

RECEIVED

NOV 4 1983

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

| For Office Use Only |         |
|---------------------|---------|
| Fee Received        | 1542    |
| Date                | 11-8-83 |
| Receipt #           | 32773   |

REQUEST FOR EXTENSION OF TIME  
To provide additional time in which to submit  
proof of beneficial use on a water right permit

Ronald N. Graves, Secretary

J. R. Simplot Company

(Name)

P. O. Box 27, Boise, Idaho

(Address)

State of Idaho, deposes and says:That he is the holder, or the duly authorized agent of the holder\*, of Permit to Appropriate the Public Water of the State of Idaho No. 29-7437.That under the terms and conditions of said permit, work thereunder was required to be completed on or before September 1, 19 83.

That he has heretofore performed the following work described under said permit: \_\_\_\_\_

(This must be filled out! If no work has been completed put none.)

Equalizing ponds, settling ponds, surge ponds and reservoirs have been constructedPumps and pipelines are in place.Costing \$ Approx. 5.2 million

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

See attached sheetWherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to September 1, 19 88.  
( 1 yr. minimum, 5 yrs. maximum)

## NOTE

AS OF JULY 1, 1980,  
THERE IS A \$15.00  
CHARGE FOR REQUESTS  
FOR EXTENSION OF  
TIME

J. R. SIMPLOT COMPANY

By

Ronald Graves

Secretary

(Signature)\*

\*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to September 1, 1988.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to May 20, 1978, pursuant to Section 42-218a, Idaho Code.

Signed this 22<sup>nd</sup> day of November, 19 83.L. Glen Saxton  
Chief, Operations Bureau

## ATTACHMENT TO REQUEST FOR EXTENSION OF TIME

The project has not been completed to the extent anticipated and desired because of Applicant's inability to dispose of the nutrient laden water at the rate set forth in Permit #29-7437. The nutrient laden water is sold for irrigation/fertilization purposes to area farmers, pursuant to User Agreements. At the present time Applicant has the capability to produce sufficient nutrient water to fertilize approximately 1700-1750 acres, as set forth in Permit No. 29-7437. Additionally Applicant has the present ability to install an effective cost savings procedure which would increase the annual total of nutrients available, thereby producing sufficient nutrient laden water to fertilize in excess of the 1700-1750 acres. Though desirable, this cost savings procedure has not been implemented because of Applicant's inability to dispose of sufficient nutrient laden water through User Agreements to handle existing production capabilities. This inability stems from two problems:

(1) The public perception and reaction to the nutrient water. Applicant conducted extensive testing prior to the permit being approved, the results which demonstrated that the nutrient laden water could adequately be utilized as a fertilizer substitute without creating environmental hazards, health problems, or soil drawbacks. Despite this documented testing, area farmers have been slow to accept and utilize the nutrient laden water.

(2) The recently enacted Payment in Kind (PIK) program has temporarily reduced the number of acres available. Applicant had hoped for a gradual increase in the number of acres to be irrigated with nutrient laden water. Instead, PIK incentives created a reduction in the 1983 total.

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.  
29-7437 IN THE NAME OF J. R. SIMPLOT COMPANY  
AND FOR APPLICATION FOR PERMIT NO. 29-7431  
IN THE NAME OF THE CITY OF POCA TELLO

MEMORANDUM DECISION  
AND ORDER

In 1972, the Federal Water Pollution Control Act was passed by Congress. This act required that the best practicable control technology be implemented by July 1, 1977, to control the discharge of pollutants into the navigable waters of the United States.

After extensive review of the available control technology, the City of Pocatello and the J. R. Simplot Company determined that the land application of their waste effluent would be the most practical and least costly disposal alternative. Detailed evaluation of the primary alternative indicated that a joint land application system would be the best approach.

Because the water normally returned to the Portneuf River by the City and the Simplot Company was part of the public water of the State of Idaho, it was necessary to obtain a permit from the Idaho Department of Water Resources to appropriate these waters.

On December 23, 1977, the City of Pocatello applied to the Department of Water Resources to appropriate 6655 acre feet of waste water at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 7, Twp. 6S, Rge. 39E, B.M., Bannock County. Notice of this application was published in the Idaho State Journal on January 12 and January 19, 1978. No protests against the granting of this permit were received.

The second application to appropriate waste effluent from the Simplot Fertilizing Plant at Pocatello was filed by the J. R. Simplot Company on January 27, 1978. This application proposed the appropriation of 4.25 cubic feet per second and 860 acre feet for storage of industrial waste water to be diverted from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7, Twp. 6S, Rge. 34E to a reservoir located within the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 25 and N $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 36, Twp. 5S, Rge. 34E, B.M., Bannock County. Notice of this application was advertised in the Idaho State Journal on March 23 and March 30, 1978 and, subsequently, was protested by Ray F. Miller, Mrs. Veda Rupp, Robert L. Brown, S. Albert Johnson, L. T. Gucker, Robert Hart,

**MICROFILMED**

Paula G. Crandall, John Spanbauer, and Sam McNabb.

A conference to determine the issues involved was conducted on May 23, 1978. It was determined at that time that the issues set forth in Idaho Code, Sec. 203 which would be considered at the conference would be:

1) That the application was speculative because the applicant lacked possessory interest in the property designated as the place of use.

2) That this proposal "will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use."

It was further determined that because of the City's involvement in this project, the City of Pocatello should be joined as an indispensable party in any hearing in this matter. The areas of public interest found to be within the purview of the Department were to be confined to the following questions:

a) What adverse water related effects will the local community suffer because of surface runoff generated by this project?

b) What is the potential for groundwater contamination?

With the issues properly defined, the hearing in the matter was continued to a later date.

On June 26, 1978, a hearing in the matter was conducted in Pocatello, Idaho. The applicants, the J. R. Simplot Company and the City of Pocatello were represented by Ronald N. Graves, Associate General Counsel, and Gerald W. Olsen, City Attorney, respectively. The protestants were present and represented by Dwight E. Baker, Attorney at Law.

Based upon the information presented at the hearing and the Director's understanding of the law, the Director of the Department of Water Resources found the following facts to be pertinent in reaching a decision in this matter:

#### FINDINGS OF FACT

1) Waste water from the City of Pocatello would be diverted at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 7, Twp. 6S, Rge. 34E, B.M. Waste effluent from the Simplot Fertilizing Plant at Pocatello would be diverted at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7, Twp. 6S, Rge. 34E B.M.

2) All of the water from the Simplot plant would be pumped for land application. The effluent from the City's sewage treatment plant would only be pumped for land disposal during the irrigation season. During the non-irrigation season, the City would continue to treat and discharge its effluent into the Portneuf River under its NPDES permit. The proposed reservoir would have capacity to

hold all of the effluent from the Simplot plant for a minimum period of seven months.

3) The application, as amended, specify 3,124 acres of land on which water would be used under these permits. The applicants have submitted copies of users agreements identifying 1,613 acres of land not controlled by the City of Pocatello or the J. R. Simplot Company on which water and nutrient materials would be used.

4) The City of Pocatello, on the average, produces slightly over six million gallons per day of effluent from its secondary sewage treatment system. The average concentrations of nitrogen and phosphate in one acre foot of this water has been determined to be about 76 pounds of nitrogen and 11 pounds of phosphate. The effluent from the Simplot plant, now averaging about 1.4 million gallons a day, will contain about 360 pounds of nitrogen and about 124 pounds of phosphate per acre foot. In addition to nitrogen and phosphate, trace amounts of other elements are found in these combined effluent. All of these materials appear to be well within the limitations set by the United States Environmental Protection Agency for land disposal.

5) The proposed reservoir would be constructed through the windblown deposits loess on the Tyhee Bench to provide for an 800 acre feet reservoir. The plans, submitted by International Engineers, show a drainage channel around the reservoir to catch any surface runoff and divert it away from the reservoir. If constructed pursuant to this design, the only water contained in the reservoir other than that pumped into the reservoir from the pumping station would be limited to precipitation falling directly on the water surface. Geologic information indicates about 80 feet of loess in this area covering basalt formations and river deposited gravels. Geologists have named the geological formations of the area the "starlight formation" and indicate this formation can have several confined or perched aquifers. Percolation tests reflect the vertical permeability of the loess to be about  $10^{-4}$  cm/sec. These preliminary tests indicate seepage water from this pond should not reach the Tyhee area for over one hundred years.

#### CONCLUSIONS OF LAW

1) These applications are not speculative since the applicants have made adequate showing that they have obtained the use agreements and intend to proceed with the project.

2) All of the available data indicate that, with proper management and monitoring, there is only a remote possibility of affecting the water supply of

the Tyhee area.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit Nos. 29-7431 and 29-7437 are hereby APPROVED subject to the following conditions:

- 1) Subject to all prior water rights.
- 2) That prior to diverting any water under these permits, the applicants will submit for approval of the Department of Water Resources a detailed operating plan which will include the following items:
  - a). A program to prevent, detect, and control any leakage which may occur from the pressure pipeline.
  - b). A plan for monitoring the movement of any material which may seep from the reservoir.
- 3) Plans for the dam must be approved by the Department under the Dam Safety Act prior to the impoundment of water.
- 4) Subject to the control of the watermaster of Water District 29, Portneuf River.
- 5) The rate of diversion for the land being irrigated under this right shall not exceed 0.02 cubic feet per second when combined with all other water rights for the irrigation of this land.
- 6) The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- 7) Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1983.

Dated this 8 day of September, 1978.

  
C. STEPHEN ALLRED

Director

Identification No. \_\_\_\_\_

Application No. 29-7437 Amended

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
 AMENDED

**APPLICATION FOR PERMIT APPROVED**

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant J. R. SIMPLOT COMPANY Phone: 336-2110  
 post office address P. O. Box 27, Boise, Idaho 83707 ATTN: Ronald N. Graves
2. Source of water supply Industrial waste water which is a tributary of \_\_\_\_\_
3. a. Location of point of diversion is NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 7 Township 6 South  
Range 34 East B.M. \_\_\_\_\_ County; additional points of diversion if any: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
 of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
 Amount 4.25 cfs <sup>(cfs or acre-feet per annum)</sup> for storage for irrigation purpose from January 1 to December 31 (both dates inclusive)  
 Amount 860 af/a <sup>(cfs or acre-feet per annum)</sup> for storage for irrigation purpose from January 1 to December 31 (both dates inclusive)  
 Amount 4.25 cfs <sup>(cfs or acre-feet per annum)</sup> for irrigation purpose from March 15 to November 15 (both dates inclusive)
5. Total quantity to be appropriated:  
 a. 4.25 cubic feet per second and ~~860~~  
 b. 860 acre feet per annum.
6. Proposed diverting works:  
 a. Description of ditches, flumes, pumps, headgates, etc. Effluent from industrial plant is collected in equalizing pond by pipes and ditches, pumped to surge pond and impoundment area and then piped to irrigation area.  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Height of storage dam 38 feet, active reservoir capacity 860 acre feet; total reservoir capacity 860 acre feet, materials used in storage dam: earth  
 Period of year during which storage will occur January 1 to December 31 inclusive.  
 (Mo. Day) (Mo. Day)
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.  
 b. Estimated construction cost is \$ 4,000,000.
8. Description of proposed uses:  
 a. If water is not for irrigation:  
 (1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
 Range \_\_\_\_\_ B.M. \_\_\_\_\_  
 (2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
 (3) List number of each kind of livestock to be watered \_\_\_\_\_  
 \_\_\_\_\_  
 (4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_  
 (5) If water is to be used for other purposes describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**REPRODUCED**

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

| TWP. | RANGE | SEC. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
| 5S   | 34E   | 29   | 10    | 40    | 40    | 30    |       |       |       |       |       |       |       |       |       |       |       |       | 120    |
| 5S   | 34E   | 27   |       |       |       |       |       |       |       |       |       |       |       |       | 30    |       |       | 36    | 66     |
| 5S   | 34E   | 26   |       |       |       |       |       |       |       |       | 37    | 40    | 40    | 37    | 40    |       |       | 40    | 234    |
| 5S   | 34E   | 34   | 40    | 40    | 40    | 40    |       |       |       |       |       |       |       |       | 40    | 40    | 40    | 40    | 320    |
| 5S   | 34E   | 25   | 40    | 40    | 40    | 40    | 30    | 40    | 40    | 20    | 40    | 30    | 30    | 40    | 40    | 40    | 40    | 40    | 590    |
| 5S   | 34E   | 30   |       |       |       | 40    |       |       |       |       |       |       |       |       |       | 40    | 40    | 40    | 160    |
| 5S   | 34E   | 36   | 40    | 40    | 40    | 40    | 40    | 31    |       |       |       |       |       |       |       |       |       |       | 231    |
| 6S   | 33E   | 1    |       |       |       |       |       |       |       |       |       |       |       |       |       |       | 9     | 9     | 18     |

Total number of acres to be irrigated \_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. Irrigation wells are used for some of the above acreages. They are all Fort Hall irrigation water or wells.

9. a. Who owns the property at the point of diversion J. R. Simplot Company  
b. Who owns the land to be irrigated or place of use See item 10 below  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Agreement with owner to take the water.

10. Remarks 9.b.: West Pocatello Stake L.D.S.

George Shiozawa

Whitewater Corp.

Edwin R. Dekay

City of Pocatello

J. R. Simplot Company

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

This image shows a full page of blank graph paper. The grid consists of 20 columns and 20 rows of small squares. There are four larger squares formed by thicker lines, each measuring 10 units wide by 10 units high. These larger squares are arranged in a 2x2 pattern across the entire page. All lines are black on a white background.

Scale: 2 inches equal 1 mile

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

J. R. SIMPLOT COMPANY

By Ronald L. Graves  
(Applicant) Its Secretary

Received by CW Date 5-31-78 Time 10:35 A.  
Preliminary check by EMC Fee \$ 10.00  
Received by CW Date 6-22-78 # 9096  
Publication prepared by \_\_\_\_\_ Date N.A.  
Published in \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by RDC

#### 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. 29-7437, and said application is hereby APPROVED.

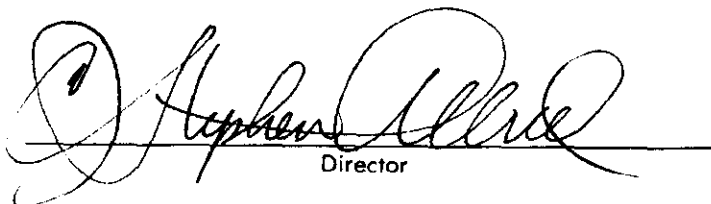
1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 83.
- c. Other: \_\_\_\_\_

PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

2. Denial of said application is for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this 8 day of September, 19 78.

  
Director

continued

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

| TWP           | RANGE          | SEC           | NE 1/4        |               |               |               | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS         |
|---------------|----------------|---------------|---------------|---------------|---------------|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------------|
|               |                |               | NE 1/4        | NW 1/4        | SW 1/4        | SE 1/4        | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |                |
| <del>6S</del> | <del>33E</del> | <del>11</del> | <del>40</del> | <del>40</del> | <del>40</del> | <del>40</del> |        |        |        |        |        |        |        |        |        |        |        |        | <del>160</del> |
| ✓ 6S          | 33E            | 12            | 40            | 40            | 40            | 40            | 40     |        |        | 40     | 30     |        |        | 25     | 29     | 27     | 10     |        | 361            |
| ↓ 6S          | 34E            | 7             |               |               |               | 20            |        |        |        |        |        |        | 5      | 10     | 30     | 15     | 10     | 35     | 125            |
| ↓ 6S          | 34E            | 8             |               |               |               |               |        |        | 5      | 1      | 30     | 30     | 35     | 40     |        | 1      | 2      |        | 144            |
| 6S            | 34E            | 17            |               | 8             |               |               | 12     |        |        |        |        |        |        |        |        |        |        |        | 20             |
| ↓ 6S          | 34E            | 18            | 40            | 40            | 12            | 12            | 40     | 20     | 6      | 12     | 40     | 20     | 20     | 40     | 40     | 40     | 40     | 40     | 462            |
| ✓ 6S          | 34E            | 2             |               |               |               |               |        | 28     | 25     |        |        |        |        |        |        |        |        |        | 53             |
| ✓ 6S          | 34E            | 3             | 40            | 40            | 40            | 40            |        |        |        |        |        |        |        |        |        |        |        |        | 160            |

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

| TWP           | RANGE          | SEC          | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS        |
|---------------|----------------|--------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------------|
|               |                |              | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |               |
| <del>6S</del> | <del>34E</del> | <del>9</del> |        |        |        |        |        | 40     | 40     |        |        |        |        |        |        |        |        |        | <del>80</del> |
| ✓ 6S          | 34E            | 19           |        |        |        |        | 40     | 20     |        |        |        |        |        |        |        |        |        |        | 60            |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |
|               |                |              |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |               |

Total number of acres to be irrigated 3,124

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

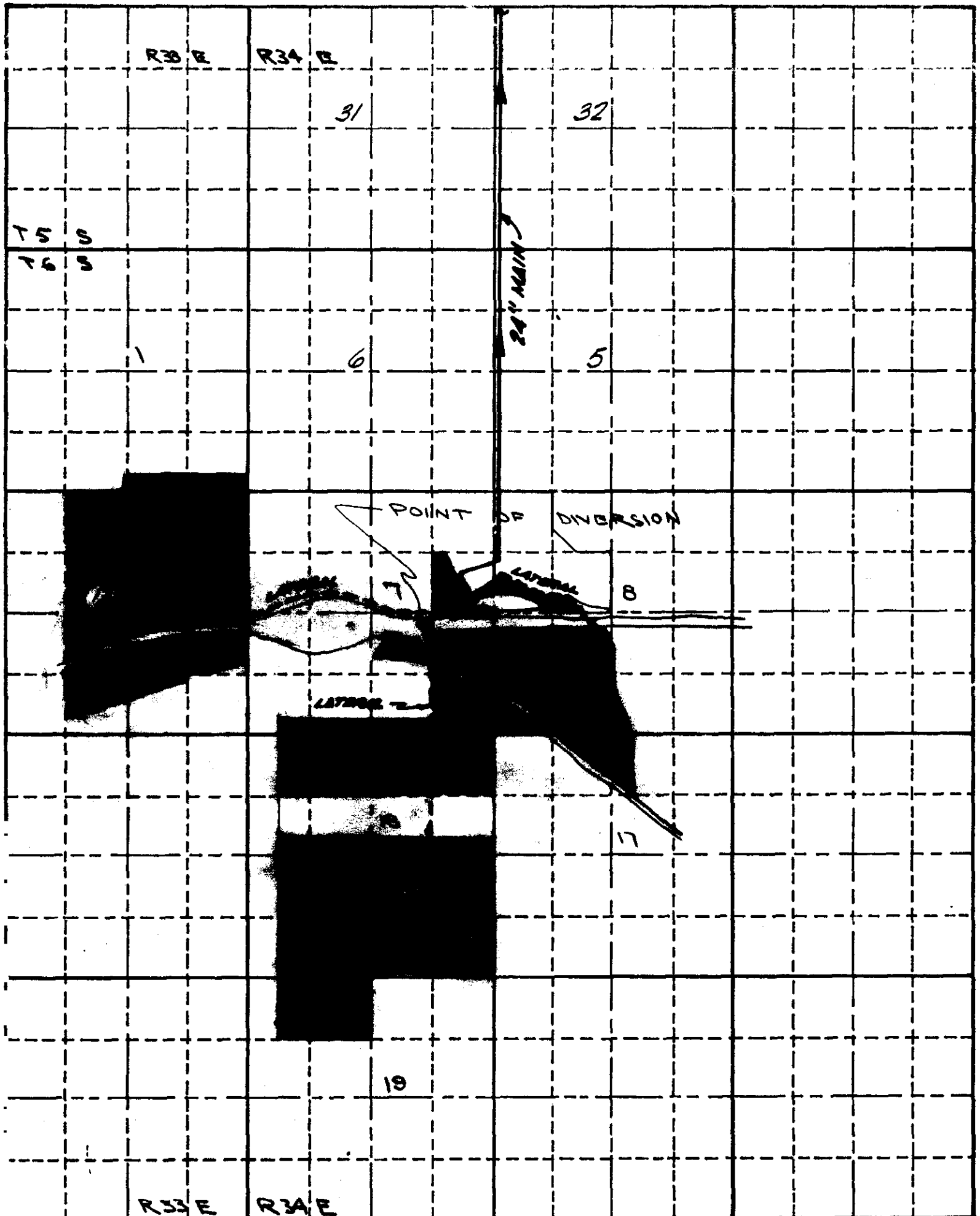
9. a. Who owns the property at the point of diversion

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

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

10. Remarks

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



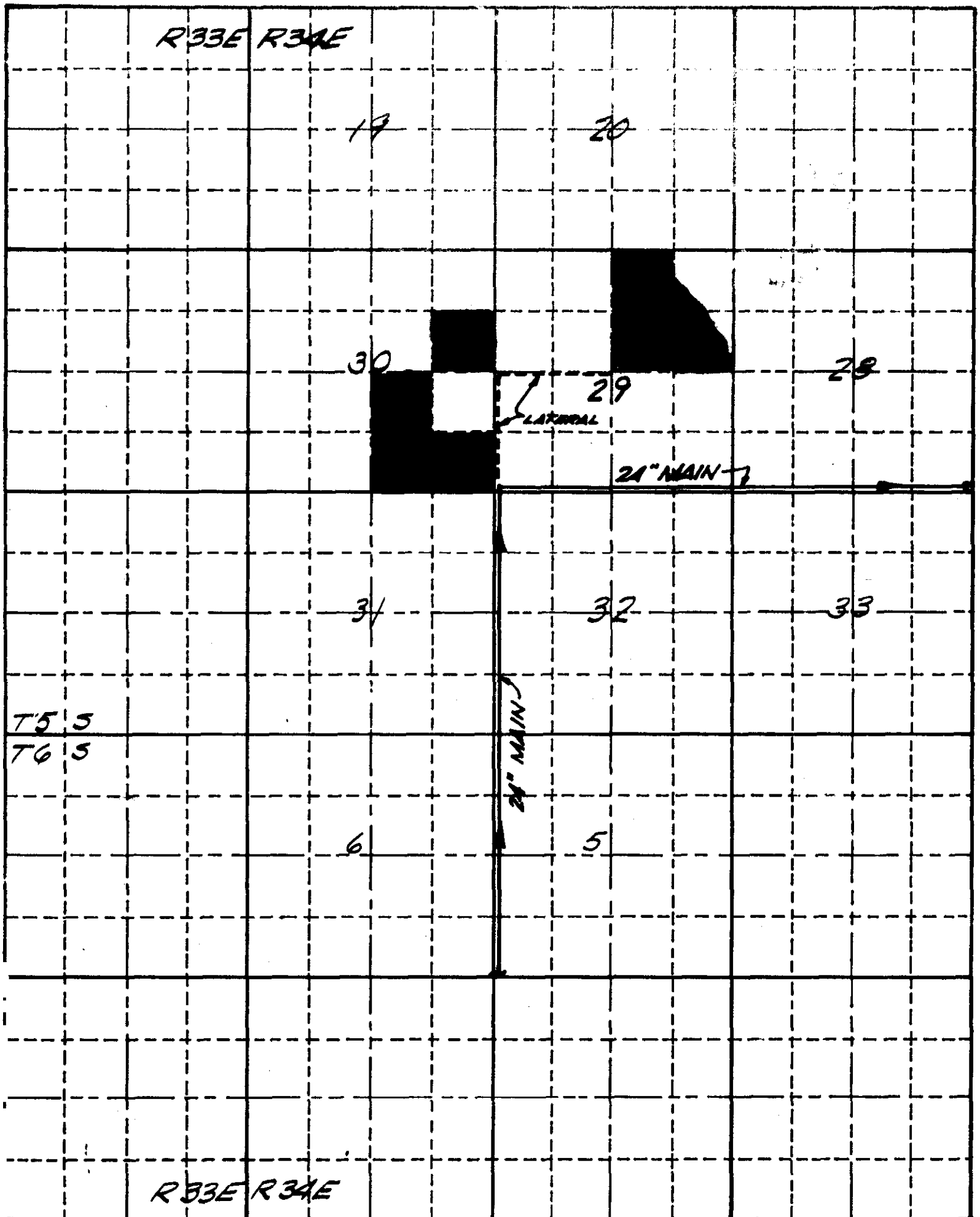
Scale: 2 inches equal 1 mile.

