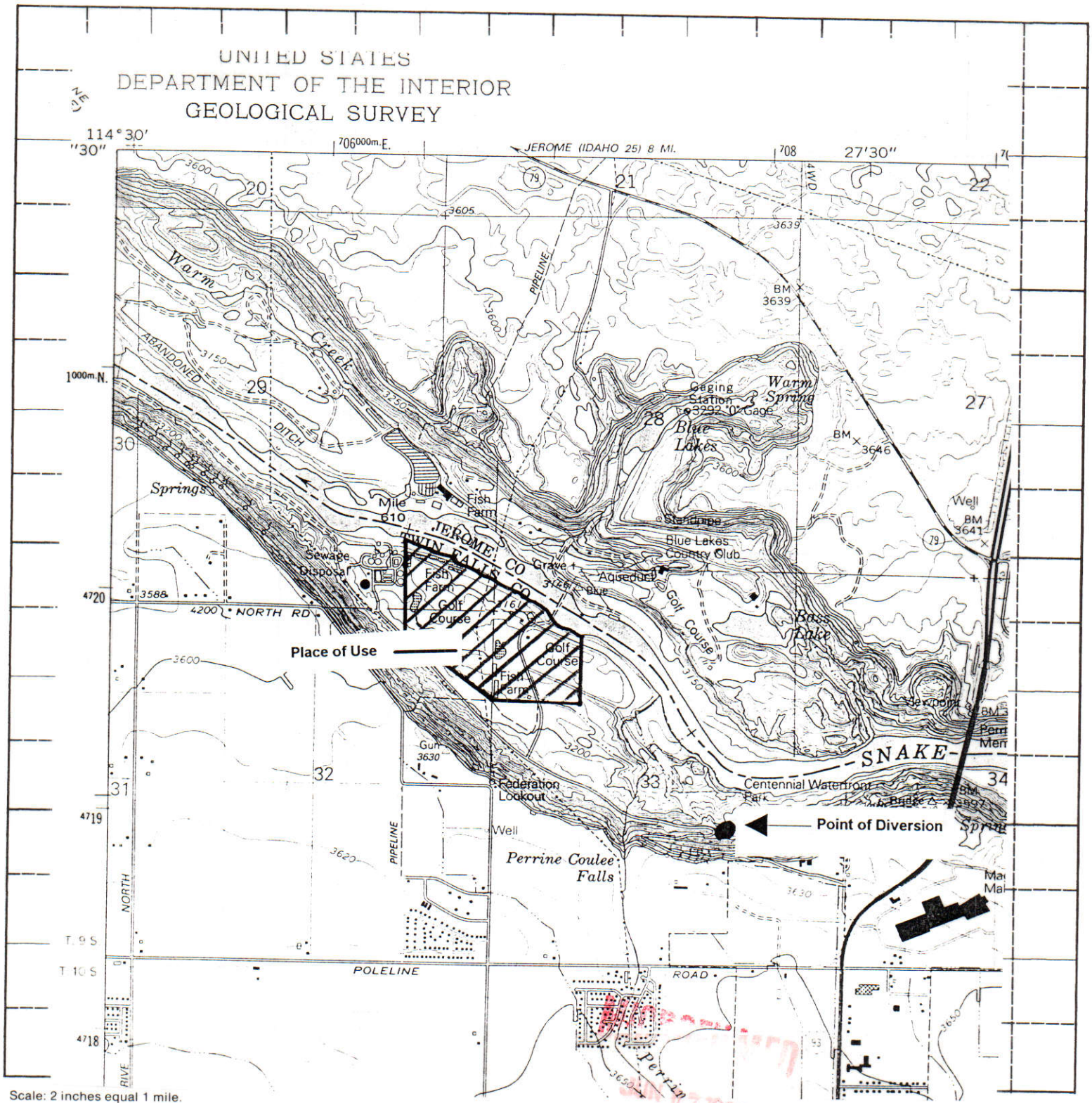
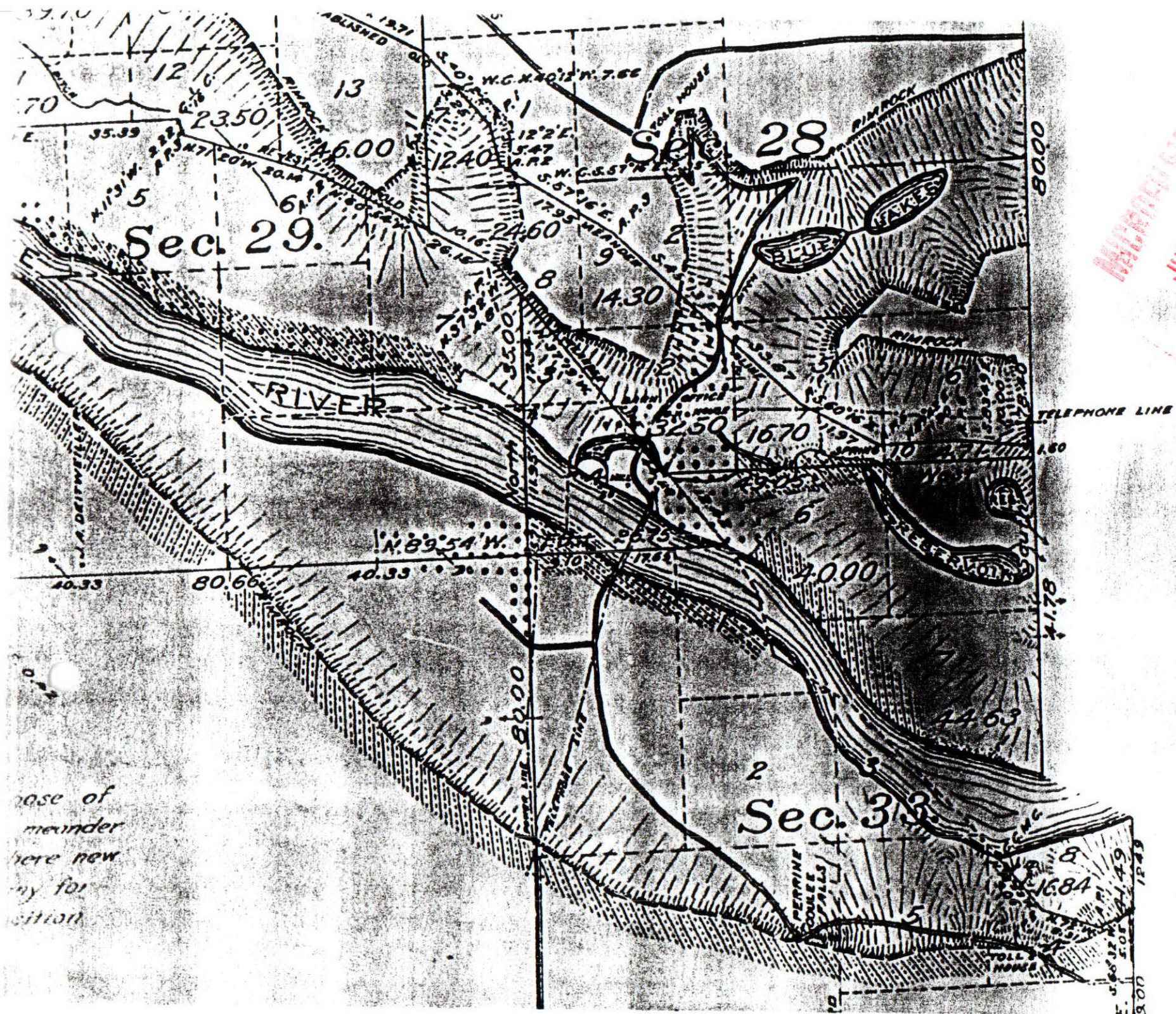


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

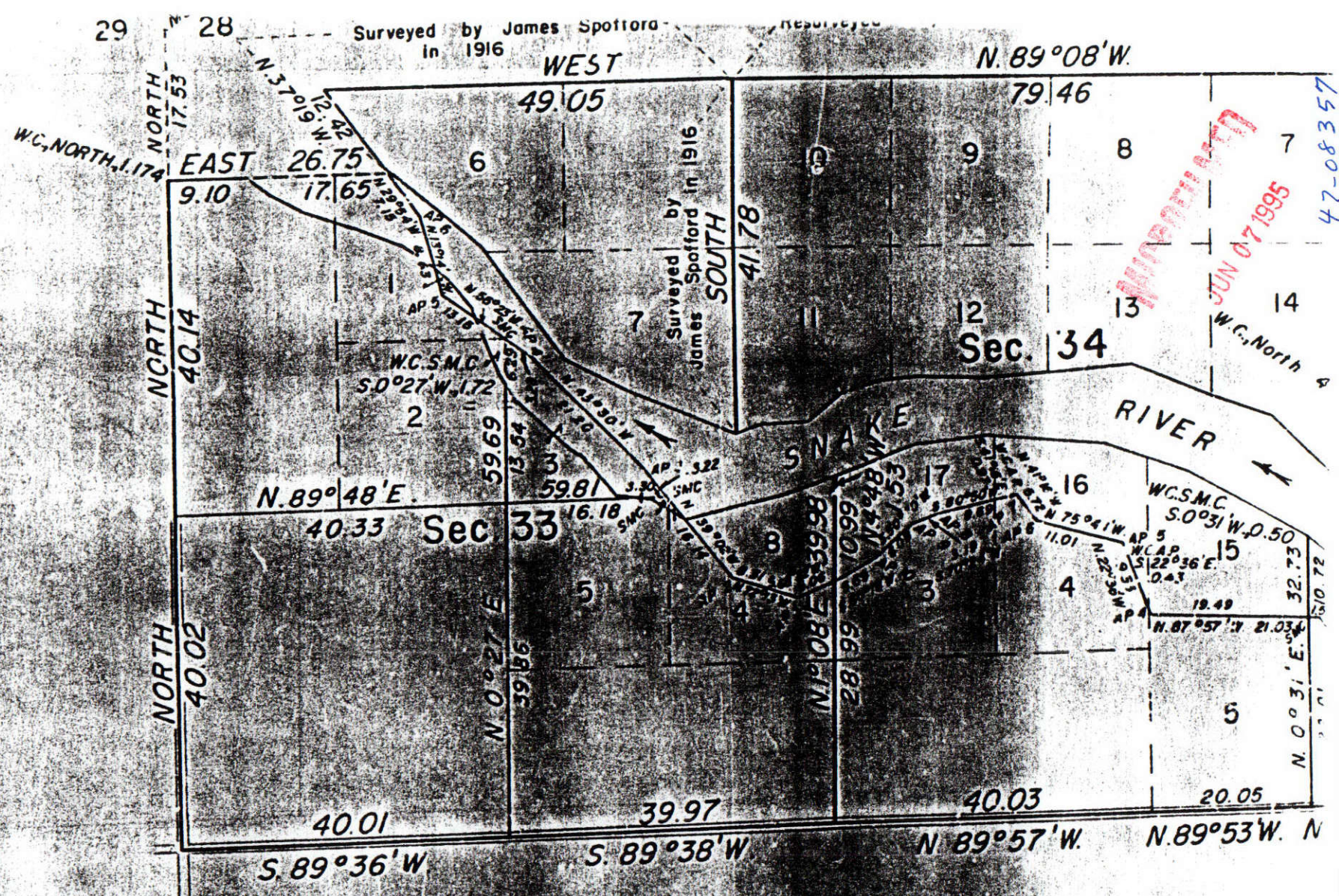
J.R. Simplot Company - Venturer, for Simplot-McCollum Development Company dba Canyon Springs
Ronald N. Graves
 (Applicant)
 by: Ronald N. Graves, Secretary

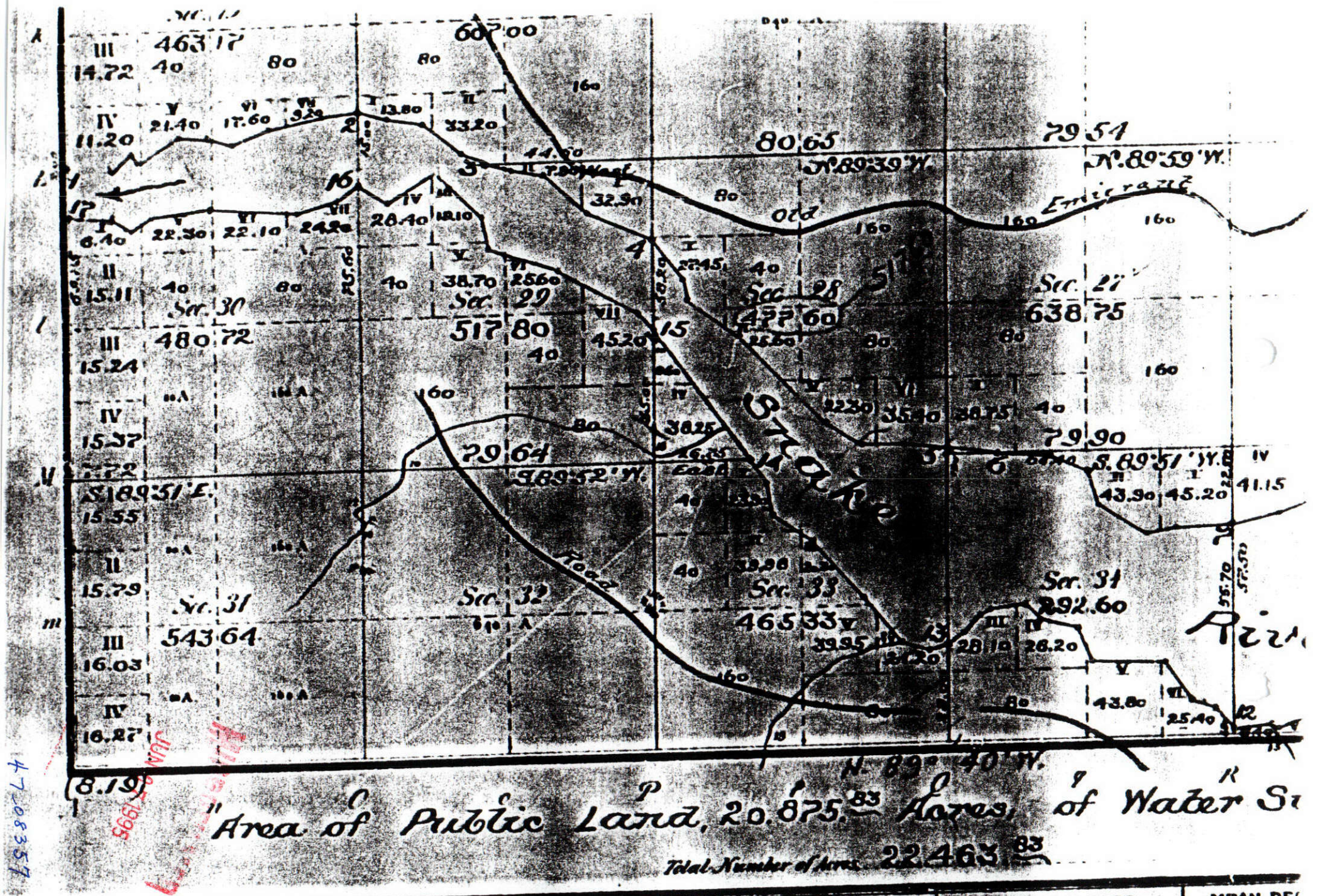


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47-08357

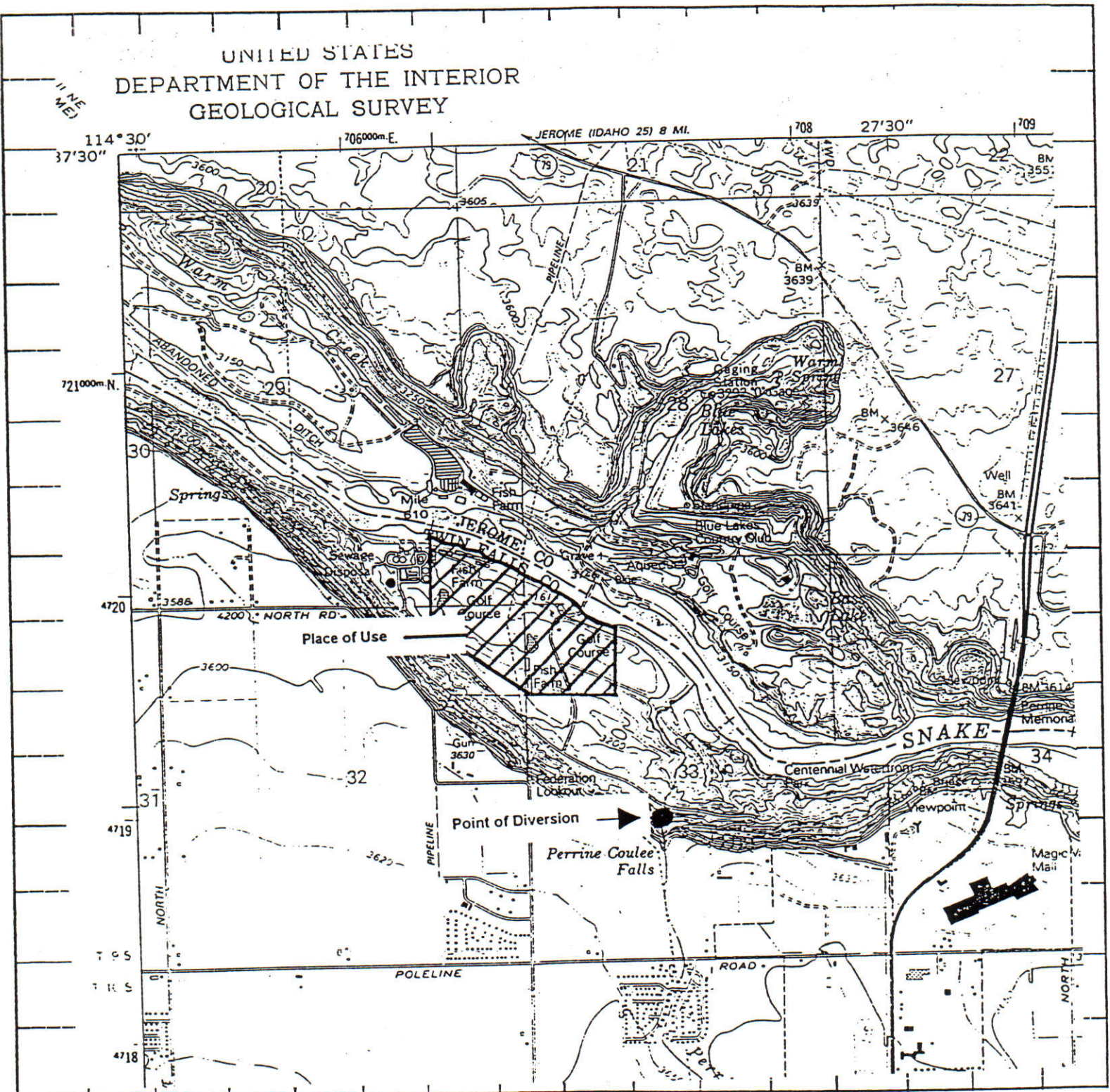
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SURVEYS DESIGNATED	BY WHOM SURVEYED	DATE OF CONTRACT	AMOUNT OF SURVEYS			WHEN SURVEYED	MEAN DEC
			SEC.	CH.	LS.		

