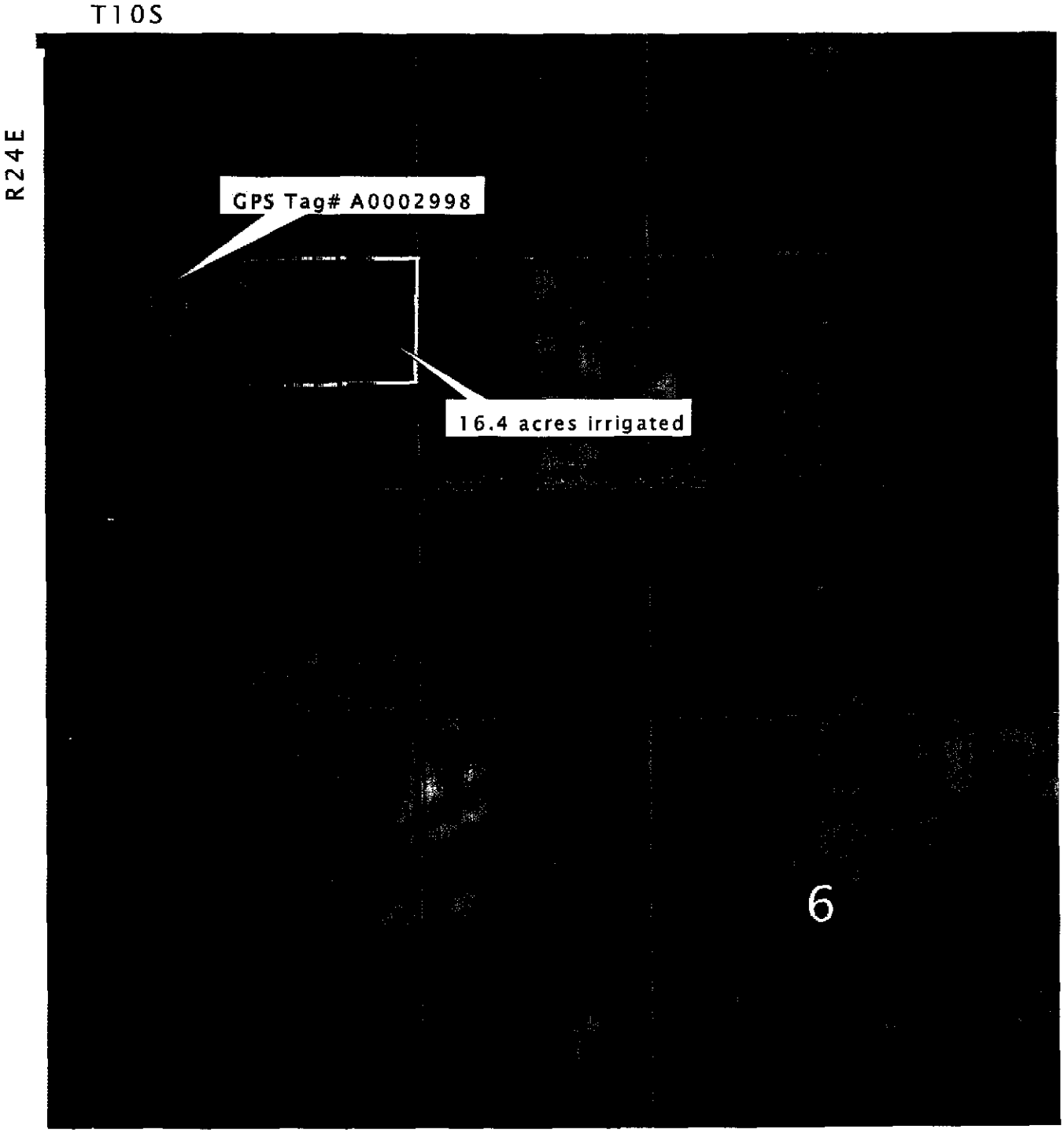
MICROFILMED
USG 1 2 2000

36-08469

Idaho Department of Water Resource

Recommendation for 36-08469

JR Simplot



● Points of Diversion

Quarter-quarter Lines

Section Lines

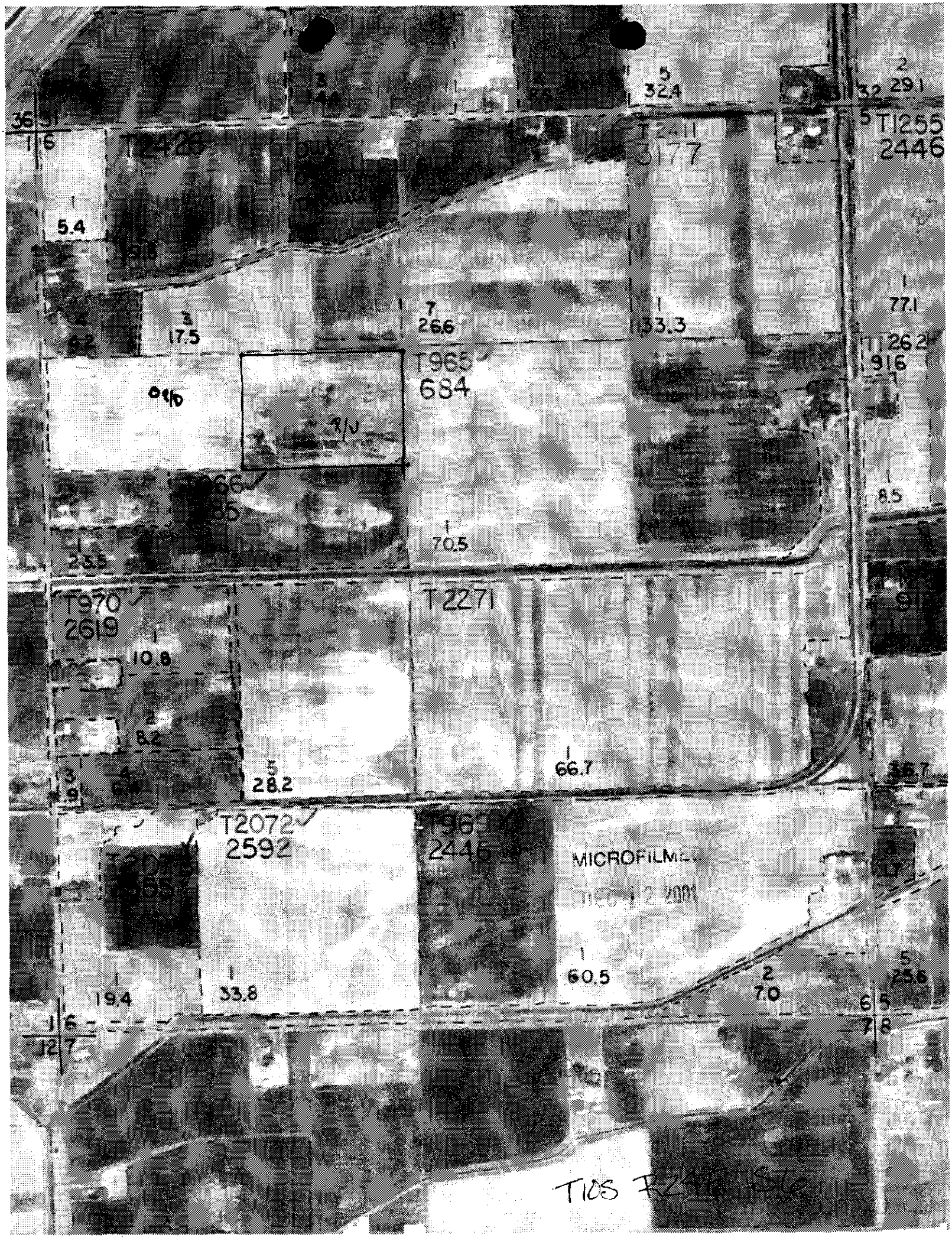
Place of Use

MICROFILMED
DEC 12 2000

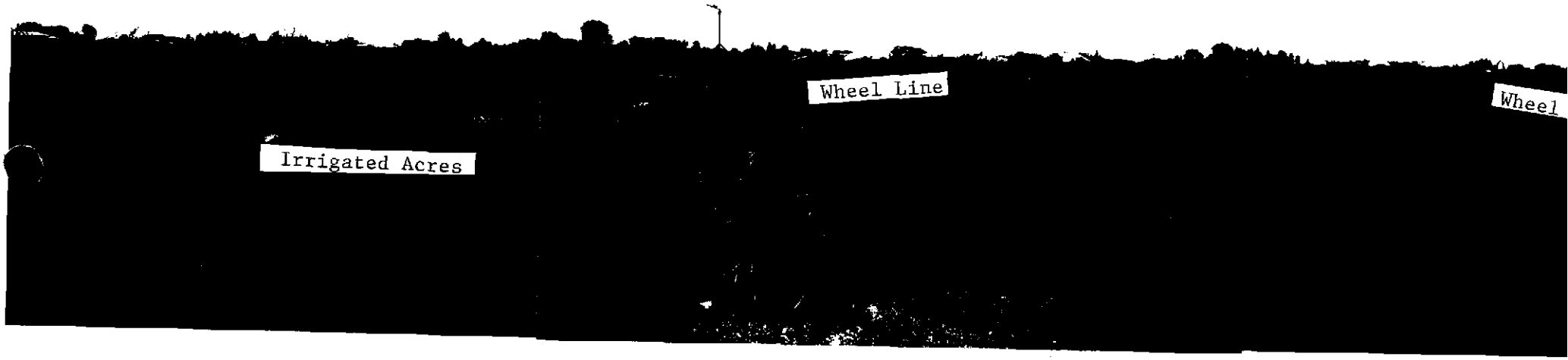
N

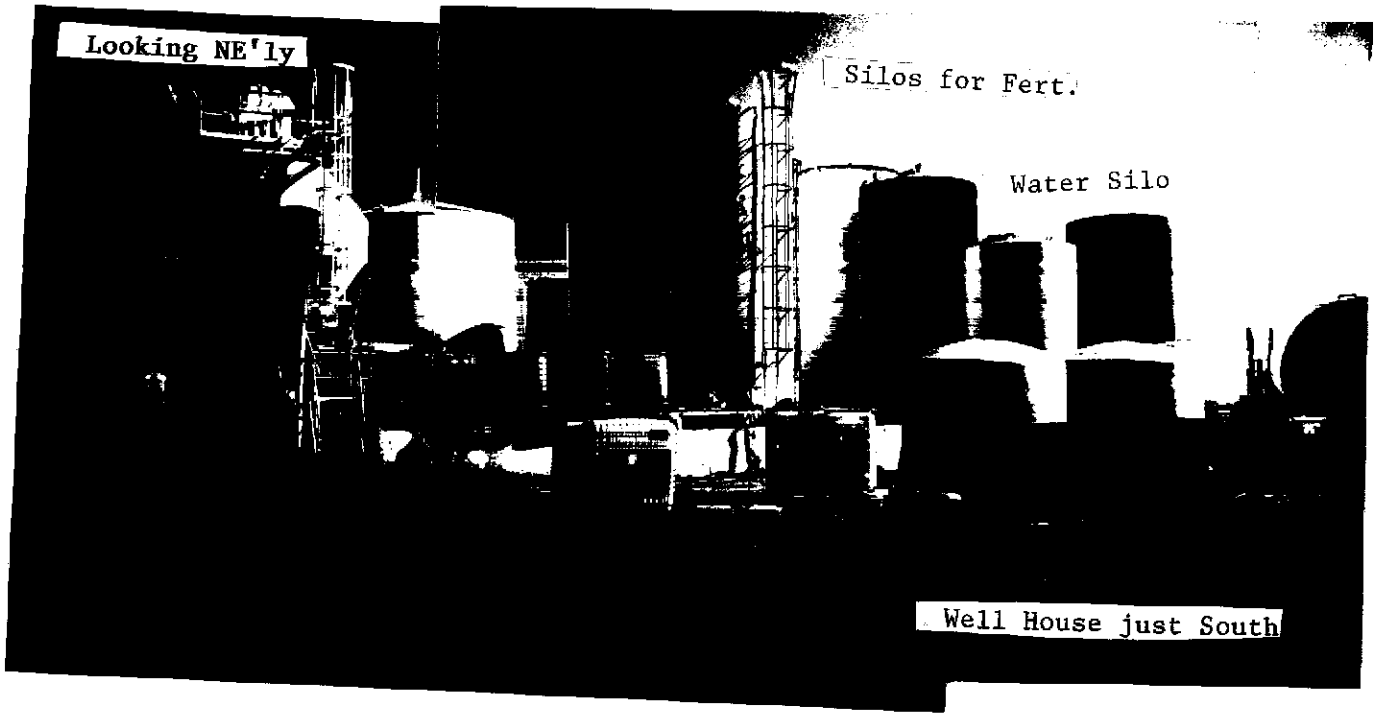
Point of Diversion
T10S R24E S06
Data entery on Sept 22, 2000

Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom


T2426
T1255
2446
3177
T965
684
T970
2619
T2271
T2072
2592
T965
2446
MICROFILMED
DEC 12 2001
T10S R24E S16

Looking NE'ly





JR Simplot
FE: Amanda Folsom
Date: August 21, 2000

36-08469

Looking SE'ly

MICROFILMED
DEC 12 2001

JR Simplot
FE: Amanda Folsom
Date: August 21, 2000

36-08469

E. NARRATIVE/REMARKS/COMMENTS

Have conditions of permit approval been met? X yes ___ no

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DEC 12 2001

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

Fyji → 124 gpm / 448.83 = 0.28 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = 16.4(4) = 65.6

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 0.28(246)(1.9835) = 136.6

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 65.6

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3-15	11-15	0.28	65.6
		Totals:	0.28	65.6

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

I. AUTHENTICATION

