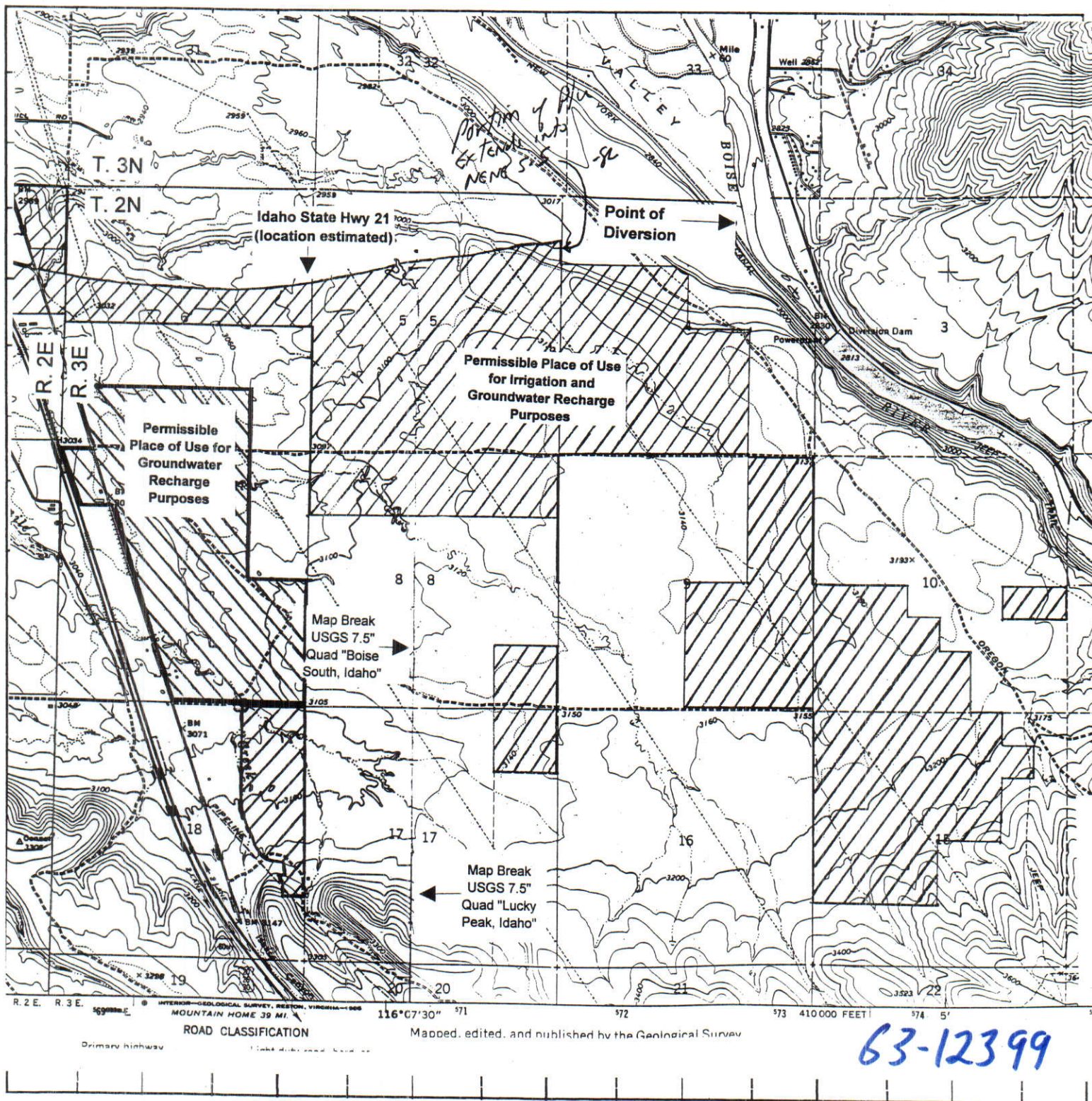


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



63-12399

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.R. Simplot Company

By:

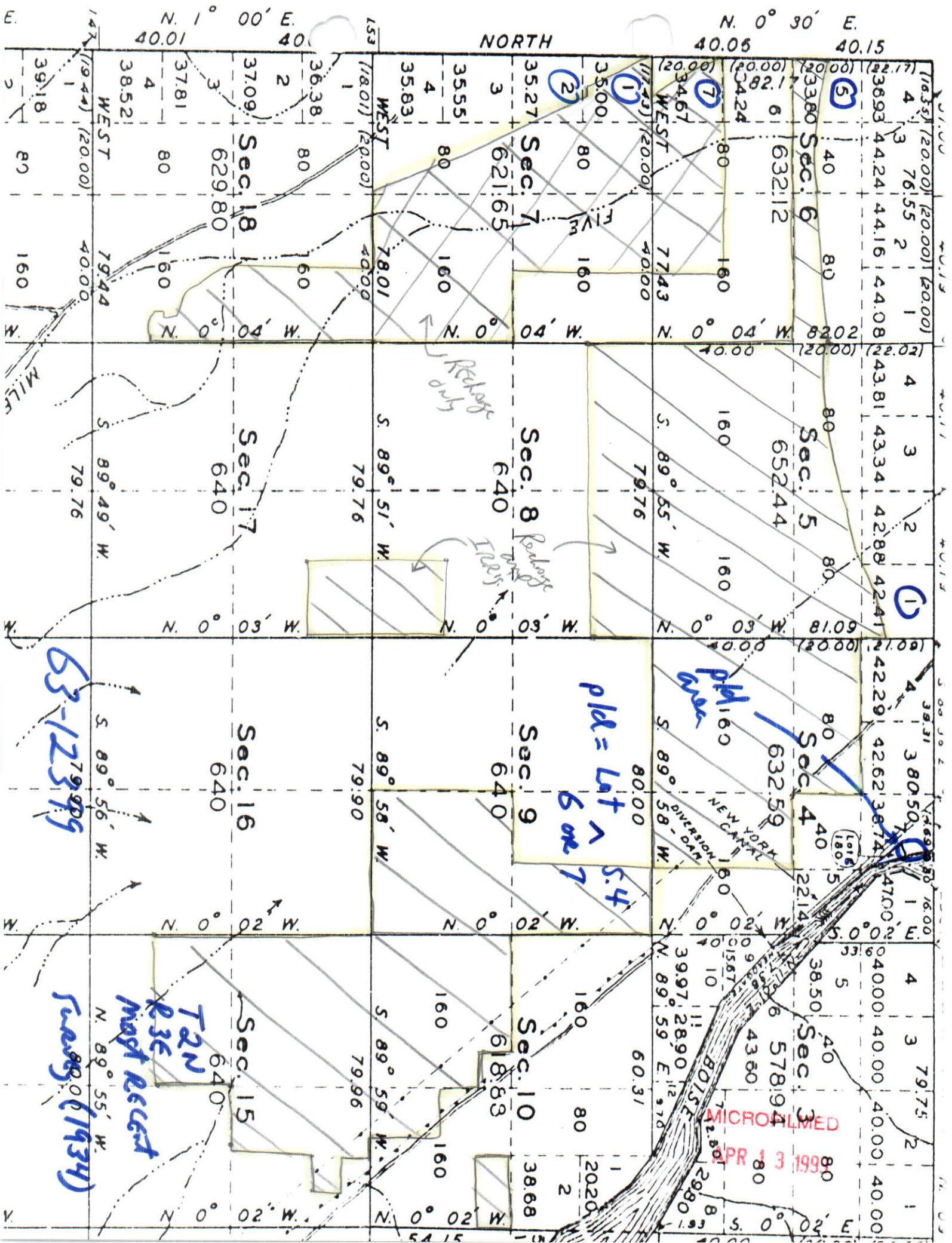
Russell A. Graves
(Applicant)

Ronald N. Graves, Secretary

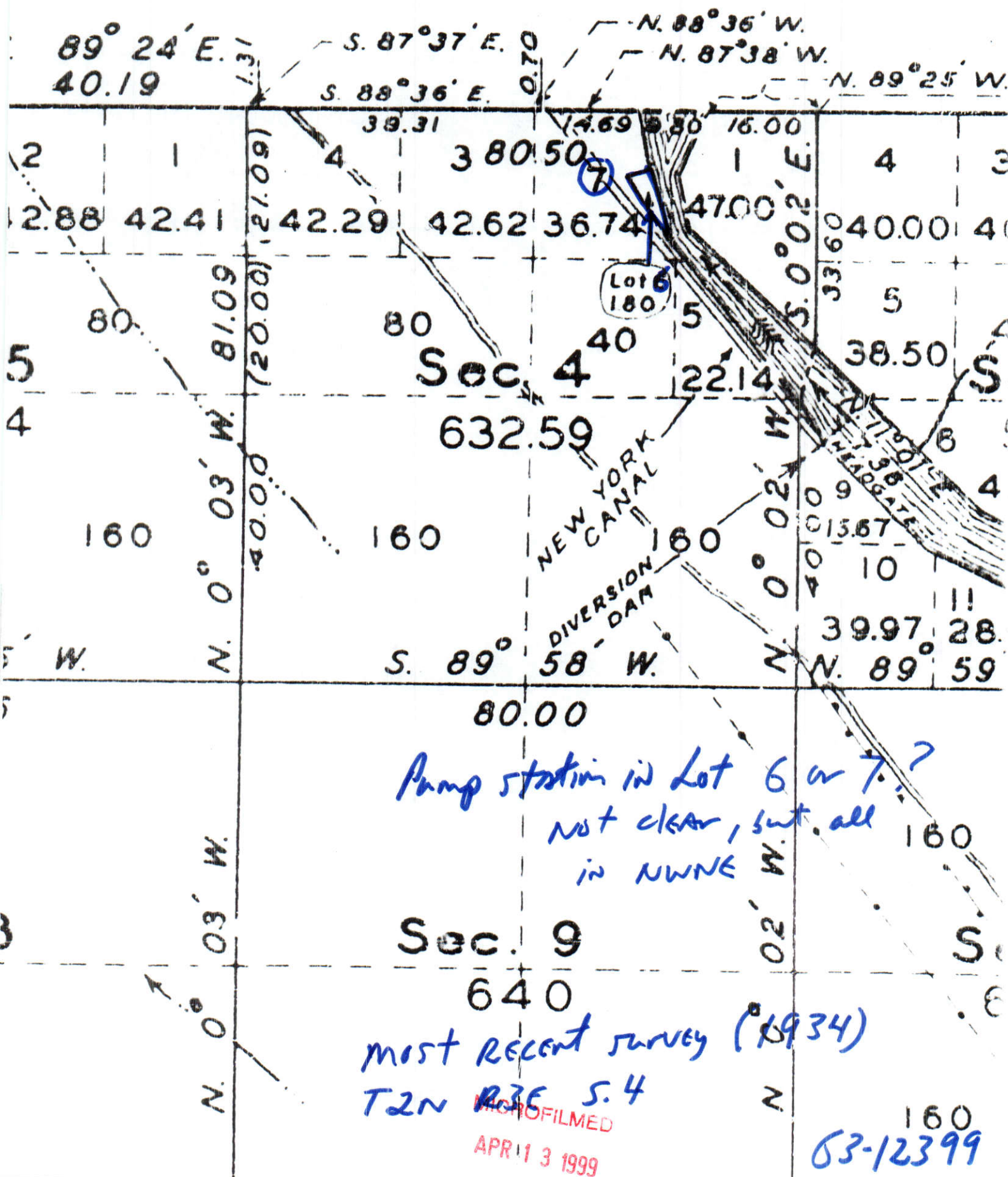
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APR 13 1999

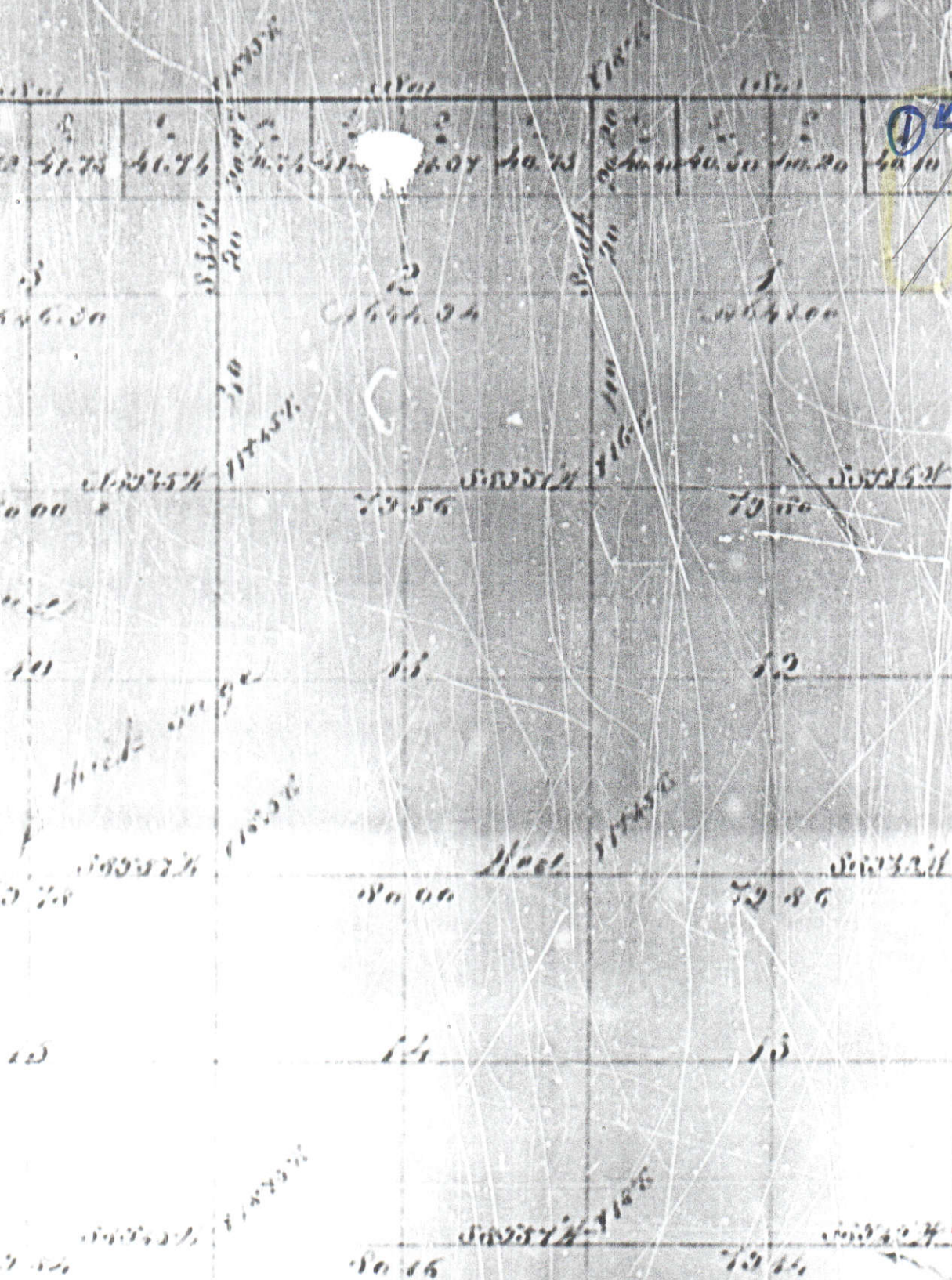
Recharge area 5 1/2 5 1/2 5.6 plus
5.7 overlaps with Minum
Recharge plus -82 11/18/97