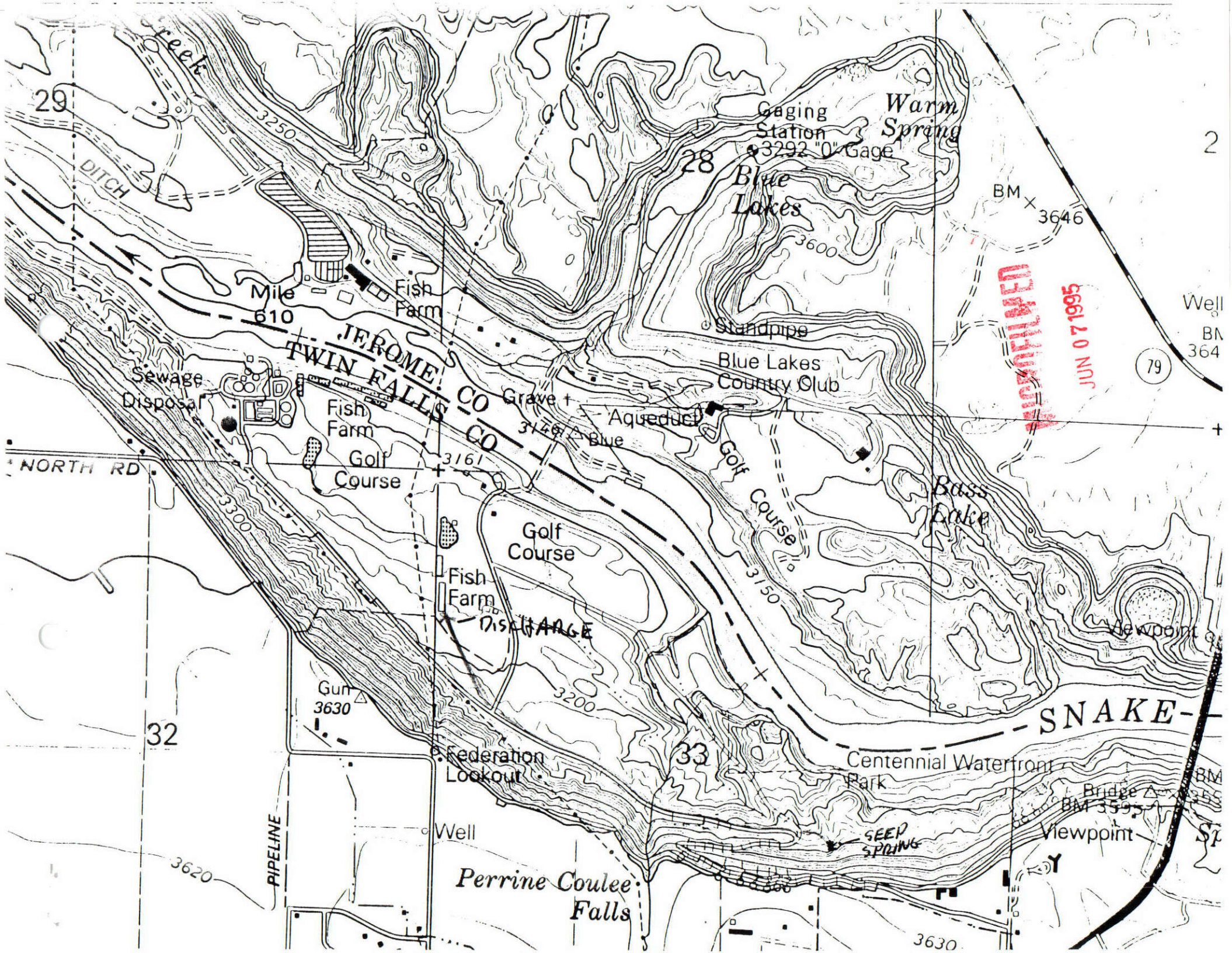
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

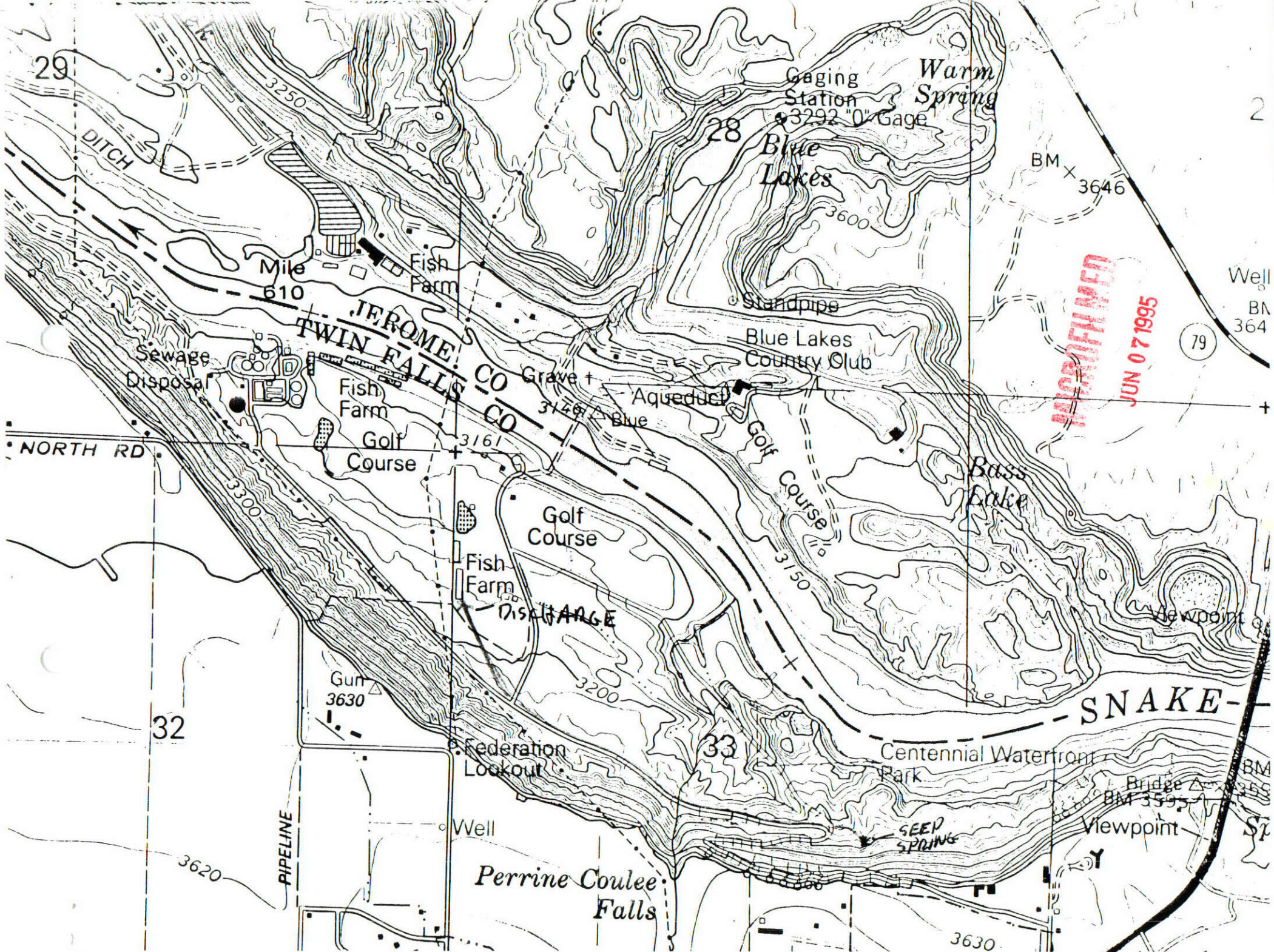


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JUN 07 1995

J.R. Simplot Company - Venturer, for
Simplot-McCollum Development Company dba Canyon Springs
(Applicant)
by: Ronald N. Graves, Secretary





Fidavit of Publication

No 25856

NOTICE OF APPLICATION
FOR WATER PERMIT

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

The following applications have been filed to appropriate the public waters of the State of Idaho:

47-08356

SIMPLOT-MCCOLLUM
DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Perrine
Coulee tributary to
Snake River

Diversion Pt: NESW,
S33, T09S, R17E; Twin
Falls County.

Use: 01/01 to 12/31
Fish propagation
(4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion:
4.0 cfs

Date Filed: 3/4/1994

In: SWSW, S28, T09S,
R17E; SESE, S29,
T09S, R17E; NENE,
S32, T09S, R17E;
NWNW, S33, T09S,
R17E; Twin Falls
County.

47-08357

SIMPLOT-MCCOLLUM
DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Seep Spring
tributary to Snake
River

Diversion Pt: Lot 5
(S4NWSE), S33, T09S,
R17E; Twin Falls
County.

Use: 01/01 to 12/31
Fish propagation
(4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion:
4.0 cfs

Date Filed: 3/4/1994

In: SWSW, S28, T09S,
R17E; SESE, S29,
T09S, R17E; NENE,
S32, T09S, R17E;
NWNW, S33, T09S,
R17E; Twin Falls
County.

The permits will be
subject to all prior
water rights.
Protests must be
filed with the
applicant and with
the Director, Dept.
of Water Resources,
Southern Region, 222
Shoshone Street East,
Twin Falls, ID 83301
on or before April
25, 1994.

R. Keith Higginson,
Director

Published in Times
News on 4/7 &
4/14/94.

Linda Capps McBeure being first duly sworn upon oath, depose
I say that I am Prine 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
copying attached, was published in the regular and entire issue of said newspaper, and not in
supplement thereof, for Two consecutive Weeks,
commencing with the issue dated April 7, 1994,
ending with the issue dated April 14, 1994.

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 ex-
cept 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
the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
if published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
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

this 14 day of April in the year of 1994, before me,
Notary Public, personally appeared Linda Capps McBeure,
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.

Notary Public for Idaho

Residing at

My commission expires: 01/22/1998

JUN 07 1995

OK
MB
5/4/94

Department of Water Resources

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

SEP 29 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08357

Proposed Priority: March 4, 1994

Maximum Diversion Rate:

2.00 CFS

This is to certify, that **SIMPLIST MC COLLUM DEVELOPMENT CO**
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707-0027

has applied for a permit to appropriate water from:
SEEP SPRING 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>
FISH PROPAGATION	01/01 to 12/31	2.00 CFS
AESTHETIC	01/01 to 12/31	2.00 CFS
	Totals	2.00 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 5 (SWNWSE), Sec. 33, Township 09S, Range 17E
TWIN FALLS County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

09S 17E	28	SWSW
	29	SESE
	32	NENE
	33	NWNW

PLACE OF USE: AESTHETIC, same as FISH PROPAGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1999.
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. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The right holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

MICROFILMED

JUN 07 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 47-08357

CONDITIONS/REMARKS:

6. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
7. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
8. This right does not authorize the development of a new fish propagation facility, or, any increase in volume or use of the facilities developed under right nos. 36-07239, 47-07758, and 47-07813.

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

30th day of May, 1995.

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED
JUN 07 1995

RECEIVED

MAR 14 1994

Form 202
6/85

Ident. No. 47-08357

Department of Water Resources
Southern Region Office

STATE OF IDAHO

RECEIVED

DEPARTMENT OF WATER RESOURCES

MAR 04 1994

APPLICATION FOR PERMIT

Department of Water Resources To appropriate the public waters of the State of Idaho

Simplot-McCollum Development Company
dba Canyon Springs

1. Name of applicant _____ Phone (208) 336-2110
Post office address P.O. Box 27 Boise, ID 83707
2. Source of water supply Seep Spring which is a tributary of Snake River
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot Lot 5
Sec. 33 Township 9S Range 17E B.M. Twin Falls County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
* 2.0
Amount 4 cfs for Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
2.0
Amount 4 cfs for Aesthetic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
* 2.0
5. Total quantity to be appropriated is (a) 4 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pipe, flume and headgate

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? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

* Per agreement 11/8/94

RECEIVED
JUN 07 1995

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. Fish propagation; Aesthetic use is for existing water features on existing golf course.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	17E	28											F A						
		29																F A	
		32	F A																
		33					F A												

F = Fish Propagation

A = Aesthetic

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 47-07758, 47-07813, New Application for Perrine Coulee

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

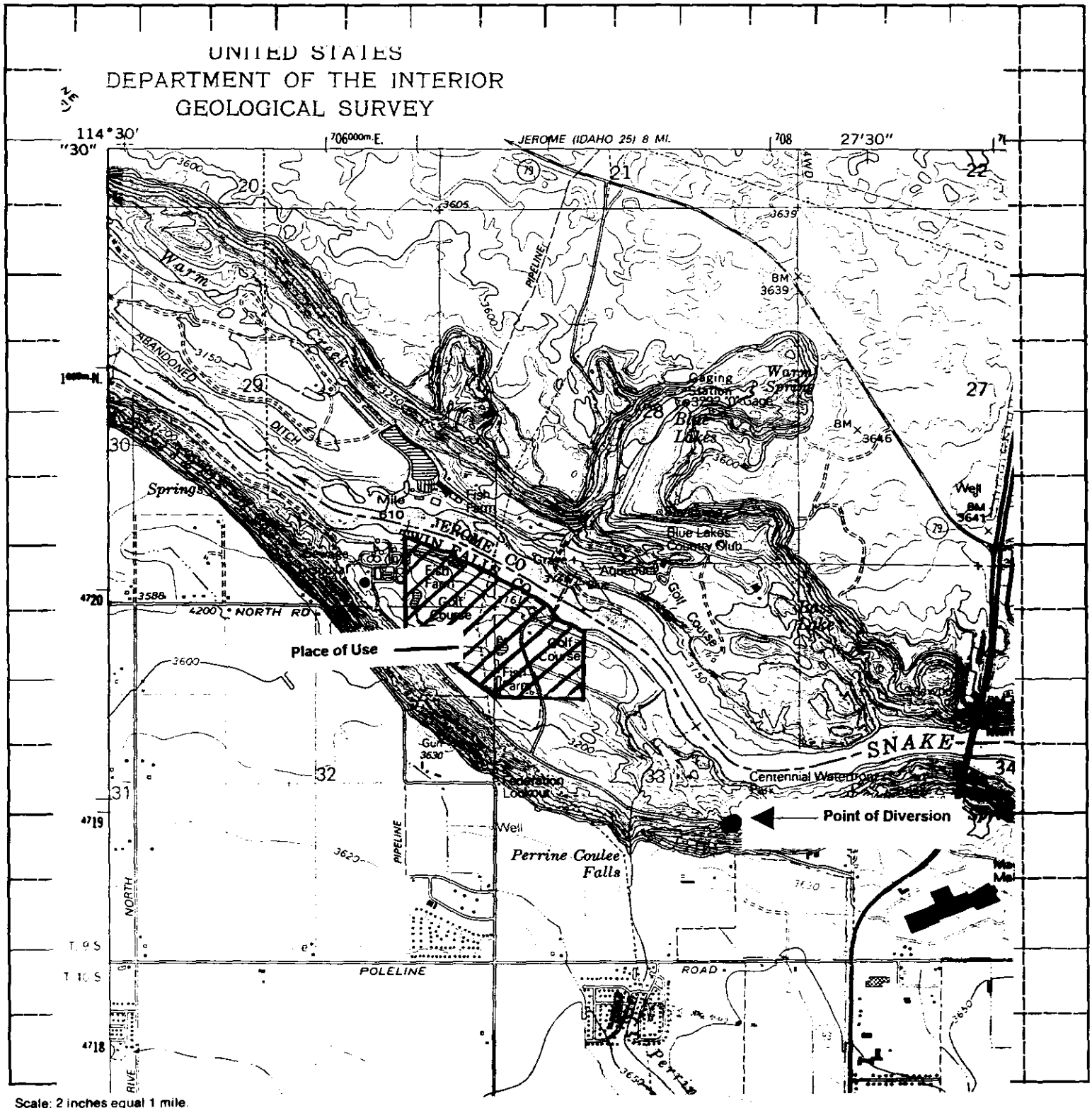
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECORDED