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

(Applicant)

444 5-22-78

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



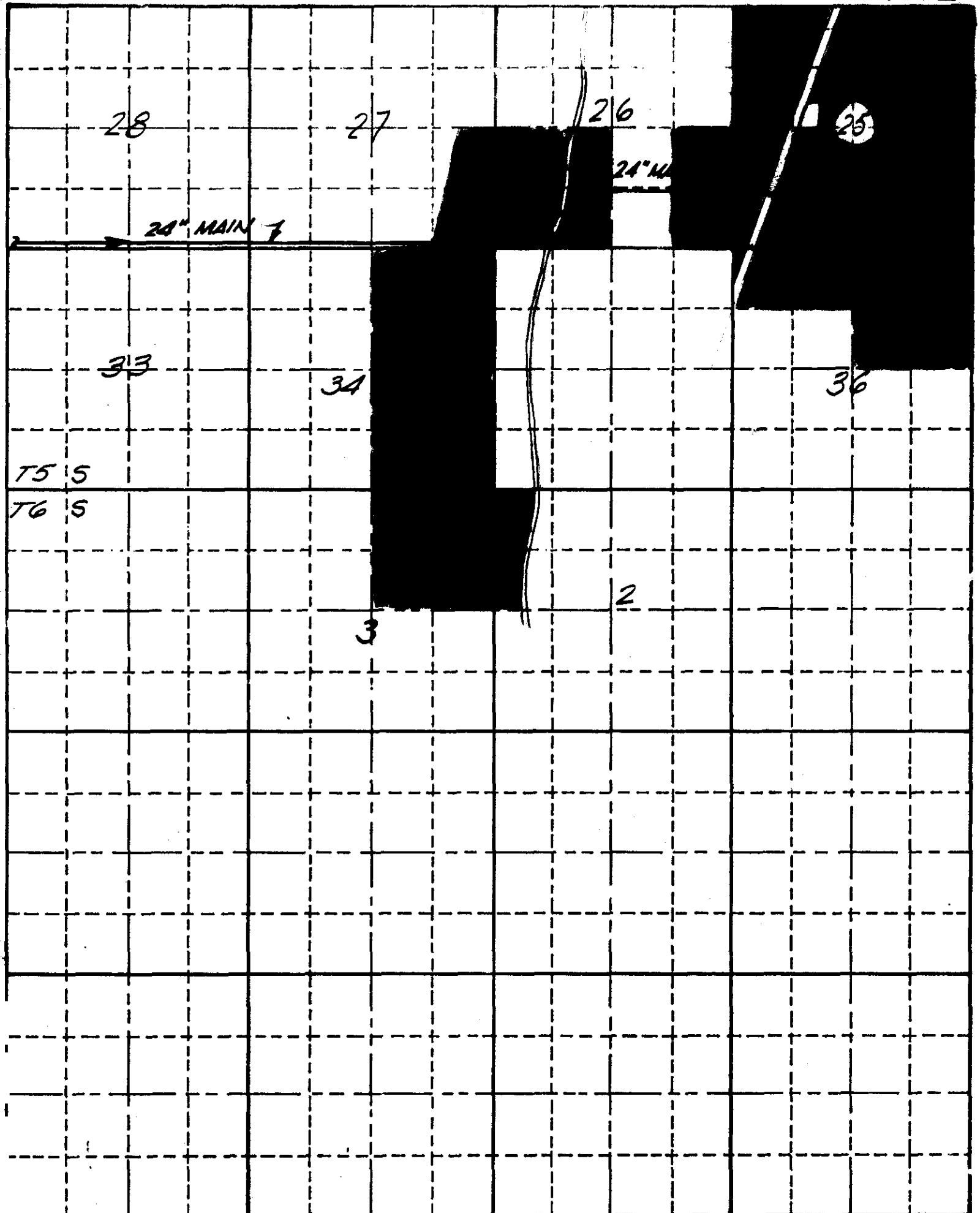
Scale: 2 inches equal 1 mile.

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

\_\_\_\_\_  
(Applicant)

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

R34E



Scale: 2 inches equal 1 mile.

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

(Applicant)

~~Wall Loran~~

~~Traded 40's~~

~~[REDACTED]~~

T.I.

T.P.

H.P. 31 ←

H.P. 32 ←

H.P. 21 ←

> 97

MICROFILMED

April 6, 1978

RECEIVED

APR 10 1978

Department of Water Resources  
Eastern District Office

Paula G. Crandall  
Rt 2 BX 21-X  
Pocatello, Idaho

83281

Gentlemen,

This is my protest against the water permit application made by J. R. Simplot 3-17-78 for their as I refer to it, waste water cesspool.

I feel it would be highly impractical and dangerous to our community ~~welfare~~ and health.

Impractical because of the growth (residential) of the proposed site.

Whitewater Subdivision lies across 2 1/2 mi Road from the site. Its number of residents is now 25 (approx) and is supposed to expand to 300 one acre lots. As I understand in this community also is to be a new school. Just west and below on a lower elevation **MICROFILMED**

waste water site is not only my lot but 40 other lots and homes.

Now gentlemen, does this area sound like a sane and logical place to put a waste water reservoir of which even in its treated state is far from human consumption.

I damn near cry to think of the possibility of what this water is going to do to our, and I speak of myself & my neighbors, private water systems not to mention our precious livelihoods, if it should enter our systems.

Many of the families that live in this growing community, I would venture to say 75%, consist of very small children.

In my case, a gentleman by the name of DeKay has property

next to mine. He ~~is~~ has agreed to allow J. R. Simplot's transmission line to run thru his property.

This transmission line is to run right down 2 1/2 mile road next to my property line. Mr. DeKay also is planning on irrigating this section of his property with Simplot water.

My children love to explore on this section of land. They are 6 and 3 and within eyesite of my house. What happens when they chew on say foliage that has this treated water? This is one instance and one family, gentlemen. How many others?

As I understand a secondary site exists on the West side of town. ~~I~~ This to me would be ideal.

EPA tells Simplot to stop polluting the Portneuf River so now they want to jeopardize the lives of

people for a short cut.

I am employed by a public water system and am well aware of the frequency of main line breaks. Pressure is needed to move that waste water and I don't care what type of pipe they plan on using for their transmission line it is subject to leaks and breaks.

It is plain to see that a great deal is at stake in this matter and I don't mean exclusively monetarily.

I would like to request that the upcoming hearing on this matter (refer to permit # 29-7437) be held in Pocatello in the evening on a Monday.

I trust, gentlemen, that you won't

take this matter lightly. Thank-you.

Sincerely,  
Paula G. Randall

RECEIVED  
APR 10 1978

Department of Water Resources  
Eastern District Office

Route 1, Box 62  
Pocatello, Idaho 83201  
April 7, 1978

State of Idaho  
Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Attention: Mr. Ernest M. Carlsen, Water Resource Agent

Dear Mr. Carlsen;

I am writing in protest of the Simplot Application Permit No. 29-7437. I feel this fertilizer laden water cannot be applied to our farm land. We have plenty of Fort Hall Irrigation water for our use and donot need costly fertilizer laden unguaranteed waste water. My understanding is that this fertilizer laden water cannot be used on raw products for human consumption. I feel this water is being forced upon us when we neither need or want it. I feel this is an unfeasible project and should be given serious consideration.

I would hope the hearing can be held in Pocatello so that more of the affected farmers can take part.

Sincerely,

*Sam McNabb*  
Sam McNabb

MICROFILMED

RECEIVED

APR 10 1978

Department of Water Resources  
Eastern District Office

Apr. 5, 1978

Mr. Carlson

Dear Sir,

I am writing in protest of the Simplot Application no. 29-7437. I protest on the basis that this is not an irrigation product. It is nothing more than a chemical waste.

I have written evidence, where by their own admission, it is a chemical fertilizer. Also, it is a grandstand play to get them off the hook with the E.P.A., as they are being penalized by E.P.A. for dumping this junk into the Portneuf River.

I also request that when a hearing is held, it will be held here in Pocatello, & if at all possible, we would like it to be an evening meeting. I have a petition signed by approximately 200 property owners, along the proposed pipeline, who are opposed to this project. Many of them would like to come to this hearing and most of them work days.

Also, any correspondence, you send me, I would like a copy to be sent to Dwight E. Baker, Attorney at Law P.O. Box 8. 515 West Bridge St. Blackfoot, Idaho 83221, as he will be present. He will represent the Tyker farmers.

Many thanks

John Spanbauer

R#1 Box 82

Pocatello, Id.

83201

Route #1 North, Box 88  
Pocatello, Idaho 83201  
April 4, 1978

**RECEIVED**

APR 7 1978

Department of Water Resources  
Eastern District Office

Ronald D. Carlson, Supervisor  
Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Dear Sir:

In regard to your letter to Mr. John Spanbauer, I have a few questions that have not been answered sufficiently.

In contacting the farmers around here, where are the acres claimed?

What will the pond do to the land value and quality of life surrounding it?

Why haven't we been contacted about a right of way easement through our property?

How will Simplot be able to control the amount of nitrogen, phosphate, and nutrients through the pipeline? Also, how can any farmer put the fertilizer on if given water only once a week, and how can he anticipate his needs when he has to order his water or fertilizer 60 days in advance?

If the ground above Bureau of Reclamation water way gets the sewage effluent and the Tyhee flats gets Simplot effluent only, how can the needs of everyone be satisfied through one 24 inch pipeline?

Even if this was competent and useful waste, this area is building so fast that the pond would be useful for a very limited time only.

There are still many more questions and if at all possible, could you schedule a meeting so some of these questions could be aired and answered.

Yours truly,

  
L. T. Gucker

**MICROFILMED**

Robert Hart  
929 East Chubbuck Road  
Pocatello, Idaho 83201

April 5, 1978

RECEIVED

APR 6 1978

Department of Water Resources  
Eastern District Office

State of Idaho  
Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Dear Sir:

This letter is in regards to an application for Permit No. 29-7437 Simplot. I would like to protest the granting of such permit until such time that a public hearing be held for comment. The proposed transfer of Simplot industrial effluent and City of Pocatello sewage ~~water~~ <sup>effluent</sup> is extremely controversial ~~among~~ among residents of Bannock County. Further comment is needed before a decision is made. Therefore, I ~~ask~~ <sup>ask</sup> that a public hearing be held in Pocatello.

The Simplot and Pocatello effluents cannot be ~~be~~ used solely for the irrigation of a wheat or potato crop. Therefore, the effluents can not be considered ~~as~~ strictly irrigation water. The ~~fact~~ <sup>fact</sup> the effluents contain considerable quantities

of phosphate, nitrogen, and trace minerals means environmental concerns must be looked at. I ask that my concerns be heard in this regard.

Sincerely,

Robert Hart

RECEIVED

APR 4 1978

Department of Water Resources  
Eastern District Office

Pocatello, Idaho 83401  
R. 2 N. Box 319

Re: Application for Permit No 29-7437 Simplot.

Dept. of Water Resources

1515 Lincoln Rd.

Idaho Falls, Idaho 83401

Dear Sir:-

We do hereby formally protest the application for permit - # 29-7437 by Simplot on the basis of:

(1) The water mentioned in said application for impoundment by Simplot is waste from the "Don" plant in Pocatello and contains high amounts of nitrogen, phosphate, Sodium and fluoride as well as other chemicals, and can not be used as irrigation water on any crop. It can only be used as fertilizer and then only on crops not used for human consumption in the raw form, as stated on page 6 - paragraph 8 of user agreement.

(2) The application made by Simplot seems to be a delay action to avoid having to clean up the discharge from the "Don" plant in Pocatello which is presently being discharged into Portneuf River, as required by the "Federal Water Pollution Control Act of 1972"

INDEXED

we ask that the "Water Resource Board" study this matter very thoroughly before issuing said permit.

We are wishing that this hearing be held in City of Pocatello and have a night meeting, as our Boys are all busy doing farm work now.

Sincerely  
S. Albert Johnson  
R. 2 N. Box 219  
Pocatello

Idaho. 83201

**RECEIVED**

March 24, 1978

APR 4 1978

Department of Water Resources  
Eastern District Office

Mr. Ernest M. Carlsen  
Water Resource Agent

I Robert L. Brown filing this letter as a concerned citizen of Bannock County, in protest of the J. R. Simplot & City of Pocatello waste water pond to be located in the area of 2½ Mile Road. Upon private investigation I have not been satisfied with complete and understanding answers to the following questions:

1. Who are the present owners of adequate acres to relieve storage water from proposed pond.
2. If well water for households or irrigation becomes contaminated, who will supply water and at what rate.
3. Has enough literature, pro & con, been published for total county opinion.
4. If pond becomes odorsome or detrimental to animals or vegetation will it's use be terminated.
5. Have all pipe line right of ways been approved, both county, federal, and private.
6. If property values decrease or quality of life who supplies compensation.

There are numerous more questions which have only been answered in favor of this pond. More information and answers are expected by the public before the pond is approved.

Sincerely,

Robert L. Brown

**MICROFILMED**

P.O. Box 19  
Pocatello, Idaho 83201

March 30, 1978

Re: application for Permit No. 29-7437 Simplot:

Department of Water Resources  
1515 Lincoln Road.  
Idaho Falls, Idaho. 83401

RECEIVED

MAR 31 1978

Department of Water Resources  
Eastern District Office

Dear Sirs:

I do hereby formally protest the application for Permit #29-7437 by Simplot on the basis of:

1- The water which Simplot wishes to impound for "irrigation" can Not in any way be used for irrigation purposes. Said water is Chemical Waste from the Pocatello "Don" plant and contains a very high amount of nitrogen and phosphate, as well as other nutrients, and can only be used as fertilizer not irrigation as stated in the application.

MICROFILMED

2- I also feel that this application is made for the purpose of delay for Simplot to avoid having to clean up the discharge from the "Don" Fertilizer plant in Pocatello, as is required by the "Federal Water Pollution Control Act of 1972".

I Ask that the "Water Resources Board" look into these conditions more closely before issuing said permit.

Please make sure the hearing is held in Pocatello.  
Sincerely

Mrs Veda Rupp

ROY F. MILLER  
PROFESSIONAL MANAGEMENT CONSULTANT  
475 YELLOWSTONE - SUITE G - POCA TELLO, IDAHO 83201  
PHONE 232-1731

RECEIVED  
MAR 23 1978

Department of Water Resources  
Eastern District Office

March 22, 1978

State of Idaho Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Re: Application for Permit #29-7437 Simplot

Gentlemen:

I, Roy F. Miller, being the owner of One hundred twenty acres of ground on the Tyhee flat, and which ground is irrigated under the Fort Hall Irrigation do hereby protest the above captioned application.

The reason for this protest is that proper provision has not been made in the construction of the pipe line under this permit to protect the irrigators on the Tyhee Flat.

The construction of the pipe line will require cutting the Fort Hall Hi-Line or Main Canal at the East end of Tyhee Road. The soil composition in that area of the Canal is such that if the canal is cut; then the danger of washout of that canal is greatly increased. In the event of washout of the canal at that point then all water delivery to the Tyhee flat would be cut off until the canal could be repaired. This could cause irreparable damage to crops in the height of the growing season.

I therefore respectfully request until such time as adequate provisions are made for protection of the hi-line canal or main canal or bond is posted for payment of damages which occur because of the cutting of the canal that this permit be denied.

Sincerely,  
*Roy F. Miller*  
Roy F. Miller

MICROFILMED

Identification No. \_\_\_\_\_

Application No. 29-7437

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

**To Appropriate the Public Waters of the State of Idaho**  
(TYPE OR PRINT IN INK)

1. Name of applicant J. R. SIMPLOT COMPANY Phone: 336-2110  
post office address P. O. Box 27, Boise, Idaho 83707 Attn: Ronald N. Graves
2. Source of water supply Industrial Waste Water which is a tributary of \_\_\_\_\_
3. a. Location of point of diversion is NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 7 Township 6 South  
Range 34 East B.M. Power County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 4.25cfs for storage for irrigation purpose from January 1 to December 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 860af/a for storage for irrigation purpose from January 1 to December 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 4.25cfs for irrigation purpose from March 15 to November 15 (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. ☒ 4.25 cubic feet per second and/or  
b. 860 acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Effluent from industrial plant is  
collected in equalizing pond by pipes and ditches, pumped to surge pond and  
impoundment area and then piped to irrigation area.  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam 38 feet, active reservoir capacity 860 acre feet; total reservoir  
capacity 860 acre feet, materials used in storage dam: earth  
Period of year during which storage will occur January 1 to December 31 inclusive.  
(Mo. Day) (Mo. Day)  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.  
b. Estimated construction cost is \$4,000,000.
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_  
(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MICROFILMED**

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

[illegible]

Total number of acres to be irrigated\_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

9. a. Who owns the property at the point of diversion \_\_\_\_\_

b. Who owns the land to be irrigated or place of use \_\_\_\_\_

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

10. Remarks \_\_\_\_\_

[illegible]

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

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 5S   | 34E   | 29   |     | 40  | 40  | 40  |     |     |     |     |     |     |     |     | 40  |     |     |     | 160    |
| 5S   | 34E   | 27   |     |     |     |     |     |     |     |     |     |     |     |     | 30  |     |     | 30  | 60     |
| 5S   | 34E   | 26   |     |     |     |     |     |     |     |     | 40  | 40  | 40  | 40  | 40  |     |     | 40  | 240    |
| 5S   | 34E   | 31   |     |     |     |     |     |     | 40  |     | 40  | 40  | 40  | 40  |     |     |     |     | 200    |
| 5S   | 34E   | 32   |     |     | 40  | 40  |     |     |     |     |     |     | 40  | 40  | 40  | 40  |     | 40  | 280    |
| 5S   | 34E   | 33   |     |     | 40  | 40  | 20  | 40  | 40  | 40  | 40  | 40  |     | 40  |     |     |     |     | 340    |
| 5S   | 34E   | 34   | 40  | 40  | 40  | 40  |     |     |     |     |     |     |     |     | 40  | 40  | 40  | 40  | 320    |
| 5S   | 34E   | 25   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 640    |

Total number of acres to be irrigated \_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. Irrigation wells are used for some of the above acreages. They are all Fort Hall irrigation water or wells.

9. a. Who owns the property at the point of diversion J. R. Simplot Company  
b. Who owns the land to be irrigated or place of use See item 10 below  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Agreement with owner to take the water.

