MEMORANDUM

DATE: September 17, 1999

TO: File T5485 J.R. Simplot Company

FROM: Ron Carlson RDC

RE: Conference

On September 16, 1999 a conference was held in the IDWR State office in Boise. I conducted the conference. The applicant was represented by Jim Louis (Smokey Canyon Mine), Shawn Del Ysursa (Attorney) and Vic Conrad (J.R. Simplot Co.). The application was protested by the Idaho Rural Council and Raymond Peterson and Sons. Amber Felton, appeared on behalf of the Idaho Rural Council. Raymond Peterson and Sons was did not appear at the conference.

Vic Conrad initially explained the reason for filing the application. He said dust abatement is an on going requirement for their haul roads. This year Simplot applied for a temporary permit for that purpose but had, it prior years, used ground water to meet the dust abatement requirements. The 1.76 cfs diversion rate indicated on the application would be necessary to fill the trucks needed to maintain about five miles of haul road from their Smoky Canyon Mine.

Amber Felton initially said her organization was concerned about the proposed change reducing recharge to the Snake Plain. She also expressed concern about changing an irrigation water right to a non-irrigation use.

After discussing these concerns it appeared that it would be very difficult for the Idaho Rural Council to show any reduction in water supply or recharge to the Snake Plain aquifer as a result of this change. I also explained that prior to the 1980 change in the Idaho Code which provided for changing the nature of use of a water right, this might have been processed as a change in the place of use for irrigation, even though the irrigation beneficial use would be different. Amber then said their real purpose was to increase awareness in the IDWR. I asked what that meant and she responded that she thought that people were being injured by all of the transfers that were being approved by the IDWR. I asked for examples and she cited a proposed transfer from Bingham County to supply water for a cheese company in Jerome County. I advised her that I did not know about this proposal but asked her to be more specific about the evidence that made her group believe there would be injury. She had none but "felt" moving that far had to injure someone. She then said that IDWR should be measuring wells. I told her we were. She said she was sure that we were not measuring any domestic wells. I said that the cost vs the benefits made that impractical. She then said that domestic uses were being expanded e.g. more cows than are permitted by the water right. I then asked how other water rights would be injured by adding cows. She then said her organization was concerned about both water quality and water quantity. She was then asked if the applicant could show that there would be no enlargement in the use of water and that water quality would not be impacted if she would withdraw the protest. She said she had no power to make a decision for IRC. Shawn Del asked for the names of the board of

IRC. Amber said she could not disclose that information. Shawn Del then asked if one of the names might be Bill Chisolm. Amber acknowledged that might be the case. I suggested that someone from IRC who was able to make a decision meet with Simplot before we proceed with the expense of a hearing. It was agreed that IDWR would give the parties until September 30 to resolve the protests. If we have not heard from them be then we will proceed with scheduling the hearing. Vic Conrad asked that it be held as soon as possible after the 30th.