JUN 07 1995

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 - Venturer, for Simplot-McCollum Development Company dba Canyon Springs
James J. Simplot
 (Applicant)

by: Ronald N. Graves, Secretary

Received by JJ Date 3-4-94 Time 4:55 PM Preliminary check by Jim J.
Fee \$ 105.00 Receipted by RF # C029737 Date 3/4/94
Publication prepared by MBaldwin Date 3/21/94 Published in Times News
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

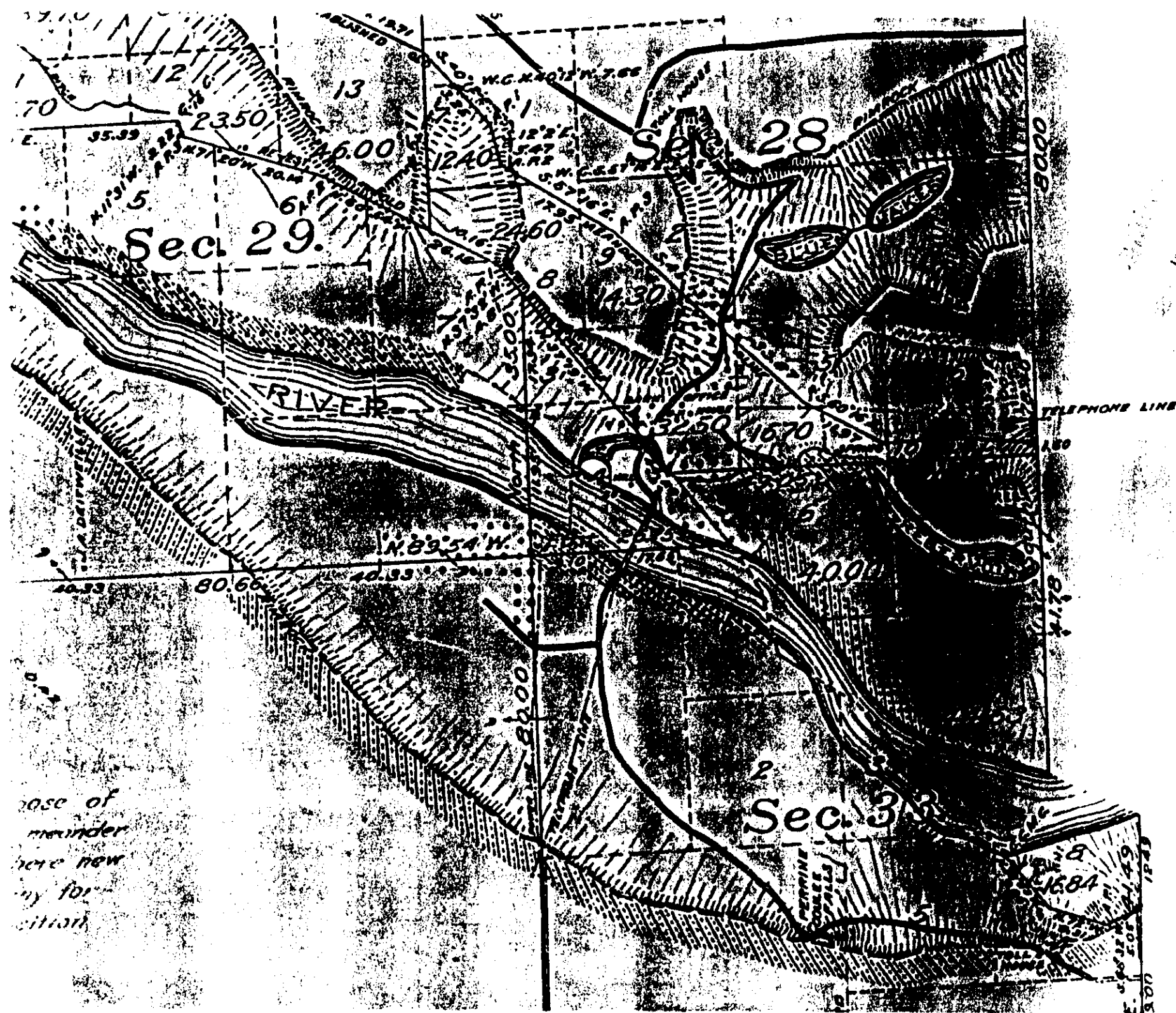
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

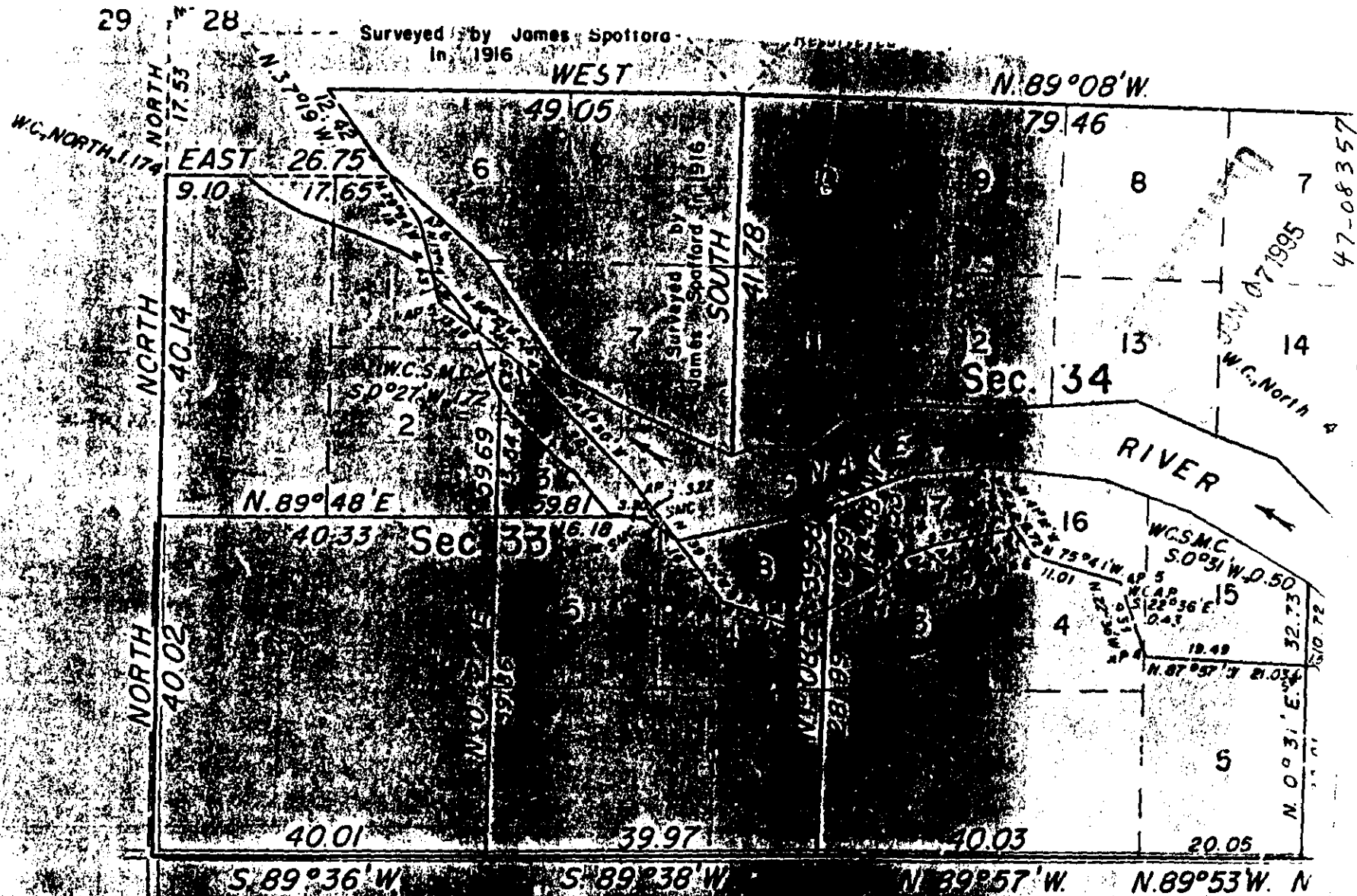
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the 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:

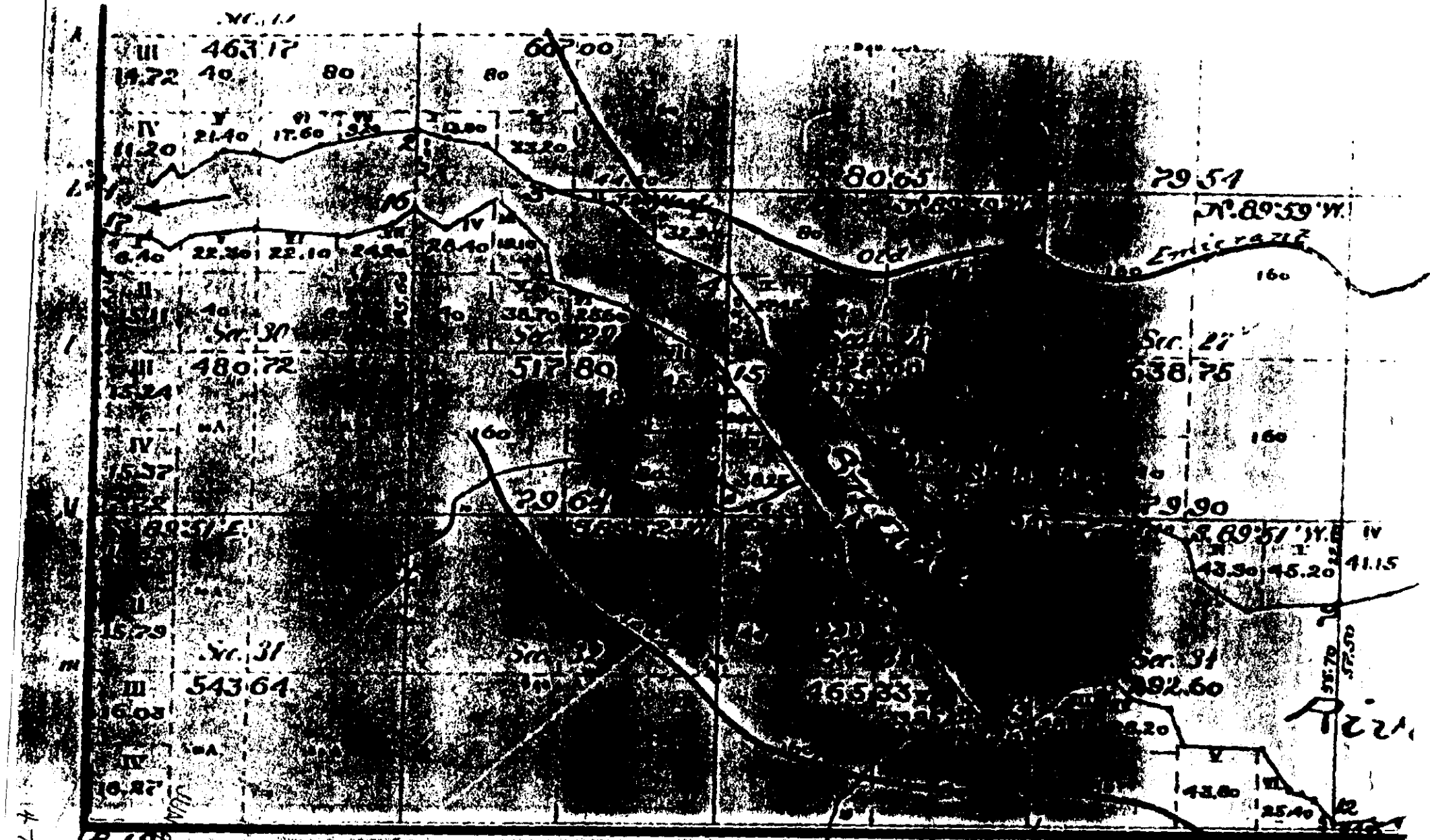
RECORDED

JUN 07 1995



2.66





"Area of Public Land 20,875 Acres of Water S"

SURVEYS DESIGNATED	BY WHOM SURVEYED	DATE OF CONTRACT	AMOUNT OF SURVEY	WHEN SURVEYED	MEAN DEC

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 47-08357

Reviewed by [Signature]

Date 8-23-99

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

Fish Prop / aesthetic

Yes Address same as permit?

Yes Proof timely received?
If not, complete calculation below.

Correct Uses? Yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

_____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?

NO Required?

25 Amount Submitted

Yes Installed?

Yes Correct?

_____ Waiver requested?

PRIORITY CALCULATION

Date proof received _____

Date proof due _____

No. of days late _____

Priority Date _____

New Priority Date _____

[Handwritten calculation: 1 - 1 = 0]

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address _____

[Handwritten checkmark]

Proof Made 6-1-99



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

August 27, 1999

KARL J. DREHER
DIRECTOR

Simplot-McCollum Development Co
DBA Canyon Springs
PO Box 27
Boise ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-08357

Dear Permit Holder:

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

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **SOUTHERN** Regional Office of the department in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

SEP 29 1999

March 31, 1999

DBA CANYON SPRINGS
SIMPLOT MC COLLUM DEVELOPMENT CO
PO BOX 27
BOISE ID 837070027

PROOF DUE NOTICE

RE: PERMIT NO. 47-08357

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

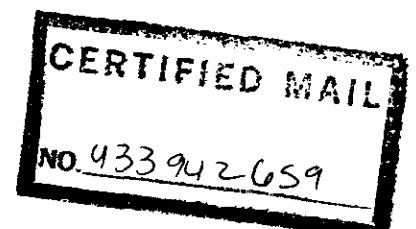
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

SEP 29 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 31, 1995

DBA CANYON SPRINGS
SIMPLLOT MC COLLUM DEVELOPMENT CO
PO BOX 27
BOISE ID 83707-0027

PERMIT APPROVAL NOTICE

RE: PERMIT NOS. 47-08356 AND 47-08357

Dear Permit Holder:

Enclosed are copies of your approved applications for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permits.

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

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

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

JUN 07 1995

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 47-8357 Name: Simplet-McCollum Date: 2/10/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: 029737 Priority: 3/4/94 ✓ Gvmt Lts: ☒

AREA OF CONCERN? ^{-fish propagation uses} ~~multiple~~ - No/Yes ESRP Mor T.F. GWMA Trust/Non-trust
PROTESTED: ^{non-consumptive exempt} 020 (Prehearing agreement) or W19 (See Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 6A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - 01M, 803 (if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46A (LG Irr) - 46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District (~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J-P08 or 01M
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
+ 5 a. irr. - 01M (POU cmp)

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WB), 11E (not 42-111 use), NA
Payette R (65) - 064 (consump. use), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021 (Boise R + L Peak); 064 (Payette R); NA
Fish Propagation - 07A-042 (rq) - 010/06A/09E (WQ) - P10 - 044 (N 1000 Spr))
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F (P19) - 09E (P10);
+25 cfs-P18; 17G (FERC) or 17M (FERE); 18B-P09
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front Lo~~geo~~ P52 - 058 (-85° GW temp only)
In-stream dev. P52 - ~~056~~ (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag M <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP:

Non-land owner - 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- 0 No new facility, use on volumes 3 Aesthetic/existing water features on existing self owned.

BENEFICIAL USE DUE:

- 4 1-1-1995

COMMENTS:

FROM: Allen Merritt *AM*
TO: FILES 47-08356 & 47-08357

RECOMMENDED
DATE: February 6, 1995
FEB 08 1995

SUBJECT: ANALYSIS AND RECOMMENDATION *Department of Water Resources*

These two applications were filed in an attempt to appropriate supplemental sources of water for an existing facility. The facility presently relies on water from Alpheus Creek under license 36-07239 which is under threat of regulation. Also the delivery system which 36-07239 has been conveyed is being modified and as a result a new one may need to be constructed.

The application were both originally protested by Idaho Fish & Game but these protests were either outright withdrawn or withdrawn as part of a written agreement. These applications seek to appropriate non-consumptively.

The applicant has been requested to provide plans for the ponds, ect. The response was plans for the pipeline which will convey the new water. It was indicated by Mr. McCollum that no new facilities other than the pipeline were to be constructed.

I RECOMMEND THAT BOTH APPLICATIONS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

47-08356

- No new facility volume or use is allowed to be developed under this permit. The existing facility volume and use developed under 36-07239, 47-07758 & 47-07813 is the extent of use.
- This permit is subject to a private agreement between the Twin Falls Canal Company and Canyon Springs.
- Subject to all county, state & federal permit requirements.
- Does not authorize trespass over the land of another.
- Measuring device.

47-08357

- The permit is approved but the rate is reduced to 2.0 cfs as per agreement with F&G & Canyon Springs.
- No new facility volume or use is allowed to be developed under this permit. The existing facility volume and use developed under 36-07239, 47-07758 & 47-07813 is the extent of use.
- This permit is subject to a private agreement between the Idaho Dept. of Fish & Game and Canyon Springs.
- Subject to all county, state & federal permit requirements.
- Does not authorize trespass over the land of another.
- Measuring device.