Sec. 33



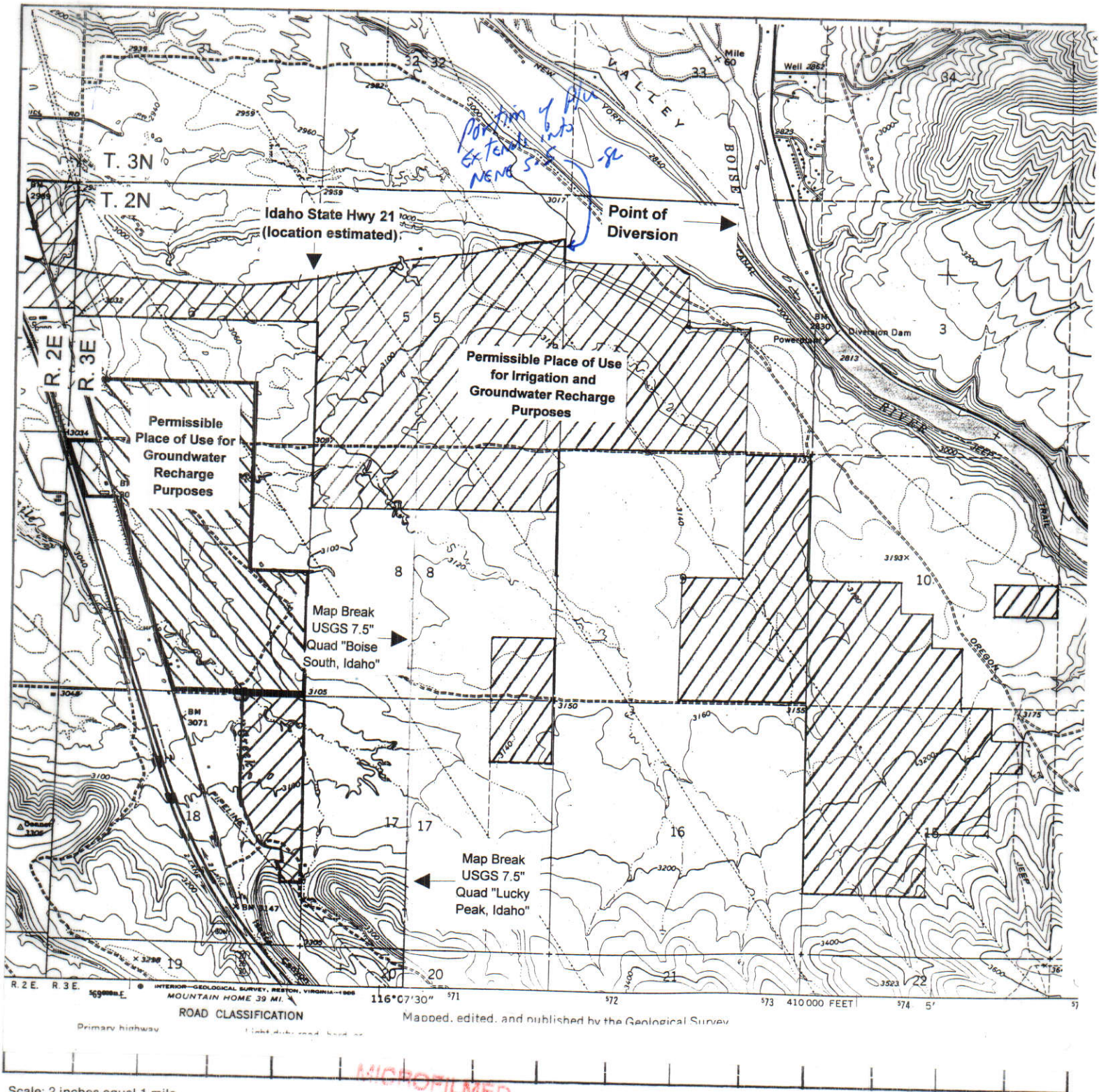
East Boise Meridian



T2N
R2E
S.1 E $\frac{1}{2}$ NE $\frac{1}{4}$

63-12399
MICROFILMED
APR 13 1999

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



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

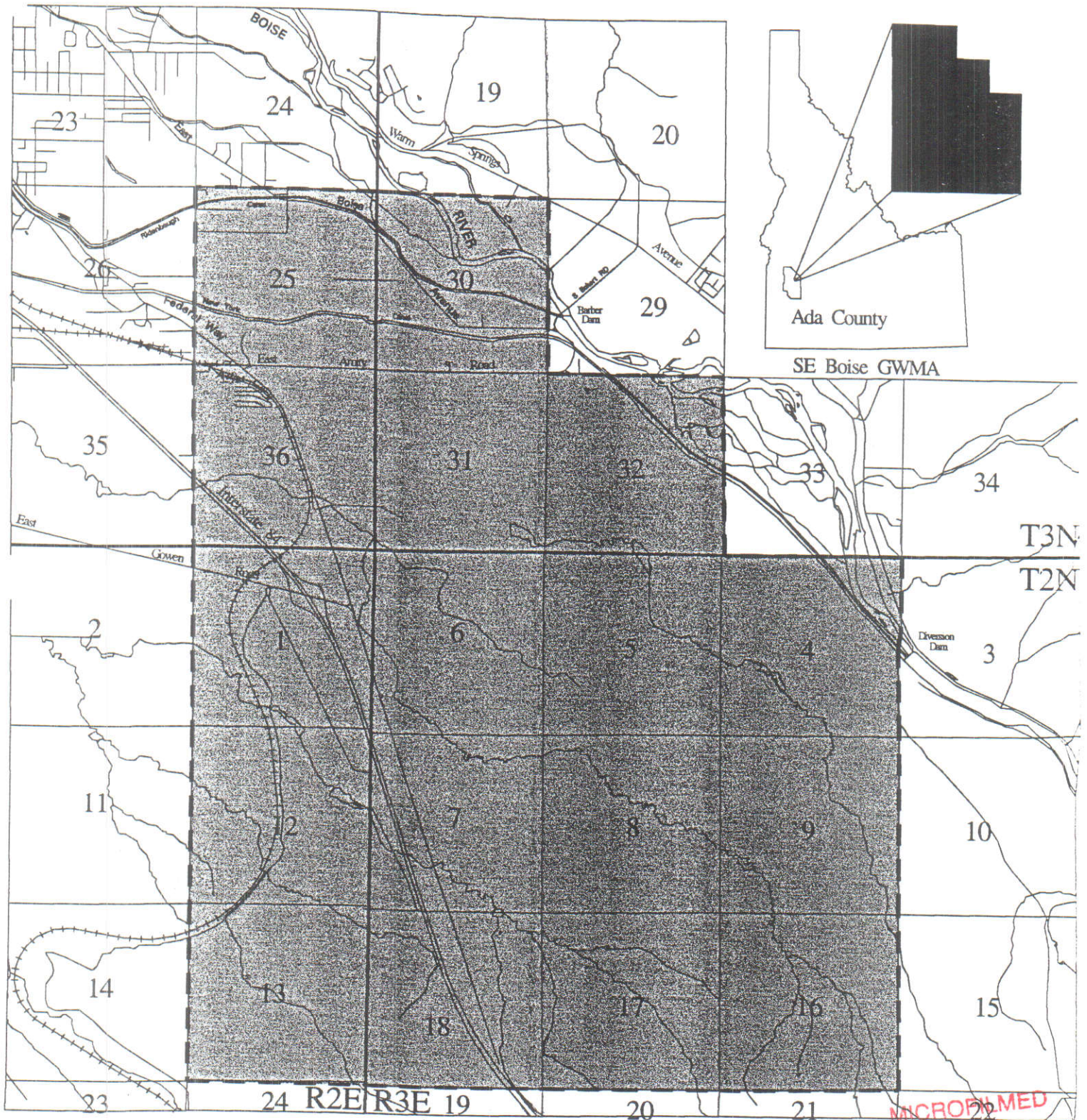
J.R. Simplot Company

By: Ronald N. Graves

(Applicant)

Ronald N. Graves, Secretary

Recharge Area 5 1/2 x 5 1/2 5.6 plus
5.7 overlaps with Microm
Recharge plus -82 11/18/97



0 1 mile

Attachment 1

APR 13 1999

IDWR

Presented by
IDANG GEOGRAPHIC INFORMATION CENTER
 Idaho Department of Water Resources
 1301 North Grand Street
 Boise, Idaho 83708
 (208) 327-7800

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

LEGAL ADVERTISING INVOICE

Account Number/Trans. #		Identification		Amount Due	
047628		NOTICE OF APPLICATION FOR WATER RIGHT		\$67.68	
Ordered By	P.O. Number	Rate	Run Dates		
SUE TAYLOR		NT	DECEMBER 4, 11, 1997		
IDAHO DEPARTMENT WATER RESOURCES WESTERN REGION 2735 AIRPORT WAY BOISE, ID 83705-5082			Estimated Inches	Real Inches	
			# Affidavits	Legal Number	
			1	9160	

LEGAL NOTICE NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a **BOISE RIVER** pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 63-12399, J R SIMPLOT CO., PO BOX 27, BOISE ID 83707:

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2NR2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

No. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707:

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub. December 4 & 11, 1997 9160

Existing rights in
GWMA

JANICE HILDRETH

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly single
consecutive daily odd skip

insertion(s) beginning with the issue of
DECEMBER 4, 1997

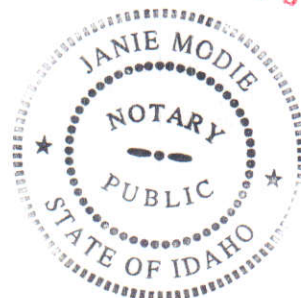
and ending with the issue of
DECEMBER 11, 1997

Janice Hildreth

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 11th day of DECEMBER in the year of 1997, before me, a Notary Public, personally appeared JANICE HILDRETH 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 acknowledged to me that she executed the same.

Janice Modie
Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 5703



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APR 13 1999

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

Date 12/11/97INVOICE NO. 161655Account No. 964760Description 161655NOTICEOFAPPLICATTimes 2Lines 53

Tab. Lines _____

\$ 72.88**RECEIVED****DEC 15 1997**WATER RESOURCES
WESTERN REGION

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

161655
NOTICE OF APPLICATION
FOR WATER RIGHT
The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a **BOISE RIVER** pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:
No. 63-12399. J R SIMPLOT CO., PO BOX 27, BOISE ID 83707:
Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA. **NO. 63-12420. MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707:**
Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.
These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before **DECEMBER 22, 1997**. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published on December 4 and 11, 1997, in the Idaho Statesman, the Lewiston Tribune, the Post Register, and the Time News.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 161655NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 12/04, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 12/04/97, and the last publication thereof being on the 12/11/97, and said 161655NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11day of December 1997**MICROFILMED****APR 13 1999**

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 7/1/03

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12399

Proposed Priority: June 6, 1997

Maximum Diversion Rate:

15.00 CFS

This is to certify, that J R SIMPLOT CO

PO BOX 27

BOISE ID 83707-0027

has applied for a permit to appropriate water from:

BOISE RIVER

tributary of SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	15.00 CFS
GROUNDWATER RECHARGE	01/01 to 12/31	15.00 CFS
Totals		15.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (NWNE), Sec. 4, Township 02N, Range 03E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
02N	02E	1	Lot 1 (NENE)	14.0	SENE	23.0			37.0
	03E	4	SWNW	26.0	SENW	7.0	NESW	4.0	
			NWSW	35.0	SWSW	39.0	SESW	36.0	
			NWSE	40.0	SWSE	38.0			225.0
		5	Lot 1 (NENE)	10.0	SWNE	37.0	SENE	39.0	
			SWNW	24.0	SENW	33.0	NESW	40.0	
			NWSW	40.0	SWSW	30.0	SESW	40.0	
			NESE	40.0	NWSE	40.0	SWSE	35.0	
			SESE	35.0					443.0
		6	SWNE	16.0	SENE	18.0	Lot 5 (SWNW)	17.0	
			SENW	17.0					68.0
		8	NENE	40.0	NWNE	39.0	NENW	38.0	
			NWNW	39.0	SESE	40.0			196.0
		9	NENE	40.0	SENE	40.0	NESE	40.0	
			NWSE	40.0	SWSE	40.0	SESE	40.0	240.0
		10	NESW	30.0	NWSW	40.0	SWSW	40.0	
			SESW	40.0	NESE	20.0	SWSE	20.0	190.0
		15	NENE	10.0	NWNE	40.0	SWNE	39.0	
			NENW	40.0	NWNW	39.0	SWNW	40.0	
			SENW	39.0	NESW	25.0	NWSW	36.0	308.0
		17	NENE	40.0					40.0
		18	NENE	40.0	SENE	36.0	NESE	21.0	97.0

Total number of acres irrigated: 1844.0

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APR 13 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12399

PLACE OF USE: GROUNDWATER RECHARGE

TWN RGE SEC

02N 02E	1	Lot 1 (NENE)	SENE	
03E	4	SWNW	SENW	NESW
		NWSW	SWSW	SESW
		NWSE	SWSE	
	5	Lot 1 (NENE)	SWNE	SENE
		SWNW	SENW	NESW
		NWSW	SWSW	SESW
		NESE	NWSE	SWSE
		SESE		
	6	SWNE	SENE	Lot 5 (SWNW)
		SENW	SWSW	SESW
		SWSE		
	7	NWNE	SWNE	NENW
		Lot 1 (NWNW)	Lot 2 (SWNW)	SENW
		NESW	SESW	NESE
		NWSE	SWSE	SESE
	8	NENE	NWNE	NENW
		NWNW	SESE	
	9	NENE	SENE	NESE
		NWSE	SWSE	SESE
10		NESW	NWSW	SWSW
		SESW	NESE	SWSE
15		NENE	NWNE	SWNE
		NENW	NWNW	SWNW
		SENW	NESW	NWSW
17		NENE		
18		NENE	SENE	NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2004.
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. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

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APR 13 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12399

CONDITIONS OF APPROVAL AND REMARKS

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.
9. If measured or calculated Boise River flows at the point of diversion are less than 240.00 cfs during the period beginning June 16 and ending February 29, water shall not be diverted pursuant to this water right.
10. If measured or calculated Boise River flows at the point of diversion are less than 1,100.00 cfs during the period beginning March 1 and ending May 31, water shall not be diverted pursuant to this water right.
11. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam Discharge minus the gauged diversion to the New York Canal.
12. This right is limited to the irrigation of 1000 acres within the place of use described above in a single irrigation season.
13. This right is subject to all prior water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho Power Company on October 25, 1984, and ratified by the legislature pursuant to section 42-203B, Idaho Code.
14. Pursuant to section 42-4201A(3), Idaho Code, the director may reduce the amount of water diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
15. To insure that other water rights are not injured by the operations of the recharge project authorized by this right, the director retains jurisdiction to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
16. Water discharged to a subsurface system must be authorized by a separate injection well permit.

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APR 13 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12399

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

1st day of April, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED
APR 13 1999

RECEIVED

MAR 15 1999

CONTACT PERSON
is VIC CONRAD
(389-7359)

Department of Water Resources

Ident. No. 63-12399

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: J R SIMPLOT CO
Address: PO BOX 27
BOISE ID 83707
208-336-2110
2. Source: BOISE RIVER Trib. to: SNAKE RIVER
3. Location of Point of Diversion: Lot 6(NWNE), Sec. 4, Township 02N, Range 03E
ADA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	15.000		
GROUNDWATER RECHARGE	01/01	12/31	15.000		
5. Total quantity to be appropriated is:
15.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
PUMP AND PIPELINE TO RELIFT POND & BOOSTERS, PIPED TO P/U
 - 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 groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
02N	02E	1	Lot 1(NENE) 14			14
	02E	1	SENE 23			23
	03E	4	SWNW 26	SENE 07	NESW 04	
			NWSW 35	SWSW 39	SESW 36	
			NWSE 40	SWSE 38		225

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REVISED PER ORIGINAL APPL.

APR 13 1999

f dept. standards

-SC 11/18/97

Place of Use: IRRIGATION

TWN	RGE	SEC	Lot	ACRES	ACRES	ACRES	TOTAL
36	5	↓	1(NENE)	10	SWNE 37	SENE 39	
			SWNW	24	SENE 33	NESW 40	
			NWSW	40	SWSW 30	SESW 40	
			NESE	40	NWSE 40	SWSE 35	
			SESE	35			443
	6		SWNE	16	SENE 18	Lot 5(SWNW) 17	
			SENE	17			68
	8		NENE	40	NWNE 39	NENW 38	
			NWNW	39	SESE 40		196
	9		NENE	40	SENE 40	NESE 40	
			NWSE	40	SWSE 40	SESE 40	240
	10		NESW	30	NWSW 40	SWSW 40	
			SESW	40	NESE 20	SWSE 20	190
	15		NENE	10	NWNE 40	SWNE 39	
			NENW	40	NWNW 39	SWNW 40	
			SENE	39	NESW 25	NWSW 36	308
	17		NENE	40			40
	18		NENE	40	SENE 36	NESE 21	97

Total number of acres irrigated: 1844

Place of Use: GROUNDWATER RECHARGE

TWN	RGE	SEC	Lot			
02N	03E	6	Lot 7(SWSW)	SESW	SWSE	
		7	NWNE	SWNE	NENW	
			Lot 1(NWNW)	Lot 2(SWNW)	SENE	
			NESW	SESW	NESE	
			NWSE	SWSE	SESE	

9. a. Who owns the property at the point of diversion?
US BUREAU OF RECLAMATION
- b. Who owns the land to be irrigated or place of use?
APPLICANT & OTHER PARTIES
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
EASEMENTS & CONTRACTS - SOME COMPLETED, SOME PENDING

10. Remarks:

Application proposes use of river water, when available, to
replace ground water diverted in SE Boise Ground Water Mngt.
Area.

11. Map of proposed point of diversion and place of use attached? ☒

MICROFILMED

APR 13 1999

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.

per original - SL for
see original
Applicant

Received by JS Date 6/6/97 Time 1:35 Preliminary check by JS ^{6/9/97} _{11/18/97}

Fee \$ 380.00 Receipted by Kg #W022528 Date 6/6/1997

Publication prepared by AT Date 11-26-97 Published in Id. Stateman
12-4-11-97

Publication approved AT Date 12-22-97

Demotion trib ☒ *Post Reg.* ☒ *time name* ☒

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APR 13 1999

Remarks

This application is made to replace the use of groundwater that is diverted for irrigation purposes from the Southeast Boise Groundwater Management area when surface water is available. The applicant proposes diverting water from the Boise River at a pump station located below the State Highway 21 bridge in Lot 6 (NW¼NE¼) of Section 4, Township 2N, Range 3E. Water will be pumped through a 30-inch pipeline to a pond (infiltration basin) and booster pumps in Section 5.

The water will then be distributed from the pond to the lands identified under the place of use via underground pipelines. The irrigated area will total 1,000 acres within a permissible place of use totaling 1,880 acres. The water would be treated to meet applicable water quality standards prior to groundwater recharge through injection wells. Untreated raw water will be used for irrigation or will be recharged through surface infiltration basins.

MICROFILMED
APR 13 1999

63-12399

Comments: Date: 11/18/1997 User-ID: SLESTER

Subject: PROCESSING UPDATE

An abbreviated legal notice is used as a cost-savings step. This filing involves the Boise River pump station shared by Surprise Valley (63-00161BN, T.4737), Boise Valley Irr Ditch Co. (63-00147 T.5119 pending), similar Micron application 63-12420, and an unknown amount of leased etc. water obtained by applicant &/or other parties. An extensive mailing list is used ~~for~~ to solicit comments since the pump station and proposed P/U have a high profile.