Field Examiner's Name Amanda Gibson Date Oct 4, 2000

Reviewer _____ Date _____ SEAL

MICROFILMED
DEC 12 2000

RECEIVED
FEB 08 1995
Department of Water Resources
Southern Region

February 6, 1995

JR SIMPLOT CO
PO BOX 27
BOISE ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08469

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,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
DEC 12 1995

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 100.
Receipt No. CD32093
Receipt By: [illegible]
Date Receipted: 2/1/95

RECEIVED
FEB 0 1 1995
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08469 Telephone No. 208-336-2110

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

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

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo._____ / yr._____

a. Well Driller: Existing Well Drilling Permit Number: ____ - ____ - ____ - ____

b. *OPTIONAL:*
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): 20 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .40 cfs OR _____ acre feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or	No X
	Has the measuring device been installed?	Yes ____ or	No X
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or	No X
	Has the measurement port been installed?	Yes ____ or	No X

8. Fee Enclosed: $ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Sheldon Sorenson Telephone Number: 208-436-0311

Address: 200 W. 225 S. Rupert, Idaho 83350

10. The information given on this form 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.

MICROFILMED

Signature of permit holder: J.R. Simplot Company
By: [signature] Date: JAN. 30, 1995
(Include your title, if on behalf of company of organization)
Ronald N. Graves, Secretary

RECEIVED
FEB 18 1994
Department of Water Resources
Southern Region Office

February 16, 1994

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

RE: Permit No. 36-08469

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1996. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

36-08469

MICROFILMED
DEC 12 2002

Form 204
11-91

RECEIVED
JAN 3 1 1994
Department of Water Resources

For Office Use Only
$15 Fee Received by DW
Date 1/31/94
Receipt No. C039544

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-08469

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

Mailing Address: P.O. Box 27, Boise, Idaho 83707

Date Proof is Due February 1, 1994 Telephone No. 208-336-2110

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

See Attachment #1

Costing $ 4,418.60

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See Attachment #2

Permit holder(s) request an extension to February 1, 19 97.

FEE: $15.00

(Signature)*
*If other than permit holder, Power of Attorney must be supplied.
Ronald N. Graves
Secretary, J.R. Simplot Company

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1996.