*Permit
47-08357
47-08357
47-08357*

RECOMMENDED
JUN 07 1995

JOB NAME CANYON SPRINGS PIPELINE JOB NO. 200-94BY R. MORROW DATE _____ SHEET 1 OF 3

INPUT @ SPRING

ELEV OF SPRING = 3282 ft

WATER SURFACE IN SPRING BOX 3285 ft - FREE SFC

DISCHARGE @ 3211 ft ELEV - FREE DISCHARGE

PVC PIPE C=130

4 cfs Flow - 4500 LF

$$\frac{P_1}{\gamma} + \frac{V_1^2}{2g} + Z_1 = \frac{P_2}{\gamma} + \frac{V_2^2}{2g} + Z_2 + h_f$$

$$V_2 = \frac{4 \text{ cfs}}{A}$$

$$74 = \frac{\left(\frac{4}{A}\right)^2}{64.4} + h_f$$

$$\frac{3.02(4500)\left(\frac{4}{A}\right)^{1.85}}{D^{1.167} 130^{1.85}} = h_f$$

TRY 10" PVC

A (ft ²)	V (ft/s)	h _f (ft)	$\frac{V^2}{2g} + h_f$
.5454	7.334	82.36	83.20 > 74 ∴ NG

TRY 12" PVC

.7854	5.093	33.91	34.21 < 74 ∴ OK
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JUN 07 1995

JOB NAME CANYON SPRINGS PIPELINEJOB NO. 200-94BY R. MORROW

DATE _____

SHEET

2 OF 3

TRY 760 LF 12" REST 10"

ELEV = 3266.5
@ POINT PIPE SIZE
CHANGES

$$\frac{P_1}{\gamma} + \frac{V_1^2}{2g} + z_1 = \frac{P_2}{\gamma} + \frac{V_2^2}{2g} + z_2 + h_{f_{1-2}}$$

$$74 = \frac{P_2}{\gamma} + \frac{(5.093)^2}{64.4} + 55.5 + \frac{3.02(760)(5.093)^{1.85}}{1.167 \cdot 130^{1.85}}$$

$$\frac{P_2}{\gamma} = 5.73$$

EQUAL

$$\frac{P_2}{\gamma} + \frac{V_2^2}{2g} + z_2 = \frac{P_3}{\gamma} + \frac{V_3^2}{2g} + z_3 + h_{f_{2-3}}$$

$$5.73 + 55.5 = h_{f_{2-3}}$$

$$\therefore h_{f_{2-3}} \leq 61.2$$

$$h_{f_{10'' 2-3}} = \frac{3.02(3740)(7.33)^{1.85}}{.8333^{1.167} \cdot 130^{1.85}} = 68.4 > 61.2 = \text{NG}$$

REVISIONS

07/1995

JOB NAME CATION SPRING PIPELINEJOB NO. 200-94BY R. MORROW

DATE _____

SHEET

3 OF 3

TRY 1760 LF 12" REST 10"

ELEV = 3232 @

POINT SIZE CHANGES

$$\frac{P_1}{\gamma} + \frac{V_1^2}{2g} + z_1 = \frac{P_2}{\gamma} + \frac{V_2^2}{2g} + z_2 + h_{f_{1-2}}$$

$$74 = \frac{P_2}{\gamma} + \frac{5.093^2}{64.4} + 21 + \frac{3.02(1760)(5.093)^{1.85}}{1.167 \cdot 130^{1.85}}$$

$$\frac{P_2}{\gamma} = 39.3$$

$$\frac{P_2}{\gamma} + \frac{V_2^2}{2g} + z_2 = \frac{P_3}{\gamma} + \frac{V_3^2}{2g} + z_3 + h_{f_{2-3}}$$

$$39.3 + 21 = h_{f_{2-3}}$$

$$\therefore h_{f_{2-3}} \leq 60.3$$

$$h_{f_{2-3}} = \frac{3.02(2740)(7.33)^{1.85}}{1.833 \cdot 130^{1.85}} = 50.1 < 60.3 \therefore \underline{\text{OK}}$$

$$\phi \geq 4cfs$$

RECOMMEND: 12" PVC FOR 1760 LF FROM SPRING BOX
10" PVC FOR 2740 LF TO END

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY MTS DATE 3-16-, 1994
APPLICATION NO. 47-08357

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume) *Process*
☒ 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
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt +++PROPOSED PRIORITY DATE
3-4- 1994

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
☒ Overlapping point of diversion.
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
NA ☐ Yes ☒ No Groundwater management area *TF-GMA*
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☒ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.
☒ See reverse side for additional information.
* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING Yes No In form for Advertising
Yes No No Statewide Advertising
Yes No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: Idaho Dept of Health & Welfare USDI BLM
✓ Idaho Dept of Fish & Game USFS
Idaho Dept of Lands Water Dist.
Adjudication Bureau Unit Other

FINAL REGIONAL PROCESSING REVIEW

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

✓ Yes No Publication dates and paper, recorded on App.
✓ Yes No Protests received
Final date for Protest
✓ Yes No Protests, dates, resolution of protest, recorded on app.
✓ Yes No Recommendations attached
✓ Yes No Measuring device required
Yes ✓ No Access port required
Yes ✓ No Will water be delivered by watermaster? If yes, what dist.
Yes ✓ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 3/4, 1994
By AD Date 2/7, 1995

STATE OFFICE REVIEW

See below for additional information

By Date, 19

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

☐ City	☐ Idaho Fish & Game	☐ Irrigation Dist.
☐ County	☐ Idaho Health & welfare	☐ Canal Company
☐ Reservations	☐ Div. of Enviromental Quality	☐ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 19____

47-07813, 47-07758, 47-07239 = PU overlaps.



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

RECEIVED

FEB 02 1995

Department of Water Resources
Southern Region

CORPORATE HEADQUARTERS

Allen Merritt, Manager
State of Idaho
Department of Water Resources
Southern Regional Office
222 Shoshone St. East
Twin Falls, ID 83301

February 1, 1995

Re: IDWR Applications for Permit No's 47-08356 and 47-08357.

Dear Allen:

As a follow-up to our telephone conversation last week, I've enclosed copies of the following documents to meet your additional information requirements.

1. Grant Deed, dated November 24, 1992, in which J. D. McCollum and Jean H. McCollum (Grantors), convey unto Canyon Springs (Grantee) the real property that is the subject of the above referenced applications for permit. The Grant Deed includes a legal description.
2. Agreement between Twin Falls Canal Company and Simplot-McCollum Development Company, dba Canyon Springs with attachments.

In response to your need to know the managing partner for Canyon Springs, W. David McCollum, by contract with the Simplot-McCollum Development Company d/b/a Canyon Springs, manages the assets owned by the Simplot-McCollum Development Company, d/b/a Canyon Springs. His principal place of business is located at 223 Broadway, Ketchum, Idaho.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

encl. Grant Deed, Agreement

cc: D. McCollum
G. Young

JUN 07 1995

29677

RECEIVED

FEB 02 1995

GRANT DEEDDepartment of Water Resources
Southern Region

Grantors, J. D. McCOLLUM and JEAN H. McCOLLUM, husband and wife, County of Twin Falls, State of Idaho, for Ten Dollars and No/100 (\$10.00), and other good valuable consideration, the receipt of which is hereby acknowledged, do hereby grant and convey unto CANYON SPRINGS whose address is P.O. Box 112, Twin Falls, Idaho, 83303-0112, as Grantee, and to Grantee's successors and assigns forever, all of the following described real estate located in the County of Twin Falls, Idaho:

A tract of land located in the Southwest Quarter of the Southwest Quarter of Section 28; the Southeast Quarter of the Southeast Quarter of Section 29; the East Half of the Northeast Quarter of Section 32 and Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the southeast corner of said Section 33;
THENCE North 1°07'50" East a distance of 1318.58 feet to the northeast corner of said SE¼SE¼; the southeast corner of Government Lot 4 and the TRUE POINT OF BEGINNING;

THENCE South 89°40'19" West a distance of 294.60 feet along the southerly boundary of said Lot 4;

THENCE North 75°44'00" West a distance of 800.00 feet;

THENCE North 85°31'00" West a distance of 254.70 feet;

THENCE North 0°47'43" East a distance of 210.81 feet;

THENCE South 90°00'00" West a distance of 557.59 feet;

THENCE North 0°00'00" East a distance of 333.27 feet;

THENCE North 82°30'00" West a distance of 1400.00 feet;

THENCE South 0°00'00" West a distance of 566.60 feet to a point on the south rim of the Snake River Canyon;

THENCE Westerly along said canyon rim South 64°43'17" West a distance of 110.33 feet;

THENCE North 32°33'00" West a distance of 124.60 feet;

THENCE North 45°02'00" West a distance of 342.70 feet;

THENCE North 73°26'00" West a distance of 314.20 feet to a point where the southerly rim of the Snake River Canyon intersects the easterly boundary of the NW¼ of the SW¼ of said Section 33;

THENCE North 0°13'47" East a distance of 530.39 feet to the northeast corner of said NW¼SW¼;

THENCE South 89°38'51" West a distance of 1330.94 feet to the northwest corner of said NW¼SW¼;

THENCE North 0°00'47" East a distance of 917.40 feet along the westerly boundary of said Section 33 and the easterly boundary of said Section 32 to a point on the North side of an access road in the Snake River Canyon; then along said access road the following courses and distances; North 44°56'59" West a distance of 108.43 feet;

THENCE North 48°51'46" West a distance of 1249.26 feet;

1 THENCE North 42°08'07" West a distance of 220.95 feet to a
2 point on the southerly boundary of the NE¼NE¼ of said Section 32;

3 THENCE North 89°51'03" West a distance of 917.51 feet to the
4 southwest corner of said NE¼NE¼;

5 THENCE North 0°00'30" West a distance of 1320.69 feet to the
6 northwest corner of said NE¼NE¼ Section 32;

7 THENCE North 0°00'30" West a distance of 872.90 feet along the
8 westerly boundary of the SE¼SE¼ of said Section 29 to the South bank
9 of the Snake River;

10 THENCE easterly along said South bank the following courses and
11 distances;

12 South 79°12'58" East a distance of 384.22 feet;

13 THENCE South 72°24'41" East a distance of 398.92 feet;

14 THENCE South 61°34'12" East a distance of 246.19 feet;

15 THENCE South 59°05'10" East a distance of 221.09 feet;

16 THENCE South 65°30'35" East a distance of 183.49 feet;

17 THENCE South 62°52'39" East a distance of 169.29 feet;

18 THENCE South 59°08'13" East a distance of 287.56 feet;

19 THENCE South 53°08'43" East a distance of 253.70 feet;

20 THENCE South 54°16'25" East a distance of 269.09 feet;

21 THENCE South 61°30'00" East a distance of 277.20 feet;

22 THENCE South 70°00'00" East a distance of 462.00 feet;

23 THENCE South 66°00'00" East a distance of 330.00 feet;

24 THENCE South 52°10'13" East a distance of 107.78 feet;

25 THENCE South 53°30'00" East a distance of 110.05 feet;

26 THENCE South 47°00'00" East a distance of 184.80 feet;

27 THENCE South 52°30'00" East a distance of 145.20 feet;

28 THENCE South 40°30'00" East a distance of 330.00 feet;

29 THENCE South 19°00'00" East a distance of 153.86 feet;

30 THENCE leaving said South bank South 61°31'00" West a distance
31 of 586.76 feet;

32 THENCE South 22°46'00" West a distance of 117.89 feet;

33 THENCE South 29°52'00" East a distance of 440.90 feet;

34 THENCE South 64°25'00" East a distance of 104.00 feet;

35 THENCE South 82°12'30" East a distance of 50.88 feet;

36 THENCE North 0°00'00" East a distance of 56.91 feet;

37 THENCE North 45°13'30" East a distance of 24.10 feet;

38 THENCE South 71°35'30" East a distance of 233.60 feet to a
39 point on the easterly boundary of Government Lot 3 of said Section
40 33;

41 THENCE South 0°55'30" West a distance of 621.78 feet to the
42 Southwest corner of said Government Lot 33;

43 THENCE South 89°58'56" East a distance of 1070.54 feet along
44 the southerly boundary of said Government Lot 3 and the northerly
45 boundary of Government Lot 5 to angle point;

46 THENCE South 61°41'21" East a distance of 432.28 feet to a
47 corner common to Government Lots 5 and 8 of said Section 33;

48 THENCE North 76°30'00" East a distance of 983.40 feet along the
49 northerly boundary of said Government Lot 8;

50 THENCE North 72°15'00" East a distance of 2000 feet to the
51 Northeast corner of said Government Lot 8;

44-2007-170
JUN 07 1995

1 THENCE South 1°07'50" West a distance of 99.25 feet along the
2 easterly boundary of said Government Lot 8;

3 THENCE South 1°02'05" West a distance of 725.08 feet to the
Southeast corner of said Government Lot 8 and the Northeast corner
4 of Government Lot 4 of said Section 33;

5 THENCE South 53°08'14" West a distance of 254.68 feet;

6 THENCE South 60°02'00" West a distance of 145.65 feet;

7 THENCE South 64°30'16" West a distance of 140.15 feet;

8 THENCE South 81°24'38" West a distance of 399.72 feet;

9 THENCE South 0°55'00" West a distance of 52.70 feet;

10 THENCE South 76°34'32" East a distance of 660.45 feet;

11 THENCE South 78°19'00" East a distance of 201.40 feet to the
southeast corner of said Government Lot 4 and the TRUE POINT OF
12 BEGINNING;

13 The above described tract is subject and includes use of
14 an easement for the purposes of ingress, egress and public utilities
15 over a strip of land 30 feet in width running through the above
16 described parcel. Said easement having been granted to the City of
17 Twin Falls by Instrument No. 501363 in the miscellaneous records of
18 Twin Falls County, Idaho, and excepting therefrom a parcel of land
located in the W½ of the NW¼ of Section 33, Township 9 South, Range
19 17 East, Boise Meridian, more particularly described as follows:

20 Beginning at the Northwest corner of said NW¼ of Section 33;
21 THENCE South 24°02'32" East a distance of 1189.98 feet to the
22 Northerly corner of said parcel and the TRUE POINT OF BEGINNING;
23 THENCE South 68°37'52" East a distance of 105.00 feet;
24 THENCE South 22°17'45" East a distance of 200.00 feet;
25 THENCE South 21°22'15" West a distance of 75.61 feet;
26 THENCE North 68°37'45" West a distance of 243.09 feet;
THENCE North 21°22'15" East a distance of 220.28 feet to the
TRUE POINT OF BEGINNING, containing 1.00 acres more or less;

 Also excepting therefrom the following described parcels:

1. A parcel of land located in the SE¼ of the NW¼ of Section
33, Township 9 South, Range 17 East, Boise Meridian, in Twin Falls
County, Idaho,

 Beginning at the Southeast corner of said SE¼NW¼ also being the
center of said Section 33;

 THENCE North 0°55'30" East a distance of 461.78 feet along the
Easterly boundary of said SE¼NW¼ to the TRUE POINT OF BEGINNING.

 THENCE North 49°23'40" West a distance of 321.27 feet;
 THENCE North 45°13'30" East a distance of 35.00 feet;
 THENCE South 71°35'30" East a distance of 233.60 feet;
 THENCE South 0°55'30" West a distance of 160.00 feet to the
TRUE POINT OF BEGINNING.

JUN 07 1995

1 2. Township 9 South, Range 17 E., B.M., Twin Falls County,
2 Idaho, Section 33: A one acre parcel of land located in the SW¼ NW¼
3 specifically described as follows:

4 From the Section corner common to Sections 28, 29, 32, 33, a
5 distance of 1808.86 feet on a bearing of South 7°24'20" East to the
6 northern corner of the property.

7 From this POINT OF BEGINNING, a distance of 178.77 feet on a
8 bearing of South 21°22'15" West to the westerly property corner;

9 THENCE a distance of 214.69 feet on a bearing of South
10 47°18'30" East to the southerly property corner;

11 THENCE a distance of 256.83 feet on a bearing of North
12 21°22'15" East to the easterly property corner;

13 THENCE a distance of 200.00 feet on a bearing of North
14 68°37'45" West to the POINT OF BEGINNING.

15 Together with appurtenances.

16 SUBJECT to all easements and rights of way of record, real
17 property taxes for 1992 which are a lien, but not yet due and owing.

18 In construing this Deed, and where the context so
19 requires, the singular includes the plural and the masculine, the
20 feminine and the neuter.

21 IN WITNESS WHEREOF, Grantors have hereunto subscribed
22 their names to this instrument this 27th day of November, 1992.

23
24
25
26

J. D. MCCOLLUM

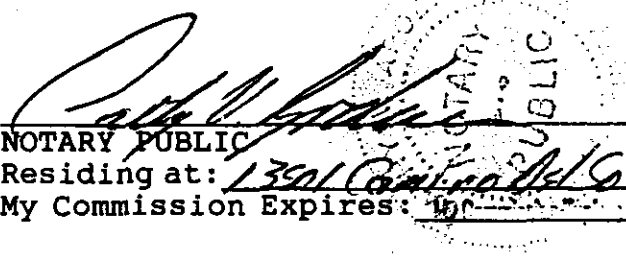

JEAN H. MCCOLLUM

JUN 07 1995

1 STATE OF Arizona)
2 County of Maricopa) ss.

3 On this 27 day of November, 1992, before me, the
4 undersigned, a Notary Public in and for said County and State,
5 personally appeared J. D. McCOLLUM and JEAN H. McCOLLUM, husband and
6 wife, known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed the
same.