Simplot & Micron applications both include 15 cfs each, identical priorities and overlapping recharge P/U in portions of Sections 6 and 7. Mitigation might be considered n/a since "excess water" is involved.

Large diversion supplemental information will be required for both filings. Officer names/titles are already on file with IDWR for both companies. No injection well applications have been filed by either applicant (a possible recharge method). No river water for proposed uses has been authorized within the P/U at this time. Note that pending T.5119 to move 3.97 cfs of Boise Valley Ditch water to this area would provide some overlap for irrigated lands from same source - all identical uses from same source should be limited to maximum beneficial use that can be recognized. Both filings propose a 30" pipeline from river to a pond & booster pumps in Section 5 (pond capacity less than 30 af so storage per application n/a). Access to P/D is via BOR easement/contract 6-07-10-L1431 and Ada County easement 96087899. P/U ownership includes both applicants, a Simplot Trust, and S-Sixteen Limited Partnership; pending agreements will allow use on land.

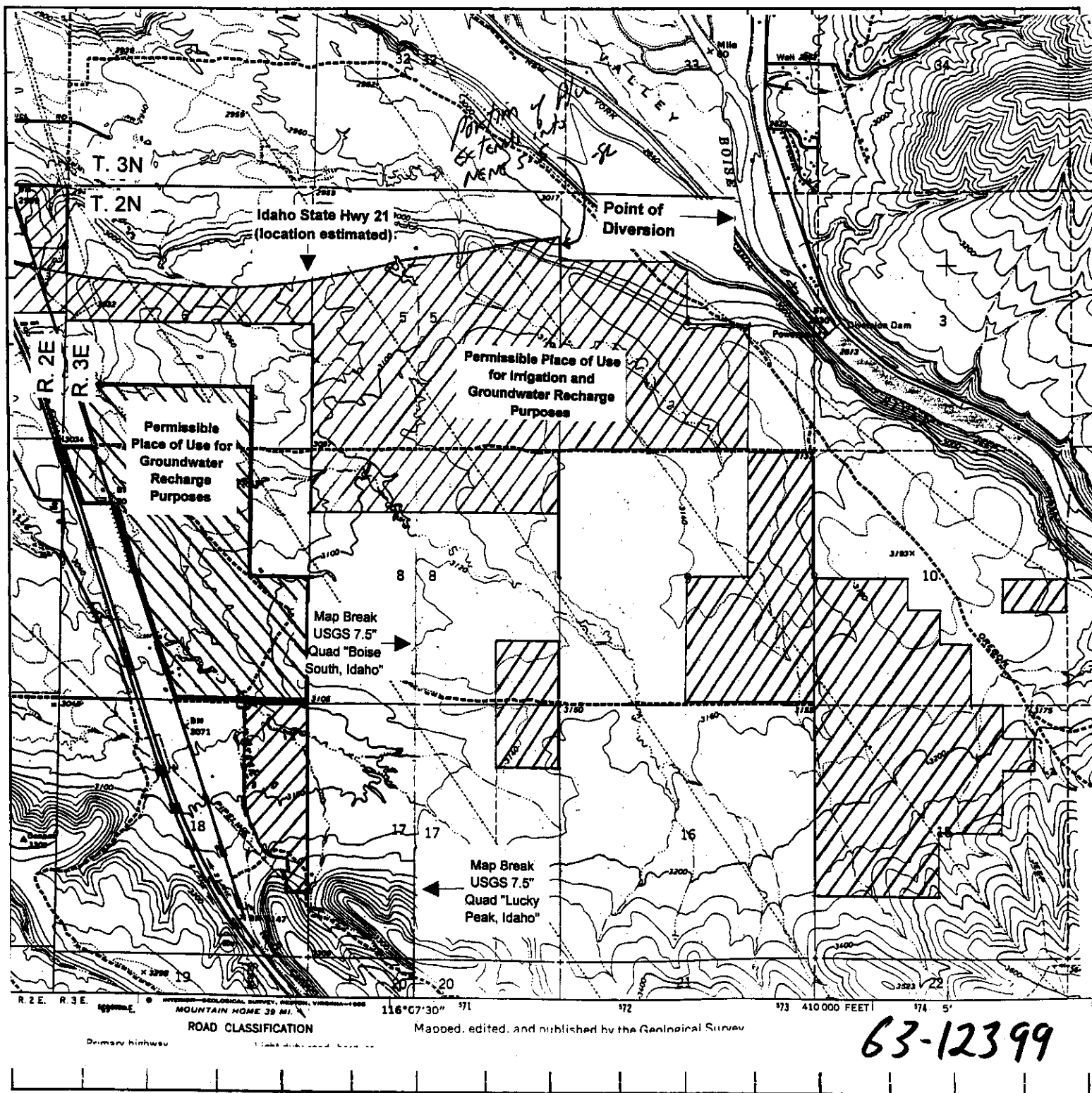
Note that P/D is Gov't Lot 6 &/or 7 (both in NWNE). Exact lot can be determined in future field exam.

For Simplot application: irrigation will be limited to 1000 acres within 1844 acre PPOU; ground water recharge will be same legal as irrigation (data entry does not show this correctly but maybe can be corrected with condition of approval) plus will include the same recharge area proposed in Micron filing (no irrigation proposed at overlapping recharge area).

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APR 13 1999

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



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

J.R. Simplot Company

By:

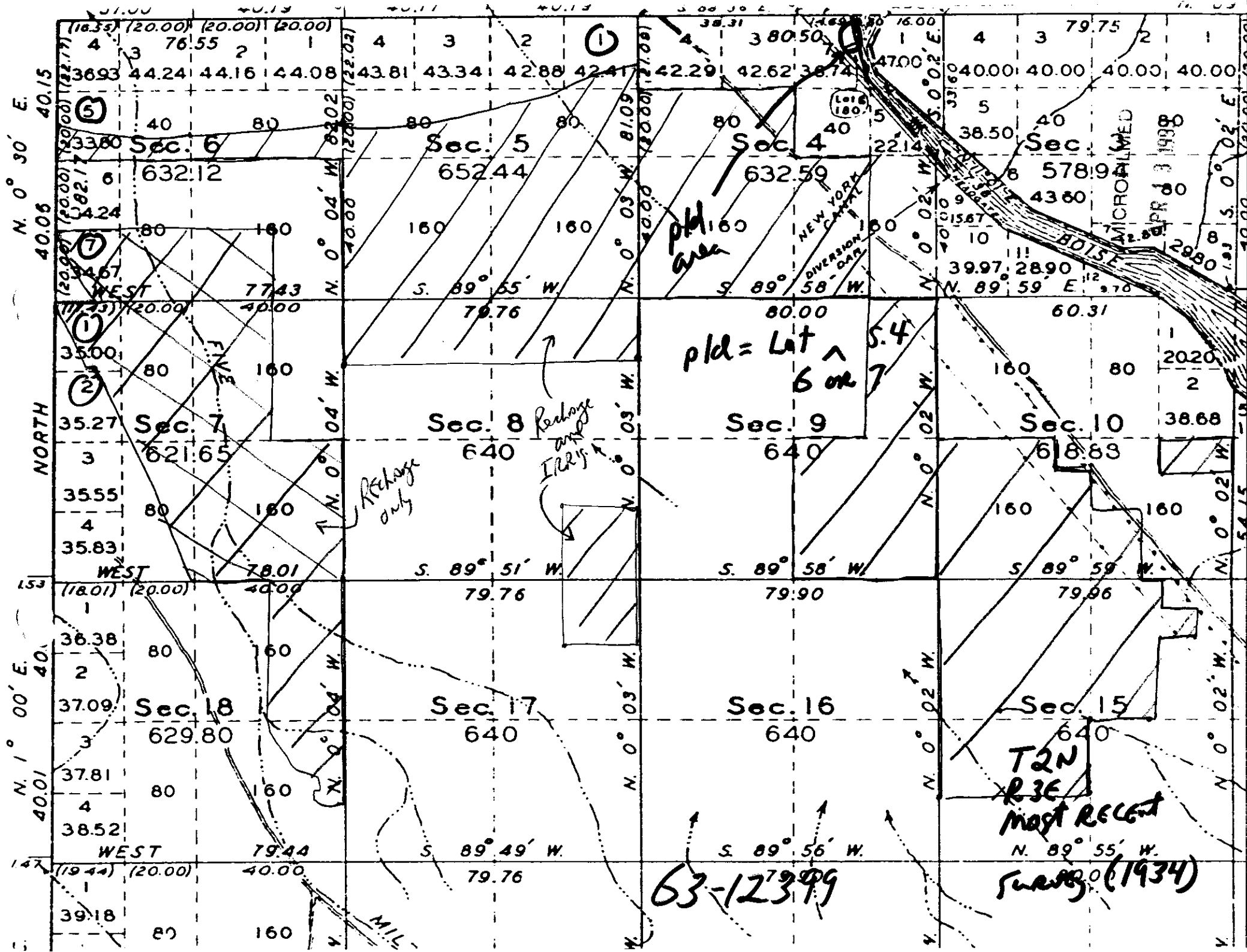
Ronald N. Graves
(Applicant)

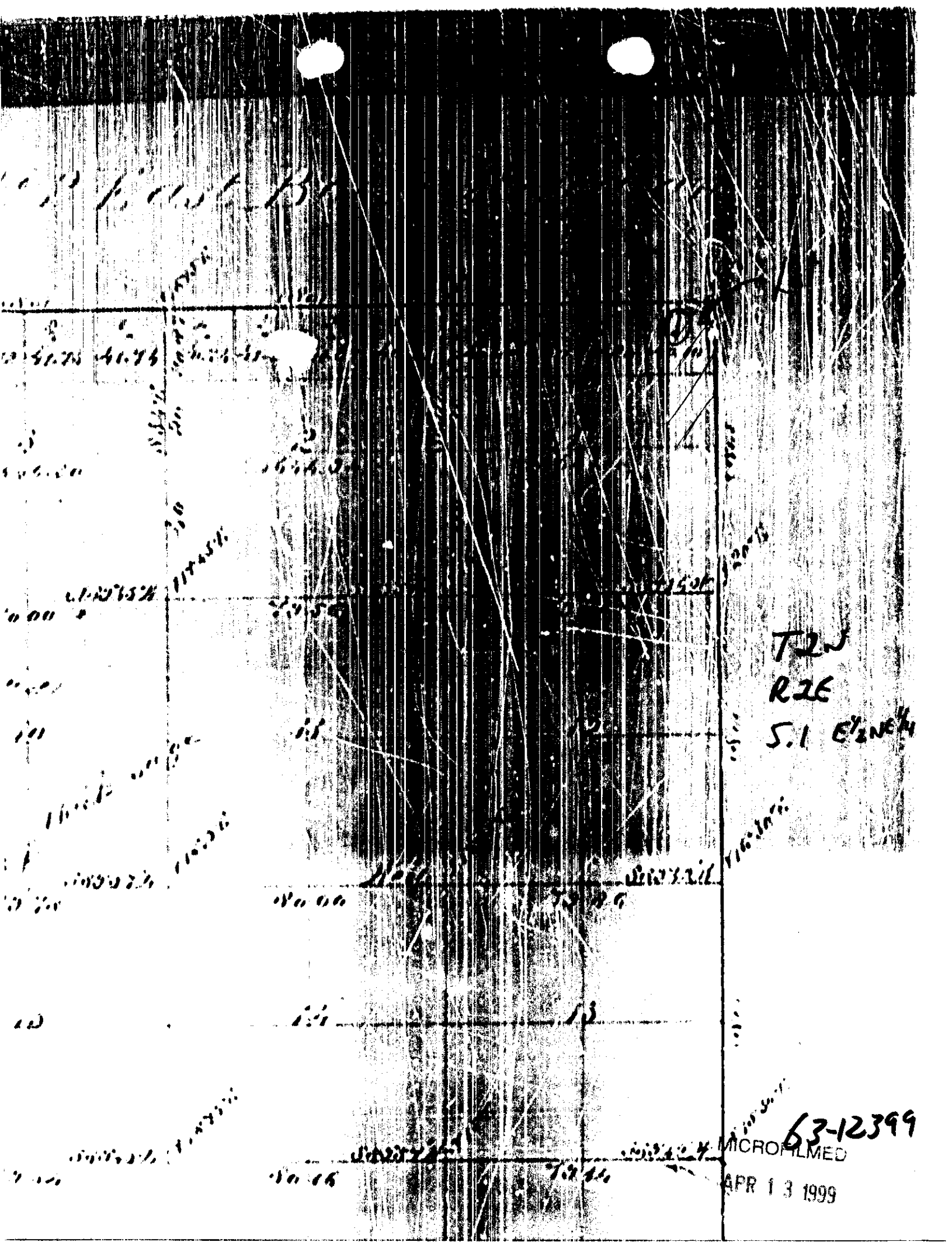
Ronald N. Graves, Secretary

MICROFILMED

APR 13 1993

Recharge area $5\frac{1}{2}$ 5.6 p/m
5.7 overlaps with Microm
Recharge p/m - 82 11/18/97





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JUL 06 1997

WATER RESOURCES
WESTERN REGION

Ident. No.

63-12399

Form 202
6/85

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant J.R. Simplot Company Phone 208-336-2110
Post office address PO Box 27 Boise, ID 83707
2. Source of water supply Boise River which is a tributary of SNAKE RIVER
3. Location of point of diversion is _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot 6
Sec. 4 Township 2N Range 3E B.M. Ada County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 15.0 for Groundwater Recharge purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 15.0 for Irrigation purposes from 3-15 to 11-15 (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) 15.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pump station at Highway 21 bridge,
30-inch pipeline to storage pond in Section 5, booster pumps to irrigation,
booster pumps and 20-inch pipeline to recharge facilities.
 - 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
five years (minimum 1 year).

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APR 13 1999

Original

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. Groundwater recharge (through injection wells and surface infiltration basins)

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.

See Attached Description of Place of Use

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

Groundwater Right 63-11610

*
FOR
DATA ENTRY,
USE

11. a. Who owns the property at the point of diversion? U.S. Bureau of Reclamation

b. Who owns the land to be irrigated or place of use? See Attached 11.b.

VARIOUS

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. See Attached 11.c.

PENDING AGREEMENTS

12. Remarks: See Attached Remarks

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Application held pending department clarification.

* 92 6/9/97

*
Place in
"Comments"

DESCRIPTION OF PLACE OF USE

Twp.	Rng.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	2E	1	14 E			23 E													37
*	3E	4							26 E	7 E	4 OE	35 E	39 E	36 E		40 E	38 E		261
*		5	10 E		37 E	39 E			*24 E	*33 E	40 E	40 E	30 E	40 E	40 E	40 E	40 E	40 E	443
		6			16 E	18 E			17 E	17 E				E	E		E		68
		7		E	E		E	E	E	E	E			E	E	E	E	E	0
		8	40 E	39 E			38 E	39 E										40 E	196
		9	40 E			40 E									40 E	40 E	40 E	40 E	240
		10									30 E	40 E	40 E	40 E	20 E		20 E		190
		15	10 E	40 E	39 E		40 E	39 E	40 E	39 E	25 E	36 E							308
		17	40 E																40
	↓	18	40 E			36 E									21 E				97

*Lying South of Highway 21

E = Groundwater Recharge

Total Number of Acres to be irrigated: 1,000 acres

Total Number of Acres in Permissible Place of Use: 1,880 acres

44

* per topo
72 11/18/97
est. c 10 ac NENE S.5
per topo, adjusted acre
S.5 SE S.5 arbitrarily to
balance.

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63-123 99

Responses to Application Parts 11.b and 11.c

11.b

The land identified by the Applicant to be used for irrigation and groundwater recharge purposes is owned by the Applicant, the J. R. Simplot Self-Declaration of Revocable Trust ("Trust") and S-Sixteen Limited Partnership ("S-Sixteen"). The land identified by the Applicant to be used solely for groundwater recharge purposes is owned by Micron Technology, Inc. ("Micron").

11.c

Point of Diversion:

The applicant is authorized under U.S. Bureau of Reclamation Easement number 6-07-10-L1431 recorded in the official real property records of Ada County as instrument No. 96087899.