10. Remarks 9.b.∴ Albert M. Johnson  
North Pocatello Stake L.D.S. ✓  
West Pocatello Stake L.D.S.  
Horrock Ready Mix Corp. ✓  
George Shiozawa  
Whitewater Corp.  
Edwin R. Dekay  
City of Pocatello  
City of American Falls  
J. R. Simplot Company

continued

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

[illegible]

Total number of acres to be irrigated\_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

9. a. Who owns the property at the point of diversion \_\_\_\_\_

b. Who owns the land to be irrigated or place of use \_\_\_\_\_

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

10. Remarks \_\_\_\_\_

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

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 6S   | 34E   | 18   | 40     | 40     | 40     | 40     | 40     | 20     | 20     | 40     | 40     | 20     | 20     |        |        | 40     |        |        | 400    |
|      |       | 2    |        |        |        |        |        | 25     | 20     |        |        |        |        |        |        |        |        |        | 45     |
|      |       | 3    | 40     | 40     | 40     | 40     |        |        |        |        |        |        |        |        |        |        |        |        | 160    |
|      |       | 5    |        |        |        |        |        | 40     | 40     |        |        |        |        |        |        |        |        |        | 80     |
|      |       | 6    | 40     | 40     |        | 40     | 40     | 40     |        | 30     |        |        |        |        |        |        |        |        | 230    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 4,335

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

9. a. Who owns the property at the point of diversion

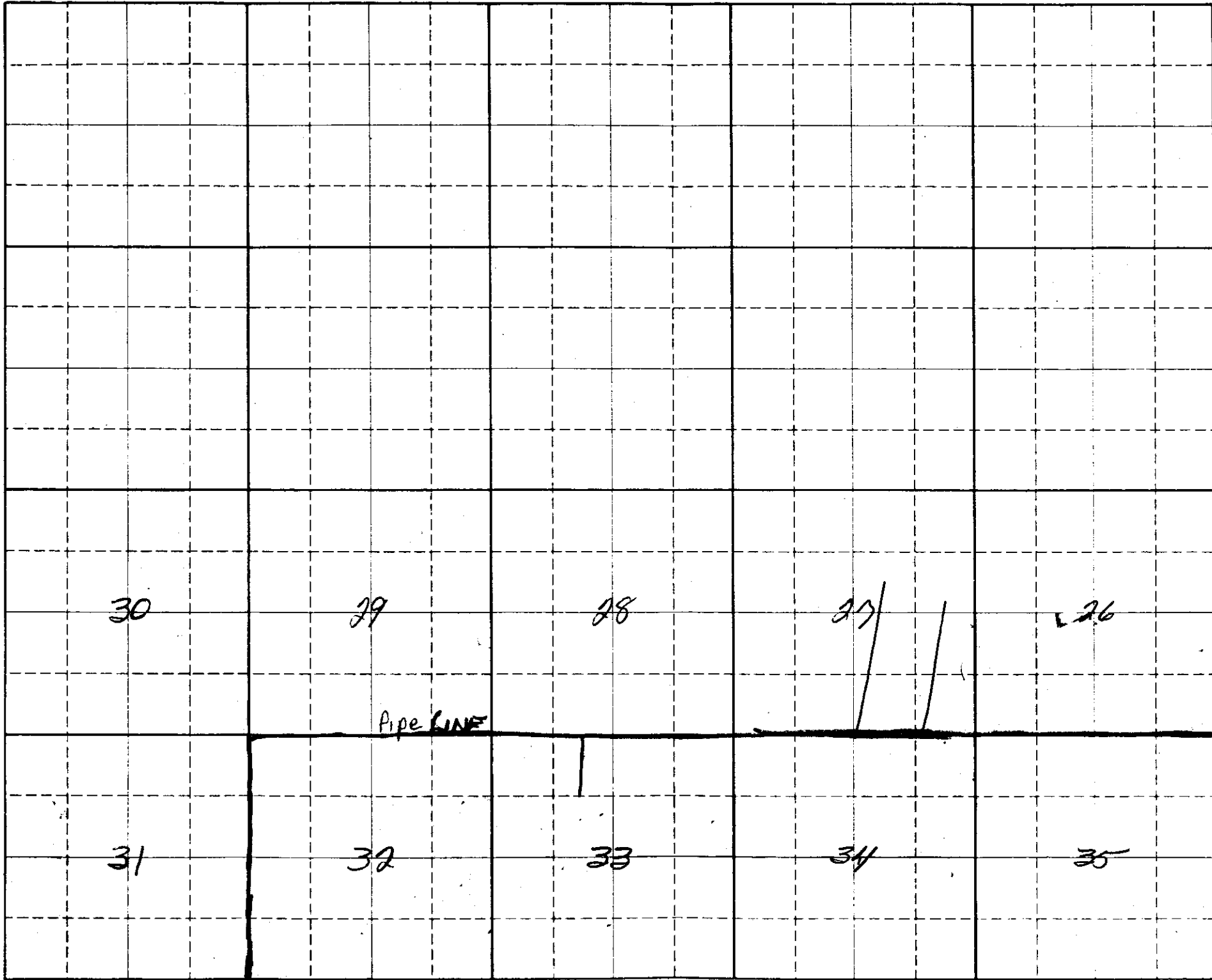
b. Who owns the land to be irrigated or place of use

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

10. Remarks

21

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



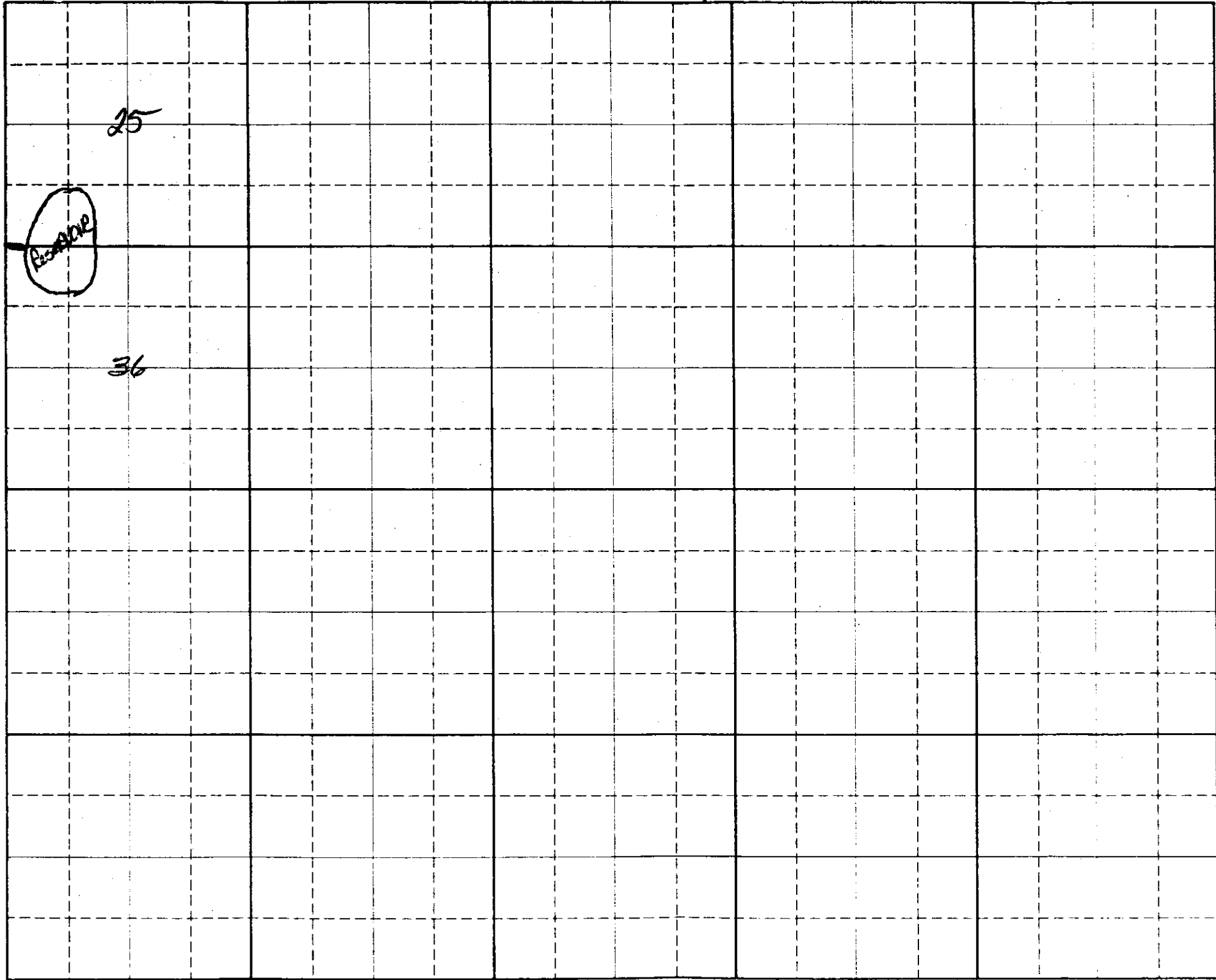
Scale: 2 inches equal 1 mile

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

\_\_\_\_\_  
(Applicant)

77

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

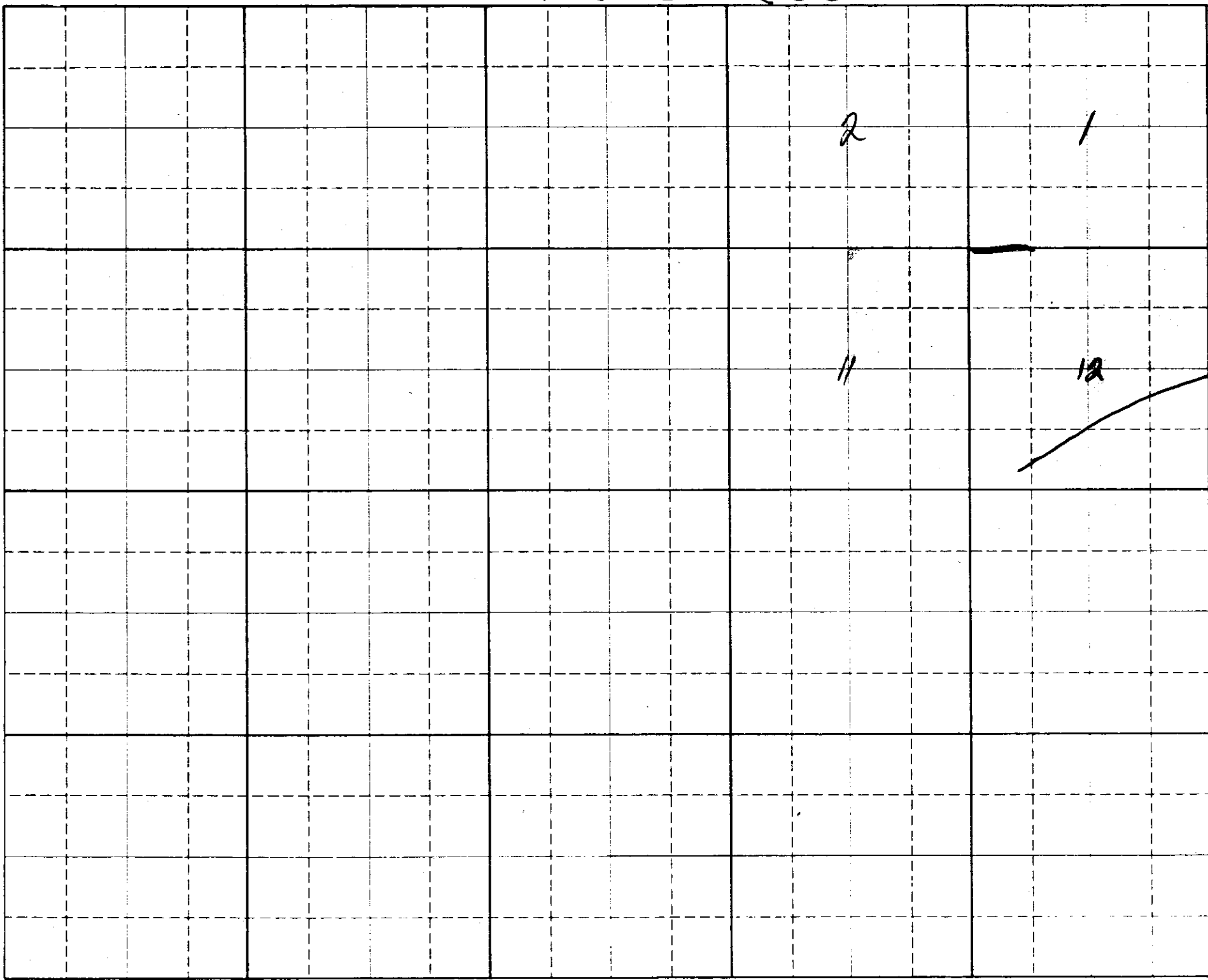


Scale: 2 inches equal 1 mile

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

\_\_\_\_\_  
(Applicant)

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

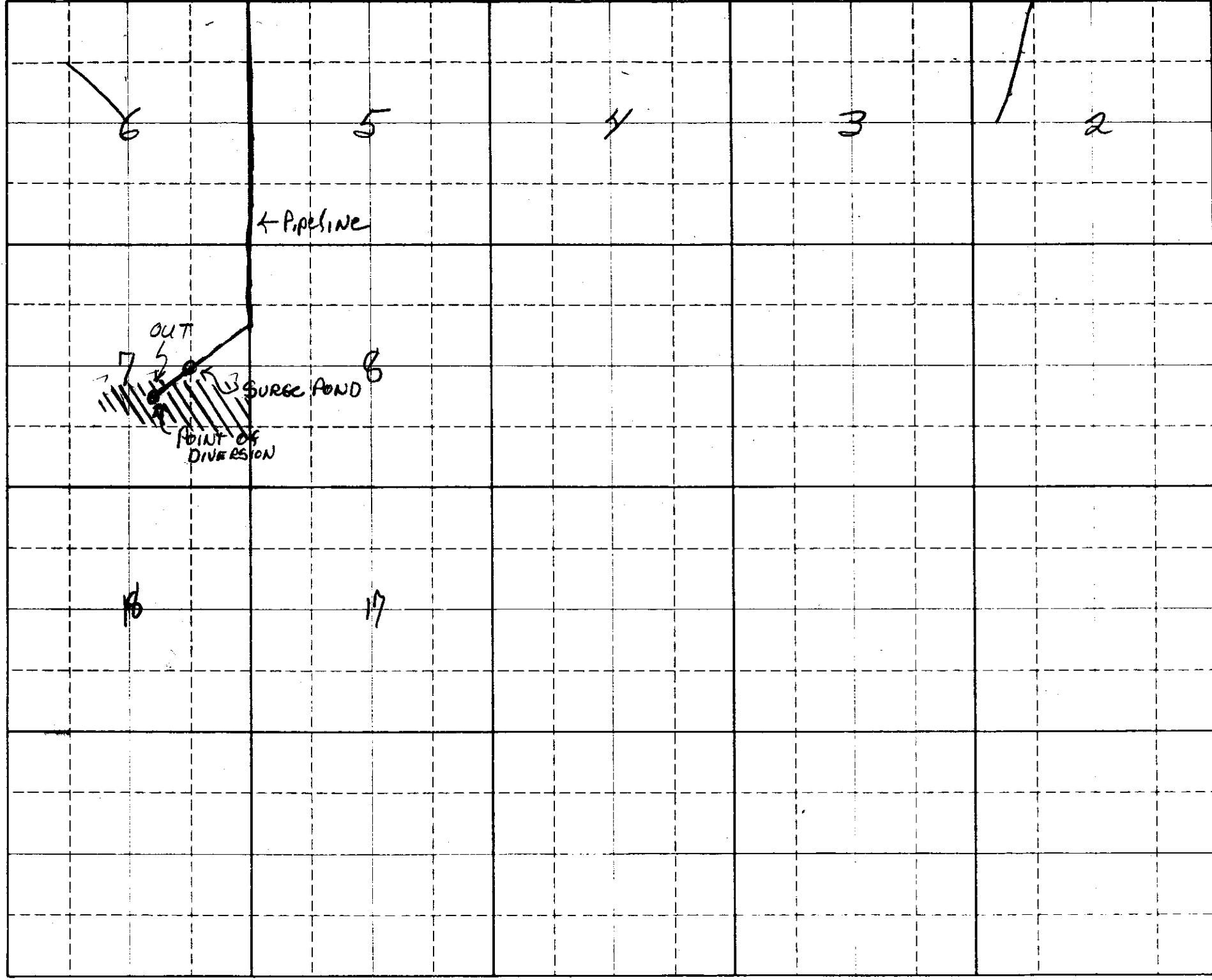


Scale: 2 inches equal 1 mile

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

\_\_\_\_\_  
(Applicant)

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



Scale: 2 inches equal 1 mile

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

\_\_\_\_\_  
(Applicant)

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

[illegible]

Scale: 2 inches equal 1 mile

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

J. R. SIMPLOT COMPANY

By Ronald A. [Signature]  
(Applicant) Its Secretary

Received by CW Date 3-17-78 Time 2:25P.  
CW 2-06-78 11:30A.  
Preliminary check by EMC Fee \$ 65.00 # 10299  
Receipted by 49 Date 1-27-78 additonal fee \$40.00  
Publication prepared by CW Date 3-17-78 #9885  
Published in Boise City Press 3-17-78  
Publication dates Mar. 23 - 30 - 1978  
Publication approved CW Date 5-01-78  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Re-advertised:  
April 20 & 27, 1978

Protests filed by: Roy F. Miller, Mrs. Veda Rupp,  
Robert L. Brown, S. Albert Johnson  
L.T. Gucker, Robert Hart, Paula G. Crandall,  
John Spanbauer, Sam McNabb  
Copies of protests forwarded by CW  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by \_\_\_\_\_

#### 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:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19\_\_\_\_.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Denial of said application is for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Director

Identification No. \_\_\_\_\_

Application No. 29-7437

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

**To Appropriate the Public Waters of the State of Idaho**  
(TYPE OR PRINT IN INK)

1. Name of applicant J.R. Simplot Company Phone: 336-2110  
post office address P.O. Box 27, Boise, Idaho 83707 Attn: R. N. Graves

2. Source of water supply Industrial Waste Water which is a tributary of \_\_\_\_\_

3. a. Location of point of diversion is NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 7 Township 6S  
Range 34E B.M. Power County; additional points of diversion if any: \_\_\_\_\_

b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 4.25 for Storage for Irrigation purpose from January 1 to December 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 4.25 cubic feet per second and/or

b. \_\_\_\_\_ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Effluent from industrial plant  
is collected in equalizing pond by pipes and ditches, pumped to  
surge pond and impoundment area and then piped to irrigation area.

b. Height of storage dam 38 feet, active reservoir capacity 860 acre feet; total reservoir  
capacity 860 acre feet, materials used in storage dam: earth

Period of year during which storage will occur January 1 to December 31 inclusive.  
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.

b. Estimated construction cost is \$ 4,000,000.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_

(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered \_\_\_\_\_

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_

(5) If water is to be used for other purposes describe: \_\_\_\_\_

**MICROFILMED**

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

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 5S   | 34E   | 25   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 0   | 20  | 0   | 40  | 40  | 40  | 40  | 540    |
| 5S   | 35E   | 30   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 640    |
| 5S   | 34E   | 36   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 640    |
| 5S   | 34E   | 35   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 640    |
| 5S   | 35E   | 31   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 640    |
| 5S   | 35E   | 32   | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 40  | 640    |
| 6S   | 34E   | 2    | 30  | 40  | 40  | 30  | 40  | 0   | 0   | 40  | 40  | 0   | 0   | 40  | 40  | 20  | 20  | 40  | 420    |
| 5S   | 34E   | 33   | 20  | 20  | 40  | 20  | 40  | 20  | 20  | 40  | 40  | 20  | 20  | 20  | 20  | 40  | 20  | 20  | 420    |

(continued)

Total number of acres to be irrigated\_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. Irrigation wells are used for all of the above acreages except small parts of Section 35 and all of section 32 and 33, R. 34 E. They are all Fort Hall Irrigation water or wells.

9. a. Who owns the property at the point of diversion J. R. Simplot Company

b. Who owns the land to be irrigated or place of use See No. 10 Below

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Agreement with owners to take water.

10. Remarks \_\_\_\_\_

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

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5S   | 34E   | 32   | 20     | 20     | 40     | 20     | 40     | 20     | 20     | 40     | 40     | 20     | 20     | 20     | 20     | 40     | 20     | 20     | 420    |
| 6S   | 34E   | 12   | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 20     | 40     | 0      | 0      | 0      | 20     | 0      | 0      | 400    |
| 6S   | 34E   | 11   | 0      | 0      | 0      | 0      | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 0      | 0      | 0      | 0      | 320    |
| 6S   | 34E   | 2    | 40     | 40     | 40     | 40     | 0      | 0      | 0      | 0      | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 480    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 6200\*

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

Irrigation from wells only.

9. a. Who owns the property at the point of diversion

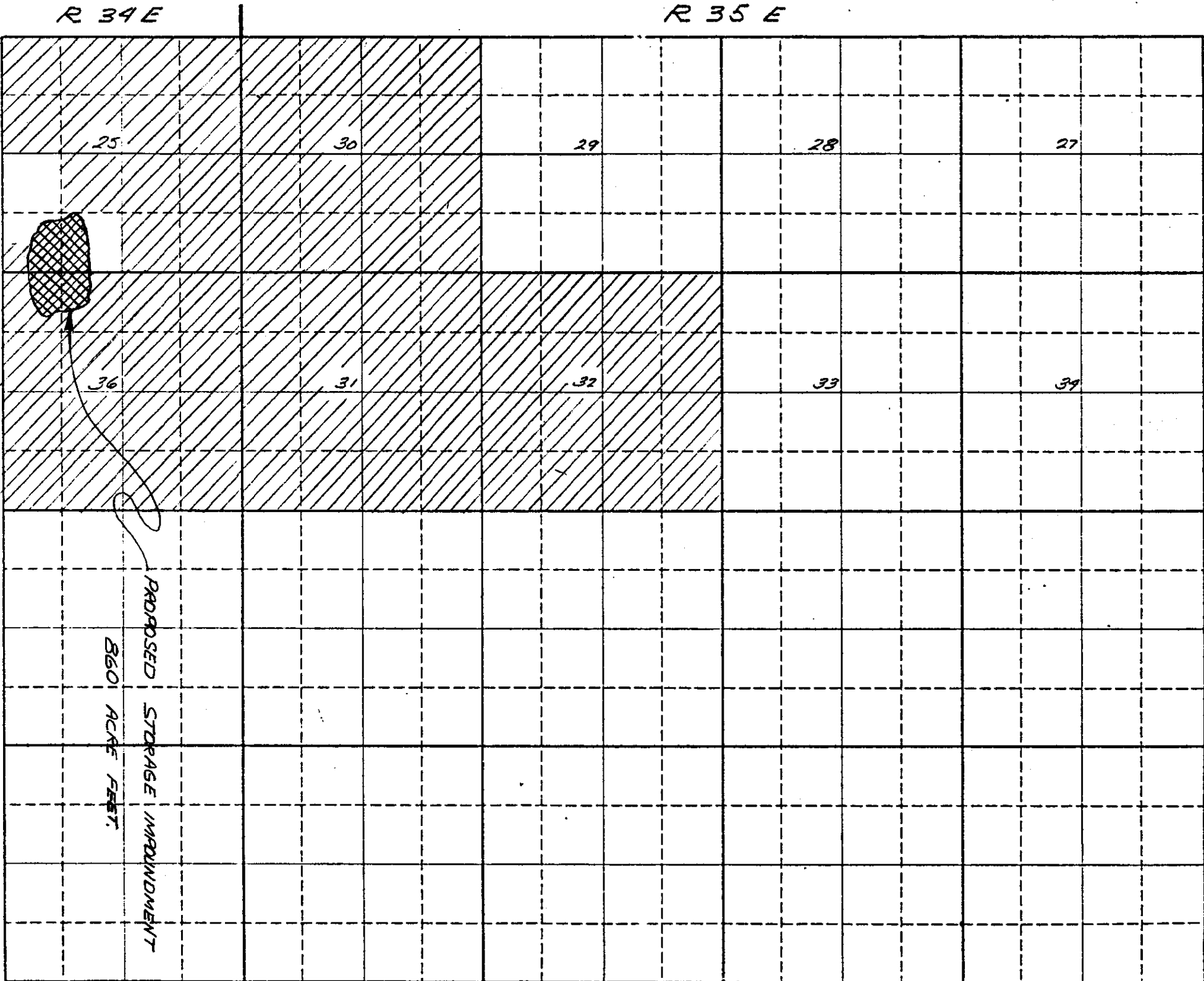
b. Who owns the land to be irrigated or place of use

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

10. Remarks

\* The total acreage for irrigation will change as the amount of wastewater increases. We have shown all lands that are now available for use of the wastewater.