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

9
10 
NOTARY PUBLIC

Residing at: 13501 Central Blvd

My Commission Expires: Apr 30, 1994

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19 TOWN OF HILLS COUNTY, IDAHO
RECORDED FOR

LEFACT, Inc.

1993 JAN 21 A 11 34

19930008661

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21 DOUGLAS S. FORT
22 EX-OFFICIO RECORDER

23 FEE: 1500 DEPUTY: UP

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PERMIT NO. 47-08356
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AGREEMENT

Department of Water Resources
Southern Region

THIS AGREEMENT, entered this 23rd day of August, 1994,
between the Twin Falls Canal Company, a Carey Act operating company, incorporated and
existing under the laws of the State of Idaho, hereinafter referred to as "Company", and
Simplot-McCollum Development Company, dba Canyon Springs, hereinafter "Water User".

RECITAL

Water User is a stockholder of the Company and owns 79.61 shares of the Capital Stock thereof. The Company delivers the irrigation water represented by said Stock to the same land where Water User proposes to also use an additional 4 c/f/s for fish propagation and aesthetic purposes pursuant to Application for Water Permit No. 47-08356, the latter being on Water User's golf course. Water User's land lies approximately 400 feet in elevation below the Snake River Canyon Rim, adjacent to the Snake River. The Perrine Coulee is the source of water that the Company uses as the supply to deliver the water represented by Water User's 79.61 shares of the capital stock of the Company. As one of the Company's major wasteways, at times up to 100 c/f/s is available in the Perrine Coulee at Water User's proposed point of diversion. Water User's irrigation diversion is Company's last delivery before the water is returned to Snake River. The Company concerns are not whether Water User diverts and beneficially uses the water at the proposed location, but rather that Water User be aware that, (1) the Company has no duty to deliver the Company's water if there is no available water in the Perrine Coulee for diversion under Permit No. 47-08356; (2) the Company puts mossing chemical which is detrimental to fish in it's canal system upstream of Water User's diversion; and (3) the Company does not wish to be responsible for any changes in the quality of the water returned to Snake River resulting from the diversion and use by Water User under 47-08356.

WITNESSETH

WHEREAS, the Company owns, operates and maintains an irrigation water delivery system in Twin Falls County, Idaho, that provides irrigation water to approximately 200,000 acres; and

WHEREAS, the Water User has filed an Application for Permit with the Idaho Department of Water Resources (IDWR), being # 47-08356, a true and correct copy of which is attached hereto as Exhibit "A", for the nonconsumptive use of waters within and near the end of the Company's system for fish propagation purposes on the real property described on Exhibit "B"; and

WHEREAS, the parties further recognize that the waters available within the Company's delivery system that are diverted pursuant to the Company's water rights are

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subject to a first and prior right of the Company to use and supply such waters to its stockholders for irrigation purposes; and

WHEREAS, the Perrine Coulee is both a natural drain, a canal, and a wasteway for the Company, and may contain water during periods other than the irrigation season which may be appropriated by Water User; and

WHEREAS, the Water User desires to enter into an agreement with the Company providing for coordination of the proposed nonconsumptive use with the Company's existing operation.

NOW, THEREFORE, in consideration of the mutual and independent covenants hereinafter stated the parties agree as follows:

1. Upon the execution of this Agreement, Company shall forbear and refrain from protesting or otherwise contesting Water User's Application for Permit, Exhibit A. Water User acknowledges that Water User may not divert water under said permit until this written agreement (the Agreement) with the Company is filed with the IDWR and agrees that a default by Water User under the Agreement shall render the Agreement voidable, at the option of the Company, and, if the Agreement is voided, then, and in that event, Water User shall not be entitled to divert water pursuant to the Permit.

2. Water User shall implement such procedures as are necessary to insure that any construction, repair, and/or remodeling of Water User's facility, as well as the day-to-day operation of the facility, shall not:

- (a) violate any local, state or federal laws, rules or regulations relating to water quality;
- (b) block existing drainage or seepage flows or cause drainage and seepage problems on Company or adjacent properties;
- (c) impair the easement and right of way of the Company for the full flow of water for irrigation, drainage, system operation or maintenance; or
- (d) impair operation, maintenance, construction and reconstruction of Company facilities.

3. Water User understands and agrees that the waters diverted pursuant to the Company's water rights within the Company's delivery system are subject to a first and prior right of the Company; that the Water User has no right to expect or demand that the Company deliver or supply a given quantity or quality of water even though Water User may have filed on the same with the IDWR; and that the Company shall have no responsibility or liability for cessation, fluctuation, increase, or reduction of water flows for any reason.

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4. Water User understands and agrees that it may not rely upon or expect consistent water flows within the delivery system as the Company, in order to (i) fulfill its delivery obligations, (ii) repair and/or maintain its delivery system, and/or (iii) otherwise respond to natural or man made exigencies, such as drought, floods or canal breaks, may change the manner of use or management of such water flows which may affect the availability of water within the reach or segment of the delivery system where the Water User's diversion is located.

5. It is understood and agreed that the Water User will cause no interruption or interference in water deliveries or damage to said canals or ditches during construction, repair, or remodeling, or in subsequent operations of the facility. It is understood and agreed that any contractor or contractors employed by Water User shall be an agent of Water User and not an independent contractor and Water User shall be liable as principal therefor.

6. Water User understands and acknowledges that the primary use of the water within the Company delivery system is for irrigation and that, in conjunction with such use, as well as with the Company's operation and maintenance of its water delivery system, the water within the delivery system may contain agricultural chemicals, including but not limited to, fertilizers, pesticides, (including, but not limited to, those categories of pesticides defined in Idaho Code §22-3401[3]) and sediment, which may render such waters unsuitable for fish propagation purposes. Water User has independently examined and considered the acceptability of such waters for the use intended, acknowledges that future water quality and quantity may change, and acknowledges that the Company does not warrant or represent that the waters within its delivery system are suitable for Water User's intended use.

7. To the extent that Water User's operation and maintenance of its facility and/or use of the waters for any purpose results in any additional costs and expenses to the Company for operation or maintenance of its delivery system, including but not limited to additional work or costs related to the removal or eradication of aquatic or other weeds, Water User agrees to indemnify and reimburse the Company for any such costs or expenses within thirty (30) days of the receipt by Water User of a statement or bill from the Company relating to such costs or expenses.

8. Should the Water User, at any time, cease to use such facility or otherwise abandon its use, Water User shall remove any new diversion installed pursuant to 47-08356 and return the area to its former condition, or indemnify and/or reimburse the Company for any costs or expenses incurred in such restoration and the replacement and repair of the right of way as required.

9. Water user understands and acknowledges that its use of the water under the above-referenced permit is or may be subject to local, state and/or federal laws, rules or regulations relating to, among other things, water quality. The Company understands and acknowledges that Water User is not responsible for the quality of water received from the Company. Water User agrees that it shall be, and remains, responsible for complying with any such laws, rules or regulations and it shall indemnify and hold the Company harmless of, and from, any costs, expenses, fines, penalties, or assessments

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incurred by reason of Water User's failure to fully comply with such laws, rules or regulations as to any water diverted by Water User under Permit No. 47-08356.

10. Water User waives, releases and relinquishes any claim or claims Water User may now or hereafter have against the Company for loss or damage that arises out of, relates to, or arises in connection with Water User's facility, or the fish raised or to be raised at such facility, irrespective of whether such loss relates to the quantity (paragraphs 4 and 5) or quality (paragraph 7) of water available to Water User's facility from the Company's delivery system, and regardless of whether such loss or damage results from an act, omission or negligence of the Company.

11. It is further agreed that the Water User will indemnify and save harmless the Company for and against all claims, suits, damages, costs, losses, fines, penalties, assessments, and expenses in any manner resulting from or arising out of the construction, operation, maintenance, renewal, repair, remodeling, use or existence of the Water User's facilities, whether heretofore or hereafter made, including Company's attorneys' fees.

12. The failure or refusal of Water User to comply with any provision herein shall constitute a default and shall entitle the Company to petition to reinstate or assert its protest with the IDWR, or alternatively, to seek specific performance and/or damages from the Water User for such failure or refusal to so comply. In the event the Company is required to initiate either administrative or legal action to enforce its rights under this Agreement, the Water User shall indemnify and reimburse the Company for any and all costs and expenses incurred by the Company in enforcing its rights, including attorney's fees and costs.

13. The parties hereby bind themselves, their heirs, successors, assigns, lessees, and legal representatives; provided that any assignment, sale, lease or other conveyance of Water User's interest in the facility or right to the use of the water shall not bind or otherwise affect the Company's right to reinstate its protest or to contest the water use at the facility, unless the successor, lessee or grantee of such interest agrees, in writing, to the terms and conditions of this Agreement.

14. This Agreement shall at all times be construed as a covenant running with the land and shall be a burden upon the property described on Exhibit B.

15. Nothing in this Agreement shall be deemed to in any way limit or modify the duty of the Company to deliver to the Water User the water represented by the Water User's 79.61 shares of capital stock of the Company or to in any way limit or modify any restrictions on the transferability of the water right represented by said capital stock that may arise as a result of the holding in Strong v. Twin Falls Canal Company, 44 Idaho 427 (1927).

16. This Agreement contains the entire understanding and agreement of the parties hereto with respect to the subject matter hereof, and no prior written or oral agreement or understanding pertaining to any such matter shall be effective for any purpose.

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This Agreement may not be amended, modified, altered, changed, subtracted from, or added to except by an agreement in writing by the parties to this Agreement or their respective successors in interest.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this 23rd day of AUGUST, 1994.

TWIN FALLS CANAL COMPANY

By: Wayne Linder
PRESIDENT

ATTEST:

Dow Kramer
SECRETARY

WATER USER
Simplot-McCollum Development Company

By: J. R. Simplot Company, a partner

By: Ronald N. Graves
Ronald N. Graves
Secretary

By: McCollum Enterprises, Ltd.,
a partner

By: Joseph D. McCollum Sr.
Joseph D. McCollum, Sr.
General Partner

NOT

JUN 07 1995

STATE OF IDAHO)

) : ss

County of Twin Falls)

On this 23 day of August, 19 94, before me, a Notary Public, in and for said County and State, personally appeared Wayne Lincoln and Don Kramer, known or identified to me to be the President and Secretary, respectively, of TWIN FALLS CANAL COMPANY, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Doris V. Fanning
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 5/10/97

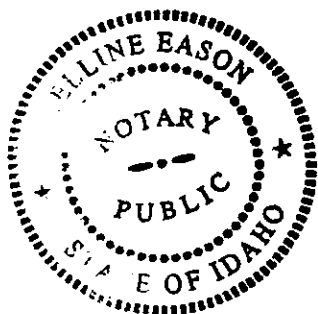
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On this 16th day of August, 19 94, before me, a Notary Public, in and for said County and State, personally appeared as a partner of Water User, Ronald N. Graves, known or identified to me to be the Secretary of J. R. SIMPLOT COMPANY, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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



Kelline Eason
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My commission expires: 10-13-94

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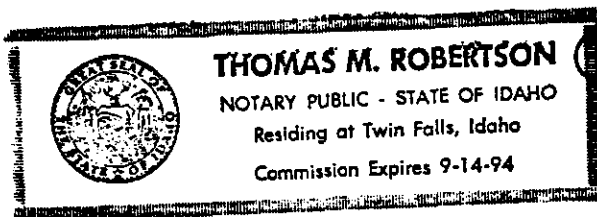
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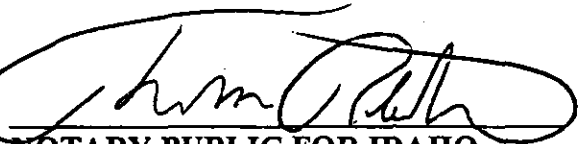
) : ss

County of Twin Falls)

On this 19 day of August, 19 94, before me, a Notary Public, in and for said County and State, personally appeared a partner of Water User, Joseph D. McCollum, Sr., known or identified to me to be the General Partner of McCOLLUM ENTERPRISES, LTD., the limited partnership that executed the foregoing instrument, and acknowledged to me that such limited partnership executed the same.

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




NOTARY PUBLIC FOR IDAHO

Residing at: _____

My commission expires: _____

05099401.JAR

JUN 07 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAR 04 1994

Department of Water Resources

To appropriate the public waters of the State of Idaho
Simpliot-McCollum Development Company
dba Canyon Springs

1. Name of applicant _____ Phone (208) 336-2110

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

2. Source of water supply Perrine Coulee which is a tributary of Snake River

3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____

Sec. 33 Township 9S Range 17E B.M. Twin Falls County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4 cfs for Fish Propagation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 4 cfs for Aesthetic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) 4 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pipe, flume and headgate

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? NO

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

JUN 07 1995

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. Fish propagation; Aesthetic use is for existing water features on existing golf course.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	17E	28											F A						
		29																F A	
		32	F A																
		33					F A												

F = Fish Propagation
A = Aesthetic

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 47-07758,
47-07813, New Application for Seep Spring

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

JUN 07 1995

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



J.R. Simplot Company - Venturer, for
Simplot-McCollum Development Company dba Canyon
Springs

JUN 07 1995

by: ~~Ronald N. Graves~~ (Applicant) Secretary

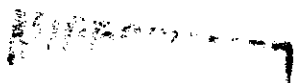
Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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:



JUN 07 1995

GRANT DEED

Grantors, J. D. McCOLLUM and JEAN H. McCOLLUM, husband and wife, County of Twin Falls, State of Idaho, for Ten Dollars and No/100 (\$10.00), and other good valuable consideration, the receipt of which is hereby acknowledged, do hereby grant and convey unto CANYON SPRINGS whose address is P.O. Box 112, Twin Falls, Idaho, 83303-0112, as Grantee, and to Grantee's successors and assigns forever, all of the following described real estate located in the County of Twin Falls, Idaho:

A tract of land located in the Southwest Quarter of the Southwest Quarter of Section 28; the Southeast Quarter of the Southeast Quarter of Section 29; the East Half of the Northeast Quarter of Section 32 and Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the southeast corner of said Section 33;
THENCE North 1°07'50" East a distance of 1318.58 feet to the northeast corner of said SE¼SE¼; the southeast corner of Government Lot 4 and the TRUE POINT OF BEGINNING;
THENCE South 89°40'19" West a distance of 294.60 feet along the southerly boundary of said Lot 4;
THENCE North 75°44'00" West a distance of 800.00 feet;
THENCE North 85°31'00" West a distance of 254.70 feet;
THENCE North 0°47'43" East a distance of 210.81 feet;
THENCE South 90°00'00" West a distance of 557.59 feet;
THENCE North 0°00'00" East a distance of 333.27 feet;
THENCE North 82°30'00" West a distance of 1400.00 feet;
THENCE South 0°00'00" West a distance of 566.60 feet to a point on the south rim of the Snake River Canyon;
THENCE Westerly along said canyon rim South 64°43'17" West a distance of 110.33 feet;
THENCE North 32°33'00" West a distance of 124.60 feet;
THENCE North 45°02'00" West a distance of 342.70 feet;
THENCE North 73°26'00" West a distance of 314.20 feet to a point where the southerly rim of the Snake River Canyon intersects the easterly boundary of the NW¼ of the SW¼ of said Section 33;
THENCE North 0°13'47" East a distance of 530.39 feet to the northeast corner of said NW¼SW¼;
THENCE South 89°38'51" West a distance of 1330.94 feet to the northwest corner of said NW¼SW¼;
THENCE North 0°00'47" East a distance of 917.40 feet along the westerly boundary of said Section 33 and the easterly boundary of said Section 32 to a point on the North side of an access road in the Snake River Canyon; then along said access road the following courses and distances; North 44°56'59" West a distance of 108.43 feet;
THENCE North 48°51'46" West a distance of 249.26 feet;

1 THENCE North 42°08'07" West a distance of 220.95 feet to a
2 point on the southerly boundary of the NE¼NE¼ of said Section 32;

3 THENCE North 89°51'03" West a distance of 917.51 feet to the
4 southwest corner of said NE¼NE¼;

5 THENCE North 0°00'30" West a distance of 1320.69 feet to the
6 northwest corner of said NE¼NE¼ Section 32;

7 THENCE North 0°00'30" West a distance of 872.90 feet along the
8 westerly boundary of the SE¼SE¼ of said Section 29 to the South bank
9 of the Snake River;