Signed this 15th day February, 19 94

L. Glen Saxton
Chief, Water Allocation Bureau

Attachment 1 to Request for Extension of Time

To Provide Additional Time in Which To Submit Proof of Beneficial Use for **Permit Number 36-08469**

An underground pipeline was installed to deliver water from an existing well to the permitted place of use. Water will be diverted from the well using an existing pump (40 H.P. turbine). Ancillary valves and risers were also installed in preparation of connecting a wheel line that will be used to irrigate the place of use. Total cost of installing mainline, valves, and risers was $4,418.60.

MICROFILMED

Attachment 2 to Request for Extension of Time

To Provide Additional Time in Which To Submit Proof of Beneficial Use for **Permit Number 36-08469**

The permit holder has diligently pursued completion of the project in stages. The completion of each stage has been determined by available funding for the project. The final stage of the project will be to connect a wheel line to the new mainline and risers. The wheel line will be used to distribute water over the permitted place of use for irrigation purposes. Funding will soon be available for acquiring and installing the wheel line. Additional time is required to purchase and install the wheel line so water can be put to the beneficial use authorized under this permit. Anticipated cost of the balance of the project is $3,500.

MICROFILMED

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08469

Proposed Priority: October 12, 1989 Maximum Diversion Rate: 0.40 CFS
This is to certify, that J R SIMPLOT CO
PO BOX 27
BOISE ID 83707
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/15 to 11/15	0.40 CFS

LOCATION OF POINT(S) OF DIVERSION: NESWNW , Sec. 6, Township 10S, Range 24E
MINIDOKA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
10S	24E	6	SENW	20			20

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1994.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
9. Two points of diversion are located within SWNW, S06, T10S, R24E.

36-8469

MICROFILMED
DEC 1 2 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08469

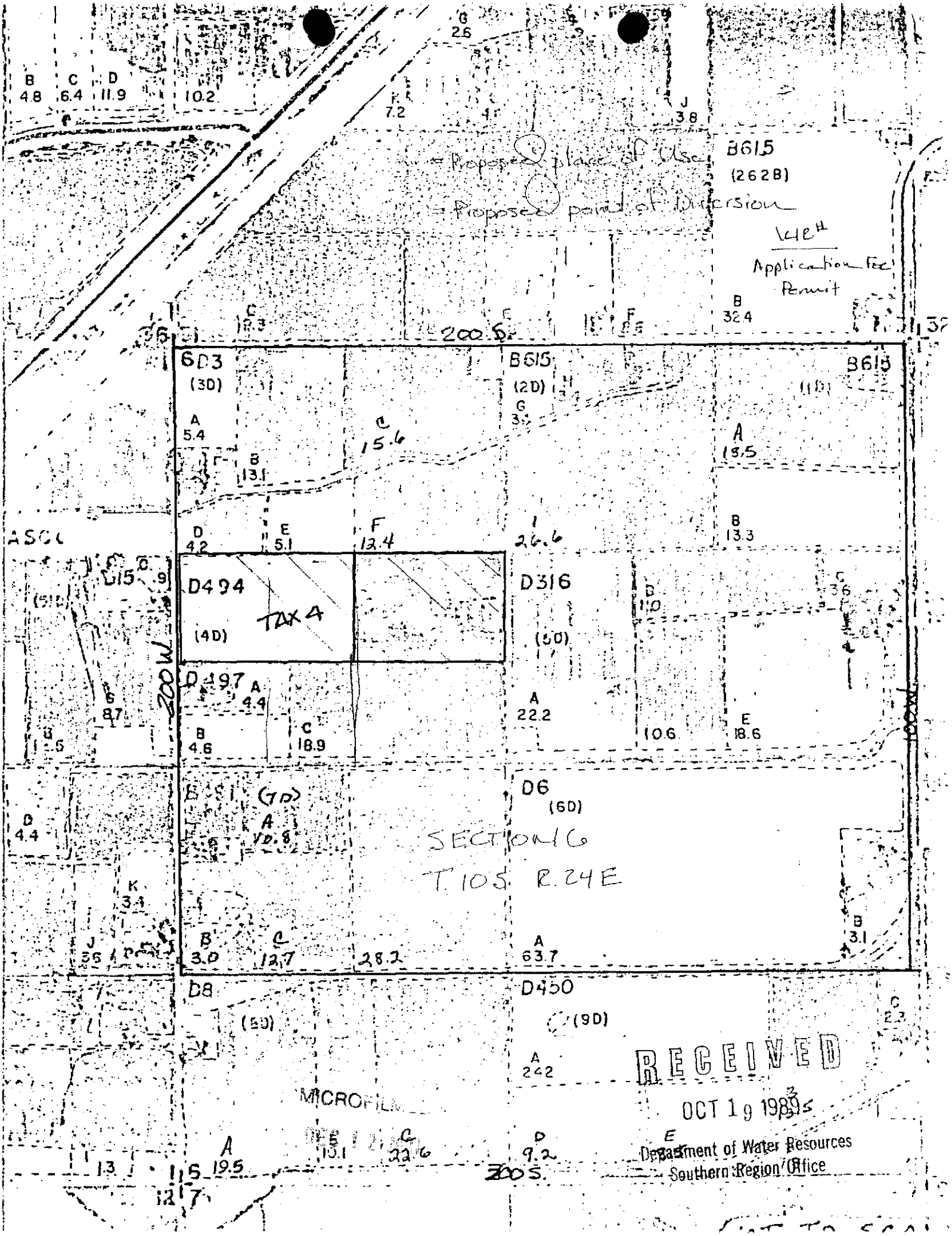
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