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



Scale: 2 inches equal 1 mile

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

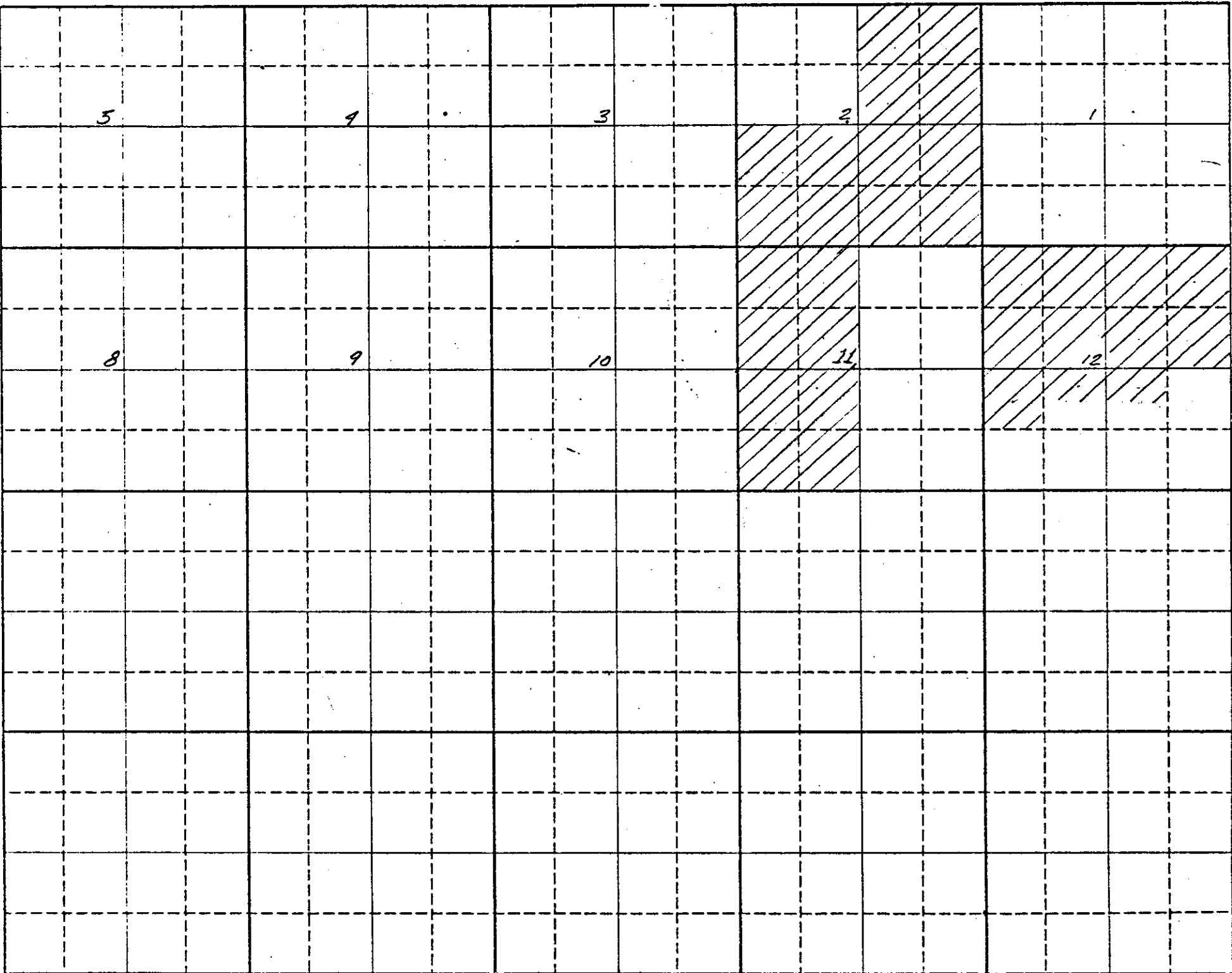
(Applicant) \_\_\_\_\_

T55

R 34 E

R 35 E

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

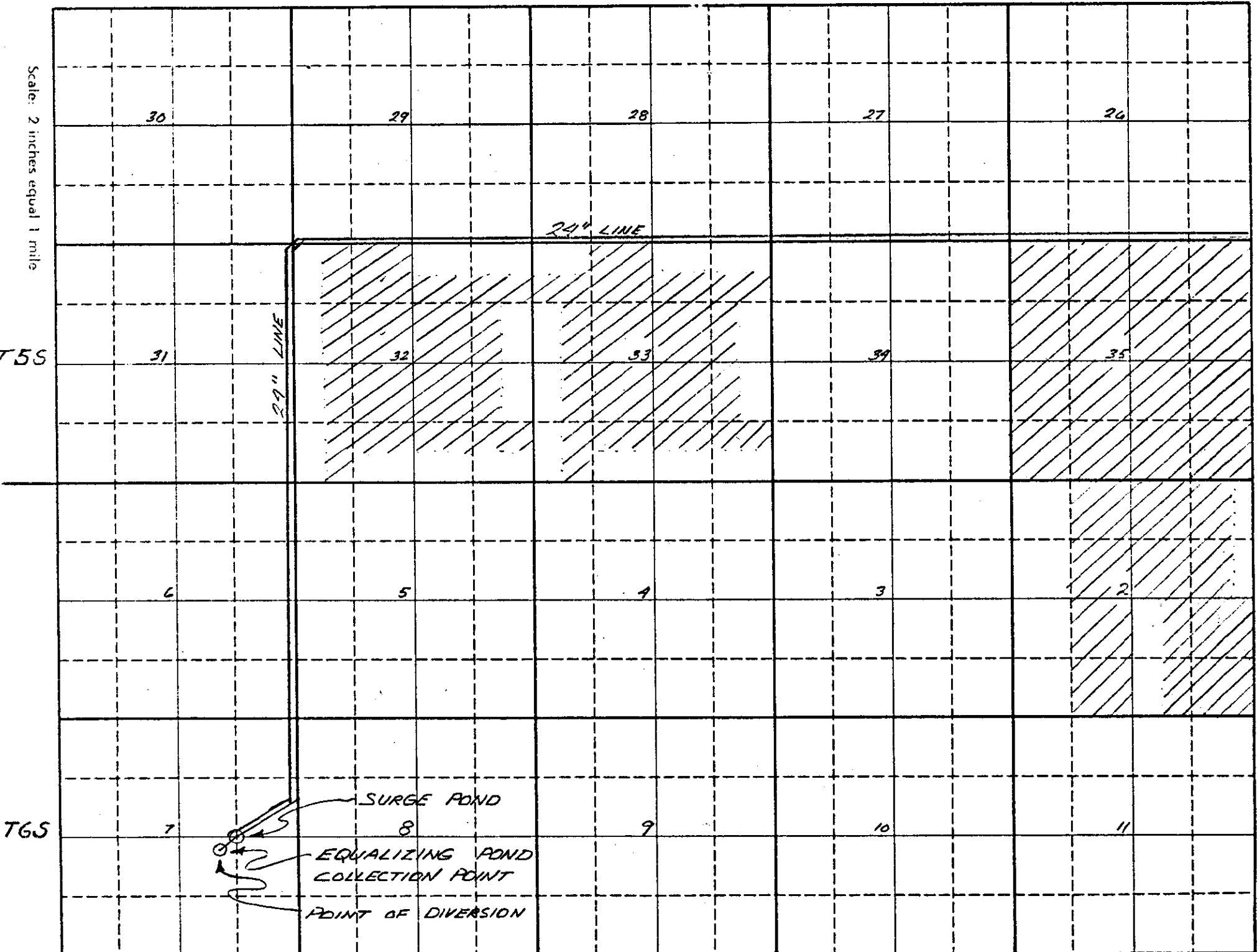


Scale: 2 inches equal 1 mile

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

(Applicant)

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



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

J R Simplot Company

by Richard  
Applicant Sr. Vice President

Received by JG Date 2-06-78 Time 11:30 A.  
Preliminary check by JG Fee \$ 65.00  
Receipted by JG Date 1-27-78 # 10299  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_  
Published in \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by \_\_\_\_\_

#### 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. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Denial of said application is for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Director

# Affidavit of Publication

RECEIVED

MAY 1 1978

STATE OF IDAHO

COUNTY OF POWER

} S.S.

Department of Water Resources  
Eastern District Office

Phyllis Ringe

being first duly sworn

on oath, states:

she

principal clerk of the printer

That ..... is the .....  
of the Power County Press, a newspaper of general circulation  
in Power County, Idaho, published weekly at American Falls  
in said County; that said newspaper has been published in said  
County uninterruptedly and continuously for over seventy-  
eight consecutive weeks, prior to the first publication of the  
annexed notice or advertisement:

That the annexed notice or advertisement was published as  
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for .....<sup>2</sup>.....  
successive weekly issues thereof, the date of the first publica-  
tion being the ..... 20th ..... day of ..... April ..... 19...<sup>78</sup>...

the date of last publication being the

..... 27th ..... day of ..... April ..... 19...<sup>78</sup>...

(Signed) .....

Subscribed and sworn to before me this

..... 21st ..... day of ..... APRIL ..... 19...<sup>78</sup>...

.....  
Notary Public, residing at American Falls,  
Idaho.

My Commission expires the

(SEAL)

... 15th ..... day of MARCH, 19...<sup>79</sup>...

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# Affidavit of Publication

RECEIVED

MAY 1 1978

STATE OF IDAHO }  
COUNTY OF POWER } s.s.

Department of Water Resources  
Eastern District Office

## Legal Notice

Published in the Power County Press,  
American Falls, Idaho, on April 20 and 27,  
1978.

### NOTICE OF CORRECTION

Notice is hereby given that application No. 29-7437 in the name of J.R. Simplot was advertised incorrectly on March 23 and March 30, 1978. The place of use was advertised as being within the  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ , Sec. 29,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 27,  $SW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 26,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ , Sec. 31,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ , Sec. 32,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ , Sec. 33,  $E\frac{1}{2}$ , Sec. 34, Sec. 25,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ , Sec. 30,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ , Sec. 36, T. 5S, R. 34E;  $S\frac{1}{2}SE\frac{1}{4}$ , Sec. 1,  $NE\frac{1}{4}$ , Sec. 11,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ , Sec. 12, T. 6S, R. 33E;  $S\frac{1}{2}S\frac{1}{2}$ , Sec. 7,  $SW\frac{1}{4}$ , Sec. 8,  $NE\frac{1}{4}NW\frac{1}{4}$ , Sec. 17,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ , Sec. 18,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 2,  $NE\frac{1}{4}$ , Sec. 3,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 5,  $N\frac{1}{2}N\frac{1}{2}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ , Sec. 6, T. 6S, R. 34E, B.M. 34E, B.M.

WHEREAS, the actual place of use is within the  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ , Sec. 29,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 27,  $SE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 26,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ , Sec. 31,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ , Sec. 32,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ , Sec. 33,  $E\frac{1}{2}$ , Sec. 34, Sec. 25,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ , Sec. 30,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ , Sec. 36, T. 5S, R. 34E;  $S\frac{1}{2}SE\frac{1}{4}$ , Sec. 1,  $NE\frac{1}{4}$ , Sec. 11,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ , Sec. 12, T. 6S, R. 33E;  $S\frac{1}{2}S\frac{1}{2}$ , Sec. 7,  $SW\frac{1}{4}$ , Sec. 8,  $NE\frac{1}{4}NW\frac{1}{4}$ , Sec. 17,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ , Sec. 18,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 2,  $NE\frac{1}{4}$ , Sec. 3,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 5,  $N\frac{1}{2}N\frac{1}{2}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ , Sec. 6, T. 6S, R. 34E, B.M.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May 8, 1978.

C. STEPHEN ALLRED  
Director

Phyllis Kinge being first duly sworn

on oath, states:

she principal clerk of the printer

That is the of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for successive weekly issues thereof, the date of the first publication being the 20th day of April, 1978

the date of last publication being the

27th day of April, 1978

(Signed)

Subscribed and sworn to before me this

21st day of April, 1978

Anita Heard  
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL) 15th day of March, 1979

# Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} s.s.

RECEIVED

APR 5 1978

Department of Water Resources  
Eastern District Office

.....Phyllis Ringe... being first duly sworn  
on oath, states:

That she is the principal clerk of the printer  
of the Power County Press, a newspaper of general circulation  
in Power County, Idaho, published weekly at American Falls  
in said County; that said newspaper has been published in said  
County uninterruptedly and continuously for over seventy-  
eight consecutive weeks, prior to the first publication of the  
annexed notice or advertisement:

That the annexed notice or advertisement was published as  
per clipping attached in the regular and entire edition of said  
newspaper and not in any supplement thereof for 2  
successive weekly issues thereof, the date of the first publica-

tion being the 23rd day of March, 1978

the date of last publication being the

30th day of March, 1978

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

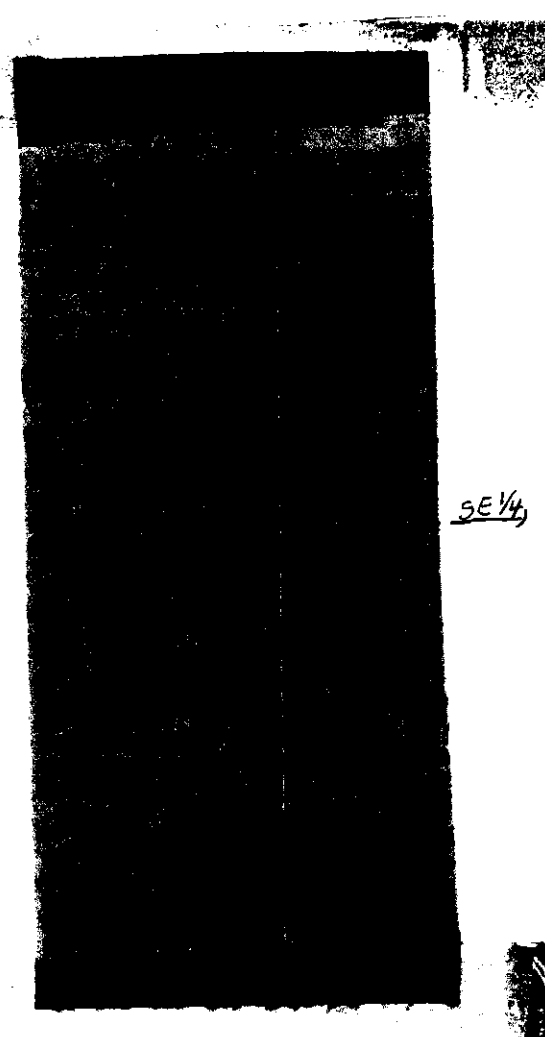
24th day of March, 1978

Rose Ann Frank  
Notary Public, residing at American Falls,  
Idaho.

My Commission expires the

(SEAL)

..... day of ....., 19 .....



SE 1/4

MICROFILMED

# Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} s.s.

.....Phyllis Binge.. being first duly sworn

on oath, states:

That ..she..... is the principal clerk of the printer  
of the Power County Press, a newspaper of general circulation  
in Power County, Idaho, published weekly at American Falls  
in said County; that said newspaper has been published in said  
County uninterruptedly and continuously for over seventy-  
eight consecutive weeks, prior to the first publication of the  
annexed notice or advertisement;

That the annexed notice or advertisement was published as  
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for .....2.....  
successive weekly issues thereof, the date of the first publica-

tion being the .....23rd.... day of ..March....., 19...78

the date of last publication being the

...30th..... day of ..March....., 19...78

(Signed) ..Phyllis Binge..

Subscribed and sworn to before me this

.....24th..... day of ..March....., 19...78

.....Rose Ann Frank  
Notary Public, residing at American Falls,  
Idaho.

My Commission expires the

(SEAL) ..... day of ..March....., 19.....

Filed in The Power County Press  
March 10, 1978

## NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that J.R. Simplot  
Company, Boise, Idaho, has on 3-17-78  
submitted Application No. 29-7437 for a  
permit to appropriate 4.25 cubic feet per  
second and 860 acre feet per annum  
of industrial waste water to be used from  
Jan. 1 to Dec. 31 for storage for irriga-  
tion by means of a pond and pipeline  
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7, T. 6S, R.  
34E, B.M., Power County; and for the  
diversion of 4.25 cubic feet per second of  
water to be used from Mar. 15 to Nov.  
15 for the irrigation of 4,335 acres within  
the W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 29, E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 27, SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 31,  
S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 33, E $\frac{1}{2}$ , Sec.  
34, Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 30,  
NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 36, T. 5S, R.  
34E: S $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 1, NE $\frac{1}{4}$ , Sec. 11,  
NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 12, T.  
6S, R. 33E; S $\frac{1}{2}$ S $\frac{1}{2}$ , Sec. 7, SW $\frac{1}{4}$ , Sec.  
8, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 18,  
W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 2, NE $\frac{1}{4}$ , Sec. 3,  
W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 5 N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{2}$ , Sec. 6, T. 6S, R. 34E, B.M.

If issued, this permit will be subject  
to all prior water rights. Protests against  
the granting of the permit must be filed  
with the Idaho Department of Water  
Resources, 1515 Lincoln Road, Idaho  
Falls, Idaho, 83401, on or before April  
10, 1978

C. STEPHEN M. LIND  
Director

RECEIVED  
DEC 05 1988

Department of Water Resources

December 2, 1988

RE: Permit No. 29-7437

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

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON  
Sr. Resource Agent

KCW:CW

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 29-7437

Date: 9-12-1988

General Considerations:

Y Name same as permit  
Y Signature the same as permit holder  
D Address change \_\_\_\_\_ If yes, prepare a data entry  
Y Proof received timely \_\_\_\_\_  
\_\_\_\_\_ Reinstated

Source of Water:

Y Surface water  
Y Groundwater  
NA 1. well log in file  
Y 2. drilling permit  
\_\_\_\_\_ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses  
Y Is rate or volume and fee appropriate?  
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?  
NA Has one been installed?  
NA Waiver or modification of measuring device requested

Remarks: Proof acceptable

NA Priority Calculation:

|                     |       |         |
|---------------------|-------|---------|
| Date proof received | _____ | _____   |
| Date proof due      | _____ | - _____ |
| No. of days late    | _____ | = _____ |
| Priority date       | _____ | + _____ |
| NEW PRIORITY DATE   | _____ | = _____ |

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

AUG - 4 1988

For Office Use Only  
Fee Received \$175.00  
Date 8/5/88  
Receipt # 0002152  
Receipt by CRJ  
Reviewed by [Signature]  
Sent to region 8/12/88

STATE OF IDAHO  
Department of Water Resources  
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. 29-7437

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

Post Office Address: P.O. Box 27 Boise, Idaho 83707

Telephone No. (208) 336-2110

Source of Water: Industrial waste water from plant

Extent of Use:

Domestic (number of households) Stockwater (number and type of stock)  
Irrigation 1,500 (acres) Other/Remark

Total rate and/or volume for which proof is submitted 4 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: June 1980

Measuring Device: Required? Yes ☒ No ☒  
Installed? Yes ☐ No ☐ Fee enclosed \$175  
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes ☐ No ☒  
Installed? Yes ☐ No ☐

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

John Cochran  
(Name)

232-6620  
(Telephone Number)

P.O. Box 912 Pocatello, Idaho 83204  
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

J. R. SIMPLOT COMPANY

SEP 20 1988

8-3-88  
Date

[Signature] Secretary  
Signature of Permit Holder (and title, if appropriate)

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING

J. R. SIMPLOT COMPANY - Boise, Idaho 83707

No 42345

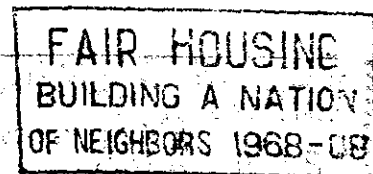
| INVOICE NO. | DESCRIPTION                                                         | ACCOUNT | CENTER | AMOUNT   | PROJECT | DESC. II |
|-------------|---------------------------------------------------------------------|---------|--------|----------|---------|----------|
|             | EXAMINATION FEE<br>29-7437<br><br>SEP 20 1960<br><b>MICROFILMED</b> |         |        | \$175.00 |         |          |

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

J. R. SIMPLOT COMPANY  
Boise, Idaho

**No 59845**

| INVOICE NO. | DESCRIPTION                                          | ACCOUNT | CENTER | AMOUNT  | PROJECT | DESC. 11 |
|-------------|------------------------------------------------------|---------|--------|---------|---------|----------|
|             | Filing Fee Extension of Time<br>Water Permit 29-7437 | 23      | 19052  | \$15.00 |         |          |



CORPORATE HEADQUARTERS  
P.O. BOX 27 · BOISE, IDAHO 83707

State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720





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

CORPORATE HEADQUARTERS

RECEIVED  
AUG - 4 1988

August 3, 1988

Department of Water Resources

State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, Idaho 83720

RE: Permit No. 29-7437

Gentlemen:

I have enclosed the required Proof of Beneficial Use for this Permit and the examination fee of \$175. Please advise if you need any further information.

Sincerely,

BRUCE L. BELZER  
Assistant General Counsel

BLB/ch  
Enclosures  
7851B

cc: John Cochrane/W.Enc.