10 THENCE easterly along said South bank the following courses and
11 distances;

12 South 79°12'58" East a distance of 384.22 feet;

13 THENCE South 72°24'41" East a distance of 398.92 feet;

14 THENCE South 61°34'12" East a distance of 246.19 feet;

15 THENCE South 59°05'10" East a distance of 221.09 feet;

16 THENCE South 65°30'35" East a distance of 183.49 feet;

17 THENCE South 62°52'39" East a distance of 169.29 feet;

18 THENCE South 59°08'13" East a distance of 287.56 feet;

19 THENCE South 53°08'43" East a distance of 253.70 feet;

20 THENCE South 54°16'25" East a distance of 269.09 feet;

21 THENCE South 61°30'00" East a distance of 277.20 feet;

22 THENCE South 70°00'00" East a distance of 462.00 feet;

23 THENCE South 66°00'00" East a distance of 330.00 feet;

24 THENCE South 52°10'13" East a distance of 107.78 feet;

25 THENCE South 53°30'00" East a distance of 110.05 feet;

26 THENCE South 47°00'00" East a distance of 184.80 feet;

27 THENCE South 52°30'00" East a distance of 145.20 feet;

28 THENCE South 40°30'00" East a distance of 330.00 feet;

29 THENCE South 19°00'00" East a distance of 153.86 feet;

30 THENCE leaving said South bank South 61°31'00" West a distance
31 of 586.76 feet;

32 THENCE South 22°46'00" West a distance of 117.89 feet;

33 THENCE South 29°52'00" East a distance of 440.90 feet;

34 THENCE South 64°25'00" East a distance of 104.00 feet;

35 THENCE South 82°12'30" East a distance of 50.88 feet;

36 THENCE North 0°00'00" East a distance of 56.91 feet;

37 THENCE North 45°13'30" East a distance of 24.10 feet;

38 THENCE South 71°35'30" East a distance of 233.60 feet to a
39 point on the easterly boundary of Government Lot 3 of said Section
40 33;

41 THENCE South 0°55'30" West a distance of 621.78 feet to the
42 Southwest corner of said Government Lot 33;

43 THENCE South 89°58'56" East a distance of 1070.54 feet along
44 the southerly boundary of said Government Lot 3 and the northerly
45 boundary of Government Lot 5 to angle point;

46 THENCE South 61°41'21" East a distance of 432.28 feet to a
47 corner common to Government Lots 5 and 8 of said Section 33;

48 THENCE North 76°30'00" East a distance of 983.40 feet along the
49 northerly boundary of said Government Lot 8;

50 THENCE North 72°15'00" East a distance of 277.20 feet to the
51 Northeast corner of said Government Lot 8;

JUN 07 1995

1 THENCE South 1°07'50" West a distance of 99.25 feet along the
2 easterly boundary of said Government Lot 8;

3 THENCE South 1°02'05" West a distance of 725.08 feet to the
4 Southeast corner of said Government Lot 8 and the Northeast corner
5 of Government Lot 4 of said Section 33;

6 THENCE South 53°08'14" West a distance of 254.68 feet;

7 THENCE South 60°02'00" West a distance of 145.65 feet;

8 THENCE South 64°30'16" West a distance of 140.15 feet;

9 THENCE South 81°24'38" West a distance of 399.72 feet;

10 THENCE South 0°55'00" West a distance of 52.70 feet;

11 THENCE South 76°34'32" East a distance of 660.45 feet;

12 THENCE South 78°19'00" East a distance of 201.40 feet to the
13 southeast corner of said Government Lot 4 and the TRUE POINT OF
14 BEGINNING;

15 The above described tract is subject and includes use of
16 an easement for the purposes of ingress, egress and public utilities
17 over a strip of land 30 feet in width running through the above
18 described parcel. Said easement having been granted to the City of
19 Twin Falls by Instrument No. 501363 in the miscellaneous records of
20 Twin Falls County, Idaho, and excepting therefrom a parcel of land
21 located in the W½ of the NW¼ of Section 33, Township 9 South, Range
22 17 East, Boise Meridian, more particularly described as follows:

23 Beginning at the Northwest corner of said NW¼ of Section 33;

24 THENCE South 24°02'32" East a distance of 1189.98 feet to the
25 Northerly corner of said parcel and the TRUE POINT OF BEGINNING;

26 THENCE South 68°37'52" East a distance of 105.00 feet;

27 THENCE South 22°17'45" East a distance of 200.00 feet;

28 THENCE South 21°22'15" West a distance of 75.61 feet;

29 THENCE North 68°37'45" West a distance of 243.09 feet;

30 THENCE North 21°22'15" East a distance of 220.28 feet to the
31 TRUE POINT OF BEGINNING, containing 1.00 acres more or less;

32 Also excepting therefrom the following described parcels:

33 1. A parcel of land located in the SE¼ of the NW¼ of Section
34 33, Township 9 South, Range 17 East, Boise Meridian, in Twin Falls
35 County, Idaho,

36 Beginning at the Southeast corner of said SE¼NW¼ also being the
37 center of said Section 33;

38 THENCE North 0°55'30" East a distance of 461.78 feet along the
39 Easterly boundary of said SE¼NW¼ to the TRUE POINT OF BEGINNING.

40 THENCE North 49°23'40" West a distance of 321.27 feet;

41 THENCE North 45°13'30" East a distance of 35.00 feet;

42 THENCE South 71°35'30" East a distance of 233.60 feet;

43 THENCE South 0°55'30" West a distance of 160.00 feet to the
44 TRUE POINT OF BEGINNING.

1 2. Township 9 South, Range 17 E., B.M., Twin Falls County,
2 Idaho, Section 33: A one acre parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
3 specifically described as follows:

4 From the Section corner common to Sections 28, 29, 32, 33, a
5 distance of 1808.86 feet on a bearing of South 7°24'20" East to the
6 northern corner of the property.

7 From this POINT OF BEGINNING, a distance of 178.77 feet on a
8 bearing of South 21°22'15" West to the westerly property corner;

9 THENCE a distance of 214.69 feet on a bearing of South
10 47°18'30" East to the southerly property corner;

11 THENCE a distance of 256.83 feet on a bearing of North
12 21°22'15" East to the easterly property corner;

13 THENCE a distance of 200.00 feet on a bearing of North
14 68°37'45" West to the POINT OF BEGINNING.

15 Together with appurtenances.

16 SUBJECT to all easements and rights of way of record, real
17 property taxes for 1992 which are a lien, but not yet due and owing.

18 In construing this Deed, and where the context so
19 requires, the singular includes the plural and the masculine, the
20 feminine and the neuter.

21 IN WITNESS WHEREOF, Grantors have hereunto subscribed
22 their names to this instrument this 27th day of November, 1992.

23
24
25
26

J. D. MCCOLLUM


JEAN H. MCCOLLUM

1 STATE OF Arizona)
2) ss.
3 County of Morongo

4 On this 22 day of November, 1992, before me, the
5 undersigned, a Notary Public in and for said County and State,
6 personally appeared J. D. McCOLLUM and JEAN H. McCOLLUM, husband and
7 wife, known to me to be the persons whose names are subscribed to
8 the within instrument, and acknowledged to me that they executed the
9 same.

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

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NOTARY PUBLIC

Residing at: 13501 Central Blvd

My Commission Expires: Apr 30, 1994

TWIN FALLS COUNTY, IDAHO
RECORDED FOR:

TITLEFACT, Inc.

1993 JAN 21 A 11:34

19930008661

ROBERT S. FORT
EX-OFFICIO RECORDER

FEE: 15.00 DEPUTY: UP

RECORDED

JUN 07 1995



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

CORPORATE HEADQUARTERS

Allen Merritt, Manager
State of Idaho
Department of Water Resources
Southern Regional Office
222 Shoshone St. East
Twin Falls, ID 83301

January 20, 1995

RECEIVED

JAN 23 1995

Department of Water Resources
Southern Region

Re: IDWR Application for Permit No. 47-08357.

Dear Allen:

Enclosed is a copy of the fully executed Agreement Between Simplot-McCollum Development Company dba Canyon Springs ("Canyon Springs") and State of Idaho Department of Fish and Game ("IDFG") to be included in your file for the above referenced application. I've also enclosed a copy of a letter dated October 31, 1994, signed by Cindy Robertson, IDFG Fisheries Staff Biologist, in which IDFG withdraws its protest of the above application subject to the terms and conditions of the enclosed Agreement.

It is my understanding that Canyon Springs previously satisfied all of the additional information requirements for fish propagation applications for five (5) c.f.s. and less requested by your office in a letter dated March 21, 1994, in connection with application no's 47-08356 and 47-08657. Since IDFG has conditionally withdrawn its protest of 47-08357 we would appreciate any effort by your office to expedite issuing permits for these applications.

If you have any questions, or if there is some element of the additional information requirements you have not received, please don't hesitate to call me at 208-389-7359.

Sincerely,

Vic Conrad
Associate, Simplot
Land and Development

enclosures: Agreement, Letter

JUN 07 1995

cc: w/o enclosures:

D. McCollum, Canyon Springs
D. Parrish, IDFG
C. Robertson, IDFG

T. Robertson, Coleman Ritchie Robertson
G. Young, Canyon Springs

RECEIVED

AGREEMENT BETWEEN SIMPLOT-MCCOLLUM DEVELOPMENT COMPANY DBA
CANYON SPRINGS AND STATE OF IDAHO DEPARTMENT OF FISH AND GAME

JAN 23 1995

Department of Water Resources
Canyon Northern Region

WHEREAS, Simplot-McCollum Development Company d/b/a Canyon Springs ("Canyon Springs") has filed Application for Permit No. 47-08357 ("Application") with the State of Idaho Department of Water Resources for permission to divert 4.0 cubic feet per second (c.f.s.) for fish propagation and aesthetic purposes from a seep spring located on real property owned by Canyon Springs in Twin Falls County, Idaho; and

WHEREAS, the State of Idaho Department of Fish and Game, Region 4, ("Fish and Game") filed a Protest to the Application on the basis of concerns regarding impacts to fish and wildlife resources of the proposed diversion; and

WHEREAS, Canyon Springs and Fish and Game have reached an agreement satisfying Fish and Game's concerns and allowing conditional diversion by Canyon Springs of a portion of the water in the seep spring for fish propagation and aesthetic uses;

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions hereof and for other good and valuable consideration, Canyon Springs and Fish and Game agree as follows:

1. Canyon Springs shall be entitled to divert, subject to conditions set forth in this Agreement, a maximum of 2.0 c.f.s. from the seep spring described in the Application, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. Such diversion shall be permitted only in emergency situations, which shall be defined as those periods in which Canyon Springs cannot reasonably rely on diversion of the full 6.0 c.f.s. appropriated from Alpheus Creek under the State of Idaho Department of Water Resources ("IDWR") License Number 36-07239. The use of the water under the proposed permit and license shall be for fish propagation and aesthetic purposes only.
2. Except in emergency situations as described and defined in paragraph 1 above, Fish and Game requires and Canyon Springs agrees that all natural flow from the seep spring be discharged down its existing natural channel for purposes of maintaining riparian habitat and to maintain a cold water fish population in the Snake River, to which the seep spring is tributary. During emergency situations, Canyon Springs shall be permitted to divert no more than 2.0 c.f.s. from the seep spring, with the balance of the seep spring flows, if any, to be discharged down the existing natural channel.
3. Canyon Springs agrees not to develop water supplies for fish propagation and aesthetic purposes from those seep springs presently located on its property east (upstream, Snake River) of the subject seep spring.
4. Canyon Springs shall be permitted to develop water supplies for fish propagation and other uses from sources other than the subject seep spring and those seep springs identified in paragraph 3 above.
5. Fish and Game hereby agrees to withdraw its protest dated March 29, 1994 to the Application, provided that Canyon Springs agrees to allow the following conditions to be imposed by the IDWR on said permit:
 - (i) Diversion rate will not exceed 2.0 c.f.s.

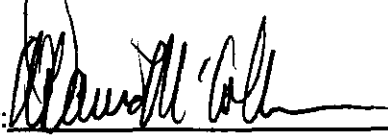
JUN 07 1995

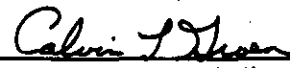
- (ii) Diversion will be permitted only in emergency situations, defined as those periods in which Canyon Springs cannot reasonably rely on diversion of the full 6.0 c.f.s. appropriated from Alpheus Creek under the State of Idaho Department of Water Resources ("IDWR") License Number 36-07239.
- (iii) Canyon Springs shall not develop water supplies for fish propagation and aesthetic purposes from those seep springs presently located on its property east (upstream, Snake River) of the subject seep spring.
6. Canyon Springs and Fish & Game hereby grant to one another, in addition to any other rights and remedies they may have hereunder, the right of specific performance of this Agreement.
7. This Agreement shall be binding upon the parties and their successors, and assigns.
8. This Agreement supersedes all agreements previously made between the parties hereto relating to its subject matter. There are no other understandings or agreements between them regarding the subject matter of this Agreement.
9. No change or modification of this Agreement shall be valid unless the same be in writing and signed by Fish and Game and Canyon Springs. No waiver of any provision of this Agreement shall be valid unless in writing and signed by the person or party to be charged.
10. No delay or failure by a party to exercise any right under this Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.
11. This Agreement shall be construed in accordance with and governed by the laws of the State of Idaho.
12. If any provision, term or condition of this Agreement is found by a court of appropriate jurisdiction to be invalid under, inconsistent with, or in conflict with the provisions of any applicable statute or decision of law, or should the application of any provision, term or condition of this Agreement be found to be invalid under, in conflict with, or inconsistent with the provisions of any applicable law, statute, or decision of law, then such invalidity, conflict, or inconsistency shall not be deemed to effect, impair, invalidate, or nullify the remainder of this Agreement, which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the 8 day of NOVEMBER, 1994.

**SIMPLOT-McCOLLUM DEVELOPMENT
COMPANY d/b/a CANYON SPRINGS**

IDAHO DEPARTMENT OF FISH & GAME

By: 
DAVID McCOLLUM, General Manager

By: 
Authorized Representative

Ch: of, Natural Resources Policy Bureau

5612v
10/25/94 04:11 PM

JUN 07 1995

CORPORATE HEADQUARTERS

November 3, 1994

5 6 12 11 10

State of Idaho
Division of Environmental Quality
Post Office Box 83720
Boise, Idaho 83720-1410

NOV 07 1994

Department of Water Resources
Southern Region Office

Subject: Comment Regarding Applications Nos. 47-08356 and 47-08357 with the State of Idaho Department of Water Resources for Permit to Appropriate the Public Waters of the State of Idaho.

Ladies and Gentlemen:

Pursuant to § 42-203A I.C. and the Rules and Regulations for Water Appropriation, the Idaho Department of Water Resources Southern Regional Office ("IDWR") is requiring the Simplot-McCollum Development Company dba "Canyon Springs" to seek comment about the effects of construction and operation of the project proposed under the above referenced applications for permit.

The applications were filed to develop alternative water supplies for our licensed water right to divert Alpheus Creek for the same purposes. During the last two years, wide variability in the flow of Alpheus Creek caused water shortages for our fish propagation operation during part of the year. Our dependence on a continuous supply of water for aquaculture forces us to explore the development of alternative water supplies to supplement our Alpheus Creek water during those periods when the Alpheus Creek water is not available.

Application for Permit No. 47-08356 seeks 4.0 c.f.s. from the Perrine Coulee for fish propagation and aesthetic purposes to be used in the existing fish propagation facility.

Application No. 47-08357 originally sought 4.0 c.f.s. from a spring for the same purposes as identified for 47-08356. However, in an agreement with the State of Idaho Department of Fish and Game, who protested the application, we have agreed to limit the diversion to 2.0 c.f.s.

JUN 07 1994

For convenience, I have enclosed copies of both applications for permit and a copy of the agreement with Fish & Game. Please send any comments you have regarding the applications to:

**State of Idaho
Department of Water Resources
ATTN: Allen Merritt
Southern Regional Office
222 Shoshone St. East
Twin Falls, ID 83301**

I would appreciate receiving copies your comments.

Sincerely,

Vic Conrad, Simplot
Land and Development

Enclosures: Copy of Application No. 47-08356
Copy of Application No. 47-08357
Copy of Fish & Game Agreement

cc: D. McCollum w/o enclosures
T. Robertson w/o enclosures
G. Young w/o enclosures
Allen Merritt w/o enclosures

JUL 8 1977



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707-0025

Cecil D. Andrus / Governor
Jerry M. Conley / Director

October 31, 1994

15 16 17 18 19

NOV 02 1994

Department of Water Resources
Southern Region Office

Mr. Vic Conrad, Associate
Simplot Land and Development
J.R. Simplot Company
P.O. Box 27
Boise, ID 83707-0027

RE: Application for Permit No. 47-08357

Dear Vic:

I have enclosed the signed originals of the agreement between Simplot-McCollum Development Company and the Idaho Department of Fish and Game (IDFG). IDFG agrees to withdraw its protest of the above-referenced permit if the terms of the agreement are imposed as conditions of the approved water right permit. If the terms cannot be made a part of the permit, then IDFG, with this letter, reserves its right to continue its protest of the application.

I appreciate your efforts to address IDFG concerns and resolve this matter in a cooperative fashion.