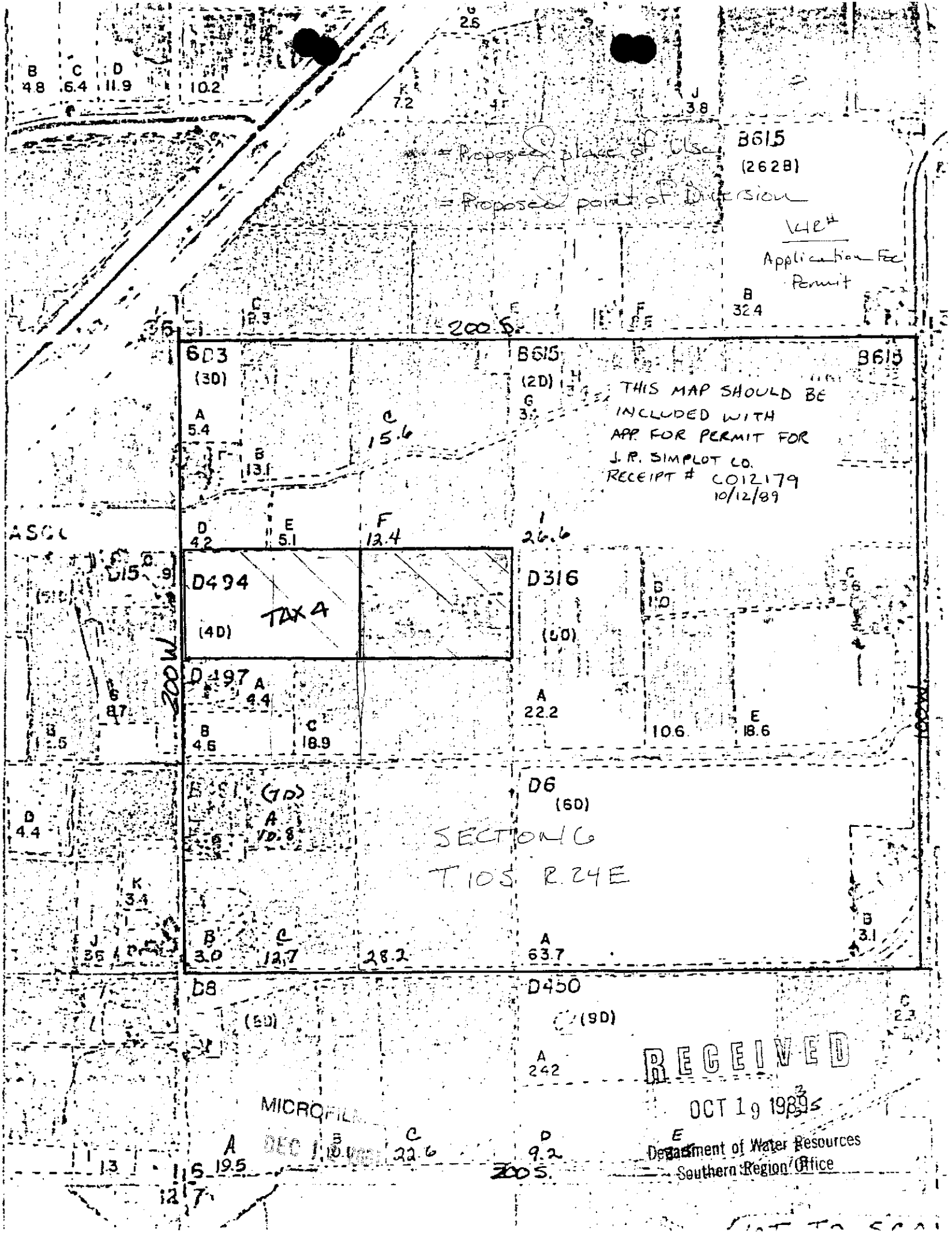
28th day of January, 1992

for R. Keith Higginson, Director

MICROFILM

DEC 12 20


= Proposed place of use
= Proposed point of Diversion
Application Fee
Permit
B615
(262B)
200 ft.
B615
(2D)
B615
(1D)
6D3
(3D)
D494
(4D)
TAX 4
D316
(6D)
D197
D6
(6D)
SECTION 6
T. 10S. R. 24E
D8
(5D)
D450
(9D)
200 W.
1000 W.
200 S.
RECEIVED
OCT 19 1983
Department of Water Resources
Southern Region Office
MICROFILM


B615
(2628)
= Proposed place of Use
= Proposed point of Diversion
WRE
Application Fee
Permit
200 S.
B615
(2D)
THIS MAP SHOULD BE
INCLUDED WITH
APP FOR PERMIT FOR
J. R. SIMPLOT CO.
RECEIPT # C012179
10/12/89
D494
TAX 4
(4D)
D316
(6D)
D197
D6
(6D)
SECTION 6
T10S R24E
D8
(5D)
D450
(9D)
RECEIVED
OCT 19 1989
Department of Water Resources
Southern Region Office
MICROFILMED
DEC 1 0 1989
200 W.
200 E.