MICROFILMED

SEP 20 1988

**RECEIPT**  
For Monies Paid  
to the  
Idaho Department of Water Resource

Receipt No: **C002152**

Date: **08/05/88**  
Time: **08:09:54**

Received  
From: **J.R. SIMPLOT COMPANY**

| Type of Payment                        | Program Acct             | Amount          |
|----------------------------------------|--------------------------|-----------------|
| <b>PROOF OF BENEFICIAL USE 29-7437</b> | <b>0630122 1238 6490</b> | <b>\$175.00</b> |

Total            **\$175.00**

**CHECK 42345**

**Idaho Department of Water Resources**

Region: State

Signature: *Christa Poncia*

**MICROFILMED**

SEP 20 1988

138034  
CERTIFIED MAIL  
June 30, 1988

J. R. SIMPLOT CO.  
P.O. BOX 27  
BOISE, ID 83707

**PROOF DUE NOTICE**

RE: Permit No. 29-7437

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 September 1, 1988. (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 completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK  
Secretary/Records Manager

Enclosures

**MICROFILMED**

SEP 20 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

RECEIVED

SEP 20 1988

November 28, 1983

Ronald N. Graves, Secretary  
J. R. Simplot  
P. O. Box 27  
Boise, ID 83707

Dear Mr. Graves:

Re: Permit No. 29-7437

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to September 1, 1988. Please note that the permit has been reinstated with an advance in priority since the extension of time request was submitted after the proof due date.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later in time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosures: Ext. of Time

CALCUATION OF NEW PRIORITY DATE  
EXTENSION OF TIME

FROM: Rita Fleck

TO: File # 29-7437

DATE: Nov. 22, 1983

Date Extension Received

308 Apr. 4

Date Proof Was Due

- 244 Sept. 1

Number of Days Ext. Late

64

Priority Date

+ 76 Mar. 17, 1978\*

New Priority Date

140 = May 20, 1978

Remarks

\* This was the date the additional fee was received based on the afa (860) figure instead of the c/s amount.

RECEIVED



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

---

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

EXTENSION OF TIME

**November 8, 1983**

**J. R. Simplot Company**  
**Attention Ronald N. Graves, Secretary**  
**P. O. Box 27**  
**Boise, ID 83707**

PERMIT NO. **29-7437**

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **32773.**

Roberta Garrett  
Records Supervisor

Enclosure

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440

J. R. SIMPLOT CO.  
P.O. BOX 27  
BOISE, ID 83707

LAPSE NOTICE

SEPTEMBER 07, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 29-7437 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED JUNE 30, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON  
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF



CERTIFICATION OF MAILING

I hereby certify that on 9/21/83  
a ~~copy~~/an original of this document was  
deposited in the United States mail  
postage prepaid addressed to the  
individual(s) named above.

Charles Curtis

S T A T E O F I D A H O  
DEPARTMENT OF WATER RESOURCES

---

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL

J. R. SIMPLOT CO.  
P.O. BOX 27  
BOISE, ID 83707

138789

PROOF DUE NOTICE

JUNE 30, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7437 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE SEPTEMBER 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES



July 10, 1979

Lee W. Stokes, Administrator  
Department of Health and Welfare  
Division of Environment  
Statehouse  
Boise, ID 83720

Dear Mr. Stokes:

Pursuant to your letter request of June 29, 1979, we are enclosing copies of two permits which propose to use effluent from a waste treatment facility. This Department generally has sent a copy of new applications of this type to Health and Welfare regional offices for comments. It is possible this hasn't been done in all cases, however.

The University of Idaho and Moscow may have some agreement for the use of effluent; but to my knowledge, no water right information has been filed with this office relative to that use.

Since applications of the nature requested in your letter are often difficult to readily identify, we would suggest that someone from your office would be welcome to conduct research in our records if you need all inclusive information at an early date.

If you have any questions, please feel free to contact us.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rf

Enclosures



# STATE OF IDAHO

DEPARTMENT OF HEALTH  
AND WELFARE

DIVISION OF ENVIRONMENT  
Statehouse  
Boise, Idaho 83720

June 29, 1979

William R. Gossett  
Idaho Department of  
Water Resources  
92 South Cole Road  
Boise, Idaho 83705

REFERENCE TO: Application for Permit #67-7438

Dear Mr. Gossett:

We have recently become aware of the above application for a water right on the effluent from the City of Council's lagoons. We object to the issuance of this water right and intend to file a protest.

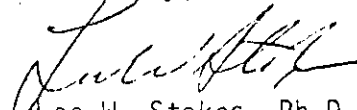
We object to the water right on the basis that it could potentially interfere with the control the City can exercise over the discharge. We cannot file a formal protest at this time because we have not had sufficient opportunity to research the technical and legal aspects of this matter. We did not receive a copy of the application directly but were made aware of it by the City on June 25, 1979.

We would like to request that your Department furnish us with any other water right that has been issued on a discharge from a waste treatment facility. It is our understanding that such a situation exists at Moscow and several other places in Idaho.

We will be providing you our position and substantiating information as soon as possible but will need the requested information first.

Thank you for your cooperation. If you have any questions, please feel free to contact us.

Sincerely,

  
Lee W. Stokes, Ph.D.  
Administrator

LWS:lab

cc: Troy Schwartz, City of Council  
Kenneth Adler, Attorney  
Dave Sanders, IDHW

RECEIVED

JUL 2 1979

Department of Water Resources  
Western Regional Office

EQUAL OPPORTUNITY EMPLOYER

Bob —  
Can someone there  
rescind the above request?  
WG

Glen—These are the ones I recall  
11-7005  
29-7431  
29-7437

The university and the City  
may have some agreement for the use  
of the effluent but nothing was filed.  
There ~~was~~ is another filing  
in Basin 36 as I recall.

INTER-DEPARTMENT MEMO — 1

FROM Colleen

DATE April 19, 1979

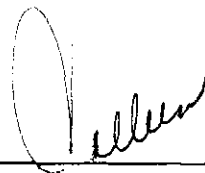
TO Jan Grover

SUBJECT

0. 26  
JG  
Could you please send me a copy of Exhibit B-5, which is a Right-of-Way granted by the County Commissions for a pipeline and will be either in file No.

29-7437 Simplots or 29-7431 City of Pocatello.

Thanks in advance.



SIGNATURE

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                    |                        |
|------------------------------------|------------------------|
| IN THE MATTER OF APPLICATION FOR ) |                        |
| PERMIT NO. 29-7437 IN THE NAME )   | ORDER DENYING PETITION |
| OF J. R. SIMPLOT COMPANY AND FOR ) |                        |
| PERMIT NO. 29-7431 IN THE NAME )   | FOR REHEARING          |
| OF CITY OF POCA TELLO. )           |                        |

The petition for rehearing filed by Dwight Baker on behalf of protestants in the above-entitled matter, Bob Hart, Sam McNabb, S. Albert Johnson, John Spanbauer, Veda Rupp, Robert Brown, and L. T. Gucker is denied for the following reasons:

1) Condition 5 in the order provides that the rate of diversion for the land being irrigated under this right shall not exceed 0.02 cubic feet per second per acre when combined with all other water rights for the irrigation of this land. Condition 5 is consistent with Idaho Code 42-202 which provides that ". . . no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second of the normal flow for each fifty (50) acres of land to be so irrigated. . . ". The permit approved for the J. R. Simplot Company provides that 4.25 cfs will be used for irrigation purposes from March 15 to November 15. If Simplot waste water is diverted from the impoundment for irrigation purposes at the stated rate throughout the specified irrigation season, an annual maximum of approximately 1,767 acre feet would be diverted per year. Adding the approximate total acre feet of Simplot waste water which would be annually diverted from the impoundment to the annual maximum of 6,655 acre feet of waste water from the City of Pocatello proposed to be used for irrigation purposes under the City's permit from May 1, to October 1, water would be diverted up to a total annual maximum of 8,422 acre feet. According to the above calculations and the total

**MICROFILMED**

acreage described in the permits, the annual use of water from the impoundment for irrigation purposes would average less than three acre feet per acre.

Petitioners' objections to Condition 5 are without merit in that Idaho Code 42-202 limits the amount of water that can be diverted for irrigation purposes to one cubic foot of water per second for each 50 acres of land irrigated, and the volume of water that would be used per acre per year can be determined according to the rate of diversion specified in the application for permit approved for the J. R. Simplot Co., the length of the irrigation season, and the total acreage proposed to be irrigated, the last two factors being specified in permits approved for both the J. R. Simplot Co. and the City of Pocatello.

Finding of Fact 4 refers to the average concentrations of nitrogen and phosphate contained in each acre foot of water discharged from the City of Pocatello's plant and the Simplot plant. The finding notes that all of the materials appear to be well within the limitations set by the United States Environmental Protection Agency for land disposal.

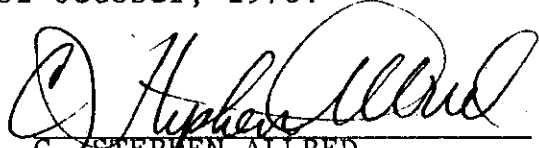
2) The location and the total number of acres to be irrigated is described in the permits approved for the City of Pocatello and the J. R. Simplot Company. The conditions in the order are capable of enforcement even if lands within the boundaries described fail to become available for irrigation purposes. The actual land irrigated under the approved permits must be located within the boundaries described, and under the statutory limitation previously discussed, water can be diverted at no more than one cubic foot per second for each 50 acres of land to be irrigated, or .02 cfs per acre. The license issued by the Department upon proof of application to beneficial use will describe only the actual acreage irrigated.

3) At a prehearing conference held to determine the issues in the matter, the areas of public interest found to be within the purview of the Department were set forth. Consistent with the earlier determination, the proof accepted at the hearing was limited to the following areas:

1. What adverse water related effects will the local community suffer because of surface runoff generated by this project?
2. What is the potential for groundwater contamination?

IT IS, THEREFORE, HEREBY ORDERED That Petition for Rehearing In the Matter of Application For Permit No. 29-7437 In the Name of J.R. Simplot Company and for Application For Permit No. 29-7431 In the Name of the City of Pocatello is DENIED.

DATED This 19<sup>th</sup> day of October, 1978.

  
C. STEPHEN ALLRED  
Director

RECEIVED

JUL 21 1978

Department of Water Resources  
Eastern District Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

In the matter of )  
J. R. Simplot Company, )  
a corporation, )  
 )  
Applicant. )  
\_\_\_\_\_ )

WRITTEN ARGUMENT

Applicant, J. R. Simplot Company (Applicant) applied to the Idaho Department of Water Resources to appropriate certain public waters of the State of Idaho for beneficial agricultural use.

The Applicant essentially has applied to appropriate all of the effluent from its Don, Idaho fertilizer manufacturing plant, which presently flows into the Portneuf River, and proposes through a series of pumps, pipelines, ponds and reservoirs to transport and apply the waters, under the terms of a written agreement, to farms located up to six miles from its fertilizer plant.

In addition, Applicant will combine its waters with the waters from the City of Pocatello's sewage treatment plant during the irrigation season. During the nonirrigation season, the Applicant's water will be stored in an impoundment area for use in the following spring and summer for fertilization and irrigation purposes. During nonirrigation months the City of Pocatello will return its effluent to the Portneuf River.

The application was noticed pursuant to Idaho Code 42-203 and protestants herein all filed objections to the application on various grounds. On May 23, 1978, a prehearing conference was held before the Department and at the conclusion of this informal conference, the Department ruled that the following issues were appropriate for a formal evidentiary hearing:

UNRECORDED

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JUL 21 1978

Department of Water Resources  
Eastern District Office

(1) Whether the Applicant had the financial capability to carry out the proposed project;

(2) Whether Applicant's proposed impoundment area was of sufficient capacity to store the appropriated waters through the nonirrigation season;

(3) Whether the Applicant's proposed impoundment area has been designed to avoid surface runoff and ground water contamination;

(4) Whether the process of irrigation of the appropriated water would cause ground water contamination;

(5) Whether the process of irrigation of the appropriated waters would cause surface runoffs; and

(6) Whether Applicant had sufficient farmland acreage for the proposed project.

On June 26, 1978, a formal evidentiary hearing was held on the above issues.

1. Applicant's Financial Capability to Construct the Project

Applicant's Vice President of Planning and Development, J. L. Smith, testified that Applicant had entered into a joint agreement for the construction of the project with the City of Pocatello, Idaho. Terms of the agreement call for the Applicant to let construction contracts for certain portions of the project and for the City of Pocatello to let construction contracts for other portions. Applicant is to provide all front monies for construction and will recover certain of the construction costs from the City in the form of user fees. Mr. Smith further testified that the J. R. Simplot Company had budgeted and set aside in excess of four million dollars for construction of the proposed project.

Mr. Smith's testimony is not controverted by protestants and, therefore, the record compels the finding that Applicant has adequate financial capability to construct the proposed appropriation project.

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JUL 21 1978

Department of Water Resources  
Eastern District Office

2. Is Applicant's Proposed Impoundment Area of Sufficient Size to Store the Appropriated Waters During Nonirrigation Months

As an integral part of the project, Applicant proposes to construct an impoundment at the end of its pipeline of sufficient size to store all of the appropriated waters during the nonirrigation season. During the irrigation season, these stored waters will be pumped either directly from the impoundment area or drained back down the pipeline to contracting farmers and will be emptied in time to store waters for the next nonirrigation season.

Applicant's testimony on the issue of sufficient size of the impoundment area is again not rebutted by protestants. Applicant's expert witness was Mr. Fred Chen of the International Engineering Company, who has many years of experience designing and constructing dams and impoundments.

Mr. Chen testified that only the Simplot effluent would be stored in the impoundment area and that the storage capacity of the area was of sufficient size to store that amount of effluent for the entire nonirrigation season, plus there was a considerable amount of excess storage built in for a safety margin. In determining what the nonirrigation season was, Mr. Chen testified that a very conservative period of time was used (in other words, he over estimated the period of nonirrigation) and that the reservoir was designed to accomodate an average flow in excess of what Applicant was actually experiencing from its fertilizer plant. In addition, in determining the size of the impoundment, no deductions were made for percolation or evaporation losses, thus providing still further excess capacity.

Since protestants have offered no evidence on the question of the sufficiency of the size of the impoundment area a finding is compelled in favor of Applicant on this issue.

APPROVED

RECEIVED

JUL 21 1978

Department of Water Resources  
Eastern District Office

3. Is Applicant's Impoundment Area Designed to Avoid  
Surface Runoff Problems

Applicant's expert witness, Mr. Fred Chen, further testified that Applicant's impoundment area had been carefully designed to avoid surface runoff from the impoundment. Applicant had several available sites to locate the impoundment but chose a hillside site instead of two nearby steep walled natural drainage draws in order to avoid the impact of a one hundred year storm. The impoundment embankments will be constructed of earthen materials excavated from within the reservoir area, thereby increasing stability and decreasing embankment height. A ditch or berm will be constructed on the uphill side of the impoundment which will divert directly into the natural drainage draws any water from severe storms which would normally flow into the impoundment. Mr. Chen testified that the only water from any storm which could get into the impoundment would be that falling directly into the reservoir in the form of precipitation. If the reservoir level was down, these waters would be contained. If the reservoir level was full, the excess water would flow out through a spillway designed to protect the integrity of the embankment and into the natural drainage draws. Mr. Chen testified that in no instance would the reservoir waters increase the severity of a hundred year storm and, in fact, the existence of the impoundment could lessen the severity of such a storm by containing a portion of the waters which would ordinarily flow into the natural draws.

On this issue, Applicant's testimony is completely un rebutted by protestants and the record compels the finding that the impoundment area will not cause surface runoff problems.

RECEIVED

JUN 27 1966

4. Will the Applicant's Proposed Impoundment Area Department of Water Resources  
Adversely Affect the Ground Water Eastern District Office

On this issue, Applicant offered the testimony of Mr. Gene Piekenbrock, a geological engineer with International Engineering Company. Mr. Piekenbrock testified that he had done all of the initial field work to identify the subsurface geology of the reservoir site. The field work consisted of drilling several bore holes and analyzing core samples, studying geological maps and reviewing logs of wells which had been drilled in the area. Samples of the drillings were sent for laboratory tests to determine the permeability of the soil.

Mr. Piekenbrock testified that as a result of his field work he had concluded that the soil in the area of the impoundment was a loess material with a permeability factor of ten to the minus four and that the loess soil was approximately 100 feet deep. At the one-quarter inch design percolation rate it would be between 100 and 1,000 years before any percolation would reach the Tyhee flat ground water system. It would take 100 years if the water found a continuous gravel layer underlying the loess leading to the Tyhee flats, however, Piekenbrock stated that he felt any gravel layers so underlying were not continuous but that he didn't know for sure, hence his inclusion of the 100 year estimate. Without a gravel layer to the Tyhee flats area the percolation from the reservoir bottom would take approximately 1,000 years to reach the flats!

Applicant also offered the expert testimony of Mr. Robert Ryder, a sanitary engineer and a man with extensive experience in the design and operation of wastewater irrigation systems. Mr. Ryder testified that he had been hired by Applicant to determine what the overall effect of percolation from the impoundment area might be on the ground water. Mr. Ryder agreed with Mr. Piekenbrock that it would

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take between 100 to 1,000 years for the percolation to reach the ground water. Mr. Ryder identified the elements in the Applicant's effluent which might have some impact on ground water as nitrates, chlorides, fluorides, sodium and potassium, and identified flouride as the most critical in terms of water change because less of the fluoride would be lost to the soils. Mr. Ryder stated that at the one-quarter inch per day percolation rate from the impoundment approximately 190 acre feet per year would eventually (100 to 1,000 years) reach the Tyhee flats ground water and be diluted by the approximately 800,000 acre feet of ground water flowing through the area. In a one-half mile radius from the impoundment Mr. Ryder estimated an add mixture of 2 percent which at the Fort Hall canal would decrease to about 1 percent. Mr. Ryder also stated that beyond three-quarters of a mile from the impoundment area, it probably would never be possible to measure any change in the ground water quality. Mr. Ryder termed the effect of the percolation from the reservoir as "minimal", and measured in very small fractions. He stated that as a result of the percolation, the fluoride in the ground water might rise from 1.3 to 1.5 parts per million.

Mr. John Cochrane, Applicant's environmental engineer, testified that Mr. Ryder's calculations were based on fluoride concentrations in the Simplot effluent over a long term period, but that these concentrations were significantly above what Simplot was now experiencing because of the completion of several projects which had substantially reduced the fluoride concentration in the Applicant's effluent. In addition, the Applicant will soon complete another project which will further significantly reduce the fluoride concentrations in the effluent and Mr. Ryder then testified that the substantially lower concentrations will even further lessen the expected impact of fluoride on the Tyhee ground water.

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In addition, Applicant presented further testimony indicating that monitoring wells will be drilled below the impoundment area and that if any ground water problems develop, these monitoring wells can be converted to interceptor wells to return the escaping waters to the impoundment.

It is clear then from Applicant's uncontroverted testimony that for only a very short distance from the impoundment area will there be a measureable impact on ground water and that measureable impact will be insignificant.

5. Will Irrigating With the Appropriated Waters Contaminate the Ground Water

Again, on this issue only the Applicant presented any testimony. Applicant's expert witness, Dr. J. Hamilton Smith of the United States Department of Agriculture's Snake River Valley Research Center at Kimberly, Idaho, testified that because of the characteristics of the appropriated waters, there was no possibility of ground water contamination from phosphate, fluoride or sulfate. Ground water could eventually be contaminated by a long term practice of extremely over applying nitrogen, but that if reasonably proper nitrogen application rates were used there would be no ground water contamination of nitrogen. Dr. Smith emphasized in his testimony that the impact on ground water by irrigating and fertilizing crops using the nutrients available in the appropriated waters would not be any different from the present commercial fertilizer practices used by protestants and, in fact, Dr. Smith said that because nutrients could be applied through several small applications rather than by one large application as currently used by most farmers, there would be a more efficient utilization of the nutrients by the crops and, therefore, a lesser potential of contamination of the ground water.

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The record can only support a finding by the Department of Water Resources Eastern District Office Department that agricultural irrigation of the appropriated waters would not contaminate the ground water.

6. Will Irrigation of the Appropriated Waters Cause Surface Runoff Problems

Applicant presented the expert testimony of Doral Larsen, University of Idaho Extension Agent, specializing in sprinkler irrigation. Mr. Larsen testified that there is some surface runoff problems from nearly all sprinkler irrigation, however, there are many measures which can be taken to minimize the problems of surface runoff. These would include proper nozzle selection, special nozzles to better distribute the water and the utilization of check dams and return pumps to prevent the overflow from leaving the farmer's property. Mr. Larsen further stated that these measures are well known and practiced by all farmers utilizing sprinkler irrigation and that these practices would be just as effective for farmers sprinkler irrigating with the appropriated water.

Protestants presented some testimony to the effect that sprinkler irrigation systems do have surface runoff problems, however, that was in fact confirmed by Applicant's expert witness who stated that the surface runoff problems are controllable. The record, therefore, can only support a finding that any surface runoff problems are well within the control of farmers irrigating with the appropriated water.

7. Does the Applicant have Sufficient Acreage to Properly Utilize the Nutrients Contained in the Appropriated Waters

Protestants have objected to the application on the basis that the Applicant does not have sufficient acreage on

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which the total amount of nitrogen contained in the appropriated waters can be applied without overloading the soil with nitrogen. However, protestants failed to present any credible evidence on this point. Applicant, on the other hand, through John Cochrane, testified that there were many options available to properly manage and utilize the nutrients contained in the appropriated waters and that currently a plan was under consideration which could use up to 360,000 pounds of nitrogen per year if applied within recommended fertilization rates. Mr. Cochrane testified that only 340,000 pounds of nitrogen per year is available from the appropriated waters so that really Applicant could utilize another 20,000 pounds of nitrogen. Mr. Cochrane also testified that if need be, the appropriated waters could be used solely on Applicant and City owned lands, utilizing good farming practices. Mr. Cochrane outlined the application rates as basically 125 to 150 units of nitrogen for row crops on the Tyhee flats and 400 to 500 units on grasslands. Dr. J. Smith, in his testimony, verified that these application rates are well within accepted farming practices. In addition, this plan would utilize 95 days of City sewage treatment plant water for irrigation.

Protestants attempted to show that some of the acreage which Applicant intends to use may not be available in years to come, however, the user agreements which were entered into the record, speak for themselves on this point and conclusively show that as far as sufficient acreage is concerned, the project is not speculative.