Sincerely,

Cindy Robertson
Fisheries Staff Biologist

CR:tlv

Enclosure

cc: Dave Parrish, Magic Valley Region
Steve Goddard, Magic Valley Region
Alan Merritt, Water Resources, Twin Falls

JUN 07 1995

**AGREEMENT BETWEEN SIMPLOT-MCCOLLUM DEVELOPMENT COMPANY DBA
CANYON SPRINGS AND STATE OF IDAHO DEPARTMENT OF FISH AND GAME**

WHEREAS, Simplot-McCollum Development Company d/b/a Canyon Springs ("Canyon Springs") has filed Application for Permit No. 47-08357 ("Application") with the State of Idaho Department of Water Resources for permission to divert 4.0 cubic feet per second (c.f.s.) for fish propagation and aesthetic purposes from a seep spring located on real property owned by Canyon Springs in Twin Falls County, Idaho; and

WHEREAS, the State of Idaho Department of Fish and Game, Region 4, ("Fish and Game") filed a Protest to the Application on the basis of concerns regarding impacts to fish and wildlife resources of the proposed diversion; and

WHEREAS, Canyon Springs and Fish and Game have reached an agreement satisfying Fish and Game's concerns and allowing conditional diversion by Canyon Springs of a portion of the water in the seep spring for fish propagation and aesthetic uses;

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions hereof and for other good and valuable consideration, Canyon Springs and Fish and Game agree as follows:

1. Canyon Springs shall be entitled to divert, subject to conditions set forth in this Agreement, a maximum of 2.0 c.f.s. from the seep spring described in the Application, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. Such diversion shall be permitted only in emergency situations, which shall be defined as those periods in which Canyon Springs cannot reasonably rely on diversion of the full 6.0 c.f.s. appropriated from Alpheus Creek under the State of Idaho Department of Water Resources ("IDWR") License Number 36-07239. The use of the water under the proposed permit and license shall be for fish propagation and aesthetic purposes only.
2. Except in emergency situations as described and defined in paragraph 1 above, Fish and Game requires and Canyon Springs agrees that all natural flow from the seep spring be discharged down its existing natural channel for purposes of maintaining riparian habitat and to maintain a cold water fish population in the Snake River, to which the seep spring is tributary. During emergency situations, Canyon Springs shall be permitted to divert no more than 2.0 c.f.s. from the seep spring, with the balance of the seep spring flows, if any, to be discharged down the existing natural channel.
3. Canyon Springs agrees not to develop water supplies for fish propagation and aesthetic purposes from those seep springs presently located on its property east (upstream, Snake River) of the subject seep spring.
4. Canyon Springs shall be permitted to develop water supplies for fish propagation and other uses from sources other than the subject seep spring and those seep springs identified in paragraph 3 above.
5. Fish and Game hereby agrees to withdraw its protest dated March 29, 1994 to the Application, provided that Canyon Springs agrees to allow the following conditions to be imposed by the IDWR on said permit:

(1) Diversion rate will not exceed 2.0 c.f.s.

JUN 07 1995

- (ii) Diversion will be permitted only in emergency situations, defined as those periods in which Canyon Springs cannot reasonably rely on diversion of the full 6.0 c.f.s. appropriated from Alpheus Creek under the State of Idaho Department of Water Resources ("IDWR") License Number 36-07239.
- (iii) Canyon Springs shall not develop water supplies for fish propagation and aesthetic purposes from those seep springs presently located on its property east (upstream, Snake River) of the subject seep spring.
6. Canyon Springs and Fish & Game hereby grant to one another, in addition to any other rights and remedies they may have hereunder, the right of specific performance of this Agreement.
7. This Agreement shall be binding upon the parties and their successors, and assigns.
8. This Agreement supersedes all agreements previously made between the parties hereto relating to its subject matter. There are no other understandings or agreements between them regarding the subject matter of this Agreement.
9. No change or modification of this Agreement shall be valid unless the same be in writing and signed by Fish and Game and Canyon Springs. No waiver of any provision of this Agreement shall be valid unless in writing and signed by the person or party to be charged.
10. No delay or failure by a party to exercise any right under this Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.
11. This Agreement shall be construed in accordance with and governed by the laws of the State of Idaho.
12. If any provision, term or condition of this Agreement is found by a court of appropriate jurisdiction to be invalid under, inconsistent with, or in conflict with the provisions of any applicable statute or decision of law, or should the application of any provision, term or condition of this Agreement be found to be invalid under, in conflict with, or inconsistent with the provisions of any applicable law, statute, or decision of law, then such invalidity, conflict, or inconsistency shall not be deemed to effect, impair, invalidate, or nullify the remainder of this Agreement, which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the ____ day of _____, 1994.

**SIMPLIT-McCOLLUM DEVELOPMENT
COMPANY d/b/a CANYON SPRINGS**

IDAHO DEPARTMENT OF FISH & GAME

By: _____
DAVID McCOLLUM, General Manager

By: Calvin L. Hansen
Authorized Representative
Ch: of, Natural Resources Policy Bureau
10/26/94

5812v
10/25/94 04:11 PM

36-07239

MEMO

September 14, 1994

FROM: ALLEN MERRITT

TO: FILES 47-08356 & 47-08357

SUBJECT: PHONE CONVERSATION WITH VIC CONRAD

THIS DAY AFTER REVIEWING THE FILES AND FILING AWAY THE DOCUMENTS DAVE MCCULLUM BROUGHT IN A FEW WEEKS AGO I PHONED VIC TO DISCUSS THE STATUS OF THE ITEMS REQUESTED TO BE RESPONDED TO BEFORE THE APPLICATIONS ARE FORWARDED TO THE STATE OFFICE.

VIC INDICATED THAT THE AGREEMENT WITH F&G HAS NOT YET BEEN EXECUTED HOWEVER HE INDICATED THAT AN AGREEMENT WITH TFCC HAS BEEN FINALIZED FOR THE COULEE. I ASKED IF RESPONSES TO THE LETTERS SENT BY MCCULLUM TO THE CITY & COUNTY HAVE BEEN RESPONDED TO YET. HE INDICATED THAT BOTH HAD GIVEN VERBAL INDICATIONS THEY HAD NO COMMENT. I TOLD HIM IT WOULD BE BETTER IF THEY COULD SEND A SHORT LETTER. AS FOR DEQ THEY HAD NOT YET ASKED FOR COMMENT.

I TOLD VIC I WOULD PUT THE FILES BACK IN THE HOLD FILE WAITING THEIR RESPONSE TO THE ITEMS DISCUSSED.

ALLEN

RECEIVED

JUN 07 1995



August 5, 1994

Mr. Tom Courtney
City Manager
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

Dear Tom:

As we have briefly discussed yesterday, Canyon Springs has filed an application with the Idaho Department of Water Resources (#4708357) to develop a seep spring at Canyon Springs for a non-consumptive aquaculture use. IDWR has requested that we solicit any comments about this application from the City of Twin Falls.

The seep spring in question is located on Canyon Springs property approximately 200 yards east of the lower hairpin curve on Canyon Springs Road and just east of the parking area at the turn-off to Centennial Park (please see attached map). The seep spring and historical water course to the Snake River are located entirely on Canyon Springs property at a point where there are no downstream uses of the water. If the application is approved, we plan to pipe the water from the spring along the north side of Canyon Springs Road to the discharge point at the raceways located just west of the City's lift station (the route is noted in red on the map).

Survey information indicates the best proposed route will be located almost entirely on Canyon Springs property, however, the route will parallel Canyon Springs Road and may encroach slightly over the line onto City property. This route will have three important crossings: a) under the road to Centennial Park; b) an aerial crossing over Perrine Coulee; and c) under the road just north of the turn-off to the Canyon Springs Clubhouse. We understand that these crossings must be adequately designed and that the areas in question must be adequately restored. We also understand that we will obtain all necessary easements with the City and will work cooperatively to plan and schedule construction so that potential impacts are minimized for all concerned.

Thank you for your help in this matter. If you have any comments, questions, or need further clarification, please contact me at any time.

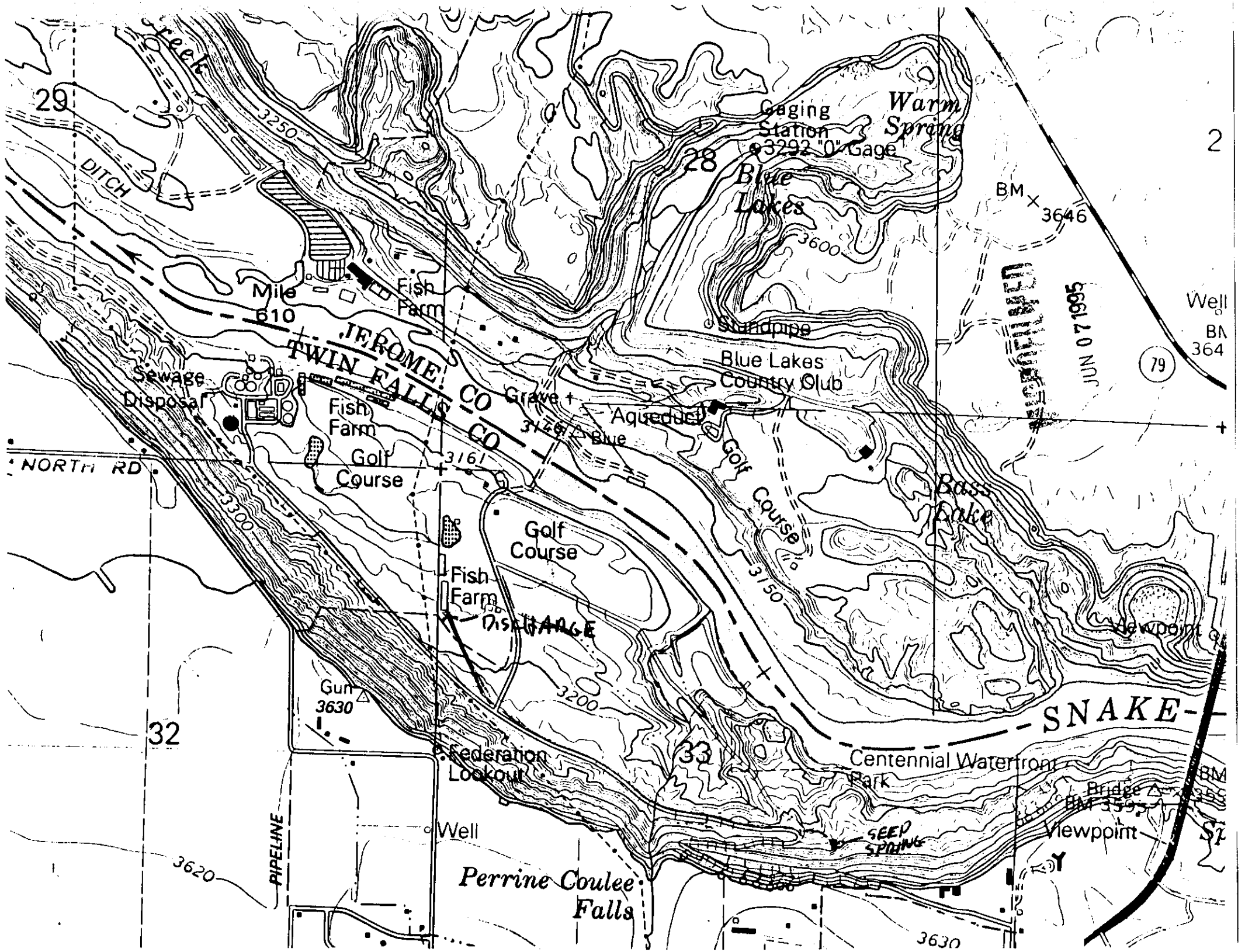
Sincerely yours,

David McCollum

RECEIVED

JUN 07 1995

CC: Alan Merritt, IDWR
Vic Conrad, JRS, Co.





The Honorable Marvin Hempleman
Twin Falls County Commissioner
County of Twin Falls
P.O. Box 126
Twin Falls, ID 83303-0126

Dear Marv:

As we have briefly discussed today, Canyon Springs has filed an application with the Idaho Department of Water Resources (#4708357) to develop a seep spring at Canyon Springs for a non-consumptive aquaculture use. IDWR has requested that we solicit any comments about this application from the County of Twin Falls.

The seep spring in question is located on Canyon Springs property approximately 200 yards east of the lower hairpin curve on Canyon Springs Road and just east of the parking area at the turn-off to Centennial Park (please see attached map). The seep spring and historical water course to the Snake River are located entirely on Canyon Springs property at a point where there are no downstream uses of the water. If the application is approved, we plan to pipe the water from the spring along the north side of Canyon Springs Road to the discharge point at the raceways located just west of the City's lift station (the route is noted in red on the map).

Survey information indicates the best proposed route will be located almost entirely on Canyon Springs property, however, the route will parallel Canyon Springs Road and may encroach slightly over the line onto City property. This route will have three important crossings: a) under the road to Centennial Park; b) an aerial crossing over Perrine Coulee; and c) under the road just north of the turn-off to the Canyon Springs Clubhouse. We understand that these crossings must be adequately designed and that the areas in question must be adequately restored. We also understand that we will obtain all necessary easements with the City and will work cooperatively with the City and County to plan and schedule construction so that potential impacts are minimized for all concerned.

Thank you for your help in this matter. If you have any comments, questions, or need further clarification, please contact me at any time.

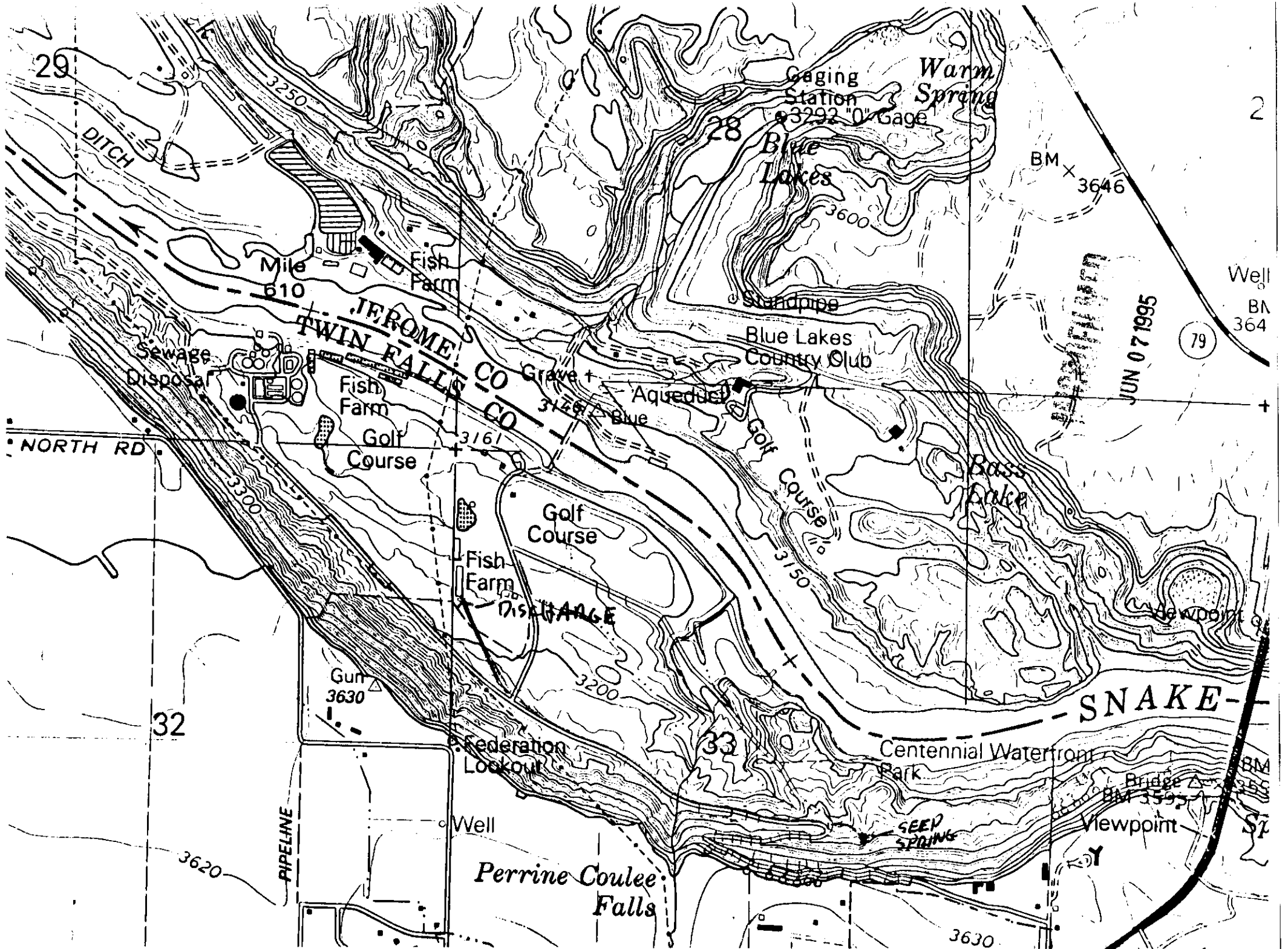
Sincerely yours,

David McCollum

CC: Alan Merritt, IDWR
Vic Conrad, JRS, Co.

MICROFILMED

JUN 07 1995



From: DWR60::MERRITT 4-AUG-1994 14:07:59.99
To: DWR03::GSAXTON
CC: MERRITT
Subj: APPLIC FOR PERMITS 47-08356 & 47-08357

AFTER OUR PHONE CONV. THIS MORNING I REVIEWED FURTHER IN THE FILES AND FOUND A LETTER FROM MEL REQUESTING ADDITIONAL INFORMATION INCLUDING:

- 1 DEED
- 2 PLANS
- 3 COMMENT FROM F&G, DEQ, CITY, COUNTY & CANAL CO.
- 4 NAMES & ADDRESSES OF OFFICERS

THIS LETTER HAS NOT YET BEEN RESPONDED TO BY THE APPLICANT. I THEN CALLED VIC CONRAD AND INFORMED HIM OUR OFFICE WOULD HOLD THE APPLICATIONS UNTIL THE REQUESTED INFORMATION WAS SUBMITTED. I ALSO EXPLAINED WE NEEDED A SIGNED AGREEMENT BETWEEN F&G AND CANYON SPRINGS TO RESOLVE THE PROTEST. I TOLD HIM SOME ELEMENTS OF THE AGREEMENT MAY BE INCORPORATED INTO THE CONDITIONS OF APPROVAL, PROBABLY ALONG THE LINES OF SUGGESTED IN YOUR MEMO DATED 7/27/94.