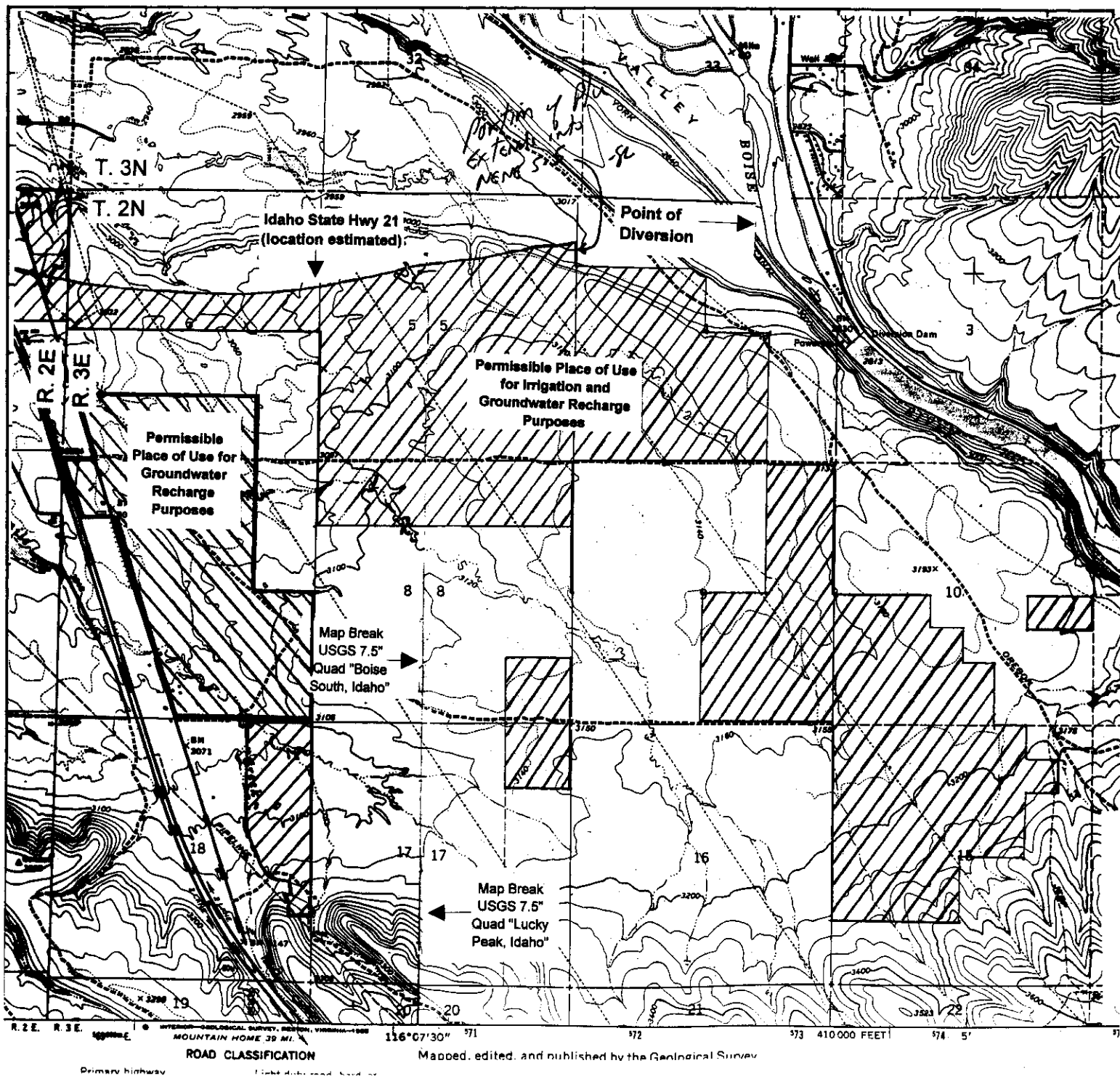
Place of Use:

The terms and conditions authorizing the use of water diverted under this application on lands owned by the Trust, S-Sixteen, and Micron will be established in an agreement to be completed prior to the use of water on those lands.

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APR 13 1999

63-12399

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.R. Simplot Company

By:

(Applicant)

Ronald N. Graves, Secretary

Recharge area 5 1/2 x 5 1/2 S.G. plus
S. 7 overlaps with Minn
Recharge plus - 82 11/18/97

Received by Gary S Date 6/6/97 Time 1:35 pm Preliminary check by JS - 6/9/97
Fee \$ 380.00 Receipted by KG # W022528 Date 6/6/97
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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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APR 13 1999

Ident. No. 63-12399

Comments: Date: 11/18/1997 User-ID: SLESTER

Subject: PROCESSING UPDATE

An abbreviated legal notice is used as a cost-savings step. This filing involves the Boise River pump station shared by Surprise Valley (63-00161BN, T.4737), Boise Valley Irr Ditch Co. (63-00147 T.5119 pending), similar Micron application 63-12420, and an unknown amount of leased etc. water obtained by applicant &/or other parties. An extensive mailing list is used ~~for~~ to solicit comments since the pump station and proposed P/U have a high profile.

Simplot & Micron applications both include 15 cfs each, identical priorities and overlapping recharge P/U in portions of Sections 6 and 7. Mitigation might be considered n/a since "excess water" is involved.

Large diversion supplemental information will be required for both filings. Officer names/titles are already on file with IDWR for both companies. No injection well applications have been filed by either applicant (a possible recharge method). No river water for proposed uses has been authorized within the P/U at this time. Note that pending T.5119 to move 3.97 cfs of Boise Valley Ditch water to this area would provide some overlap for irrigated lands from same source - all identical uses from same source should be limited to maximum beneficial use that can be recognized. Both filings propose a 30" pipeline from river to a pond & booster pumps in Section 5 (pond capacity less than 30 af so storage per application n/a). Access to P/D is via BOR easement/contract 6-07-10-L1431 and Ada County easement 96087899. P/U ownership includes both applicants, a Simplot Trust, and S-Sixteen Limited Partnership; pending agreements will allow use on land.

Note that P/D is Gov't Lot 6 &/or 7 (both in NWNE). Exact lot can be determined in future field exam.

For Simplot application: irrigation will be limited to 1000 acres within 1844 acre PPOU; ground water recharge will be same legal as irrigation (data entry does not show this correctly but maybe can be corrected with condition of approval) plus will include the same recharge area proposed in Micron filing (no irrigation proposed at overlapping recharge area).



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 1, 1999

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12399

Dear Permit Holder:

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

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

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

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

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

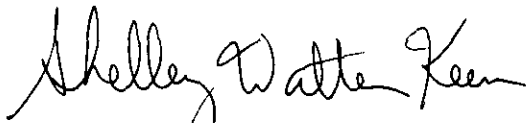
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Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is fluid and connected, with the first and last names being more prominent than the middle initial.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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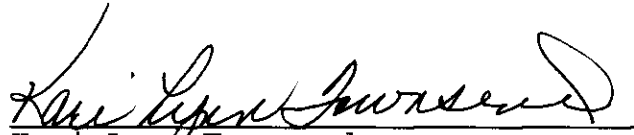
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12399

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


Kari Lynn Townsend
Secretary

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APR 13 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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APR 13 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 63-12399 Name: Simplot Date: 3/23/99 Ad OK? ✓ Gvmt Lts: AREA OF CONCERN: - ~~Yes~~ B2D Mor / GWMA / Trust / Non-trustPROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26AP17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD
- Supp. irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

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

- FISH & GAME CONTACTED: - YES / NO; WHEN: RESPONSE: OK
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - (P52) stream channel alteration
- WD (✓ MAP & LISTING) - R04 (WD # 63)
- > 0.20 cfs - 01H-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 - P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS), NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS: - ①-③ Barry's remarks ③ BR ④ W27BENEFICIAL USE DUE: - 4 / 1 / 2004

COMMENTS: -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Statewide AD,
SEE Attached Legal
Notice

INITIAL REVIEW BY: RL DATE: 11/18/97 APPLICATION: 63-12399

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) *ON file w/ IOWR*
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

RECEIVED
MAR 19 1999

Gov't. Lots:
9 P/D
9 P/U

Department of Water Resources

ADDITIONAL INFORMATION

See notice

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

✓ T FLAG CHANGED TO P FLAG *comp letter 11/18*

YES NO

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

a) clarify pond 5.5 - capacity? left phone msg. 11/18/97 OK 11/24/97 fills in ≤ 24 hrs to storage N/A
b) large div. not needed (abbreviated response needed)

Date Requested 11/19/97 letter Date Response Received

* proposes only "excess flows" so moratorium & mitigation appear N/A

PROCESSING

APP. NO. 63-12399

YES NO

- ☒ ☐ in form for advertising:
☒ ☐ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

- ☒ ☐ I.D. Health & Welfare
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

- ☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist. # 63
☒ ☐ Other SEE attached mailing list

FINAL REGIONAL PROCESSING REVIEW:

YES NO

- ☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Final date for protest 12-22-97

Protests received.

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # 63Special conditions of approval or cover letter: See memo dated 3/15/99

See below for additional information

Recommended Date of Priority 6/6/97Recommended by: Bay Date: 3/17/99

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Self-mitigating?

Same pump plant: T63-00147 Boise Valley Irr Dist Co. for 3.97 cfs proposed
in T. 5119, 63-001618N Surprise Valley T. 4737 for 2.82, Micron Appl.

63-12420 for another 15.0 cfs, possible other Kessel water (Amount not

known by IDWR). T63-00147 may include irrig. in some of same areas proposed

in 63-12399 (re 1" per acre issue, natural flow).

Other g.w. rights provide some irrig. in proposed plan.

water quality & rechargeimpact on Fg
50,000 Af contract
w/ BOREVERY thing is on list
(OGA etc.)NOTE Sent request to Dick Larsen 11/25
to issue press release & Appl.

63-12399 & 63-12420 mailing List

- 1) Lee Siso, Boise River Waterworks
6616 Overland Rd. Boise 83709
- 2) SE Boise GWMA Advisory Comm.
see file for mailing list, all members
← includes United Water, J. Ingdahl, Mission & City of Boise
- 3) Scott Campbell, Elam & Buake
~~ELA~~ PO Box 1539 Boise 83701-1539
- 4) Daniel Steenson, Ringert Clark Chartered Lawyers
PO Box 2773 Boise 83701-2773
- 5) Betty Bermanolo, SW Boise Citizens
1970 S. Canonero Wy Boise 83709
- 6) Boise Valley Irrig. Ditch Co.
4822 Alamosa Ln Boise 83703
- 7) Surprise Valley Partnership
871 E Parkcenter Blvd Boise 83706
- 8) Idaho Rivers United PO Box 633
~~413 W Idaho~~ Boise 83702
- 9) Ada County Commissioners
650 W. Main Boise 83702
- 10) Joyceanne Fick, Ada Co. Piz Comm
650 W Main Boise 83702
- 11) DEQ
use normal address & comment letters
- 12) ID Dept. Fish & Game
check w/ Gary & appropriate Fish contact person
- 13) Canyon County Commissioners
1115 Albany St Caldwell 83605
- 14) Ann Hausrath, Boise City Council
150 N. Capitol Blvd Boise 83702

SD-0605-2 Township: 02N Range: 03E Section: 4 Tract: NE Lot:			STATE		O S		Max # Records 4	
S	L	R	Water		Name	W T	Priority	Total
E	O	D	Right No.		Last, First	N G	Date	Diversion
					63-00137B	PIONEER DIXIE	O D 06/01/1869	BOISE RIVER 0.34
						BOISE PROJECT	C	
						RANDALL,	O	
	NWNE	7			T63-00147	BOISE VALLEY I	O D 06/01/1865	BOISE RIVER 54.58
						BOISE VALLEY I	C	
	NWNE	7			63-00161BN	PERRAULT, JOSE	O D 05/01/1866	BOISE RIVER 2.82
						JOHNSON, RICHARD	O	
						SURPRISE VALLEY	C	

different diversion

pump station

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

PUMP STATION

63-00147 Boise Valley Irr ditch con.

T. 5119 pending, limited to 3.97 cfs e pump station

63-00161BN Surprise Valley limited to 2.82 cfs " " " (T. 4737)

6.79 cfs e pump station

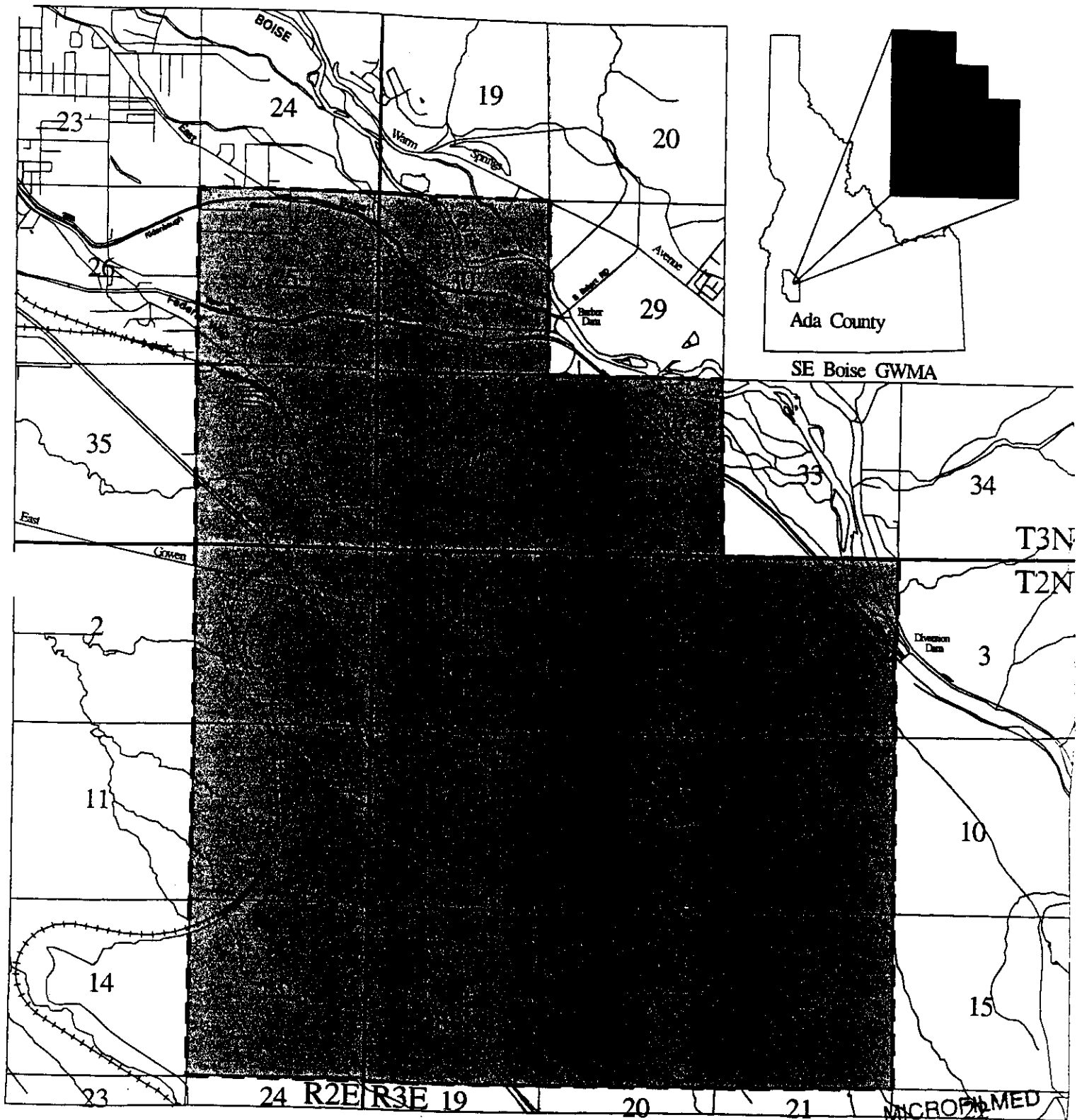
+ ? cfs or af water bank leases etc.
Not recorded in d'base nor
data available to IDWR now

— Add 'H. review notes etc. —

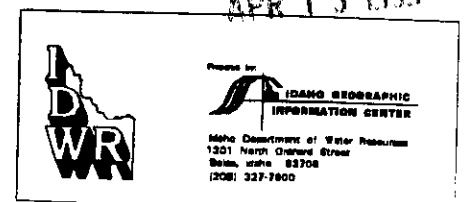
11/18/97

WR pld
overlap

Southeast Boise Ground Water Management Area



Attachment 1



MEMORANDUM

TO: The Files Nos. 63-12399 (J.R. Simplot) and 63-12420 (Micron)

FROM: Gary Spackman *Gary*

DATE: March 15, 1999

RE: History of applications and recommended conditions of approval

Application for permit nos. 63-12399 and 63-12420 were filed by J.R. Simplot Co. And Micron Technology, Inc., respectively. Each application seeks the appropriation of 15 cfs from the Boise River. The applications were protested by the Boise Project Board of Control and Idaho Rivers United. Wilder Irrigation District petitioned to intervene and its petition was granted. Anticipating a protest from the Idaho Department of Fish & Game, Terry Scanlan of Scanlan Engineers contacted Fish & Game prior to the publication of the applications, and Fish & Game verbally agreed to conditions of approval that would satisfy their concerns.

After reviewing the applications, the five irrigations districts comprising the Boise Project Board of Control (Nampa-Meridian, Boise-Kuna, Big Bend, Wilder, and New York) withdrew their protests. Idaho Rivers United also withdrew its protest, stipulating with the applicants to conditions that would protect the concerns of Rivers United. Fish & Game corresponded with the department confirming the agreement with the applicants.

As a result of the above stipulations and my review of the file, I recommend the following conditions of approval:

1. R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. R43 - A measuring device and lockable controlling works of a type approved by this department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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3. If measured or calculated Boise River flows at the point of diversion are less than 240 cfs during the period beginning June 16 and ending February 29, water shall not be diverted pursuant to this water right.

4. If measured or calculated Boise River flows at the point of diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, water shall not be diverted pursuant to this water right.

5. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam Discharge minus the gauged diversion to the New York Canal.

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APR 13 1999



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FEB 09 1999

WATER RESOURCES
WESTERN REGION

IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, Idaho 83707-0025

Dirk Kempthorne / Governor
Stephen P. Mealey / Director

February 5, 1999

Mr. Gary Spackman, Supervisor
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 82705

RE: Applications for permit no.s 63-12399 and 63-12420 (J.R. Simplot Co. and Micron)

Dear Mr. ^{Gary} Spackman:

Idaho Department of Fish and Game (IDFG) was contacted by representatives of Simplot and Micron (applicants) in November 1997 to discuss concerns IDFG had with the above referenced applications to appropriate flood water from the Boise River. Our concern was protection of flows in the river principally during the nonirrigation season. Based upon our instream flow recommendation, we asked the applicants to agree not to divert flood waters when river flows at the proposed point of diversion were less than 240 cfs from June 16 through February 28 (29), less than 1,100 cfs from March 1 through May 31, or less than 4,500 cfs from June 1 through June 15.