RECEIVED
Form 202
6/85
OCT 16 1989
Department of Water Resources
Southern Region Office

RECEIVED
OCT 12 1989
Department of Water Resources

Ident. No. 36-08469

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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

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

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE ¼ of SW ¼ of NW ¼, Govt. Lot _____

   Sec. 10 Township 10S Range 24E B.M. Minidoka County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount .40 (cfs or acre-feet per annum) for Irrigation purposes from March 1 to December (both dates inclusive)

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

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

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

5. Total quantity to be appropriated is (a) .40 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. 2 wells, 2 pumps, pipeline to Field.

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

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

   d. Is ground water with a temperature of greater than 90°F being sought? _____

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

36-08469

MICROFILMED
DEC 12 2001

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

_____

_____

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding 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	
10S	24E	6								20									20

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

_____

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

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

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: _____

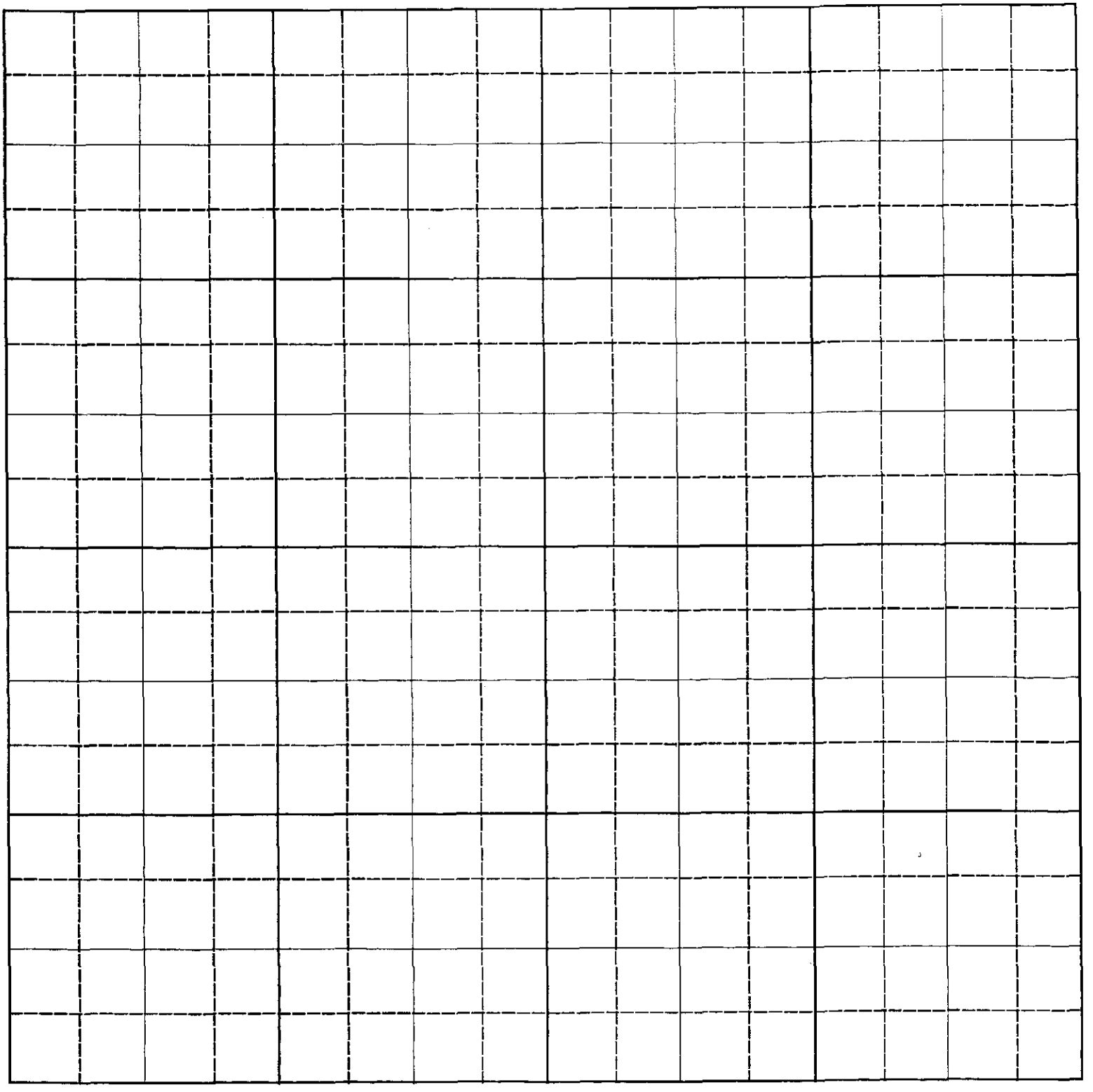
_____

_____

_____

MICROFILMED

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



Scale: 2 inches equal 1 mile.

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

MICROFILMED
DEC 12 2001

J. R. Simplot Company
by Lawrence Grauer
(Applicant) Secretary

Received by hht Date 10-12-89 Time 1:25 pm Preliminary check by [illegible]

Fee $ 45.00 Receipted by hht # 012178 Date 10-12-89

Publication prepared by MB Date 11-15-91 Published in So. Id. Press

Publication approved M Baldwin Date 12-27-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

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

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

   e. Other:

MICROFILMED
DEC 12 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-084669 Reviewed by [illegible] Date 2-3-95

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

TYPES OF USE

Irr.