The evidence compels the finding that Applicant has sufficient acreage available to it to utilize the nitrogen contained in the appropriated waters within accepted farming practices.

Protestants, in their written objections to the application and at the informal conference, made many

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allegations concerning the potential damage to the environment from the proposed appropriation project. When the time came to present evidence at the formal hearing, however, the protestants utterly failed to produce any creditable evidence to support their allegations. The record conclusively establishes that the appropriation project is extremely well designed and engineered. Potential problems have been identified and delt with. The safety of the surrounding community was extensively considered and the project was engineered to provide more than adequate margins of safety. Applicant submits that the Department should grant applicant a permit to appropriate public waters as set forth in the application.

Respectfully submitted,



---

STEPHEN A. BEEBE  
General Counsel  
J. R. Simplot Company

Pipe buried w/ minimum of 4 ft covered

Surge arrester.

5% - 7 million g/p/d could be lost w/out notice

Permits not approved

1. Conditional use permits
2. Fort Hall Canal Crossing

F&P also ~~se~~ working on a Geothermal Project - Would use water w/ this project if it worked out.

Mr. Postelwert

Permits outstanding

1. Fort Hall Canal Crossing
2. App to use material at Airport

Demands may be scheduled by computer.

Material will be monitored daily  
City must handle simple waste.

MICRO MED

Mr. Roy Miller -

1. Protest based on cutting of High line canal. Changes in Plan Remove reason for protest  
Mr Roy F. Miller

Lue Goeuer - Concerned about  
G.W. contamination

Bob Hart - impact water use in  
the area might have on land values

Mrs. Veda Rupp - Objects to effluent  
being called "water".

Simplon - Dr. Smith - Kimberly  
will do continuous sampling  
of soil, crops, water.  
Ground water will be monitored  
~~##~~

MICROFILMED

- Needed for agreement
1. Hart - Effluent monitoring  
at pond.
  2. Mrs. Rupp - Tyhee Flats.
- Not Proper place for Project

Sam McNab -

Pipe line will be w/in a few feet of domestic wells. Break could cause contamination.

Harry Hart - concerned about fluorine contamination from ~~home~~ use of water.

Continue Hearing to bring in City as a party

ISSUES

1. Four standard
5. Contamination of G.W.
6. Damage from surface runoff

MICROFILMED

Application 29-7437

May 23, 1978

J.R. SIMPLOT CO.

intent of Application -

Want to mix waste effluent w/  
city of Pocollo for irrigation  
of Tyhee area

- Applicants contend permit from  
the Dept. is not necessary.

- John Spanbauer:

1. Water supply is insufficient  
for the purpose intended

to dilute fluoride

44 of 77 livestock tested  
had tooth damage from fluoride  
material is not water but  
chemical waste

2. Application is speculative  
because many of lands covered  
in application ~~are not~~ have not  
agreed to take water.

MIC. MED

## ISSUES

1. Impacts on Community from surface run off.
2. Contamination of Groundwater

It is useless to go to hearing without the city.

We need to know what evidence the Protestants have on the above two issues. I do not see any issues we have heard that would warrant a hearing

MICROFILMED

Hearing

June 26, 1978

29-7437(A) J.R. Simplot

29-7431(A) CITY of Pocatello

Stipulations -

Any testimony & evidence on  
behalf of the City

CITY - Olsen

Simplot - Baber

Protestants - Dwight Baker

Motions.

City - Director grant cities permit  
since it was not protested

Protestants - request to intervene

objection - request not timely filed  
motion to intervene denied.

City must show - they have the  
ability to proceed

John Postlewait

~~John Postlewait~~ - witness (1) City

city passed a bond issue to  
upgrade sewage treatment

\$100,000 earmarked for tertiary  
treatment investigation.

this Proposal resulted from investing

FILED

Water presently being discharged into the Port-euf.

Exhibits B<sub>1</sub> - B<sub>4</sub> city - Baker Stipulated to originality

Exhibits B<sub>5</sub> - B<sub>9</sub> contracts for water & easements.

B<sub>5</sub> - B<sub>10</sub> accepted

Beebe Direct Smith

4.1 m budgeted by subplot front money for Project

Beebe Direct Fred Chin - International Engr.  
Sr. Geotechnical Engr.

Applicants EXHIBITS ~~EXHIBITS~~ #A5 accepted

Max dam height = 38'

ground water - 50 - 100 feet  
gravel layer - ground water not detected.

Gene Pikenbrock - International  
engrs. B.S. Geology

investigated subsurface geology

Exhibit A.1. - USGS Map

A.2 - X-Section of site area

A.3. - Description of unit  
admitted

Subsurface geology - 80 ft of loose  
Basalt under gravel.

Loose  $10^{-4}$  cm/sec permeability (Vertical)

---

Beebe - Direct - Robert Ryder - Kennedy Engrs  
Sanitary engr -  
most significant increase  $\frac{1}{2}$  mile  
from pond would be fluorides.

Baker X

P-1

Fluoride add for dental health

.8 - 1.5 mg/l

.8 - warm climate

Natural fluorides - 2 - 8 mg/l  
causes staining of teeth

Nitrate - 10 mg/l limitation EPA  
 " stored Ammonia <sup>NH<sub>4</sub></sup> 150-160 PPM  
~~NO<sub>3</sub>~~ - 10-15

Feed lot - { obs wells  
 Johnson -  
 white water well - {

Became associated w/ project about  
 1 month ago

Wells Down Stream should be  
 monitored annually

Beebe - Direct - Jay Smith - Kimberly

Forage grass - 500-600 PPA ANY TIME

Sugar beets - Spring early Spring  
 maintenance app. up to early July

Potatoes - max 100-150 PPA

Fluorides in high calcium soils  
 converted to calcium - Fluoro-apetites  
 independent study planned  
 Pending EPA Grant

Beebe - Direct - Dorrell Larson - U of I  
Extension irrigation est.

30 inches used per season

7 - 7½ gpm

1½" - 70% efficient - 2" application  
over will result in dp.

Beebe - Direct - John Cookin Jr Simplot

Beebe - Direct - Henry Naran - H.A.W

Could find no significant adverse  
impacts on environment

Dept. gave conceptual approval to  
Project

150  
8

City moves adoption of testimony  
for Simplot

reaction w/ aluminum not a  
problem until Ph below 4

John Postlewait -

Surge ponds would take peaks

off 11 Mgal cap.

Water delivered will be metered

Director - recall - Ryder

Heavy metals - ~~Cd~~ -

Chromium -

Plants do not take up chromium

June 27

Direct - Beebe

John Cockerill -

Nitrogen disposal -

Jan - May  $1100 \frac{\#}{\text{DAY}} (365) = 401,500$

Losses reduce available to 340,000

On Tyhee flat - 1063 acres

$150 \frac{\#}{\text{acre}} =$

Bench - 550 acres

City & Simplot - 630 acres grass  
 $400 \frac{\#}{\text{acre}}$

Baker X -

1613

630

Direct - Jay Smith

2243

## Issues

### Hart

Ownership of facilities & would Simplot proceed by itself. - contends that Simplot does not have sufficient agreements to use water.

### Spanbauer -

Water is full of chemical contaminants  
fluoride & other elements. will affect livestock.

Contents that application is not accurate

Contents that application is not made in good faith.

Underground water contamination.

Miller - concerned about disrupting tyhee canal  
- however, presently route does not cut canal. ~~He~~ is not now concerned ~~that~~ about it as long as canal is not disrupted

### James Gucker -

concerned about costs - concerned about variability of chemical contents. Impounding water in residential ~~area~~ area & possibility of G.W. Contamination.

Hart - concerned that variability of water makes use as fertilizer impractical (as compared to other fertilizer alternatives)..

Dam Safety.

Rupp - large land owner - does not feel that water can be used for irrigation  
Contents again that application was speculative

Jay Smith  
 sugar beets - 150<sup>#</sup>  
 small grains - 150<sup>#</sup>  
 Potatoes - 300<sup>#</sup>  
 Pasture - 540<sup>#</sup>

7 T/Acre 5% TDW

14000  
 $\frac{3}{420}$

— Baker - Direct - Glen Marshall - Land  
 developer.

Land leased w/ understanding shesowan  
 will farm until land developed for industrial use  
 May 28, 1978 - Property purchased by  
 Marshall's group

Baker - Direct - Jim Johnston -  
 President west LDS Stake  
 Sec 29 & 30 - 260 acres  
 Gate Wolstenhume - farmland

Baker - Direct - Boyd Nixen  
 School district 25  
 Sec 2.

Baker - Direct - Franklin Briscall -  
 NW  $\frac{1}{4}$  sec 2 sold to dist # 25

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45 min left -

I'll go after another  
tape?

Seepage from Pond Probably not  
a problem if there are heavy  
metals can they be a problem  
if used for crops?

- ① - What provisions in pipeline to contain liquid in  
case of a rupture?
- ② ~~What about surface runoff?~~  
Can exchange capacity be saturated
- ③ - ~~Surface Quality of Water~~
- ④ - ~~If a~~ Where will the Simplot City  
project relinquish control of water -  
If a farmer tended to allow excessive  
runoff - would ~~the~~ project continue to  
allow use of water - do contracts cover  
this concern
- ⑤ ~~Do all users intend to ripinate~~
- ⑥ ~~What happens to lines with Phosphate?~~
- ⑦ 3rd Source of water - I Geothermal Energy -
- ⑧ What other approvals are necessary?

~~It would then be necessary to~~  
~~obtain approval from the~~

MICROFILMED

Steve

Steve Allred  
Director D

Hi Mr. Allred,  
I am writing to you in regard to the  
information that you have provided  
regarding the project.

Thank you.

Best,  
Bill D. [unclear]

McNab

Concludes ~~that~~ ~~water~~ cannot be used  
for irrigation..

Contamination of ground-water.

Concerned that leaks may ~~be~~ not  
be detected since line is buried.  
(Should line be above ground?)

➔ Is there possibility of sufficient flow  
from drainage to cause reservoir to  
overflow.

MICROFILMED

- Dwight Baker
- Beebe

365.  
 1200  
 73000  
 3055  
 438000  
 3.00  
 820.

Garrod  
 Olsen

Motion -  
 City of Pocatello - Moved to grant  
 Application.

Baker - Moved to ~~intervene~~ in City  
 of Pocatello to the extent that testimony  
 impacts upon J.R. Simplot Application.

City of Pocatello - Objected to Motion to  
~~Intervene~~.

Olsen DIRECT POSSESSIT

Present discharge 6025 mgd Chlorinated  
 90+ BOD removed 90+ suspended Solids removed  
 discharged into Portneuf River.

admitted

Submitted B-2 thru B-4 Baker stipulated to  
 their originality

Admitted

Submitted B-5 thru B-10

|     |     |                               |
|-----|-----|-------------------------------|
| B-5 | R/w | Bannock County                |
| 6   | R/w | " Delay                       |
| 7   | R/w | " Whitewater                  |
| 8   | R/w | " Dept highways               |
| 9   | R/w | " U.P.R.R.                    |
| 10  | R/w | " Dept highways (Interstate). |

7-18  
 MICROFILMED

Does this R/W provide all necessary  
Right of Ways.

Beebe Direct Smith

Simplot has budgeted \$4.1 million to  
construct facility. Simplot will provide Capital  
to construct the projects.

Baker Direct Chen I&Co.

Baker supervised to Expert Qualification  
Simplot - 1.4 mgd for 200 days

admitted A-5 Exhibit of drainage area & pond.  
 $Q_1 = \text{~~1.4 mgd~~ } Q_{100yr \text{ flood.}}$

Spillway to handle 100yr event on  
pond area and +  $\frac{1}{2}$  of 100yr event  
in upper area

Monitoring wells - 3 to observe any  
underground seepage 6" casing

175,000 gallons = Wells are designed for

Baker Assess Shen

→ Check with Dam Safety people about need  
for obs wells in Dam  
hydraulic control at highway - control  
will still be at the highway crossing

UNRECORDED

Becke x Dene Pakenburgx

Baker dispatches to Expertize -  
site analysis to determine subsurface  
geology inc well logs.

|           |               |     |                                                                                                 |
|-----------|---------------|-----|-------------------------------------------------------------------------------------------------|
| Submitted | <u>Sample</u> | A-1 | Geologic Map USGS. Pocatello area                                                               |
| "         | "             | A-2 | X-section of Site Area prepared by Katenburg                                                    |
| "         | "             | A-3 | Description of Units identified in A-2<br>& showing profile without vertical scale<br>expanded. |

Boft ~~low~~ loose

~~Gray~~ 'Grouls.

Basalt

Starlight formation - has confined ~~lower~~ <sup>higher</sup> energies.

term  $10^4$  gpd/ft<sup>2</sup>

estimate that movement  $5000' \approx 100 \text{ yr.}$

Perm loose  $10^{-4}$  cm/sec.  $5000' \approx 1000$  yrs to reach Tyler ft.

Baker X Peckenbrood

Questioned Scale

~~Explain~~ ~~Source~~ relate Michael Goulds to this Area.

Becke Direct Robert Ryder Enviro Consultants  
Pacific Enviro Lab Kennedy George ~~McKee~~ Georges.

Consulted on Similar material already King Winery  
Ongoing since 1968.

Cadmium  
& Common are heavy  
metals  
introduced

Do you have you ~~assumed~~ sufficient data to determine  
current g.w. Quality

TDS, Cl, Nutrients, Sulfate, Metals

- What about bacteria Quality

→ (What methodology for migration determination)

$\frac{1}{2}$ " annual seepage daily rate

Quantity:

Quality:

$\frac{1}{2}$  mile away predicts 2% admixture & 1% at 8th Hall Ave.

Sug phosphate - precipitated in the silts

Fluoride -  $\frac{1}{3}$  will be adsorbed. Average Conc. 25 mg/l

1.3 mg/l in three wells (What 3 wells)?

Total Silts 1800 vs 500 mg/l.

estimates that 1.5 may be resulting fluoride concentrations

TDS  $\rightarrow$  1800  $\pm$  550 @  $\frac{1}{2}$  mile

most critical

What if wells  
increased  
immediately?  
downgradient?

What are safe limits in fluorides & others for Drinking  
Water. (fl. .8 to 1.5 mg/l)

what about migration of materials applied as  
irrigation or fertilizer to the groundwater

N could go from .6  $\rightarrow$  2 or 3 mg/l

is there sufficient information data to determine changes that  
may occur in g.w. Suggests monitoring ~~in~~ ~~of~~ ~~groundwater~~  
& downgradient.

Will soil  
exchange capacity  
eventually be saturated

Becke Direct Jay Smith Dept of Ag. Kimberly

Order stipulated to qualifications.

Is proposing research project to study value of water and potential for contamination.

Nitrogen applied in manner proposed has no more potential for pollution than other means of application.

→ (What about other contaminants) 15 ~~mg/l~~ or higher.  
(Are you prepared to undertake study.)

A-6. Management Plan for project.

(What about runoff potential for contamination.)

Sugar Beets - Could not be applied after August

Potatoes - Apply in small amounts until harvest.

- Forage Grasses - Fertilize anytime with large amounts
- Sugar Beets - Fertilize large in Spring. June or early July

Apply maintenance but not afterward

Potatoes - high rate in Spring - maintenance appl. throughout year

Grain - Apply in Fall & Spring thru most of growing season.

~~Becke Direct~~ Donal Larsen

3rd source - ? If existing sources in application are used but needs are exceeded  
Phosphate three sprinklers times.

Becke Direct John Cokkin

J.R. Singleton

Fluoride info since Nov 1973

ED

Becke direct Henry Moran -

Stokes - gave conceptual approval.  
City will be required to treat to secondary level & then disinfect.

Status of Project approval with DH&W

Tuesday

Becke direct Cooklin.

Cooklin testified that Simplot output of Nitrogen was 1100#/day or 401,500#/yr. he estimates that losses would bring N to 340,000 #/yr. estimated that 150 #/ac would be typical appl. for farming and that 400 #/acre could be applied to forage grasses. he contended that all of simulated 95 days worth of City flow ~~would~~ could be taken care of by

$$\begin{array}{r} 1003 \\ 150\# \\ \hline \end{array} \quad \begin{array}{r} 550 \\ 150\# \\ \hline \end{array} \quad \begin{array}{r} 630 \\ + 400\# \\ \hline \end{array}$$

$$1.1 \text{ million gal/day} = 27\#/\text{in.}$$

Becke - Gary Smith -

Recommendation

|                         |   |                 |
|-------------------------|---|-----------------|
| Sugar beets             | ≈ | 150#/acre       |
| Fall grain              | ≈ | 150#/acre       |
| Potatoes                | ≈ | 100 - 300#/acre |
| Pasture or forage grass | ≈ | 500#/acre       |

MLC...ED

Baker and Alex Marshall

Recently as part of a development corp purchased 304 acres being farmed by George Shogawa. There is no ~~lease~~ written lease between Corp & Shogawa. Intent is to allow Shogawa to continue to farm areas not developed. (purchased May 25, 1978) (after lease with City was signed)  
Dejected by Olsen that.

Baker Jim Johnson

Pres. West Poc Stake LDS

owns property sec 29-30

Owns 260 acres, Not leased but farmed by hired farmer (Dale Wolskenhume). Sprinkled primarily. Acreage is 260 rather than 360

Baker vs. Boyd Wright

Trustee & Chr School Dist 25

Land is currently leased Bruce has right of Use to Jan 1, 1980.

Baker vs Franklin Bruce

NW Sec 7 GS 34E

50 acres + farms school dist land  
(until Jan 1 1980) - has landlord  
share arrangement with Shogawa

NEED FILMED

Baker vs. Cooker

1000 acres Potatoes & Small grains  
80-85% prior to tilling in March April

Baker vs. Johnson

- Baker offered proof as to public ~~interests~~  
other than what we had specified

Baker vs. Oliver

- Civil Eng. - presently employed  
by Fort Wall Survey project.

Baker vs. Ueda Rupp

owns property S, SE, SW, of  
impounded pond

700 acres under irrig.

600 acres dryfarm

testified about runoff that occurs when lines  
are dumped -

→ (Must have some provision to manage  
any runoff and must be part of contracts)  
(also have a response plan for leaks or failure)

Denied admittance of copy of petition

Becke - foreman - Design for system -

Provision for sudden shutdown -

monitoring for Reapture

Which Permits are yet to be obtained

**MICROFILMED**

All but 100 acres are under sprinkler irrigation  
- Once water leaves project system  
then there is no further ~~of~~ control over  
users.

- Will there be a rotation established

- testified that pond will hold about 254 days  
of output from Simplot plants.

- What happens if system is full

Permits

Bannock Co 84% & County - being contested  
Conal Crossing in Jt. Hall.

Poststatus

Jt Hall Long Conal Crossing not yet obtained  
but anticipated.

Bannock - Shoshone tribe for authority to use  
effluents on Airport Property

Bede called Dr Smith as Rebuttal Witness of Gaker.

Brief due in Boise on July 18<sup>th</sup> 1978.

1000000000

Exhibit A-6  
Applicant - J. R. Simplot  
Oct 6-26-76

OPERATIONAL MANAGEMENT PLAN  
CITY-SIMPLOT JOINT WASTEWATER TREATMENT

The Portneuf River originates in Caribou County, flows through the City of Pocatello and drains to the American Falls Reservoir approximately eight miles northwest of Pocatello. The Portneuf River is the major surface stream in the area and is used extensively for irrigation. In the lower reaches of the river, just northwest of Pocatello, the Pocatello wastewater treatment plant and several industries discharge into the river.

The City of Pocatello recognized in 1969 the problem of point source discharges and their impact on the Portneuf River. At that time the City contracted for engineering studies of treatment methods to improve the quality of its effluent.

In 1970 the citizens of Pocatello passed a bond issue of \$600,000 to provide for the City's share of a secondary treatment plant. This included \$100,000 to be used to implement a tertiary treatment project if preliminary studies indicated that such a project could provide a feasible and cost-effective solution.

Preliminary studies in 1970 and 1971 concluded that available alternatives were neither feasible nor desirable at that time. Work was well under way, however, toward upgrading the primary treatment plant to accomplish full secondary treatment plus chlorination of the final effluent that is discharged to the river.

At this time on a national level the Federal Water Pollution Control Act of 1972 was passed. The following were stated as goals and policy:

**MICROFILMED**

1. "It is the national goal that" the discharge of pollutants into the navigable waters be eliminated by 1985;
2. It is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1984;"

The 1972 Act also requires the use of "best practicable control technology" by July 1, 1977, especially for industry.

In 1973 the State of Idaho Water Quality Strategy stated:

- A. Many surface waters of the State are substandard as defined by the State Water Quality Standards, WQS, falling into the "Water Quality Limiting, WQL," category. Dischargers to these waters will require best practical treatment (BPT) or better to achieve compliance with WQS.
- B. Water quality of the main stem of the upper Snake River is the worst of any in the basin, primarily due to its heavy loading of industrial and municipal wastewater discharges, agricultural return flows, and nonpoint source discharges, the effect of which are intensified by several impoundments of the river.
- C. Several small tributaries of the Snake River suffer severe water quality problems in their downstream reaches as a direct result of identifiable pointsource discharges. The most significant of these problems occur in the Main Drain (Rupert), Rock Creek (Twin Falls), and Portneuf River (Pocatello). The Portneuf River is number 13 in a priority list of 125 streams in the State which need improved water quality.

D. Primary emphasis remains on point source abatement in line with the ranking just shown. Industrial point sources are first priority for corrective action.

To conform to these policies both industry and the City of Pocatello require extensive treatment systems beyond those in existence.

The Southeast Idaho Council of Governments with the support of the City of Pocatello and others pursued an areawide water quality management planning grant. Through pre-grant application meetings, a major element of the work plan for the grant was prepared, focusing on the point source discharge problems of the Portneuf River and the opportunities for joint municipal/industrial approaches. The full areawide program was approved and the water quality planning efforts were initiated in July of 1975. In January of 1975 the City of Pocatello and J.R. Simplot Company began discussions on the feasibility of a joint project.