The applicants were unwilling to forego diversion during the June 1 through June 15 time frame, but did agree not to divert when our two other targets could not be met. They further agreed not to divert if it would cause the flows to fall below our suggested targets (see an attached letter from Terry Scanlan to me, dated December 22, 1997). In exchange for the stipulations, IDFG agreed not to protest approval of the applications.

I apologize for neglecting to contact your department in a timely manner regarding this issue. If I can be of any further assistance, please contact me.

Sincerely,

Cindy Robertson
Cindy Robertson
Staff Fishery Biologist

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APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

January 13, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

VIC CONRAD
J R SIMPLOT
PO BOX 27
BOISE ID 83707-0027

Re: Application for Permit No. 63-12399 in the Name of J. R. Simplot

Dear Applicant:

This letter is to acknowledge the withdrawal of protests from the Boise-Kuna, New York, Wilder, Nampa & Meridian, and Big Bend Irrigation Districts of the above-referenced application for water right.

The department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

CC: Randall Fredricks, Attorney at Law
John Chapman, Micron
Boise Project Board of Control
Terry Scanlan
Diane Paulsen, Wilder Irrigation
S. Bryce Farris

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APR 13 1999

JAN 11 1999

**Daniel V. Steenson
Charles L. Honsinger
S. Bryce Farris
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208)342-4591**

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF	)	
APPLICATION FOR PERMIT	)	WITHDRAWAL OF PROTEST
NO. 63-12399 IN THE NAME	)	ON BEHALF OF NAMPA &
OF J.R. SIMPLOT AND	)	MERIDIAN IRRIGATION
APPLICATION FOR PERMIT	)	DISTRICT
NO. 63-12420 IN THE NAME	)	
OF MICRON TECHNOLOGY	)	
INC.	)	

Nampa & Meridian Irrigation District (NMID), by and through its attorneys of record
Ringert Clark, Chartered, hereby withdraws its protest in the above-referenced matter.

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APR 14 1999

RINGERT CLARK CHARTERED

A handwritten signature in black ink, appearing to read "S. Bryce Farris", written over a horizontal line.

S. Bryce Farris

Attorneys for Nampa & Meridian Irrigation District

CERTIFICATE OF SERVICE

I certify that on January 8th, 1999, I mailed copies of this document, postage prepaid, to the following:

Gary Spackman
Western Region Office
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Michael D. McIntyre
Micron Technology, Inc.
8000 S. Federal Way
Boise, Idaho 83707-0006

Vic Conrad
J.R. Simplot Co.
999 Main St. 13th Fl.
P.O. Box 27
Boise, Idaho 83707-0027



S. Bryce Farris



RECEIVED
DEC 24 1998
WATER RESOURCES
WESTERN REGION

December 23, 1998

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

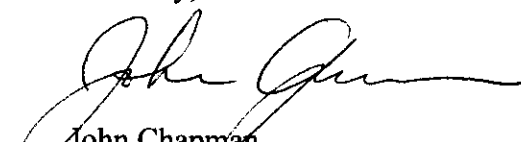
Re: Withdrawal of Protest for Permit Applications 63-12399 and 63-12420

Dear Mr. Spackman:

I've enclosed a letter signed by representatives of Wilder Irrigation District and Big Bend Irrigation District withdrawing their protest of the pending IDWR applications referenced above. Both Micron and Simplot wish to thank you for allowing us the opportunity to resolve these matters cooperatively and informally.

We believe all issues regarding these applications have been resolved and now look forward to your approval of same. Please contact myself at (208) 368-4358 or Vic Conrad at (208) 389-7389 if you have any other questions or concerns.

Sincerely,



John Chapman
Water Services Manager

Enclosure

cc: Mike McIntyre, Micron Technology, Inc.
Vic Conrad, Simplot Land and Development
Terry Scanlan, Scanlan Engineering
File

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APR 13 1999

RECEIVED

DEC 24 1998

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12399 IN THE)
NAME OF J.R. SIMPLOT AND)
APPLICATION FOR PERMIT NO.)
63-12420 IN THE NAME OF MICRON)
TECHNOLOGY, INC.)

WITHDRAWAL OF PROTEST
AND INTERVENTION

Wilder Irrigation District and Big Bend Irrigation District hereby withdraw their protest
and withdraw as intervenors in these matters.

Dec. 1, 1998

Wilder Irrigation District

Douglas Nomi
by

Dec. 10, 1998

Big Bend Irrigation District

Reino Sillanpaa
by

MICROFILMED

APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12399 IN THE)
NAME OF J.R.SIMPLLOT AND)
APPLICATION FOR PERMIT NO.)
63-12420 IN THE NAME OF MICRON)
TECHNOLOGY INC.)

WITHDRAWAL OF PROTEST
ON BEHALF OF BOISE-KUNA
IRRIGATION DISTRICT AND
NEW YORK IRRIGATION
DISTRICT

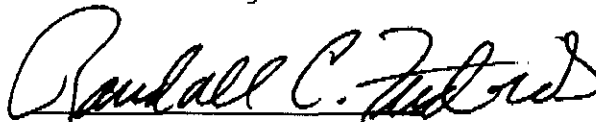
On December 22, 1997, the Boise Project Board of Control, on behalf of its five member irrigation districts (Wilder Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, Big Bend Irrigation District, and Boise-Kuna Irrigation District), filed its "NOTICE OF PROTEST" regarding the above captioned applications for permit.

Subsequently, it was decided by the Boise Project Board of Control that each District would act on its own regarding the protest as provided in the Notice of Protest which states: ". . . each of said member districts reserves the right to withdraw or amend said Protest as it may relate to them."

Boise-Kuna Irrigation District and the New York Irrigation District by Board action do hereby Withdraw as Protestants. This is not to affect the rights of the remaining Districts, Wilder Irrigation District, Big Bend Irrigation District or the Nampa & Meridian Irrigation District, to take what action regarding said Protest they may deem advisable. The undersigned attorney, Randall C. Fredricks will not be representing the remaining Districts.

Dated this 16th day of November, 1998.

Boise-Kuna Irrigation District
New York Irrigation District


by Randall C. Fredricks
Attorney-at-Law

MICROFILMED

APR 13 1999

I hereby certify that on the 16th day of November 1998, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, upon the following:

Michael D. McIntyre
Micron Technology, Inc.
8000 S. Federal Way
Boise, ID 83707-0006

Via Facsimile to 208-368-4540

Vic Conrad
J. R. Simplot Co.
999 Main St. Ste. 1300
Boise, ID 83707

Via Facsimile to 208-389-7333



Randall C. Fredricks
Attorney-at-Law

MICROFILMED

APR 13 1999

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Applications for Permit Nos. 63-12399 in the Name of J. R. Simplot and 63-12420 in the Name of Micron Technology Inc.

Place: IDWR, 1301 N. Orchard, Boise, Idaho 83706

Date: November 18, 1998

Conducted by: Gary Spackman

NAME

ADDRESS

Dir. Council

P.O. Box 27 Boise, ID 83707

Terry Whiting

" "

JOHN CHAPMAN

8000 S. FEDERAL WAY BOISE, ID 83706

Terry Scanlan

600 E. River Park Ln #105, Boise, ID 06

Mike McIntyre

800 S. Federal Way Boise, ID. 83707

[Signature]

13957 *[Signature]* Rd. Caldwell, Ida.

MICROFILMED

APR 13 1999

**LAW OFFICES
RANDALL C. FREDRICKS**

RECEIVED

NOV 18 1998

**WATER RESOURCES
WESTERN REGION**

P. O. BOX 2835
BOISE, IDAHO 83701-2835
TELEPHONE (208) 384-5144
FAX (208) 433-8976

November 17, 1998

Mr. Gary Spackman,
Regional Director
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Spackman:

Re: Simplot/Micron Water Application Protest
Application No. 63-12399 and No. 63-12420
Our File No. 97065-01

Enclosed is the original copy (FAX copy sent to your office yesterday, November 16) of Withdrawal of Protest for Boise-Kuna and New York Irrigation Districts regarding the captioned water applications.

Very truly yours,

Randall C. Fredricks
Randall C. Fredricks *ref*

RCF:rlf

Enc. As Noted

Boise Project#2

MICROFILMED

APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 63-12399 IN THE	)	
NAME OF J.R.SIMPLOT AND	)	WITHDRAWAL OF PROTEST
APPLICATION FOR PERMIT NO.	)	ON BEHALF OF BOISE-KUNA
63-12420 IN THE NAME OF MICRON	)	IRRIGATION DISTRICT AND
TECHNOLOGY INC.	)	NEW YORK IRRIGATION
	)	DISTRICT

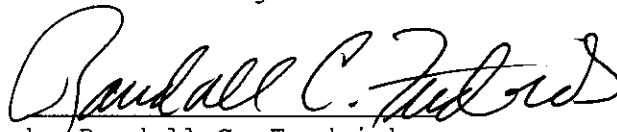
On December 22, 1997, the Boise Project Board of Control, on behalf of its five member irrigation districts (Wilder Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, Big Bend Irrigation District, and Boise-Kuna Irrigation District), filed its "NOTICE OF PROTEST" regarding the above captioned applications for permit.

Subsequently, it was decided by the Boise Project Board of Control that each District would act on its own regarding the protest as provided in the Notice of Protest which states: ". . .each of said member districts reserves the right to withdraw or amend said Protest as it may relate to them."

Boise-Kuna Irrigation District and the New York Irrigation District by Board action do hereby Withdraw as Protestants. This is not to affect the rights of the remaining Districts, Wilder Irrigation District, Big Bend Irrigation District or the Nampa & Meridian Irrigation District, to take what action regarding said Protest they may deem advisable. The undersigned attorney, Randall C. Fredricks will not be representing the remaining Districts.

Dated this 16th day of November, 1998.

Boise-Kuna Irrigation District
New York Irrigation District


by Randall C. Fredricks
Attorney-at-Law

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APR 13 1999

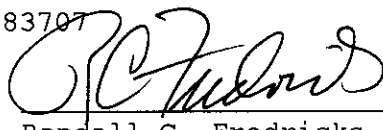
I hereby certify that on the 16th day of November 1998, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, upon the following:

Michael D. McIntyre
Micron Technology, Inc.
8000 S. Federal Way
Boise, ID 83707-0006

Via Facsimile to 208-368-4540

Vic Conrad
J. R. Siimplot Co.
999 Main St. Ste. 1300
Boise, ID 83707

Via Facsimile to 208-389-7333



Randall C. Fredricks
Attorney-at-Law

MICROFILMED

APR 13 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1998

MICHAEL D MCINTYRE
MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

Re: Application for Permit No. 63-12420 in the Name of Micron Technology, Inc.

Dear Mr. McIntyre:

This letter is to acknowledge the withdrawal of protest and agreement of conditons of the above-referenced application for water right.

There are still protests remaining on this application, therefore the application will be held in our protest drawer until the protests can be resolved.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

CC: Interested Parties

MICROFILMED

APR 13 1999



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NOV 05 1998

WATER RESOURCES
WESTERN REGION

E-MAIL: mmcintyre@micron.com

DIRECT DIAL: (208) 368-4545
FACSIMILE: (208) 368-4540

November 5, 1998

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

Re: IDWR Application No. 63-12420

Dear Gary:

Enclosed please find a fully executed Withdrawal of Protest and Agreement of Conditions signed by Idaho Rivers United and Micron Technology, Inc. for filing in the above-named matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael D. McIntyre", with a long, sweeping horizontal line extending to the right.

Michael D. McIntyre
Assistant General Counsel

MDM:tgb

Enclosure

cc: M. Bridges (w/ fully executed original of Withdrawal of Protest and Agreement
of Conditions)
J. Chapman w/o enc.
T. Scanlan w/o enc.

MICROFILMED

APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

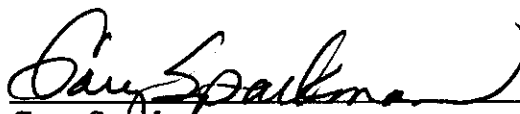
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-12399 IN THE)
NAME OF J.R. SIMPLOT AND)
APPLICATION FOR PERMIT NO.)
63-12420 IN THE NAME OF MICRON)
TECHNOLOGY INC.)

**AMENDED NOTICE OF
PREHEARING CONFERENCE**

The prior prehearing conference in the above-referenced matter scheduled for October 28, 1998, has been canceled. The prehearing conference will now be held on **Wednesday, November 18, 1998, at 10:00 a.m.** The location of the conference remains the same at the Idaho Department of Water Resources, upstairs conference rooms A & B, 1301 N. Orchard, Boise, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 3rd day of October, 1998.



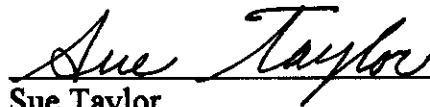
Gary Spackman

MICROFILMED

APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of October 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

J R SIMPLOT CO INC
PO BOX 27
BOISE ID 83707

RANDALL C FREDERICKS
BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705

TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

MARTI BRIDGES
IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

DIANE PAULSEN
WILDER IRRIGATION DIST
PO BOX 416
CALDWELL ID 83606-0416

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 63-12399 IN THE)	NOTICE OF CONFERENCE
NAME OF J.R. SIMPLOT AND)	
APPLICATION FOR PERMIT NO.)	
63-12420 IN THE NAME OF MICRON)	
TECHNOLOGY INC.)	
)	

On June 6, 1997, J. R. Simplot Co. filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho, and on June 6, 1997, Micron Technology Inc. filed with the department an application for permit. The applications were protested by Boise Project Board of Control and Idaho Rivers United and Wilder Irrigation District requested to intervene.

The department has scheduled a conference for the protest to be held on Wednesday, October 28, 1998, at 10:00 a.m. in conference rooms A & B of the Department of Water Resources, 1301 N. Orchard, Boise Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 23rd day of September, 1998.

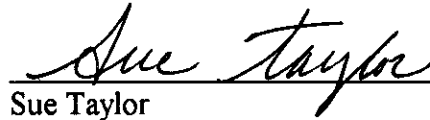


Gary Spackman

MICROFILMED

APR 13 1999

I hereby certify that on the 24th day of September 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

MICRON TECHNOLOGY INC
PO BOX 6
BOISE ID 83707-0006

J R SIMPLOT CO INC
PO BOX 27
BOISE ID 83707

RANDALL C FREDERICKS
BOISE PROJECT BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705

TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

MARTI BRIDGES
IDAHO RIVERS UNITED
PO BOX 633
BOISE ID 83701

DIANE PAULSEN
WILDER IRRIGATION DIST
PO BOX 416
CALDWELL ID 83606-0416

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

APR 13 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED
APR 13 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 5, 1998

MARTI BRIDGES
ID RIVERS UNITED
PO BOX 633
BOISE ID 83701

Re: Application for Permit No. 63-12399 in the Name of J R Simplot Co.

Dear Ms. Bridges:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for water right.

There are still protests remaining on this application, therefore the application will be held in our protest drawer until the protests can be resolved.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicant

MICROFILMED

APR 13 1999



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

AUG 05 1998

WATER RESOURCES
WESTERN REGION

August 4, 1998

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

Re: IDWR Application No. 63-12399.

Dear Gary:

With respect to the Protest of the above Application filed by Idaho Rivers United, enclosed is a Withdrawal of Protest and Agreement of Conditions signed by Marti L. Bridges, Water Policy Director of Idaho Rivers United and Ronald N. Graves, Vice President of the J. R. Simplot Company.

Sincerely,

Vic Conrad
Simplot Land and Development

Enclosure

C: M. Bridges (with fully executed original of Withdrawal of Protest and Agreement of Conditions)
J. Chapman w/o enclosure
M. McIntyre w/o enclosure
T. Scanlan w/o enclosure

MICROFILMED

APR 13 1999

IN THE MATTER OF APPLICATION FOR) WITHDRAWAL OF PROTEST
)
 PERMIT NO. 63-12399 IN THE NAME) AND
)
OF THE J. R. SIMPLOT COMPANY) AGREEMENT OF CONDITIONS

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit. Accordingly the undersigned protestant agrees to withdraw the protest to the approval of this application.

1. If measured or calculated Boise River flows at the point of diversion are less than 240 c.f.s during the period beginning June 16 and ending February 29 the applicant will forego is right to divert water under the permit issued based on the above-referenced application.
2. If measured or calculated Boise River flows at the point of diversion are less than 1,100 c.f.s during the period beginning March 1 and ending May 31 the applicant will forego is right to divert water under the permit issued based on the above-referenced application.
3. Measured or calculated Boise River flows at the point of diversion shall be based on gauged Lucky Peak Dam discharge minus the gauged diversion to the New York Canal.

APPLICANT

J. R. SIMPLOT COMPANY

By:

Its

Date:

PROTESTANT

IDAHO RIVERS UNITED

By:

Its:

MICROFILME

Date:

APR 13 1999



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

RECEIVED

MAR 25 1998

Department of Water Resources

1445 North Orchard, Boise, ID 83706-2239, (208) 373-0550

Philip E. Batt, Governor

March 23, 1998

63-12399

Helen Harrington, P.G.
Idaho Department of Water Resources
PO Box 83720
Boise, ID. 83720-0098

RE: Draft Permit for Construction of Injection Well No. 63-W-156, in the name of Micron Technology, Inc.