SOURCE OF WATER

_____ Surface water source

no Ground water source
_____ Drilling permit required?
_____ Copy in the file? Drilling Permit No._____
_____ Amount paid for permit _____Correct?
_____ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority Date	_____	+ _____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address_____ Proof Made 2-1-95
_____

February 6, 1995

JR SIMPLOT CO
PO BOX 27
BOISE ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08469

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,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
FEB 14 1995

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

CORPORATE HEADQUARTERS

RECEIVED
FEB 0 1 1995
Department of Water Resources

February 1, 1995

Hand Delivery
L. Glen Saxton
Chief, Water Allocation Bureau
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Subject:

- **J. R. Simplot Company's Response to the State of Idaho Department of Water Resources Order for Temporary Stay of Development and Notice of Formal Proceedings dated November 9, 1994.**

- **IDWR Permit No. 36-08469.**

Dear Mr. Saxton:

The J. R. Simplot Company completed development under the above referenced permit before November 9, 1994. In complying with the IDWR's November 9, 1994 order, we have chosen to comply with subparagraph 2.A of the order. Enclosed for filing is a completed statement of proof of beneficial use prepared on the Department's form and a $100.00 check to cover your filing fee.

Please arrange for the enclosed proof to be filed, and a photo-copy with your date stamp indicating receipt to be returned to the representative of the Company making this delivery.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

encl. Proof
J. R. Simplot Company Check No. 54897 for $100.00

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

JR SIMPLOT CO
PO BOX 27
BOISE ID 83707

RE: Water Right No. 36-08469 Certified Mail No. 141820

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

FEB 14 1995

February 16, 1994

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

RE: Permit No. 36-08469

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1996. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department <u>will not</u> be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

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

CORPORATE HEADQUARTERS

January 31, 1994

Hand Delivered

Julie L. Yarbrough
Senior Secretary
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

RECEIVED
JAN 3 1 1994
Department of Water Resources

Re: IDWR Permit No. 36-08469.

Dear Julie:

I've attached a signed request for extension of time to provide additional time in which to submit proof of beneficial use for the above referenced permit. Also attached is a $15.00 check to cover your filing fee.

Please file the request for extension of time and provide the representative of J. R. Simplot Company delivering the request, a photo-copy with your stamp indicating receipt.

If you have any questions, or need additional information (invoices, etc.) to verify our effort to complete the project authorized under this permit, please call me at (208) 389-7359.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

encl. Extension Request, $15.00 check

FEB 14 1995

Attachment 1 to Request for Extension of Time

To Provide Additional Time in Which To Submit Proof of Beneficial Use for **Permit Number 36-08469**

An underground pipeline was installed to deliver water from an existing well to the permitted place of use. Water will be diverted from the well using an existing pump (40 H.P. turbine). Ancillary valves and risers were also installed in preparation of connecting a wheel line that will be used to irrigate the place of use. Total cost of installing mainline, valves, and risers was $4,418.60.

FEB 24 1995

Attachment 2 to Request for Extension of Time

To Provide Additional Time in Which To Submit Proof of Beneficial Use for **Permit Number 36-08469**

The permit holder has diligently pursued completion of the project in stages. The completion of each stage has been determined by available funding for the project. The final stage of the project will be to connect a wheel line to the new mainline and risers. The wheel line will be used to distribute water over the permitted place of use for irrigation purposes. Funding will soon be available for acquiring and installing the wheel line. Additional time is required to purchase and install the wheel line so water can be put to the beneficial use authorized under this permit. Anticipated cost of the balance of the project is $3,500.

RECEIVED
FEB 14 1995

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 36-08469 Reviewed by [signature] Date 2-15-94

BASIC INFORMATION

1-31-94 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?

Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is delay by a government agency?

Is supporting documentation needed to complete the file?_____ Requested?_____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend extend to Feb. 1, 1996 for due diligence

PRIORITY CALCULATION

Date extension received				=				
Proof due date				=				
Number of days late				=				
Priority date				=				
New Priority Date				=				

DATA ENTRY

New Address ———

Change Proof Due Date 2-1-96

Change Priority Date ———

November 30, 1993

JR SIMPLOT CO
PO BOX 27
BOISE ID 83707

PROOF DUE NOTICE

RE: PERMIT NO. 36-08469

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 February 1, 1994. (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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
FEB 14 1995

CERTIFIED MAIL
NO. 140963

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 31, 1992

J R SIMPLOT CO
PO BOX 27
BOISE ID 83707

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08469

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

FEB 07 1992

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

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

APPLICATION FOR PERMIT REVIEW

Application #: 36-8469 Reviewer: Pam Skaggs
Date: 01-24-92

✓Existing:
- ✓No - (26A-P17)
  - Complete in 1 year - P16
- Yes
  - Proof not submitted - P16
  - Proof submitted - N/A

✓Groundwater:
- ✓GT. 0.2 cfs - ~~01C~~-P03, 01C-P03(existing well)
- LT. 0.2 cfs - N/A

✓Drilling Permit:
- Approved w/permit - P99
- ✓Not included - (046-P23)(All GW, even existing wells)

✓Location:
- ✓Water Districts - WD No. 01
- Surface water - 005, 005-01H-P01(LT.2 w/pump), 005-01J-P08(GT.2)
- ✓Groundwater - (P05)
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- ✓Swan Falls Flag - 7 (1, Blank or Other)
- ✓Trust - (051-052-053-P74)(Consumptive Uses)
- Non Trust - 048-049

River Basins:
- (Surface Water) - Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:
- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One), 042(req.), 002-P06(MD), 07A(Spec.), 044(Policy 5G)
- Power - _____ Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD), 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021(restricted areas)

Ownership:
- Non land owner - 004

Protested:
- Agreement - 020

✓Beneficial Use Due Date: - 02-01-1994
Other Conditions Recommended Route for Trust Water 01-27-92

FEB 07 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 37-8732/Trust Water Processing

DATE: 1-23-92

The above application is a trust water filing which has been forwarded to the state office for final review and processing.