At both City and Industry discharge points because of the operational characteristics of the existing facilities, EPA, State of Idaho permits were being violated. This proximity of the two point sources suggested a joint solution. Based on the national goals in PL 92-500, and the SICOG's desire to realize long-term improvements, funds were available to pursue this opportunity. Utilizing funds, from the areawide water quality planning grant, SICOG and the City of Pocatello initiated the "Joint Wastewater Treatment Feasibility Study". The City, through the Department of Public Works, Forsgren, Perkins and Associates, the consulting engineers, selected for primary responsibility in conducting the study. A working committee of the City, SICOG, and the respective industries was formed and the Feasibility Study was initiated in October

1975. Other members of the technical committee were selected from agencies such as Health officials, S.C.S. etc.

The basic premise of the Joint Wastewater Treatment Study was the "best practical control technology" would be required for the municipal and industrial discharges by 1977. The expressed objective of the Study was, therefore, to determine the best alternative for the treatment of combined wastewater from Pocatello and the adjacent industries.

The three primary alternatives studied were:

1. Treatment of municipal and industrial discharges at the existing Pocatello plant.
2. Modify and/or install physical/chemical processes at the existing Pocatello plants if the above alternative is not feasible.
3. Individual treatment and joint effluent disposal by land application.

Detailed evaluations of these primary alternatives were conducted and the joint land application system was determined to be the best approach for several reasons. Complete details on the study are available in REPORT 406 of the 208 Grant Study.

Land application is not viewed as simply a disposal alternative. The necessity for both irrigation and fertilization as farm management practices suggest the value of land application as a resource program. Reuse of these resources can also contribute to energy savings over securing them through other means.

To demonstrate the potential of these effluents for practical use in agricultural applications, experimental test plots were maintained

through two growing seasons using the Simplot waste and other fertilization methods so that comparisons with the usual practices could be made. Yields and crop quality and quantity showed excellent potential for effluent use. A detailed evaluation of the first year of the test program, EVALUATION OF SOIL APPLICATION OF EFFLUENT WATER FROM SIMPLOT FERTILIZER PLANT, by Robert E. McDole, Associate Research Professor of Soils, University of Idaho, Reasearch & Extension Center, Aberdeen, Idaho is available.

Basic design criteria for land application sites were established for evaluating possible project sites.

No surface runoff of effluent will occur.

Groundwater migration in the vacinity of the impoundment will be controlled if needed by wells.

On the agricultural lands, ponding of effluent will be prevented through the employment of controlled application rates.

The impoundment area of sufficient storage capacity will be provided to store the industrial effluent for seven months minimum.

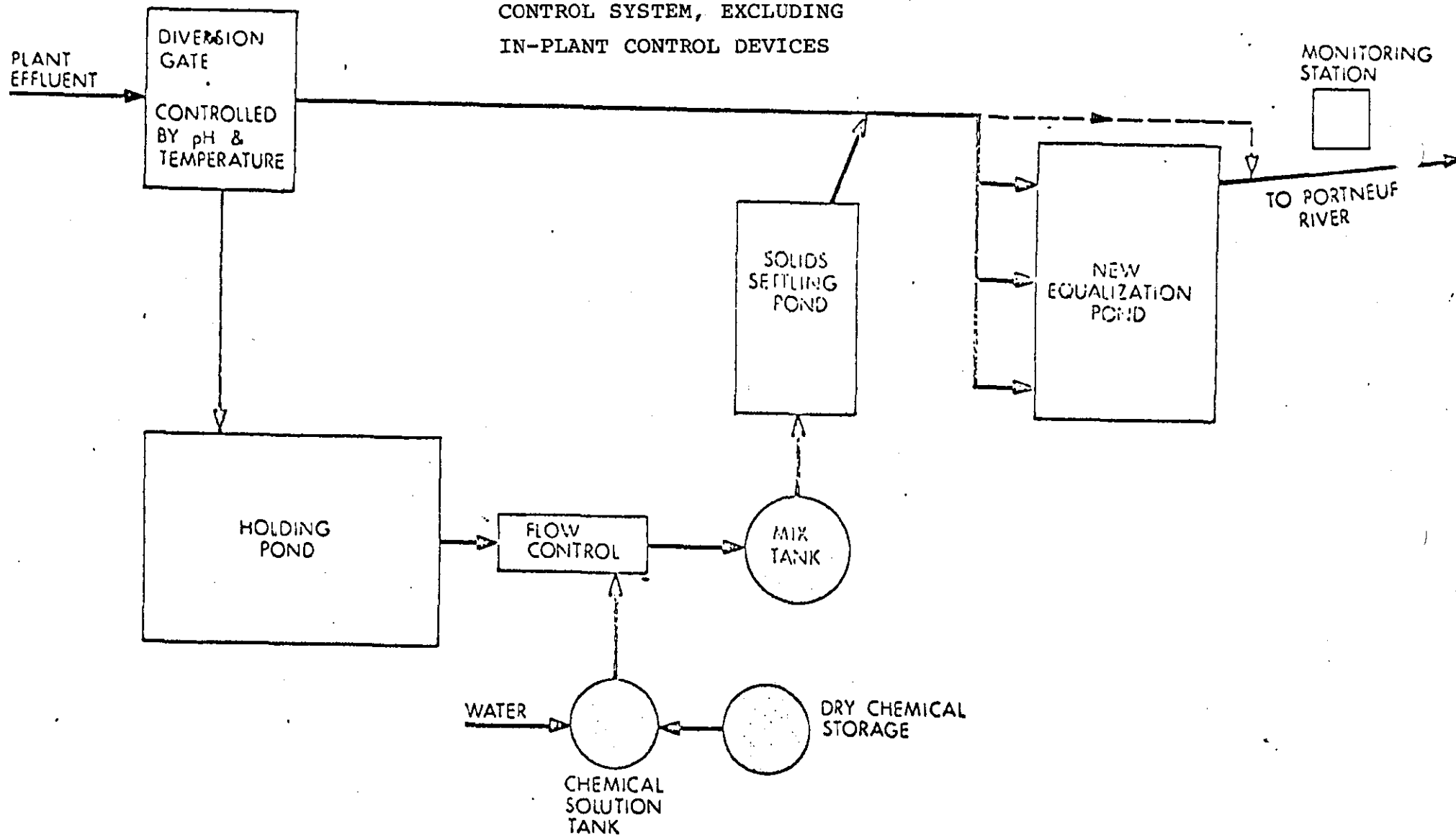
All of the Simplot water will be used in land application as fertilization.

The water from the City of Pocatello will be used during the irrigation season. During the winter or non-irrigation season, the City will continue to treat and discharge this treated and disinfected effluent to the river under provisions of the City NPDES permit.

Using these criteria, both public and private lands in the vacinity

J.R. SIMPLOT COMPANY  
FLOW DIAGRAM

OF PRESENT WATER POLLUTION  
CONTROL SYSTEM, EXCLUDING  
IN-PLANT CONTROL DEVICES

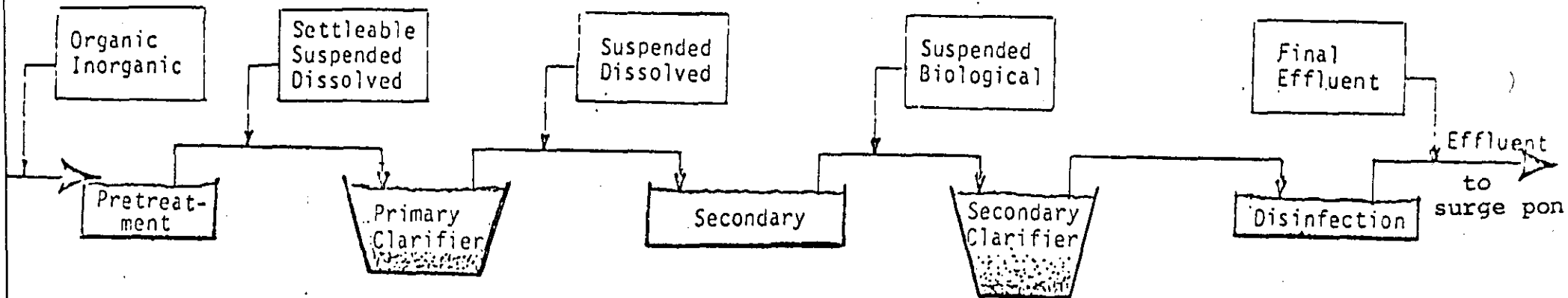


were evaluated. The Pocatello East Bench area was selected as the best alternative. Land parcels were in suitably large tracts reducing the amount of negotiation required for implimentation, and even more to its favor were the facts that the wastewater would be used as an agriculturally productive resource.

Beginning in 1961, the J.R. Simplot Company has performed some 40 projects for water pollution control at its Don (Pocatello) plant. Most of these projects are within the fertilizer plant, in the forms of spill prevention, runoff control, and water recycling systems. Much of the water now leaving the plant is from plant utilities, such as cooling towers and water softeners. This water is far less contaminated then in the past, but still carries agriculturally significant amounts of fertilizer-type chemicals. The plant is presently using recycled water for about 90% of its various water needs. Water exiting the plant flows through a series of ponds between Highway 30N and the Portneuf River. During this passage, it is stabilized to nearly constant levels of temperature and pH (the balance between acidity and basicity). Soda ash is added, as needed, to provide this pH balance and resulting solids are removed in one of the ponds.

In the joint project, the stabilized Simplot effluent will be pumped, from a new pumping station, through a new pipline to a new surge pond North of I-15. This pipeline will cross the Portneuf River and pass under the Interstate Highway. The surge pond for Simplot water will have a capacity of approximately eleven million gallons, will have a storage capacity above normal operating levels of about seven days. This surge storage allows for maintenance on the pumping system and pipeline as well as providing the opportunity to pump

# POCATELLO WASTE TREATMENT FACILITIES FLOW DIAGRAM



either City Water only or Simplot water only or a mix as desired at any particular time.

The Simplot effluent will flow by gravity from the new surge pond to a pumping station located near the present outfall of the City of Pocatello's Wastewater Treatment Plant. Here pumps will lift the flow into the main pipeline which will carry it to the impoundment area on the Pocatello East Bench.

Wastewater from the City of Pocatello is given primary and secondary treatment at the plant on Batiste Road. The basic processes involved are primary sedimentation, organic reduction through an activated sludge process, and disinfection. Plant effluent will enter a surge pond of about one million gallons capacity. This surge pond will even out the daily fluctuations in flow. The treated wastewater then enters the pumping station to be lifted to the impoundment area.

At the pumping station, the pumping rates of the two flows can be controlled to maintain uniform nutrient concentrations and delivery rates.

Normal management would allow the impoundment area to be filled during the non-irrigation season with Simplot effluent. It would then be drawn down as used during the irrigation season to be mixed with City wastewater or to be applied as fertilization. In the fall, the impoundment would be empty in readiness for the next cycle.

For the present, the City would continue to discharge under its NPDES Permit into the Portneuf River during the winter months.

From the pumping station a 24 inch pressure line will carry the wastewater to the impoundment site. Along this pipeline desired taps,

including valve, sampling, and metering equipment, will be provided to allow utilization of wastewater along the route.

At the impoundment, the flow will enter a mixing cell which will provide several management alternatives. In the winter the flow will go into storage. In the summer the flow could be stored, pumped directly to users, or receive the addition of stored effluent before being pumped to users. Metering and flow controls will allow the amounts of the various flows to be varied as needed.

During the early and late irrigation seasons, Simplot effluent alone could be used from storage or from current pumping to supply fertilizer needs.

Since both effluent streams have been treated and contain minimal amounts of organic loading, no provisions need to be made for odor control as the effluents are demonstrably virtually odor-free.

Monitoring wells will be provided to monitor, for possible migration of nutrients from the impoundment. This is not anticipated, but if it should occur, the wells also provide the means to recapture and return this water to the impoundment.

The impoundment itself will provide 860 acre feet of storage. This will accomodate a minimum of 215 days of flow from the Simplot plant.

#### PROPOSED USE OF RESOURCE

The treated effluent from the City Secondary Treatment System is at present averaging slightly over 6 mgd. The plan provides that this water would be available for irrigation for at least the

normal five-month season. Based on this time and flow rate, we can compute the area which could be irrigated with, say, two acre feet of water per season.

$$6 \text{ mgd} \times 150 \text{ days}$$

$$900 \text{ mg.}$$

$$900 \text{ mg} \div 0.337 \text{ mg/acre ft.} = 2670 \text{ acre ft.}$$

If applied at two acre feet per year, then 1335 acres can be irrigated using only City effluent.

Along with this irrigation water the amounts of N and P would be N total 201,600# or about 158# per acre. This however, is about 82% in the ammoniacal form and some losses may occur upon application. Assume this to be applied to raise a wheat crop requiring 75-100# N per acre and irrigation of 15-18 inches when using this water the 75% of the two acre feet would be applied containing 109# of N less denitrification losses which would very closely equal the requirement of the crop.

During this controlled irrigation some 22# of phosphate as P would be applied.

The irrigation using City water would be carried on in the present dry farm areas lying to the east of the Fort Hall canal.

Also, in this same area, fertilization only can be accomplished through the use of Simplot effluent only, by making controlled applications of such quantities that would supply the particular requirement for the crop being raised.

The ability to furnish either City effluent or Simplot effluent or a controlled mix of the two having been designed into the project, provides the management capability to provide nutrients in the amounts needed to optimize crop production.

This control is to be effected through the use of preplanned cropping as desired by the users. The user agreement provides that the system management shall be provided with the users plans for his farming operation some sixty days prior to his first requested delivery. This time will permit the careful balance of the system necessary for proper management of the deliveries during the following irrigation season.

The waste from the Simplot process plant will carry a higher concentration of nutrient than the City effluent as shown in the typical analysis presented herein. The flow will be of the magnitude of 1.4 mgd and will contain nutrients in the amounts of about 1300#/day of N and 450#/day of phosphate as P. This flow will be stored in the impoundment facility during the non-irrigation season, a period of about seven months. It is reasonable to expect that some of the N will be lost during this storage period due to a natural process of denitrification. Using this flow rate and quality we would have available--

1300# N for 365 days for a total of 475,000#/year

The phosphate content of this water would be

450# P for 365 days for a total of 164,000#/year

It is proposed that this water be used primarily as a nutrient fertilizer product rather than for irrigation. Here again the system design provides the ability to manage and control application rates and timing to provide optimum crop production using the amounts that would normally be required to supply the plant requirement. It is anticipated that modern fertilization practices would advise that

early and late season applications of the Simplot waste would be a desirable part of the user's procedures.

It is the management policy that each user's requests will be carefully examined from the standpoint that the amounts ordered will match the requirements of the particular crop plan. The areas of intended application will be reviewed and soil analysis as necessary will be accomplished to assure reasonable applications that will not only provide for optimum expected production, but will also be controlled to prevent unreasonably excessive amounts being applied in all cases.

This program will be developed prior to each growing season and will be done with expert input and guidance from the U.S. Department of Agriculture Research Station, Kimberly, Idaho. In addition, each proposed application area will be reviewed by proper State of Idaho, Health and Welfare, Environmental officials.

#### PROJECT MONITORING

Each day's flow from the respective plants will be monitored and tested in accordance with State of Idaho Health and Welfare, Division of Environment requirements. In addition, all water delivered for application will be sampled and analyzed to determine the amounts of nutrients being applied at any given time. This procedure will assure that the user is getting what is best suited to his particular cropping plan. This procedure should also assure Health and Welfare officials that the applications are correctly and adequately controlled. In addition, the procedures as outlined will prevent excessive application rates which might now be prevalent in the standard fertilizer application

methods now employed in the area.

A continuing monitoring of the project management will be instituted that will, in years to come, provide data which will greatly assist the individual user in fully developing his production in the most economical manner.

Control elements of computer farming technique are expected to be added to the program when the data base has been established. This will allow close monitoring of fertilizer and water usage to maximize crop growth and minimize waste of resources. In all cases, nutrient application will be balanced with need.

The USDA Kimberly Research Center has conducted research for seven years on land application of waste water in Idaho. They propose to establish a monitoring program in conjunction with this irrigation project to monitor nutrient application, uptake, and waste; crop quality vs. application schedule; effects of nutrient application on soil quality, etc. From this data base will come recommendations to area farmers on optimizing nutrient usage. This research program will also provide another monitoring system to insure that major problems do not occur.

Under this management program, Fort Hall water rights will not be affected. Fertilization only will occur in the land currently being supplied by the Fort Hall Water Users Association. The farmers using fertilization only in this area will then use their own Fort Hall water to irrigate.

Under the management of this project, the water designated for use as irrigation water will be made available to lands that are presently being either dry farmed or being irrigated by deep well pumping.

PRINCIPAL CONSIDERATIONS IN USER AGREEMENT

The "User Agreement" was developed after several meetings with knowledgeable potential users of the system. During these sessions the user concerns and desires were considered and the draft agreement drawn, attempting to address and accomodate these concerns and desires.

The agreement is drafted as a three party contract between the potential user as one party and the City of Pocatello, jointly with the J.R. Simplot Company, as the other party.

The "Recitals" set out the basic considerations, purpose and philosophy of the program.

At the potential users request, we have established the initial period of the contract to cover five years with three negotiable renewal options. The contract would guarantee the user a stable price for the five year period for desired and ordered water, <sup>for</sup> ~~of~~ irrigation and/or nutrients for fertilization. This is especially timely since the prices of fertilizer seem to be at a relatively low level and increases over the next several years are being predicted.

The Management agree to deliver ordered water and/or nutrient to the user at an agreed access point under system pressure along the pipeline route or to an access point near the proposed impoundment area.

The contract establishes the costs per unit as negotiated between the parties, again, stable for the five year period.

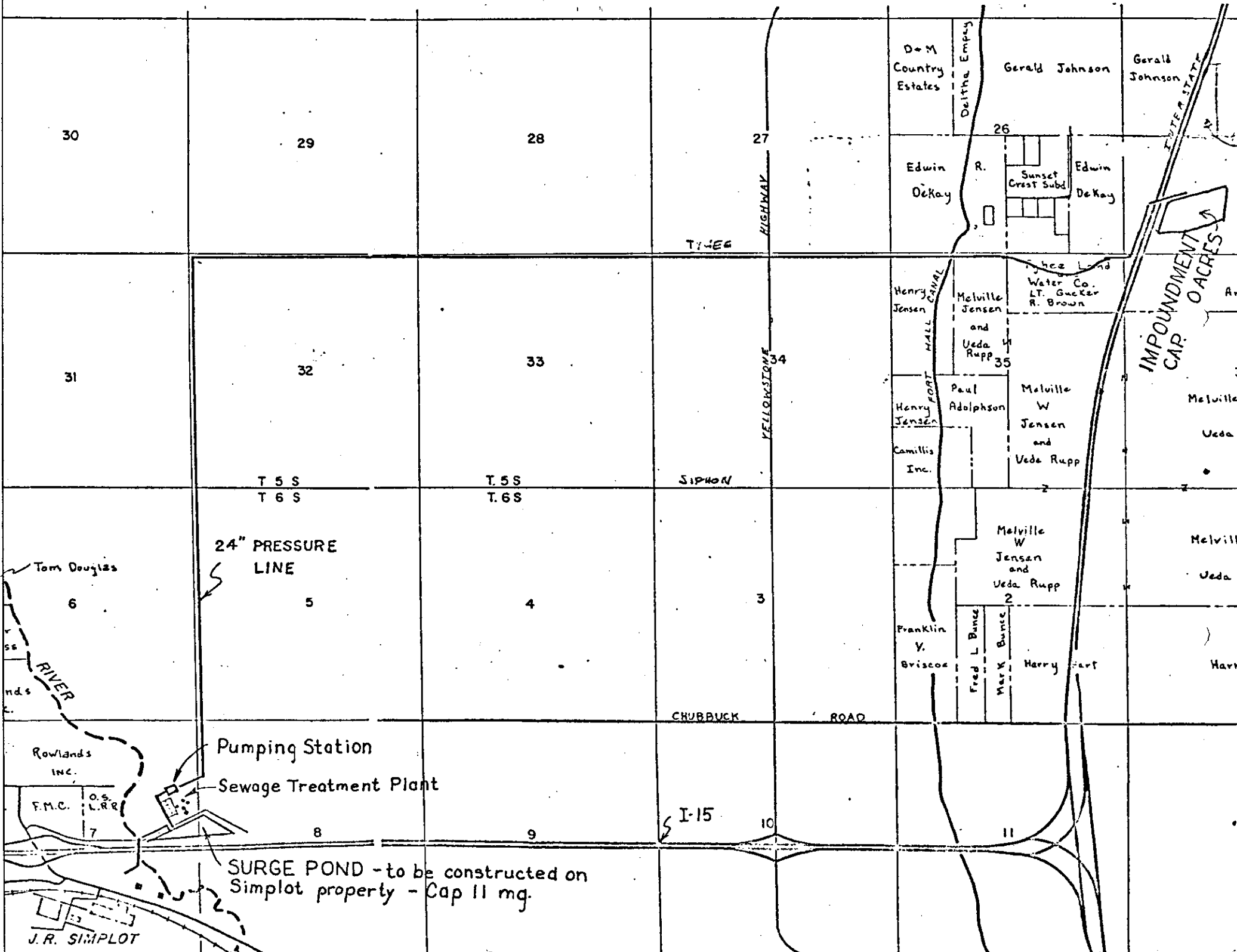
In addition, the contract establishes point of delivery to the user, guarantees and defines water delivery and sets out the users

responsibility to advise the management of his needs for the coming crop season at least 60 days prior to wanting delivery.

The user agreement also sets out the source of the water and nutrients and limits the use as to ultimate use of the crop produced.

Let it be further stated, that the City and J.R. Simplot are willing and ready to negotiate any modifications of the User Agreement if necessary in order to accomodate other desires or concerns of individuals desiring to use the proposed service.

The term "management", as used in this section, refers to the City of Pocatello. The prime responsibility for management of the total project has been established by agreement with the J.R. Simplot Company in the various contracts negotiated between the City of Pocatello and the J.R. Simplot Company.