Dear Ms. Harrington:

Thank you for the opportunity to review the draft permit for the injection of Boise River water. It is our understanding that the water to be injected will be treated by ultrafiltration to a standard that at least meets current drinking water standards.

Based on the information submitted, we have no comments concerning the injection activity or draft permit. Please call Rob Howarth at 373-0404 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "S. E. West", written over a horizontal line.

Stephen E. West
Regional Administrator

SEW:rh:H:\DATA\WP\INJWELL\GEOINJ.D97

cc: Rob Howarth, DEQ-Boise Regional Office
Source File #14 - IDWR
Reading File

MICROFILMED

APR 13 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 17, 1998

WILDER IRRIGATION DISTRICT
PO BOX 416
CALDWELL ID 83606

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420 in the
Name of Micron Technology

Dear Protestants:

We are in receipt of your letters dated February 4 and 10, 1998, in which you requested
to intervene in the above-referenced matter.

By copy of this letter we are advising the applicant of your intervention and unless the
applicant has a valid objection, we will consider you to be an intervenor.

Please feel free to contact this office if you have questions about the procedure for
intervention or other matters related to the applications.

Sincerely,

Gary Spackman

GS:st

CC: Applicants

MICROFILMED

APR 13 1998

DIRECTORS
WARREN TOLMIE
JOHN J. HOCKBERGER
VERNON E. CASE
STEPHEN K. GARMAN
WARREN D. TRUESDELL JR.
DOUGLAS NORRIS
ALFRED F. SARCEDA

Wilder Irrigation District

709 CLEVELAND BOULEVARD • P.O. BOX 416

Caldwell, Idaho

83606-0416

TELEPHONE (208) 459-3421

RECEIVED

FEB 05 1998

WATER RESOURCES
WESTERN REGION

DIANE PAULSEN
SECRETARY-TREASURER

February 4, 1998

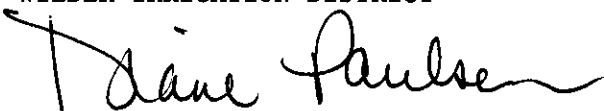
*Simplot
63-12399*

To Whom It May Concern:

Pursuant to Rule 6 of the Rules and Regulations, we are requesting to become a full party to this action. Please find enclosed our \$25.00 protest fee.

Sincerely,

WILDER IRRIGATION DISTRICT


Diane Paulsen
Treasurer

DP:ls

Enc: check #6270

MICROFILME
APR 13 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W023425**

Date: **2/ 5/1998**
Time: **14:50:43**

Received
From: **WILDER IRRIG DIST**

Type of Payment	Program A cct	Amount
PROTEST FEE APP NO 63-12399.SIMPL0T	62103	229 21 1155
		25.00

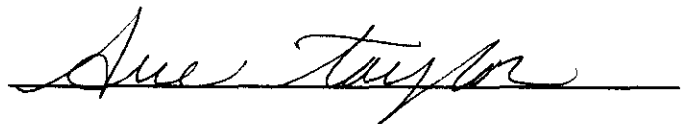
CHECK

6270

Total \$ 25.00

Region: **WESTERN**

Signature:



MICROFILMED
APR 13 1999

CONVERSATION MEMORANDUM

DATE 1/20/98
 FILE ① 63-12399 - Singplot
 ② 63-12420 - Microm
 ③ NMID Transfer Appl.
 ④ 63-00161 BN - Surprise Valley

NAME OF PARTY LEE Siu, water master
 EMPLOYEE FL

RE: Boise River Pump Station

RE: water continued via water bank OK. for pump station (beyond specific W.R. # authorizing use) -

Parties have been negotiating with BOR c 3000 AF (?) of storage from Anderson Ranch Res but nothing firm'd up yet.

The only leases of water for pump station have been for Surprise Valley while its WR's were not usable (maintenance problems re 63-00161 BN).

Approx $\leq$ 1000 AF leased for S. Valley plus in last 3 seasons but nothing for proposal plus in Singplot or Microm Appls. 63-12399 & -12420

(or c 300 ± AF per year).

original - NMID Transfer & Reg'n
 cc - 3 W.R. files noted above

MICROFILMED

APR 13 1998



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

RECEIVED

JAN 20 1998

WATER RESOURCES
WESTERN REGION

1445 North Orchard, Boise, ID 83706-2239, (208) 373-0550

Philip E. Batt, Governor

January 15, 1998

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

Re: Applications to Appropriate Water, Permit Nos. 63-12420 and 63-12399

Dear Mr. Spackman:

At the request of Micron Technology, we are providing comments to you regarding their application to appropriate water from the Boise River for artificial aquifer recharge and direct industrial use. The treatment of the surface water to drinking water standards prior to subsurface injection is commendable and eliminates our concerns about introducing pathogens and other contaminants into the ground water. The following comments address procedural issues related to our administration of rules governing the land application of waste water or recharge waters (IDAPA 16.01.02.600).

1. The application of recharge waters must be restricted to the designed application site unless permission has been obtained from the Department of Health and Welfare (DEQ) authorizing discharge to other areas.
2. Monitoring in the proximity of the application site is required. A monitoring plan may need to be coordinated with DEQ and IDWR if similar requirements exist with respect to the construction and operation of injection wells.
3. An evaluation of subsurface characteristics should be provided to DEQ. The evaluation should include information on soil types and thickness, depth to bedrock, lithologic description of the bedrock, depth to ground water, and wells within one mile radius of the site.

I hope that these comments are useful to you as you evaluate the applications. Please contact me at 373-0550 or Rob Howarth at 373-0404 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen E. West".

Stephen E. West
Regional Administrator

SEW:rh:kh:H:\DATA\WP\COMMENT\MICINI.198

cc: Rob Sterling, Micron Technology
Scott Short, DEQ

MICROFILMED

APR 13 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILDER IRRIGATION DISTRICT
PO BOX 416
CALDWELL ID 83606

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420 in the Name of Micron Technology.

Dear Protestants:

We are in receipt of your correspondence dated December 22, 1997, in which you expressed concerns about the approval of the above-referenced applications for permit.

We are not considering your letter as a petition to participate as a full party. You may be aware that protests were received by this office in a timely manner. Therefore, the applications are currently officially protested.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention and paying a \$25 protest fee. A copy of the rules and regulations is enclosed.

Please feel free to contact this office if you have questions about the procedure for intervention or other matters related to the applications.

Sincerely,

Gary Spackman

GS:st

Enc: Rules & Regulations, Practice & Procedure

MICROFILMED

APR 13 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VIC CONRAD
J R SIMPLOT CO
PO BOX 27
BOISE ID 83702

Re: Application for Permit No. 63-12399 in the Name of J. R. Simplot

Dear Applicant:

Enclosed are protests filed against the issuance of a permit pursuant to the above-referenced application. We also have enclosed copies of three letters of concern which were sent to the Department. The Department suggests that you contact the protestants and attempt to resolve the protests.

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

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

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 6, 1998

RANDALL C. FREDERICKS
BOISE PROJ BOARD OF CONTROL
2465 OVERLAND RD
BOISE ID 83705

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420
in the Name of Micron Tech. Inc.

Dear Protestant:

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

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

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

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

Sincerely,

Gary Spackman

GS:st

MICROFILMED

APR 13 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARTI L BRIDGES
ID RIVERS UNITED
PO BOX 633
BOISE ID 83701

Re: Applications for Permit Nos. 63-12399 in the Name of J.R. Simplot and 63-12420
in the Name of Micron Tech. Inc.

Dear Protestant:

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

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

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

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

Sincerely,


Gary Spackman

GS:st

MICROFILM

APR 13 1998

PUBLIC WORKS DEPARTMENT
CITY HALL
4TH FLOOR



H. BRENT COLES
MAYOR

COUNCIL MEMBERS

CAROLYN TERTELING
COUNCIL PRESIDENT
MIKE WETHERELL
COUNCIL PRO TEM

SARA BAKER
PAULA FORNEY
ANNE STITES HAUSRATH
M. JEROME MAPP

January 5, 1998

Steve Lester
Water Rights Supervisor
Department of Water Resources
State of Idaho, Western Region
2735 Airport Way
Boise, ID 83405-5082

RECEIVED

JAN 06 1998

WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 63-12420 (Micron)
Application for Permit No. 63-12399 (Simplot)

Dear Steve;

In response to your request, we will make the following brief and conceptual comments. We are supportive of the applicants' goal of using flood waters to supplement and support the ground water needs of the southwest Boise area. However, our support is conditioned on the following:

1. Any new water rights granted do not conflict with any previously granted or established water rights.
2. Any new water rights granted only when they are consistent with the attainment of the biologically-based minimum flow requirements for the Boise River as recommended by the Idaho Department of Fish and Game.

Again, we are supportive of the applicants' goals.

Sincerely,

Carl Ellsworth, P.E.
Environmental Manager

cc: John Chapman, Micron
Terry Scanlan, P.E., P.G.

Tparker\dwp\carl\SLester.wpd

MICROFILMED

APR 13 1999



ADA COUNTY DEVELOPMENT SERVICES

650 Main, Boise, Idaho 83702

BUILDING DIVISION — Phone: (208) 364-2277

PLANNING & ZONING — Phone (208) 364-2277

December 31, 1997

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

RECEIVED

JAN 06 1998

WATER RESOURCES
WESTERN REGION

RE: Water Right Permits 63-12420 & 63-12399

Dear Mr. Lester:

The Ada County Planning & Zoning Commission approved the Conditional Use Permit for the 4,030 sq. ft. pump station facility for irrigation, ground water recharge, and future domestic water for this project on August 15, 1996. This application was submitted by United Water Corporation in behalf of United Water, Micron, & J. R. Simplot Co.

The Commission conducted a public hearing on August 15, 1996 to receive public testimony and review the application. During the hearing, the applicant thoroughly reviewed the application which included the use of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility.

The Commission's action to approve the application was with full knowledge of the proposed uses of the water and as such an acknowledgment of support for the project.

If I can be of further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Unger", followed by a long horizontal line.

Robert C. Unger
Planner III

cc: file
Terry Scanlan

MICROFILMED

APR 13 1999

PROTEST INFORMATION SHEET

APPLICANT: Simplot

WR #: 63-12399

DATE FILED: 6-6-97

PROTEST DATE: 12-22-97

PROTESTANT(S) NAME & ADDRESS:

Wither Trig.

Boise Project Board of Control, Randall C. Fredericks, 2465
Overland Rd, Boise ID 83705

Withdrawn Idaho Rivers United, Marti L. Bridges, PO Box 633, Boise ID 83701

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters January 5, 1998

Hearing Notice _____

Hearing Date _____

Other: _____

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

December 22, 1997

Cindy Robertson
Idaho Department of Fish and Game
600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Cindy:

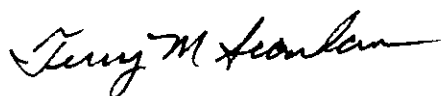
As a follow-up to my letter of December 12, 1997 and our telephone conversation of this morning, I present the following revised stipulation regarding the above referenced applications for permit.

Micron Technology, Inc. and J.R. Simplot Co. will not divert water from the Boise River under permit numbers 63-12420 and 63-12399 when measured or calculated Boise River flows at the point of diversion are less than 240 cfs during the June 16 through February 29 period, and less than 1,100 cfs during the March 1 through May 31 period. Furthermore, diversions under permit numbers 63-12420 and 63-12399 shall not cause the measured or calculated Boise River flows at the point of diversion to fall below 240 cfs during the June 16 through February 29 period, or 1,100 cfs during the March 1 through May 31 period. Calculated flow at the point of diversion will be based on gaged Lucky Peak Dam discharge minus the gaged diversion to the New York Canal.

In exchange for this stipulation, Micron and Simplot will require that Idaho Department of Fish and Game agree not to protest applications 63-12420 and 63-12399.

Please call me with any questions or comments.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED

APR 13 1999
DEC 24 1997

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

December 22, 1997

RECEIVED

DEC 24 1997

WATER RESOURCES
WESTERN REGION

Cindy Robertson
Idaho Department of Fish and Game
600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Cindy:

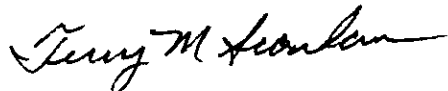
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In exchange for this stipulation, Micron and Simplot will require that Idaho Department of Fish and Game agree not to protest applications 63-12420 and 63-12399.

Please call me with any questions or comments.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc:  Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED

APR 13 1999

DIRECTORS
WARREN TOLME
JOHN J. HOCKBERGER
VERNON E. CASE
STEPHEN K. GARMAN
WARREN D. TRUESDELL JR.
DOUGLAS NORRIS
ALFRED F. SARCEDA

Wilder Irrigation District

700 CLEVELAND BOULEVARD • P.O. BOX 416

Caldwell, Idaho
83608-0416

TELEPHONE (208) 450-3421

DONNA M. YOUNG
SECRETARY-TREASURER

DIANE PAULSEN
ASSISTANT SECRETARY-TREASURER

December 22, 1997

Registered Mail

Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Protest Period Comments
J R Simplot Company
Application Permit #63-12399

Director, Idaho Department of Water Resources

Wilder Irrigation District has major interest in the water and water rights of the Boise River, including three dams and an off-stream storage of 9,000 acres.

J R Simplot Company has applied under Permit #63-12399 to appropriate the public waters of the Boise River. Wilder Irrigation District forwards the following Protest Period Comments:

1. The application fails to identify all water right sources. For example, the application lists the right to pump 15,000 CFS for Groundwater Recharge any day of the year when water is available in the Boise River. What water?? At what CFS flow in the river? If granted, does the permit become a legal water right to Boise River flood waters??

2. The indicated pump site at the Boise River is not the true point for measured diversion. The pump lifts commingled water rights to a private pond on private land. The pond is the true point for measured diversion. Application fails to indicate how the river watermaster manages accurate daily diversion records at the pond.

Request Wilder Irrigation District be placed on the Department mailing list of active participants.

RECEIVED

DEC 23 1997

WATER RESOURCES
WESTERN REGION

MICROFILMED

APR 13 1999

3/96

Receipt #: 6010957
Date: 12/22/97
By: RS

RECEIVED

DEC 3 1997

RECEIVED

DEC 22 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application No. 63-12399 and 63-12420
2. Name of protestant Boise Project Board of Control
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 2465 Overland Road, Boise, Idaho 83705
5. Service telephone no. 208-344-1141
6. Basis of protest (including statement of facts and law upon which the protest is based)
SEE ATTACHED.

(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22nd day of December, 19 97.

BOISE PROJECT BOARD OF CONTROL (See attached, Paragraph 3)
PROTESTANT

By: Randall C. Fredricks, Attorney

PROTESTANT'S REPRESENTATIVE

MICROFILMED

APR 13 1999

BASIS OF PROTEST

J. R. Simplot Co. and Micron Technology have filed simultaneous Applications for 15 CFS each of Boise River "available water" to be diverted at the same location on a year-round basis. The newspaper notice indicated that the water involved would be "flood water" but examination of the files indicates that the actual diversion would probably include flood water, winter flow water and normal flow water. The Applicants and the Department of Water Resources are evidently involved in ongoing negotiations to define the term "available water" with a proposed Stipulation allowing diversions from June 16 through February 29 when the river flow is in excess of 240 CFS and allowing diversions from March 1 through May 31 when the river flow is in excess of 1,100 CFS. This would allow a year-round diversion of 30 CFS by the two applicants. The intent is to pump the water into a storage reservoir and also to inject the water into the Southeast Boise Aquifer (designated a Ground Water Management Area) for later irrigation and industrial use. Our protest is based as follows:

1. Failure to comply with Section 42-202 Idaho Code. The uses involved are irrigation (Simplot) and Industrial (Micron). There is a failure to specify the number of acre feet of water that each applicant intends to store as required by Section 42-202. A continuous flow of 30 CFS would allow these applicants to store in excess of 21,700 acre feet of water or 10,850 acre feet each. How would this be handled for carry-over? What controls will be utilized regarding later diversions from the storage pond and the GWMA Aquifer for the uses designated? This is also a conflict with the local public interest (affairs of the people in the area directly affected by the proposed use) and contrary to the conservation of water resources in the State of Idaho (Section 42-203A Idaho Code).

2. This would also directly affect existing water rights as well as conflict with the local public interest in violation of Section 42-203A Idaho Code. As the Department of Water Resources is well aware, there is an ongoing and imminent threat to existing water rights in the Boise River Basin regarding future additional salmon flow augmentation requirements. There is a real probability that existing rights, including irrigation rights, may be affected by these required additional flows down the Boise River. If users such as Simplot and Micron are allowed to divert additional water from the Boise River for consumptive purposes, the available water for future salmon augmentation flow requirements will be reduced and directly affect existing irrigation rights and other water rights in the Boise River Basin. Steps should be taken now to conserve these "available waters" by State or Federal Agencies who could certainly take the same storage procedures as is proposed by Simplot and Micron to ensure that this water would be available for future salmon flow augmentation requirements and reduce the pressure to take existing irrigation rights for this purpose.

MICROFILMED

APR 13 1999

At the very least, any consideration to approving the Applications should be delayed pending further investigation.