Statements on the application indicate that this filing represents a new development. Acreage shall be counted as trust acreage. All trust conditions are applicable.

J. R. Simplot Co

GF

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY _____ DATE 10/26/89 APPLICATION NUMBER 36-08469

REQUIRED INFORMATION

X Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
X Address
X Source (See USGS Quad for names of water sources)
X Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
X County
X Quantity (flow and/or volume)
X Period of Use
X Nature of proposed use (Include description of use.)
X Description of diverting works
X Time required for beneficial use of water
X Place of use or acres irrigated
X Map
X Signature (If applicant is corp. partnership, or minicipality, title of signator is required)
X Fee
X Yes ___ No* In form to receipt

ADDITIONAL INFORMATION

___ Overlapping place of use (Describe source & relationship to present application on the back.)
___ Overlapping point of diversion
___ Yes X No Field check required
Field check by _____
___ Yes ___ No Field report attached
___ Yes ___ No Critical groundwater area
___ Yes ___ No Groundwater management area
___ Yes ___ No Send dam safety information
___ Yes ___ No Send power requirement letter
___ Yes ___ No Send fish farm requirement letter
___ Yes ___ No Power residency affidavit
___ Yes ___ No Power efficiency form
X Yes ___ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
___ Yes X No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
X See reverse side for additional information

RECEIVED
JAN 07 1992
Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____
mail office
_____ Date Requested _____

PROCESSING X Yes ___ No In form for advertising
___ Yes X No Statewide advertising
X Yes ___ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO
___ Idaho Dept. of Health & Welfare
___ Idaho Dept. of Fish & Game
___ Idaho Dept. of Lands
___ Adjudication Bureau Unit
___ U.S. BLM
___ U.S. Forest Service
___ Water District
___ Other ___

FINAL REGIONAL PROCESSING REVIEW

✓ Yes ___ No Affidavit of publication received
✓ Yes ___ No Application published correctly. If not, record action taken.

✓ Yes ___ No Publication dates & paper, recorded on application
___ Yes ✓ No Protests received
Final date for protest 12/23/91
___ Yes ✓ No Protests, dates, resolution of protest, recorded on application
___ Yes ✓ No Recommendations attached
___ Yes ✓ No Measuring device required
___ Yes ✓ No Access port required
___ Yes ✓ No Will water be delivered by watermaster? If yes, what Dist. ___
✓ Yes ___ No Special conditions of approval or cover letter below. ___
26A, 46
___ See below for additional information

Date of priority recommended 10/12/89
By Karen O'Rahm Date 1/2/92

STATE OFFICE REVIEW
___ See below for additional information
By ___ Date ___

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

____City	____Idaho Fish & Game	____Irrigation District
____County	____Idaho Health & Welfare	____Canal Company
____Reservations	Division of Environment	____Other_____

Project impacts/implications report

COMMENTS

_____

_____

_____

_____

_____

_____

_____

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08469

J R SIMPLOT CO.
PO BOX 27
BOISE, ID 83707

Source: GROUNDWATER

Diversion Pt: NESWNW Sec 6 T 10S R 24E in MINIDOKA County.

Use: IRRIGATION (.400 CFS)
Total Diversion: (.400 CFS)

Date Filed: 10/12/1989

In: MINIDOKA County
T10S R24E S06 SENW

20.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before DECEMBER 23, 1991.

R. Keith Higginson, Director

Published: 12/ 6/1991 & 12/13/1991

RECEIVED
FEB 07 1992

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)736-3033

NOVEMBER 15, 1991

SOUTH IDAHO PRESS
PO BOX 190
BURLEY, ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 23, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

FEB 07 1992

15-Nov-1991

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

Re: Application for Permit No. 36-08469

Dear Applicant(s):

On March 25, 1988 the Federal Energy Regulatory Commission (FERC) issued an order satisfying the last condition to make the Swan Falls Agreement effective. The Department is now prepared to proceed with the normal processing of your application.

This office will be advertising the application in the South Idaho Press on 12/6 & 12/13/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is 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.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

J. R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 TELEX 368432

CORPORATE HEADQUARTERS

RECEIVED
NOV 3 1989
Department of Water Resources
Southern Region Office

November 2, 1989

Gary Funderburg
Sr. Water Resource Agent
Department of Water Resources
Southern Region
2148 4th Avenue
Twin Falls, Idaho 83301

Re: Additional Information Requirements for Application No. 36-08469.

Dear Mr. Funderburg:

In response to your 10/27 letter I have enclosed the names and addresses of the directors and officers for the J.R. Simplot Company.

If you have any questions or need further information please call me at (208)389-7359.

Sincerely,

Vic Conrad
Simplot, LAND and
DEVELOPMENT

encl.

1992

27-Oct-1989

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

Re: Application for permit No. 36-08469

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application. Please see attached list for additional information requirement.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

FEB 07 1992

S. Region
5/89

Application No. 36-08469

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten days of the second publication date, no additional delay should be incurred in processing.

FEB 07 1992