I GOT THE IMPRESSION THAT THE AGREEMENT IS TO BE SIGNED AND THAT THEY WOULD FORWARD THE REQUESTED ITEMS TO OUR OFFICE SOON.

ALLEN

RECEIVED

JUN 07 1995

MEMORANDUM

RECEIVED

To: Loren Holmes
From: L. Glen Saxton *LS*
RE: PROTESTED APPLICATION 47-08357
Date: July 27, 1994

JUL 28 1994
Department of Water Resources
Southern Region Office

It appears we can include the conditions proposed in the agreement in the permit we issue. I think the conditions should be in a slightly different form such as the following:

- 1) OK
- 2) Diversion under this right is authorized only when Canyon Springs reasonably can not ...
- 3) This permit does not authorize the development of water supplies for fish propagation and ...
- 4) (The condition that the applicants and protestants have a private contract which may affect exercise of the permit).

Not having a copy of the file in front of me, I am assuming these conditions will work. If you see other problems, please feel free to discuss with me.

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To: <i>Vic Carrad</i>	From: <i>Allen Merritt</i>	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

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JUN 07 1995

MEMORANDUM

TO: Glen Saxton
FROM: Loren Holmes
DATE: 21-Jul-1994
SUBJECT: Application for Permit No. 47-08357,
Simplot/McCollum Development Company

I was faxed this Draft Agreement by Dave Parrish of Fish & Game who asked if it could be incorporated into the file to resolve the Fish & Game's protest.

I told him that it was common practice for the Department to incorporate agreements into water right files to resolve the protests subject to a limitation that the Department is not bound to enforce any conditions of the Agreement that are not within Department authority.

The water right file is ready for signoff and delivery to the State Office if this protest is resolved.

Please review the Agreement and if possible have the legal staff review it. Let me know if we have any concerns that I need to pass on to Dave Parrish; hopefully we can get an executed Agreement.

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JUN 07 1995

FROM: REGION 4

TO: IDWR SOUTHERN

JUL 12, 1994 3:38PM #920 P.01

FAX Transmittal Sheet



RECEIVED

JUL 12 1994

Department of Water Resources
Southern Region Office

Idaho Department of Fish & Game

Magic Valley Region

P.O. Box 428/868 East Main Street

Jerome, ID 83338

PHONE: (208) 324-4359 FAX: (208) 324-1160

MICROFILMED

TOTAL # OF PAGES 4 (Including Coversheet) JUN 07 1995

TO: LOREN HOLMES

FROM: DAVE PARRISH - COULD AN AGREEMENT LIKE THIS BE

COMMENTS: LISTED AS CONDITIONS OF A WATER RIGHT
WHAT IF USE IS NOT NECESSARY OVER A

**AGREEMENT BETWEEN SIMPLOT-MCCOLLUM DEVELOPMENT COMPANY DBA
CANYON SPRINGS AND STATE OF IDAHO DEPARTMENT OF FISH AND GAME**

DRAFT

WHEREAS, Simplot-McCollum Development Company d/b/a Canyon Springs ("Canyon Springs") has filed Application for Permit No. 47-08357 ("Application") with the State of Idaho Department of Water Resources for permission to divert 4.0 cubic feet per second (c.f.s.) for fish propagation and aesthetic purposes from a seep spring located on real property owned by Canyon Springs in Twin Falls County, Idaho; and

WHEREAS, the State of Idaho Department of Fish and Game, Region 4, ("Fish and Game") filed a Protest to the Application on the basis of concerns regarding impacts to fish and wildlife resources of the proposed diversion; and

WHEREAS, Canyon Springs and Fish and Game have reached an agreement satisfying Fish and Game's concerns and allowing conditional diversion by Canyon Springs of a portion of the water in the seep spring for fish propagation and aesthetic uses;

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions hereof and for other good and valuable consideration, Canyon Springs and Fish and Game agree as follows:

1. Canyon Springs shall be entitled to divert, subject to conditions set forth in this Agreement, a maximum of 2.0 c.f.s. from the seep spring described in the Application, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. Such diversion shall be permitted only in emergency situations, which shall be defined as those periods in which Canyon Springs cannot reasonably rely on diversion of the full 6.0 c.f.s. appropriated from Alpheus Creek under the State of Idaho Department of Water Resources ("IDWR") License Number 36-07239. The use of the water under the proposed permit and license shall be for fish propagation and aesthetic purposes only.
2. Except in emergency situations as described and defined in paragraph 1 above, Fish and Game requires and Canyon Springs agrees that all natural flow from the seep spring be discharged down its existing natural channel for purposes of maintaining riparian habitat and to maintain a cold water fish population in the Snake River, to which the seep spring is tributary. During emergency situations, Canyon Springs shall be permitted to divert no more than 2.0 c.f.s. from the seep spring, with the balance of the seep spring flows, if any, to be discharged down the existing natural channel.
3. Canyon Springs agrees not to develop water supplies for fish propagation and aesthetic purposes from those seep springs presently located on its property east (upstream, Snake River) of the subject seep spring.
4. Canyon Springs shall be permitted to develop water supplies for fish propagation and other uses from sources other than the subject seep spring and those seep springs identified in paragraph 3 above.
5. Fish and Game hereby agrees to withdraw its protest filed March 29, 1994 to the Application, provided that Canyon Springs agrees to allow the following conditions to be imposed by the IDWR on said permit:
 - (i) Diversion rate will not exceed 2.0 c.f.s.
 - (ii) Diversion will be permitted only in emergency situations, defined as those

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JUN 07 1995

periods in which Canyon Springs cannot reasonable rely on diversion of the full 6.0 c.f.s. appropriated from Alpheus Creek under the State of Idaho Department of Water Resources ("IDWR") License Number 36-07239.

- (iii) Canyon Springs shall not develop water supplies for fish propagation and aesthetic purposes from those seep springs presently located on its property east (upstream, Snake River) of the subject seep spring.
6. Canyon Springs and Fish & Game hereby grant to one another, in addition to any other rights and remedies they may have hereunder, the right of specific performance of this Agreement.
 7. This Agreement shall be binding upon the parties and their successors, and assigns.
 8. This Agreement supersedes all agreements previously made between the parties hereto relating to its subject matter. There are no other understandings or agreements between them regarding the subject matter of this Agreement.
 9. No change or modification of this Agreement shall be valid unless the same be in writing and signed by Fish and Game and Canyon Springs. No waiver of any provision of this Agreement shall be valid unless in writing and signed by the person or party to be charged.
 10. No delay or failure by a party to exercise any right under this Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.
 11. This Agreement shall be construed in accordance with and governed by the laws of the State of Idaho.
 12. If any provision, term or condition of this Agreement is found by a court of appropriate jurisdiction to be invalid under, inconsistent with, or in conflict with the provisions of any applicable statute or decision of law, or should the application of any provision, term or condition of this Agreement be found to be invalid under, in conflict with, or inconsistent with the provisions of any applicable law, statute, or decision of law, then such invalidity, conflict, or inconsistency shall not be deemed to effect, impair, invalidate, or nullify the remainder of this Agreement, which shall remain in full force and effect.

JUN 07 1995

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the
____ day of July, 1994.

IDAHO DEPARTMENT OF FISH & GAME

By: _____
Authorized Representative

SIMPLOT-McCOLLUM DEVELOPMENT
COMPANY d/b/a CANYON SPRINGS

By: _____
DAVID McCOLLUM, General Manager

5812v

JUN 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

04-May-1994

R. KEITH HIGGINSON
Director

ATTN RONALD N GRAVES SECRETARY
SIMPLLOT-MC COLLUM DEVELOPMENT CO
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

RE: APPLICATIONS FOR PERMIT NOS. 47-08356, 47-08357

Dear Mr. Graves:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

We have received a withdrawal of the protest by Fish & Game against Application for Permit No. 47-08356. We will continue with the normal processing of the application.

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

Very truly yours,

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

LH:MB
Enclosure

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JUN 07 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

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 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 for issues 1, 2, 3, 4, and 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 of 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.

CONFERENCE

The purpose of a pre-hearing 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 or make settlement offers, schedule hearings, establish procedure at hearing 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 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 by the Director himself. If so, the hearing officer will prepare a recommended order for the 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 the 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.

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 10 days prior to the hearing.

JUN 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

03-May-1994

R. KEITH HIGGINSON
Director

CARL H NELLIS SUPERVISOR
IDAHO FISH & GAME
PO BOX 428
JEROME ID 83338

RE: APPLICATIONS FOR PERMIT NOS. 47-08356, 47-08357

Dear Mr. Nellis:

Your protest against the approval of Application for Permit No. 47-08357 has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

We also acknowledge the withdrawal of your protest against Application for Permit No. 47-08356.

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

Very truly yours,

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

LH:MB
Enclosure

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JUN 07 1995



IDAHO FISH & GAME

REGION 4

868 East Main Street / Box 428
Jerome, Idaho 83338-0428

March 29, 1994

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MAR 30 1994

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

**RE: Water Right Applications # 47-08356 and 47-08357 (Simplot McCollum Development Co.
DBA Canyon Springs)**

Dear Loren,

We would like to protest the fore mentioned water right applicants on the grounds that not enough information is provided to fully evaluate impacts to fish and wildlife resources.

At the convenience of the applicant, we would like a chance to meet on-site to discuss the proposed use of water from the Perrine Coulee and seep springs which flow into the Snake River. Once we have a better understanding of their application of the water we can evaluate impacts to fish and wildlife resources. To arrange an on-site meeting please contact Dave Parrish, Environmental Staff Biologist at this office (208) 324-4359.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

cc: IDFG-Natural Resource Policy Bureau (Robertson)
IDFG-Legal (Goddard)

RECEIVED

JUN 07 1995

Affidavit of Publication

No 25856

NOTICE OF APPLICATION
FOR WATER PERMIT

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

The following applications have been filed to appropriate the public waters of the State of Idaho:

47-08356

SIMPLOT-MCCOLLUM
DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Perrine
Coulee tributary to
Snake River

Diversion Pt: MESW,
S33, T09S, R17E; Twin
Falls County.

Use: 01/01 to 12/31
Fish propagation
(4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion:
4.0 cfs

Date Filed: 3/4/1994

In: S33W, S28, T09S,
R17E; SESE, S29,
T09S, R17E; NENE,
S32, T09S, R17E;
MMW, S33, T09S,
R17E; Twin Falls
County.

47-08357

SIMPLOT-MCCOLLUM
DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Seep Spring
tributary to Snake
River

Diversion Pt: Lot 5
(S33WSE), S33, T09S,
R17E; Twin Falls
County.

Use: 01/01 to 12/31
Fish propagation
(4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion:
4.0 cfs

Date Filed: 3/4/1994

In: S33W, S28, T09S,
R17E; SESE, S29,
T09S, R17E; NENE,
S32, T09S, R17E;
MMW, S33, T09S,
R17E; Twin Falls
County.

The permits will be
subject to all prior
water rights.
Protests must be
filed with the
applicant and with
the Director, Dept.
of Water Resources,
Southern Region, 222
Shoshone Street East,
Twin Falls, ID 83301
on or before April
25, 1994.

R. Keith Higginson,
Director

Published in Times
News on 4/7 &
4/14/94.

Kinda Capps McSwain being first duly sworn upon oath, depose
I say that I am Steve Clark of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
copying attached, was published in the regular and entire issue of said newspaper, and not in
supplement thereof, for Two consecutive Weeks,
commencing with the issue dated April 7, 1994,
ending with the issue dated April 14, 1994.

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 ex-
cept 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
the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho,
if published weekly, will be published; and that at the head of the editorial column of said combined newspapers,
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

This 11 day of April in the year of 1994, before me,
Kinda Capps McSwain
Notary Public, personally appeared Steve Clark
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Twin Falls

My commission expires: 01/22/1998

JUN 07 1995

OK
MB
5/4/94

CLASSIFIED ADVERTISING INVOICE
 TWIN FALLS TIMES NEWS
 132 3RD ST W.
 P. O. BOX 540
 TWIN FALLS ID 33303

Forwarding & address correction requested

INVOICE NO. 25356		CLASS 343	BILLING DATE 04/15/74	
INDEXING TERM 7-00330 47-8357				
START DATE 4/07/74		TELEPHONE NO. 730-3033		
LINES/WORDS 102	TIMES 2	RATE	NET AMOUNT 75.44	GROSS AMOUNT 75.44
AFFIDAVI			2.00	2.00
PAY THIS AMOUNT			75.44	75.44

GROSS AMT DUE AFTER 04/30

RECEIVED

MAY 04 1994

Department of Water Resources
 Southern Region Office

RETURN THIS PORTION WITH YOUR REMITTANCE

25356

7544

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

222 SHOSHONE ST E

TWIN FALLS

ID
 83301

UNRECEIVED

JUN 07 1995

NOTICE OF APPLICATION
FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

47-08356

SIMPLOT-MCCOLLUM
DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Perrine
Coulee tributary to
Snake River

Diversion Pt: NESW,
S33, T09S, R17E; Twin
Falls County.

Use: 01/01 to 12/31
Fish propagation
(4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion:
4.0 cfs

Date Filed: 3/4/1994

In: SWSW, S28, T09S,
R17E; SESE, S29,
T09S, R17E; NENE,
S32, T09S, R17E;
NWNW, S33, T09S,
R17E; Twin Falls
County.

47-08357

SIMPLOT-MCCOLLUM
DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Seep Spring
tributary to Snake
River

Diversion Pt: Lot 5
(SNNWSE), S33, T09S,
R17E; Twin Falls
County.

Use: 01/01 to 12/31
Fish propagation
(4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion:
4.0 cfs

Date Filed: 3/4/1994

In: SWSW, S28, T09S,
R17E; SESE, S29,
T09S, R17E; NENE,
S32, T09S, R17E;
NWNW, S33, T09S,
R17E; Twin Falls
County.

The permits will be
subject to all prior
water rights.
Protests must be
filed with the
applicant and with
the Director, Dept.
of Water Resources,
Southern Region, 222
Shoshone Street East,
Twin Falls, ID 83301
on or before April
25, 1994.

R. Keith Higginson,
Director

Published in Times
News on 4/7 &
4/14/94.

JUN 07 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

22-Mar-1994

R. KEITH HIGGINSON
Director

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

NOTICE OF APPLICATION FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

47-08356

SIMPLOT-MCCOLLUM DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Perrine Coulee tributary to Snake River

Diversion Pt: NESW, S33, T09S, R17E; Twin Falls County.

Use: 01/01 to 12/31
Fish propagation (4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion: 4.0 cfs

Date Filed: 3/4/1994

In: SWSW, S28, T09S, R17E; SESE, S29, T09S, R17E; NENE, S32, T09S, R17E; NWNW, S33, T09S, R17E; Twin Falls County.

47-08357

SIMPLOT-MCCOLLUM DEVELOPMENT COMPANY
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Source: Seep Spring tributary to Snake River

Diversion Pt: Lot 5 (SWNWSE), S33, T09S, R17E; Twin Falls County.

Use: 01/01 to 12/31
Fish propagation (4.0 cfs)
Aesthetic (4.0 cfs)

Total Diversion: 4.0 cfs

Date Filed: 3/4/1994

In: SWSW, S28, T09S, R17E; SESE, S29, T09S, R17E; NENE, S32, T09S, R17E; NWNW, S33, T09S, R17E; Twin Falls County.

JUN 07 1994

The permits will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 25, 1994.

R. Keith Higginson, Director

Published in Times News on 4/7 & 4/14/94.

JUN 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

21-Mar-1994

R. KEITH HIGGINSON
Director

ATTN RONALD N GRAVES SECRETARY
SIMPLOT-MC COLLUM DEVELOPMENT CO
DBA CANYON SPRINGS
PO BOX 27
BOISE ID 83707

Re: Application for Permit Nos. 47-08356 & 47-08357

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your applications for a water right permit. The applications have been assigned identification Nos. 47-08356 & 47-08357. Please refer to this number in all further correspondence.

A legal notice of the applications is being prepared for publication in Times News and will appear on 4/7 & 4/14/94. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be notified and sent a copy of all protests filed.

Review of your applications indicate that additional information is required to be made part of the application file pursuant to Idaho Code provisions and the department's Rules and Regulations for Water Appropriation. The attached sheet(s) give details regarding the information which is required.

The required additional information must be submitted within 30 days after the final date for receiving protests (April 25, 1994). The time may be extended upon request and showing of good cause that additional time is required to submit the information.

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB
Enclosure

JUN 07 1994

S. Region
5/89

Application No. 47-08356 + 47-08357

ADDITIONAL INFORMATION REQUIREMENTS
FOR FISH PROPAGATION APPLICATIONS
FIVE (5) CFS AND LESS

The following additional information is required to be made part of the application file pursuant to IDAHO CODE section 42-203A and the Rules and Regulations for Water Appropriation:

- 1) Copies of deeds, leases, easments, or other information documenting that you have a possessory interest in the place of use. (Rule 4,5,3,3,1)
- 2) Copies of plans and specifications for the project works. The plans must be definite enough to allow for determination of project impacts and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 4,5,3,4,2)
- 3) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1) A copy of your application is enclosed for your use in seeking comments.

APR 1989

S. Region
5/89

Application No. 47-08356, 47-08357

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

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

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

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