3. As of December 19, 1997, there were no comments or protests by any State or Federal Agencies or other third parties regarding the Applications nor was the file clear as to the definition of "available rights" or what procedures would be set up to control the diversions from the storage reservoirs ("pond" and "aquifer"). The Protestant reserves the right to file additional comments and protests and further reserves the right to join in other protests that may be filed. The Protestant is composed of five individual irrigation districts; i.e., Wilder Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, Big Bend Irrigation District, and Boise-Kuna Irrigation District. Due to the limited time to file this Protest, each of said member districts reserves the right to withdraw or amend said Protest as it may relate to them.

Boise Project Board of Control



by: Randall C. Fredricks
Attorney-at-Law

CERTIFICATE OF MAILING

The undersigned, Randall C. Fredricks, does hereby certify that a copy of the Protest was mailed, postage prepaid, to the following:

J. R. Simplot Co.
999 Main St.
Boise, Idaho 83702

Micron Technology, Inc.
8000 S. Federal Way
Boise, Idaho 83716



Randall C. Fredricks

12/22/97

MICROFILMED

APR 13 1999

RECEIVED

DEC 05 1997

Department of Water Resources

WATER RESOURCES BOARD

1301 N. Orchard

Boise, ID 83706

Refer: Micron

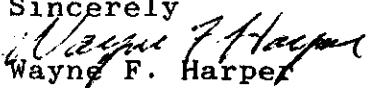
J.R Simplot

These people, I am told, are requesting permission to take 30 second feet of water out of the Boise River. Run it through a purification process and the inject into the aquifer so that they can pump it for there use. Then run it down the sewer.

With the present technology they could have there own sewer treatment plant, remove all the nitrated and phosphates and with chorlination the effluent would be drinkable. By recycling the water in this manner the environment would become cleaner. The use of the water out of the aquifer would be lessened. There is also a process which reduces the sludge to a dry form and is useable on lawns,golf courses, etc.

I would certainly suggest they be encouraged to look further into this process. I also suggest that their request be turned down.

Sincerely


Wayne F. Harper

1990 Cherry Lane

Emmett, ID 83617

MICROFILMED

APR 13 1999

RECEIVED

W023330

1

DEC 22 1997

WATER RESOURCES
WESTERN REGION

Marti L. Bridges
Water Policy Director
Idaho Rivers United
PO Box 633
Boise, ID 83701

December 19, 1997

208-343-7481

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF
APPLICATION FOR PERMIT TO
APPROPRIATE WATER,
RIGHT NO. 63-12399, IN THE NAME OF
J. R. SIMPLOT COMPANY
OF BOISE, IDAHO

PROTEST AND PETITION TO
INTERVENE

Idaho Rivers United, the Idaho Conservation League, Trout Unlimited-Ted Trueblood Chapter, Boise Valley Fly Fishers, and the Idaho Wildlife Federation jointly file this protest and petition to intervene. The conservation, sporting and fishing groups will be represented by Laird Lucas of the Land and Water Fund of the Rockies - Idaho Office. Hereafter we will be known as Idaho Rivers United et al.

Idaho Rivers United is an Idaho non-profit corporation representing 1600 members in improving river and stream management in keeping with public interest and public trust considerations. Idaho Conservation League is a statewide non-profit corporation representing 3000 members on stewardship of publicly held resources including public lands, water quality, watershed health and biological health. Trout Unlimited - Ted Trueblood Chapter is a non-profit local chapter of Trout Unlimited, a national organization dedicated to preserving, protecting, and enhancing cold water fisheries. TU - Ted Trueblood Chapter represents over 300 local anglers in the Treasure Valley. The Boise Valley Fly Fishers is a local non-profit fishing organization with over 250 members who have worked hard to preserve, protect and enhance the fishery and fishing values in the Boise River. Idaho Wildlife Federation is the states oldest non-profit fishing and sporting organization representing over 5000 members in fish and wildlife resource management issues.

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APR 13 1999

Idaho Rivers United et al. use and enjoy the Boise River for recreational boating, fishing, wildlife viewing, hunting, photography and contemplative recreational use. Idaho Rivers United et al. have a direct and substantial interest in the above proceedings in that many of our members could be negatively impacted by the proposed appropriation of water for irrigation and groundwater recharge.

Idaho Rivers United et al. is concerned that new appropriations of water from the Boise River will adversely impact the affected reach by impairing the recreational experience, cause adverse impacts to resident fish and wildlife habitat, reduce instream flows, reduce flood flows which contribute to stream health and function, raise water temperatures (through irrigation runoff) and may further impair water quality. The Idaho Water Resource Board and Idaho Dept. of Water Resources has determined the Boise River is fully appropriated. The Idaho Water Resource Board rejected a minimum streamflow request by the Idaho Dept. of Fish and Game on December 10, 1993 because the river is fully appropriated. The issuance of this water right may cause irretrievable impacts to the Boise River, adversely impact the family farming tradition and is not in the public interest.

In summary, we believe that approval of this water right application is not in the "local public interest" under IC 42-203A(5); is contrary to the conservation of water resources within the State of Idaho under IC-42-203A(5); may adversely impact the family farming tradition and is speculative in nature.

Idaho Rivers United et al. requests that a hearing be scheduled to consider the public impacts that this proposed water right may have. We recommend denial of the water right application until such hearing occurs.

Please place Idaho Rivers United et al. on the service list.

Sincerely,

Dated December 19, 1997

Marti L. Bridges

Marti L. Bridges
Water Policy Director
Idaho Rivers United

copies mailed to:

Karl Dreher, Director
Idaho Dept. of Water Resources
Statehouse Mail

MICROFILMED
APR 13 1999

Boise, Idaho 83720

Gary Spackman, Regional Director
Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Laird Lucas
Land and Water Fund of the Rockies
PO Box 1612
Boise, ID 83701

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

MICROFILMED

APR 13 1993

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

RECEIVED

DEC 19 1997

WATER RESOURCES
WESTERN REGION

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

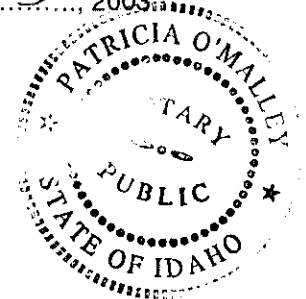
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 4th day of December, 1997, last publication having been made on the 11th day of December, 1997, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 17th day of December, 1997

Patricia O'Malley
Notary Public

My commission expires January 3, 2003



MICROFILMED

APR 13 1999

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a BOISE RIVER pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 63-12399, J R SIMPLOT CO., PO BOX 27, BOISE ID 83707: Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

No. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707: Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: December 4, 11, 1997

MICROFILMED
1997 1 3 1405

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

December 16, 1997

Carl Ellsworth
Public Works Department
City of Boise
P.O. Box 500
Boise, ID 83701-0500

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Carl:

We appreciate your attendance, along with that of Bill Ancell, Mike Hunter, and Cathy Chertudi, at Micron's December 4, 1997 presentation regarding aquifer recharge in southeast Boise. As discussed at the presentation, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge. These new appropriations will be subject to all prior water rights, and delivery of water will be controlled by the watermaster of State Water District No. 63. Copies of the permit applications are enclosed for your reference.

The two proposed water appropriations will provide substantial benefits to residents of the City of Boise. We propose to appropriate water that is currently released for flood control purposes. Diversion of these flood control waters will provide new water supplies to the southeast Boise area, and thereby lessen the dependence on the groundwater supply in that area.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive comment from the City regarding Applications for Permit Nos. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules. We are hopeful the City will be supportive, as was the case in your previous comment letter of August 12, 1996 regarding the pump station and pipeline project.

APR 13 1999
MICROFILMED

December 16, 1997

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,

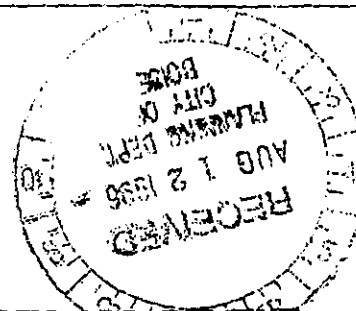
A handwritten signature in cursive script, appearing to read "Terry M. Scanlan".

Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

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APR 13 1999

CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: August 12, 1996

To: Bill King
Boise City Planning

From: Carl Ellsworth *CBE*
Public Works Department

Subject: CU 96-53

The Boise City Public Works Department staff has discussed and met with several representatives of United Water of Idaho (UWI), Surprise Valley Partnership, J.R. Simplot Company, and Micron Technology.

Conceptually, we find the project meets the long-term goals of our community. The project is to replace groundwater with surface water for irrigation purposes. This project could also provide groundwater recharge, and potentially domestic water supply.

The project designers have advised us that the pumping facility will eventually have the capacity to pump 51 cubic feet per second (cfs) of surface water (Boise River) at an existing diversion point. Currently, Surprise Valley has a 3 cfs water right. Water rights for the remaining 48 cfs are being pursued. The project will ultimately use two 30 inch raw water lines to distribute to the various uses as listed above and a 12 inch water line for distribution of treated water. One of the 30 inch water lines will discharge to a pond for Simplot and Micron use. The other 30 inch water line is for a future potable water treatment facility.

We have been assured that UWI will not include their share of the capital costs of this facility in the United Water rate base until the project is being fully used. UWI estimated that it would be 7 to 10 years before the facilities would be used for potable water purposes.

Again, we conceptually support the project to meet long-term goals of our community. This project meets many of the Boise Visions goals such as reducing dependence on groundwater (dual irrigation), recharge of groundwater aquifer, and increasing supply for domestic use.

cc: Bill Ancell, Public Works Director
Chuck Mickelson, City Engineer
Catherine Chertudi, Groundwater Manager

I:\USERS\TPARKER\DWPCARL\KING.MEM 8/12/96

MICROFILMED

APR 13 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

December 16, 1997

Lee Sisco
Watermaster
State Water District 63
6616 Overland Road
Boise, ID 83709

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Lee:

As you know, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive comment letters from the District 63 watermaster regarding Applications for Permit Nos. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules.

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED
APR 13 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

December 16, 1997

Bob Unger
Ada County Development Services
650 West Main Street
Boise, ID 83702

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Mr. Unger:

We appreciate the attendance by Patricia Nielson of your office at Micron's December 4, 1997 presentation regarding aquifer recharge in Southeast Boise. As discussed at the presentation, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge. These new appropriations will be subject to all prior water rights, and delivery of water will be controlled by the watermaster of State Water District No. 63. Copies of the permit applications are enclosed for your reference.

The two proposed water appropriations will provide substantial benefits to residents of Ada County. We propose to appropriate water that is currently released for flood control purposes. Diversion of these flood control waters will provide new water supplies to the southeast Boise area, and thereby lessen the dependence on the groundwater supply in that area.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive comment from the County Commission regarding Applications for Permit Nos. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules. We are hopeful the Commission will be supportive.

MICROFILMED

600 East River Park Lane, Suite 105
Boise, Idaho 83706

APR 13 1999

Telephone (208) 383-4140
Facsimile (208) 383-4156

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot
Patricia Nielson - Ada County Planning and Zoning

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APR 13 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

DEC 15 1997

WATER RESOURCES
WESTERN REGION

December 12, 1997

Cindy Robertson
Idaho Department of Fish and Game
600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

Subject: Application for Permit 63-12420 - Micron Technology, Inc.
Application for Permit 63-12399 - J.R. Simplot Co.

Dear Cindy:

As you know, Micron Technology, Inc. has submitted an Application for Permit to appropriate 15 cfs of water from the Boise River for groundwater recharge and industrial uses at Micron's manufacturing facility in southeast Boise. Similarly, J.R. Simplot Company has submitted an Application to appropriate 15 cfs for groundwater recharge and irrigation uses at their lands in the Micron vicinity. The point of diversion for both permits will be the pump station at the Highway 21 bridge. These new appropriations will be subject to all prior water rights, and delivery of water will be controlled by the watermaster of State Water District No. 63.

In recent telephone conversations with you regarding the applications, Vic Conrad and I have indicated that Micron and Simplot are willing to stipulate to the following condition.

Micron Technology, Inc. and J.R. Simplot Co. will not divert water from the Boise River under permit numbers 63-12420 and 63-12399 when measured (or calculated) Boise River flows at the point of diversion are less than 240 cfs during the June 16 through February 29 period, and less than 1,100 cfs during the March 1 through May 31 period.

In exchange for this stipulation, Micron and Simplot will require that Idaho Department of Fish and Game agree not to protest applications 63-12420 and 63-12399.

I have enclosed letters of November 19, 1997 from Steve Lester of Idaho Department of Water Resources (IDWR). IDWR would like to receive written comment from your Department regarding Applications for Permit No. 63-12420 and 63-12399. The purpose of the comment letters is to assist IDWR in assessing the applications with respect to the local public interest criteria of the water appropriation rules. The comment letters will give you an opportunity to formally state the Department of Fish

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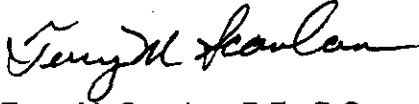
APR 13 1999

December 12, 1997

and Game's position on the proposed appropriations by Micron and Simplot. We trust that our proposed stipulation will allow your Department to comment favorably.

Please call me with any questions or comments. I would appreciate receiving copies of your comment letters.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc:  Steve Lester - IDWR
Mike McIntyre, John Chapman - Micron
Vic Conrad - Simplot

MICROFILMED

APR 13 1999

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following applications have been filed to appropriate the public water of the State of Idaho. Both proposed identical priority dates of 6/6/1997 for a BOISE RIVER pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:
NO. 63-12399, JR SIM-
PLOT CO., PO BOX 27,
BOISE IDAHO 83707: Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.
NO. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE, ID 83707: Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the Criteria of I.C. 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise, ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUBLISH: Thursday, December 4 and 11, 1997

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 30044

I, Emily McKnight being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated December 4, 19 97, and ending with the issue dated December 11, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of Dec. in the year of 1997, before me,

a Notary Public, personally appeared Emily McKnight, 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 acknowledged to me that he executed the same.

Lewia R. Feltman
Notary Public for Idaho

MICROFILMED

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

SEP 14 1999

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

Amount Due

LEGAL ADVERTISING INVOICE

\$67.68

Account Number/Trans. #

Identification

047628

NOTICE OF APPLICATION FOR WATER RIGHT

Ordered By

P.O. Number

Rate

Run Dates

SUE TAYLOR

NT

DECEMBER 4, 11, 1997

IDAHO DEPARTMENT WATER RESOURCES

Estimated Inches

Real Inches

WESTERN REGION

Affidavits

Legal Number

2735 AIRPORT WAY

BOISE, ID 83705-5082

1

9160

LEGAL NOTICE NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a **BOISE RIVER** pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 43-12399, JR SIMPLOT CO., PO BOX 27, BOISE ID 83707;

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

No. 43-12429, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707;

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
Pub. December 4 & 11, 1997

9160

JANICE HILDRETH

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly

single

consecutive daily

odd skip

insertion(s) beginning with the issue of

DECEMBER 4

1997

and ending with the issue of

DECEMBER 11

1997

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 11th day of DECEMBER in the year of 1997, before me, a Notary Public, personally appeared

JANICE HILDRETH

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 acknowledged to me that she executed the same.

Notary Public for Idaho

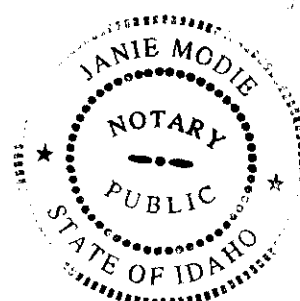
Residing at:

Boise, Idaho

My commission expires:

5703

MICROFILMED



Existing rights in
GWMA

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

Date 12/11/97 INVOICE NO. 161655

Account No. 964760

Description 161655NOTICEOFAPPLICAT

Times 2 Lines 53

Tab. Lines _____

\$ 72.88

RECEIVED

DEC 15 1997

WATER RESOURCES
WESTERN REGION

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a BOISE RIVER pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:
No. 63-12399, J.R. SIMPLOT CO.,
PO BOX 17, BOISE ID 83707.

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA. NO. 63-12426, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707.

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before DECEMBER 22, 1997. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published on December 4 and 11, 1997, in the Idaho Statesman, the Lewiston Tribune, the Post Register, and the Time News.

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 161655NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 12/04, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 12/04/97, and the last publication thereof being on the 12/11/97, and said 161655NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11

day of December 1997

MICROFILMED

Notary Public in and for the State of Idaho,
Residing at Lewiston, therein
Commission Expires 7/1/00

APR 13 1999

November 5, 1997

To: Those on the Attached List

Re: Applications for Permit Nos. 63-12420 in the Name of MicronTechnology, Inc. and 63-12399 in the Name of J.R. Simplot

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to you . Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by December 22, 1997.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED
APR 13 1999

LEE SISCO
BOISE RIVER WATERMASTER
6616 OVERLAND RD
BOISE ID 83709

CATHERINE CHERTUDI
SE BOISE GW ADV COMM
PO BOX 500
BOISE ID 83701-0500

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83701-1539

DANIEL STEENSON
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701-2773

BETTY BERMENSOLO
SW BOISE CITIZENS
1970 S CANONERO WY
BOISE ID 83709

BOISE VALLEY IRRIG DITCH
4822 ALAMOSA LN
BOISE ID 83703

SURPRISE VALLEY
PARTNERSHIP
871 E PARKCENTER BLVD
BOISE ID 83706

IDAHO RIVERS UNITED
413 W IDAHO
BOISE ID 83702

ADA CTY COMMISSIONERS
650 W MAIN
BOISE ID 83702

JOYCEANNE FICK
ADA CO P & Z
650 W MAIN
BOISE ID 83702

DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

ID DEPT FISH & GAME
600 S WALNUT
BOISE ID 83707

CANYON CTY COMMISSIONERS
1115 ALBANY ST
CALDWELL ID 83605

ANN HAUSRATH
BOISE CITY COUNCIL
150 N CAPITOL BLVD
BOISE ID 83702

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APR 13 1999

WR5809NP
No. 63-12399

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/25/97
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	06/06/1997	IRRIGATION GROUNDWATER RECHARGE	03/15 11/15 01/01 12/31	15.000 CFS 15.000 CFS	
TOTAL DIVERSION:					15.000 CFS	

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T02N R03E S04 Lot 06(NWNE)

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE					
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM			
02N	02E	1	: 01-14		23	:									37.0		
02N	03E	4	:				26	07	:	04	35	39	36	:	40 38	225.0	
02N	03E	5	: 01-10		37	39	:	24	33	:	40	40	30	40	:	40 40 35 35	443.0
02N	03E	6	:		16	18	:		05-17	17	:						68.0
02N	03E	8	:	40	39		:	38	39		:					40	196.0
02N	03E	9	:	40			:				:				40 40	40 40	240.0
02N	03E	10	:				:				:	30	40	40	20	20	190.0
02N	03E	15	:	10	40	39	:	40	39	40	39	:	25	36			308.0
02N	03E	17	:	40			:				:						40.0
02N	03E	18	:	40			:				:				21		97.0
													TOTAL ACRES		1844.0		

Place of use Legal Description for: GROUNDWATER RECHARGE

02N	03E	6	:				:			07-G	G	:			G	:	
02N	03E	7	:		G	G	:	G	01-G	02-G	G	:	G		G	G	G

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-00161BN 63-12420 T63-00147

Remarks: Application proposes use of river water, when available, to
replace ground water diverted in SE Boise Ground Water Mngt.
Area.

Dates: App. Received: 06/06/1997 Priority Date: 06/06/1997
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/18/1997 User-ID: SLESTER Subject: PROCESSING UPDATE
An abbreviated legal notice is used as a cost-savings step. This filing involves the Boise River pump station shared by Surprise Valley (63-001618N, T.4737), Boise Valley Irr Ditch Co. (63-00147 T.5119 pending), similar Micron application 63-12420, and an unknown amount of leased etc. water obtained by applicant &/or other parties. An extensive mailing list is used for to solicit comments since the pump station and proposed P/U have a high profile.

Simplot & Micron applications both include 15 cfs each, identical priorities and overlapping recharge P/U in portions of Sections 6 and 7. Mitigation might be considered n/a since "excess water" is involved.

Large diversion supplemental information will be required for both filings. Officer names/titles are already on file with IDWR for both companies. No injection well applications have been filed by either applicant (a possible recharge method). No river water for proposed uses has been authorized within the P/U at this time. Note that pending T.5119 to move 3.97 cfs of Boise Valley Ditch water to this area would provide some overlap for irrigated lands from same source - all identical uses from same source should be limited to maximum beneficial use that can be recognized. Both filings propose a 30" pipeline from river to a pond & booster pumps in Section 5 (pond capacity less than 30 af so storage per application n/a). Access to P/D is via BOR easement/contract 6-07-10-L1431 and Ada County easement 96087899. P/U ownership includes both applicants, a Simplot Trust, and S-Sixteen Limited Partnership; pending agreements will allow use on land.

Note that P/D is Gov't Lot 6 &/or 7 (both in NWNE). Exact lot can be determined in future field exam.

For Simplot application: irrigation will be limited to 1000 acres within 1844 acre PPOU; ground water recharge will be same legal as irrigation (data entry does not show this correctly but maybe can be corrected with condition of approval) plus will include the same recharge area proposed in Micron filing (no irrigation proposed at overlapping recharge area).

Audit: 06/13/97 STAYLOR 11/18/97 SLESTER 11/19/97 SLESTER



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Sent ✓

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12/3/97

TO: Marti Bridges
ID River
fax 343-9376

FROM: Steve Lester

DOCUMENT DESCRIPTION: Copies of River Appls.
63-12399 5. rip/107
63-12420 min

TOTAL PAGES SENT: 6 + COVER SHEET

CONTACT: _____

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APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

5entv

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 11/25/97

TO: Dick Larsen

FROM: Steve Lester

63-12399 & 63-12420

DOCUMENT DESCRIPTION: PRESS Release Request-
PLEASE issue press release for Id. Stateman & Nampa Press
Tribune & this legal notice that will run "statewide" in
Boise, Twin Falls, ID Falls & Coeur d'Alene in 1st 2 weeks of
December. Gary J. has discussed with Norm J. ~~that~~ they agreed
and

TOTAL PAGES SENT: 01 + COVER SHEET

CONTACT:

*that press release locally (at least) is good idea.
let me know if have any questions & if that I can
help you with the bottom line idea is to input
water into SE Boise guma to assist in better mgmt.
of available resources.*

MICROFILMED

Harles APR 13 1999 *St*

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public water of the State of Idaho. Both propose identical priority dates of 6/6/1997 for a **BOISE RIVER** pump station in Gov't Lot 6 or 7 (NWNE) S4, T2N R3E, Ada County near the new Hwy 21 bridge. Rights will be used when water is available (high runoff etc.) as follows:

No. 63-12399, J R SIMPLOT CO., PO BOX 27, BOISE ID 83707:

Irrigation 15.0 cfs 3/15-11/15, Ground Water Recharge 15.0 cfs all year, total of 15.0 cfs to irrigate 1000 acres/year in 1844 acre permissible place of use plus recharge in portions of S1 (T2N R2E) and S4-6, 8-10, 15, 17 & 18 (T2N R3E), within part of SE Boise Ground Water Mngt. Area (GWMA). River water will replace ground water now used in GWMA.

No. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707:

Industrial 5.0 cfs & Ground Water Recharge 15.0 cfs, both all year for total of 15.0 cfs, used in S6 & 7 (portion of same recharge area listed in Simplot's 63-12399). Industrial use is for Micron facility. Recharge water will be stored in aquifer until recovered under existing rights in GWMA, and possibly can be used as mitigation for future applications in GWMA.

These permits will be subject to all prior water rights, which include watermaster control. Protests may be submitted based on the criteria of I.C. § 42-203A. Each protest requires a \$25 fee per protested application and must be filed with the Director, Dept. of Water Resources, 2735 Airport Way, Boise ID 83705-5082 on or before **DECEMBER 22, 1997**. The protestant must send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in <statewide_papers_listed> on <dates>.

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APR 13 1999

From: DWR80::SLESTER 25-NOV-1997 11:41:25.10
To: DWR03::JJOHNSON
CC: SLESTER
Subj: WEEKLY LISTING

Jim, we have 3 of the 1992 M well appls. that are now being re-advertised for regular permit consideration so need to be put back on the weekly listing. These are 63-11786, 63-11787 & 63-11788 (Garrett). There's a lot of history here about why processing has resumed. Norm gave ok to Gary for us to proceed. My memo of explanation will be forwarded to S.O. with files once advertising etc. completed.

Will be advertised first 2 weeks of December.

Also on same advertising schedule are 2 appls. for permit where used WP ad prep instead of computer generated advertising. Sue will transmit electronically to S.O for weekly listing as she does with transfer appls.

These are 63-12399 (Simplot) & 63-12420 (Micron). Used WP ad prep since both will be statewide ads & lengthy QQ legals -- figured it would be clearer plus lots cheaper to shorten the ads.

thanks,

Steve

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APR 13 1999

CONVERSATION MEMORANDUM

DATE 11/24/97FILE 63-12399NAME OF PARTY JGG Belm63-12420EMPLOYEE JL

RE: _____

Vic Conrad 63-12399

left msg to call me 11/18
11/24

Terry Scanlon 63-12420

left msg to call me 11/24

Vic: - pond size 5.5 (contin capacity)
- PPM = 1844 not 1880 Acres

Terry: Pond size 5.5 (same as above)

* [Clarify before advertise. ✓

OK "24 hr. fill,"
storage w/A per
office visit by Terry
later in day.

Also send cc to S.O. - e PRESS RELEASE

(per 95 & Noy 11/22 discussion) ✓

(to Dick Larsen)

Done
11/25/97

APR 13 1999

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: APPLICATION FOR PERMIT NO. 63-12399

Dear Vic:

The above referenced application for permit regarding "excess flows" in the Boise River to be diverted via the new pumping plant will be advertised in the first two weeks of December. To assist this office in completing the initial processing steps, please submit additional information required by I.C. § 42-203A(5)(a-e) for "large diversion projects". This requirement includes the following items discussed in Water Appropriation Rules 37.03.08.05(c) through (g):

- 1) effect on existing water rights
- 2) sufficiency of water supply
- 3) good faith, delay or speculative purposes
- 4) financial resources
- 5) local public interest.

Most of the above items are self-regulating, e.g. watermaster control, or obviously not in need of explanation by your company, e.g. financial resources. However, the local public interest criteria should be addressed.

To meet the requirement of item 5, above, please submit comment letters from the following parties: Boise River Watermaster, City of Boise, Ada County Commissioners, Idaho Department of Fish & Game and Idaho Department of Health & Welfare (DEQ).

Your reply within 30 days will help facilitate the application processing. Please contact me at your convenience if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

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APR 13 1999

CON. ERSATION MEMORANDUM

DATE 11/13/97

FILE 63-12399

NAME OF PARTY See below

EMPLOYEE JL

RE: Processing

Vic General for 63-12399 (S. 1st)

Mika McIntyre for 63-12420 (Miami)

Both said want to proceed with processing asap
at SE Boca GOMA Adv. Comm. mtg.

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APR 13 1999

MEMORANDUM

TO: KARL DREHER - NORM YOUNG - GLEN SAXTON ... VIA GARY SPACKMAN

FROM: STEVE LESTER 

DATE: JULY 23, 1997

RE: SIMPLOT AND MICRON BOISE RIVER APPLICATIONS

Attached are copies of two water right applications filed at exactly the same time by Vic Conrad and Terry Scanlan on behalf of J.R. Simplot Co. and Micron Technology Inc., respectively. The filings involve the much discussed Boise River pump station near the new bridge downstream from Diversion Dam. The two gentlemen verbally requested that the regional office delay processing until further notice.

Gary Spackman informed me that the Director might want the filings to be processed at this time. Before this office takes any processing action, it seemed prudent to provide you with a copy of the filings for your consideration.

A few thoughts regarding the applications are passed on for your comments.

1. If water is sometimes available from the Boise River, why has the IWRB refused to consider any minimum stream flow filings for the river below Lucky Peak Reservoir? Are we not sending conflicting messages to the general public by taking the opposite stance from the board? Should the board be included in this discussion if we process the applications?

2. Item 4, page 3 of the May 3, 1995 order lifting the Boise River Moratorium states that applications for surface water upstream from the Star Bridge will be denied without acceptable mitigation. Is it IDWR policy that mitigation does not apply in this case since "excess flows" are involved?

3. Both filings include significant consumptive use components, either as irrigation use or other consumption. How can the applications be processed in light of the "irrigation (read: consumptive use?) delay" in place since last summer?

4. Are these filings compatible with Governor Batt's bull trout plan?

5. A short mailing list has been developed at this office for any IDWR activity related to the pumping station at the river. If these two filings are processed, do you anticipate a public meeting or other open forum for interested parties as part of the process? It is most likely that we will be asked this question if the applications are processed.

I look forward to hearing your thoughts on these twin filings.

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APR 13 1999

CONVERSATION MEMORANDUM

DATE

6/9/97

NAME OF PARTY

Terry Scanlon for Minn
Vic Conrad for Singlet 383-4140
389-7359

FILE

63-12399

EMPLOYEE

JL

RE:

APPLS. for BOISE R WATER - ADVERTISING DELAYED

After discussing the 2 Appl. (same for 15 cts
& having exactly same priorities) with Reg. Mgr., this
is the status for processing:

BOISE River BASIN - probably could proceed especially if
have storage New that could be drilled from
same pld (they are working on that now).

LARGER "imp delay" situation - cannot proceed until
S.O. gives OK.

Both Appl. will be held & Resin pending any
changes.

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APR 13 1999



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

June 6, 1997

RECEIVED

JUN 06 1997

WATER RESOURCES
WESTERN REGION

HAND DELIVERY

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

Re: Application for Permit - Boise River.

Dear Mr. Spackman:

Enclosed is an application for permit to appropriate 15 c.f.s of water diverted from the Boise River for irrigation and groundwater recharge purposes and a \$380.00 check to cover the application filing fee. The application proposes to divert river water when seasonally high flows are available to make beneficial use of the water that would otherwise be lost.

Water diverted under this application will be used within the area identified as the Southeast Boise Groundwater Management Area ("SBCGWMA"). Our intent is to utilize untreated surface water, when available, directly for irrigation and other uses that do not require a level of water quality or treatment generally associated with potable drinking water diverted from groundwater sources.

The other water use included in the enclosed application groundwater recharge. Two methods of recharge are proposed; (1) recharge through surface infiltration basins and (2) recharge through direct injection. We understand the importance of meeting the applicable water quality standards prior to recharging the aquifer through injection and we are committed to working closely with the Department through that permitting process.

These uses are directly consistent with the Department's stated objectives in holding applications made for new groundwater development in the Lower Boise River Basin (copy of undated Administrator's Memorandum No. 59 attached). To the extent surface water is available under this application it will be used to mitigate groundwater diversions made for a number of uses in the SBCGWMA.

This application proposes to make use of water that otherwise would be lost. The application will not have any negative effect on prior surface and ground water

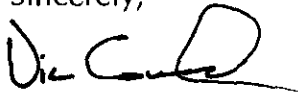
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Bringing Earth's Resources to Life

JUN 13 1999

rights. For these reasons we trust the Director will approve this application on the basis that it will not injure senior water rights and that the public interest is protected and indeed furthered by the proposed water uses.

Sincerely,

A handwritten signature in black ink, appearing to read "Vic Conrad", with a stylized, cursive script.

Vic Conrad
Simplot Land and Development

Enclosures

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APR 13 1999

RECEIVED

JUN 20 1996

WATER RESOURCES
WESTERN REGION

ADMINISTRATOR'S MEMORANDUM

To: Water Management Division

From: Norman C. Young *NCH*

APPLICATION PROCESSING
No. 59

RE: PROCESSING OF APPLICATIONS TO APPROPRIATE WATER IN
THE LOWER BOISE RIVER BASIN (BASIN 63)

Date:

On May 5, 1995, Director Higginson issued an Amended Moratorium Order which removed the moratorium on processing most applications for new appropriations of public water proposing a consumptive use in the Boise River Basin. As a result of the May 5, 1995 Amended Moratorium Order, the department has subsequently approved approximately 80 water right applications proposing irrigation use. The approvals were essentially limited to the use of "drought wells" which were constructed in 1992 under temporary approvals issued by the department.

There are approximately 170 additional applications proposing consumptive ground water use in the Lower Boise River Basin which extends downstream from Lucky Peak Reservoir to the mouth of the Boise River near Parma, Idaho.

During the 1995-1996 legislative session, the legislature appropriated \$300,000 for a study of ground water availability (study) in the Lower Boise River Basin. The appropriation was matched by United Water Idaho to make a total of \$600,000 available for the first year of the study. The study is expected to take approximately five (5) years to complete, although preliminary data concerning water availability is expected to be available within one (1) year.

Within the Boise River Basin two aquifers have been designated as having limited water supplies, i.e. the Boise Front Low Temperature Geothermal Ground Water Management Area and the Southeast Boise Ground Water Management Area.

Even though the moratorium has been lifted by the May 5, 1995, Amended Moratorium Order, the department should withhold approvals of most consumptive use applications in the Lower Boise River Basin until preliminary data from the study is available to be reasonably sure there is sufficient water for appropriation without injury to prior water rights.

Until further instructions are given, the following provisions apply to the processing of applications for ground water in Basin 63 downstream from Lucky Peak Dam:

1. All applications proposing a consumptive use of ground water, whether now pending or filed in the future are to be held without further processing except as herein provided.

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MEMORANDUM - Pg 1

APR 13 1999

2. These instructions do not affect the authorization to continue development of any existing approved application (permit).
3. These instructions do not apply to any application for domestic purposes as such term is defined in Section 42-111, Idaho Code. Applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be processed provided each unit satisfies the definition for the exemption of requirement to file an application for permit as described in said section.
4. These instructions do not apply to any application proposing a non-consumptive use of water as the term is used in Section 42-605A, Idaho Code.
5. These instructions do not apply to applications for drilling permits to replace or deepen existing wells having valid existing water rights nor to applications for transfer of existing water rights.
6. These instructions do not change or affect the administration of any area within the Boise River Basin that has been previously designated as a ground water management area pursuant to Section 42-233b, Idaho Code.
7. These instructions do not prevent the Director from reviewing for approval on a case-by-case basis an application which otherwise would not be processed at this time if,
 - a) Protection and furtherance of the public interest as determined by the Director, requires immediate consideration and approval of the application;
 - b) The Director determines that the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water or mitigation provided by the applicant to offset injury to other rights.

NOTICE OF APPLICATION FOR WATER RIGHT

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NO. 63-12420, MICRON TECHNOLOGY INC., PO BOX 6, BOISE ID 83707:

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Karl J. Dreher, Director

Published on December 4 and 11, 1997, in the Idaho Statesman, the Lewiston Tribune, the Post Register, and the Time News.

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APR 13 1999