CONCENTRATIONS OF TRACE ELEMENTS  
IN IRRIGATION WATERS (MG/L)

| ELEMENT      | SIMPLOT<br>EFFLUENT | POCATELLO<br>EFFLUENT | COMBINED<br>EFFLUENT | EPA<br>RECOMMENDED ** |
|--------------|---------------------|-----------------------|----------------------|-----------------------|
| ALUMINUM     | (5.0                | (0.1                  | 0.1                  | 20.0                  |
| ARSENIC      | (0.1                | (0.1                  | (0.01                | 2.0                   |
| BERYLLIUM    | .006                | ---                   | (0.01                | 0.5                   |
| BORON*       | 0.03                | (0.2                  | 0.02                 | 2-10                  |
| CADMIUM      | ( .001              | ( .001                | ( .001               | 0.05                  |
| CHROMIUM     | 0.07                | ---                   | (0.02                | 1.0                   |
| COBALT       | .002                | (0.1                  | ( .001               | 5.0                   |
| COPPER       | .003                | (0.1                  | 0.06                 | 5.0                   |
| FLOURIDE     | 5.3                 | 0.6                   | 4.5                  | 15.0                  |
| IRON*        | 0.24                | (2.0                  | .27                  | 20.0                  |
| LEAD         | 0.002               | (0.1                  | (0.01                | 10.0                  |
| LITHIUM      | (0.001              | ---                   | (0.001               | 2.5                   |
| MANGANESE*   | 0.008               | (0.1                  | 0.022                | 10.0                  |
| MOLYBDENIUM* | 0.001               | ---                   | (0.001               | 0.05                  |
| NICKLE       | 0.005               | ( .2                  | (0.005               | 2.0                   |
| SELENIUM     | (0.001              | (0.001                | (0.005               | 0.02                  |
| ZINC*        | .12                 | (0.1                  | .15                  | 10.0                  |

\* has been identified as a primary, secondary or micronutrient

\*\* EPA STANDARD for water used continuously on all soils.

( means less than

Table 3. RECOMMENDED MAXIMUM CONCENTRATIONS OF  
TRACE ELEMENTS IN IRRIGATION WATERS [110]<sup>a</sup>

| Element    | For waters used continuously<br>on all soil,<br>mg/l | For use up to 20 years<br>on fine-textured soils<br>of pH 6.0 to 8.5,<br>mg/l |
|------------|------------------------------------------------------|-------------------------------------------------------------------------------|
| Aluminum   | 5.0                                                  | 20.0                                                                          |
| Arsenic    | 0.10                                                 | 2.0                                                                           |
| Beryllium  | 0.10                                                 | 0.50                                                                          |
| Boron      | 0.75                                                 | 2.0-10.0                                                                      |
| Cadmium    | 0.010                                                | 0.050                                                                         |
| Chromium   | 0.10                                                 | 1.0                                                                           |
| Cobalt     | 0.050                                                | 5.0                                                                           |
| Copper     | 0.20                                                 | 5.0                                                                           |
| Fluoride   | 1.0                                                  | 15.0                                                                          |
| Iron       | 5.0                                                  | 20.0                                                                          |
| Lead       | 5.0                                                  | 10.0                                                                          |
| Lithium    | 2.5 <sup>b</sup>                                     | 2.5 <sup>b</sup>                                                              |
| Manganese  | 0.20                                                 | 10.0                                                                          |
| Molybdenum | 0.010                                                | 0.050 <sup>c</sup>                                                            |
| Nickel     | 0.20                                                 | 2.0                                                                           |
| Selenium   | 0.020                                                | 0.020                                                                         |
| Zinc       | 2.0                                                  | 10.0                                                                          |

a. These levels will normally not adversely affect plants or soils. No data are available for mercury, silver, tin, titanium, tungsten.

b. Recommended maximum concentration for irrigating citrus is 0.075 mg/l.

c. For only acid fine-textured soils or acid soils with relatively high iron oxide contents.

USER AGREEMENT

G. Shiozawa  
Exhibit B-1  
Applicant City of Pocatello  
RDC 6-26-78 Pocatello

THIS AGREEMENT, made and entered into this 18<sup>th</sup> day of April, 1978, by and between the CITY OF POCATELLO, a municipal corporation of Idaho, and J.R. SIMPLOT COMPANY, a Nevada corporation, with its principal offices in Boise, Ada County, Idaho, hereinafter termed "Seller", and GEORGE SHIOZAWA, Bannock County, Idaho, hereinafter termed "User";

RECITALS

The City, as a municipal corporation of Idaho, has heretofore constructed a Waste Water Treatment Plant, with primary and secondary treatment systems. The City is now planning a waste water land treatment system in order to discharge its effluent in an environmentally acceptable fashion for recycling during irrigation season and to maintain the integrity of the Portneuf River and its environs.

J.R. Simplot operates a phosphate fertilizer production facility in Power County, Idaho, with an Environmental Protection Agency administered N.P.D.E.S. discharge permit regulating the discharge of its fertilizer facilities effluent to protect the Portneuf River and its environs. J.R. Simplot Company desires to meet anticipated future regulations of the Environmental Protection Agency limiting discharges of effluent into the Portneuf River in an environmentally sound and cost effective manner by utilizing a land treatment system.

The City and Simplot have mutually determined that a waste water land treatment system designed to transport the combined effluent discharge from the City and Simplot to a resource recovery area and to impound the effluent through the non-irrigation months of the year is a suitable project to accomplish the objectives of the named parties.

MICROFILMED

GEORGE SHIOZAWA, of BANNOCK

County, Idaho, the owner/lessee of certain hereinafter described land, which said lands lie within an area serviceable by the system, desires to enter into an agreement with the City and Simplot for the purchase of said discharge for application to the User's land for either irrigation or fertilization or a combination of both to benefit the User's land for the growing of crops.

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto do mutually agree to this triparty agreement as follows:

1. TERM OF AGREEMENT.

The City, Simplot and GEORGE SHIOZAWA, herewith enter into this agreement effective this 17<sup>th</sup> day of April, 1978, and terminating the 31st day of December, 1983. The City and Simplot do herewith specifically grant a series of three (3) successive five (5) year options to the User; subject, however, to renegotiation of consideration of the purchase price of said water and nutrients at the commencement of each new option term exercised. It is anticipated, depending upon construction of the land treatment system progressing according to schedule, that Seller will commence the delivery and User will begin taking water and nutrients from the system in the spring or early summer of 1979.

2. DELIVERY OF WATER AND NUTRIENTS.

In consideration of the payment as hereinafter provided by the User, the City and Simplot agree to deliver water and/or nutrients or combination thereof at a designated point of connection on the pipeline pressure system, or an extension thereof, which connection is at the place the user normally receives his water

or must receive his water to irrigate economically, with a guaranteed water pressure at point of delivery of not less than 50 psig (pounds per square inch gage). *IF SELLER DOES NOT DELIVER WATER OR NUTRIENT*

### 3. CONSIDERATION.

User agrees to pay to the Seller Nine Dollars (\$9.00) per unit of water, Three and 15/100 Dollars (\$3.15) per unit of nitrogen (N) and Two and 25/100 Dollars (\$2.25) per unit of phosphate (P<sub>2</sub>O<sub>5</sub>), which units are hereinafter defined, to-wit:

- Water - 1 acre foot pressurized not crediting contained nutrients
- Nitrogen - 20 lbs. of nitrogenous nutrient expressed as N
- Phosphate - 20 lbs of phosphatic nutrient expressed as P<sub>2</sub>O<sub>5</sub>

During the initial term of this agreement, or any extension thereof in which water and nutrients are delivered to the User, User shall pay for said water and nutrients as follows:

- (1) For all water and nutrients requested to be delivered and made available to User between January 1 and September 30th of each year, User agrees to make three (3) separate payments to Seller on April 15th, July 15th, and December 15th, each payment being equal to the value of one-third (1/3) of User's request for water and nutrients.
- (2) For all water and nutrients requested to be delivered and made available to User between October 1 and December 31 of each year, User agrees to pay to Seller an amount equal to the value of User's request for water and nutrients on December 15th.

### 4. NONTRANSFERABLE RIGHTS.

It is covenanted and agreed by the parties hereto that all rights and benefits of this agreement are personal to the User and cannot be transferred or assigned by the User except by written consent of all parties hereto. This does not intend to restrict the User from transferring and applying the water and nutrients to other lands owned or leased by the User, so long as such lands are capable of being served by access points on the system, but all costs arising out of such transfers shall be born by the Transferree.

5. COSTS OF APPLICATION.

It is further covenanted and agreed by the parties hereto that from the point of connection to the water pressure system pipeline, all costs directly attributable from the designated point of connection and transportation from said point to the place of application by the User, shall be fully paid and satisfied by the Seller. Seller shall provide the tap, valve, meter and riser, which shall be the point of access and connection.

6. GUARANTEED WATER DELIVERY.

User acknowledges that Seller is selling waste water which must contain nitrogen and phosphate nutrients, and Seller has only a limited ability to vary or control the ratio of nitrogen and phosphate in the waste water. Seller has no ability to sell any water not containing such nutrients. In order to deliver at least the amount requested of any of the commodities (water, nitrogen and phosphate), Seller may be required to deliver (because of its limited ability to vary the nutrient make-up of the water) more than the requested amount of the other commodities. User shall pay only for the number of units of each commodity which User orders. User will be required to use a minimum of nitrogen and phosphate nutrient according to the following schedule:

| <u>CROP</u> | <u>NITROGEN</u> | <u>PHOSPHATE</u> |
|-------------|-----------------|------------------|
| Potatoes    | 150 lbs.        | 120 lbs.         |
| Wheat       | 100 lbs.        | -----            |
| Alfalfa     | 20 lbs.         | 80 lbs.          |
| Sugar Beets | 150 lbs.        | 100 lbs.         |
| Pasture     | 20 lbs.         | -----            |

7. MINIMUM GUARANTEE AND PRESCHEDULED DELIVERY

NOTICE OF WATER AND NUTRIENTS.

User agrees to maintain 485 acres of land in agricultural use for the term of this agreement and to accept water and/or nutrients each year, in accordance with this agreement, for the following acreages:

Water Only: \_\_\_\_\_ Acres

Nutrients Only: 455 Acres

Water and Nutrients: \_\_\_\_\_ Acres

The User reserves the right to negotiate for use of water on the Tyhee Flat at a future date. The cost of water on the Tyhee Flat will be negotiated at the same time.

User further agrees that, for the above-specified acreages, he will order, take, and compensate Sellers for minimum quantities of water and/or nutrients, according to the crop(s) grown and in conformance with the following schedule:

| <u>CROP</u>   | <u>UNITS WATER</u>        | <u>UNITS N</u> | <u>UNITS P2O5</u> |
|---------------|---------------------------|----------------|-------------------|
| Wheat         | <del>100</del> /year/acre | 100 /year/acre | 0 /year/acre      |
| Potatoes      | /year/acre                | 150 /year/acre | 120 /year/acre    |
| Alfalfa       | /year/acre                | 20 /year/acre  | 80 /year/acre     |
| Pasture Grass | /year/acre                | 20 /year/acre  | 6 /year/acre      |
| Sugar Beets   | /year/acre                | 150 /year/acre | 100 /year/acre    |

The User hereby covenants, agrees and fully understands that the User assumes full responsibility of giving notice to the Seller of his annual need of water, nutrients, or combination thereof, at least sixty (60) days prior to the date that the User desires and orders delivery; that the User shall cause to be filed with the Seller a planting schedule for the crop year, which is a mandatory condition precedent to the delivery of water and nutrients under this Agreement. That the Seller, upon receipt of such schedule and notice by the User of his seasonal demand, shall schedule the volume of use attributable to this Agreement on behalf of the User, with the units of water for delivery and the units of nutrients for delivery, if requested, and at such scheduled delivery dates as adopted and determined annually by the parties hereto.

#### 8. SOURCE OF SUPPLIES

The User hereby acknowledges that all water supplied under this Agreement is discharged water and nutrients after primary and secondary treatment from the City's Waste Water Treatment Plant facility, and from Simplot's Don fertilizer plant, and

plant, and such discharges are exclusively intended and offered for agricultural purposes only, to be applied to the land for the growing of approved crops and at no time to be used for domestic purposes or irrigation of crops grown for human consumption in raw form. (Approved crops are those listed at the bottom of page 4 and others approved by the Division of Environment for the State of Idaho). The User further acknowledges that the Seller does not represent or guarantee that any water delivered hereunder is potable or of a quality suitable for direct human consumption. If User uses such water or makes it available to others as herein prohibited, the User shall assume all risks and liabilities in connection therewith.

9. METERING DELIVERY.

All necessary works for the diversion of water from the pressure pipe system and the measuring and/or metering devices shall be installed at the expense of Seller. All conduit piping necessary for receiving and conveying water and nutrients from point of connection to the points of application and use shall be provided by the Seller, and the Seller shall be fully responsible for the maintenance and operation thereof.

10. SPECIAL TERMINATION OF AGREEMENT.

Seller and User covenant that this User Agreement shall be deemed void and of no force and effect in such instance and event as Seller does not complete construction of the waste water land treatment system to effectively make delivery to User on or before April 1, 1979.

This Agreement shall at all times be subject to modification by mutual agreement of all parties hereto.

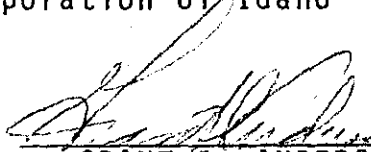
This Agreement is entered into the day and year first above written.

11. If Seller does not deliver water or nutrient, as contracted, Seller is liable for resulting crop loss.

SELLER:

CITY OF POCA TELLO, a Municipal  
Corporation of Idaho

BY:

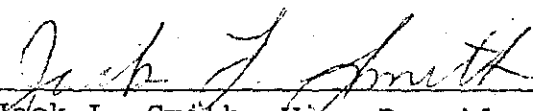
  
GRANT I. ANDERSON, Mayor

ATTEST:

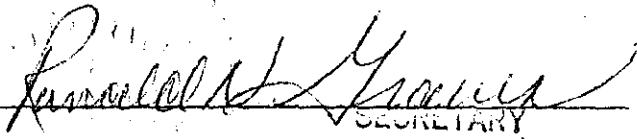
  
PETER B. MCDOUGALL, City Clerk

J.R. SIMPLOT COMPANY, A Nevada  
Corporation

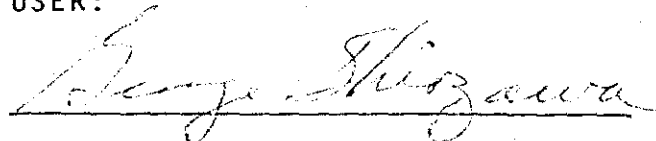
BY:

  
Jack L. Smith, Vice President  
Development and Planning  
Minerals and Chemical Division

ATTEST:

  
SECRETARY

USER:



December 12, 1977

Exhibit B-5  
Applicant: City of Pocatello  
RDC 6-26-78 Pocatello

In the Matter of PERMISSION TO )  
EXCAVATE FOR PROPOSED PIPELINE )

R E S O L U T I O N

WHEREAS, the City of Pocatello has requested permission to excavate for a proposed pipeline from the Wastewater Treatment Plant on Batiste Road to the Pocatello East Bench area; and

WHEREAS, the City of Pocatello has guaranteed restoration of the roadways to acceptable standards of construction and profile;

NOW, THEREFORE, BE IT RESOLVED, that the City of Pocatello is hereby granted permission to excavate north on Rio Vista and east on Tyhee Road above Hiline Canal. Plans are on file in the County Assistant Engineer's office. The motion was made by Commissioner Terry and seconded by Commissioner Hall. The vote was unanimous.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Wayne Hall  
Wayne Hall, Chairman

Elmer R. Terry  
Elmer R. Terry, Member

L. Boyd Johnson  
L. Boyd Johnson, Member

DATED this 12th day of December, 1977.

ATTEST:

Tim Eichen  
Clerk.

STATE OF IDAHO, } ss  
County of Bannock }

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed  
this 30th day of June A.D., 19 78  
TIM EIKSEN, CLERK OF THE DISTRICT COURT  
EX OFFICIO AUDITOR AND RECORDER.

By Deputy Linda K. Brown

MICROFILMED

TRANSMISSION LINE EASEMENT  
and  
CONSTRUCTION EASEMENT

Exhibit B-6  
Applicant - City of Pocatello  
RC 6-26-78 Pocatello

THIS INDENTURE, entered into this 23<sup>rd</sup> day of  
JUNE, 1978, by and between The Marital Community  
of EDWIN R. DEKAY and KATHERINE R. DEKAY -----,  
herein referred to as GRANTORS, and the CITY OF POCATELLO, a  
municipal corporation organized and existing under and pursuant  
to the laws of the State of Idaho, herein referred to as GRANTEE.

WITNESSETH:

That for ten and no/100 dollars (\$10.00) and other good  
and valuable consideration, receipt of which is hereby acknow-  
ledged, the GRANTORS do hereby agree to, and by these presents  
do grant, bargain, sell and convey unto the GRANTEE, its successors  
and assigns, a right-of-way easement for the construction and  
maintenance of a line for the transmission of water for irrigation  
use for the benefit of the GRANTEE, its inhabitants, area farmers  
and others. Said transmission line shall be constructed under  
and across lands situate, lying and being in the County of Bannock,  
State of Idaho, and being described as follows:

PERMANENT EASEMENT:

A twenty(20) foot wide strip of land in the  
S.W.1/4 of Section 26, T.5S., R.34E., B.M.  
lying ten feet on "each side" of the following  
described centerline.

Commencing at the Southwest corner of Section 26,  
T.5S., R.34E., B.M.; thence S.89°58'E., (basis of  
bearing from Surveyor General's plat of Township  
Five South) following the Southerly line of said  
Section 26, a distance of 1360 feet to a point  
on the centerline of the twenty (20) foot wide  
strip being described, THE TRUE POINT OF BEGIN-  
NING; thence N.17°32'E., a distance of 840 feet  
to a point; thence N.89°32'E., a distance of  
160.0 feet to a point; thence N.59°32'E., a dis-  
tance of 972.0 feet more or less, to a point,  
which is right angle's Southerly 30.0 feet from  
the South 1/16 line of said Section 26; thence  
S.89°58'E., running parallel with said 1/16  
line 50.0 feet to a point of intersection with  
the Meridional centerline of said Section 26,  
THE POINT OF TERMINUS.

The sidelines of the above described strip are  
to be lengthened or shortened to terminate with  
the South line and the Meridional centerline of  
said Section 26.

ORIGINAL

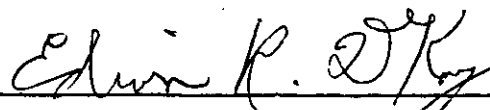
MICROFILMED

ALSO INCLUDING, The South twenty (20) feet of the North forty (40) feet of the Southeast one quarter of the Southeast one quarter of Section Twenty-six, Township five South, Range thirty-four East, Boise Meridian.

This indenture further grants a temporary easement lying twenty (20) feet on each side of the above described permanent easement for construction purposes only; said easement shall expire immediately upon completion of construction of the aforementioned transmission line.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said GRANTEE, and GRANTEE'S assigns, forever. And the said GRANTORS do hereby covenant to and with the said GRANTEE, that GRANTORS are the owners in fee simple of said premises; that said premises are free from all incumbrances and the GRANTORS will warrant and defend the same from all lawful claims whatsoever.

THE MARITAL COMMUNITY OF:

  
\_\_\_\_\_  
EDWIN R. DEKAY

  
\_\_\_\_\_  
KATHERINE R. DEKAY

ORIGINAL

STATE OF IDAHO           )  
                              :   ss.  
County of Bannock        )

On this 23 day of JUNE, in the year of 1978,  
before me, the undersigned, a Notary Public in and for said State, personally appeared  
the marital community of EDWIN R. DEKAY and KATHERINE R. DEKAY  
known to me to be the persons whose names are subscribed to the within instrument, and  
acknowledged to me that they 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.

Michael A. Sparks  
NOTARY PUBLIC FOR IDAHO  
Residing at Pocatello, Idaho



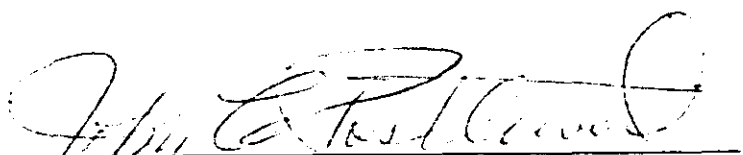
ADDENDUM TO  
TRANSMISSION LINE EASEMENT  
AND CONSTRUCTION EASEMENT

GRANTEE, by this Addendum and in consideration for the attached easement, does hereby agree to construct a rough roadway on a portion of the described Easement right-of-way, extending from GRANTORS' farm lane, where it crosses the Hiline Canal, to a point on the boundary of GRANTORS' property near Sunset Crest Subdivision. Furthermore, a rough roadway will be constructed on GRANTORS' property from a point commencing on the east side of Sunset Crest Subdivision along the described Easement right-of-way approximately one thousand three hundred twenty (1,320) feet to a point where the transmission line exits GRANTORS' property.

Said roadway shall be constructed at the completion of construction of the water transmission line.

GRANTEE further agrees to reconstruct all fences removed during construction.

  
WILLIAM L. HERRINGTON  
Attorney for GRANTEE CITY OF POCA TELLO

  
CHARLES W. MOSS  
City Manager

TRANSMISSION LINE EASEMENT  
and  
CONSTRUCTION EASEMENT

Exhibit B-7  
Applicant - City of Pocatello  
REC-6-26-78 Pocatello

THIS INDENTURE, entered into this \_\_\_\_\_ day of  
JUNE \_\_\_\_\_, 1978, by and between DR. RONALD MILLER and  
BRENT GOFF, d/b/a WHITEWATER, a co-partnership,-----  
-----

herein referred to as GRANTORS, and the CITY OF POCA TELLO, a  
municipal corporation organized and existing under and pursuant  
to the laws of the State of Idaho, herein referred to as GRANTEE.

WITNESSETH:

That for ten and no/100 dollars (\$10.00) and other good  
and valuable consideration, receipt of which is hereby acknow-  
ledged, the GRANTORS do hereby agree to, and by these presents  
do grant, bargain, sell and convey unto the GRANTEE, its successors  
and assigns, a right-of-way easement for the construction and  
maintenance of a line for the transmission of water for irrigation  
use for the benefit of the GRANTEE, its inhabitants, area farmers  
and others. Said transmission line shall be constructed under  
and across lands situate, lying and being in the County of Bannock,  
State of Idaho, and being described as follows:

PERMANENT EASEMENT:

All that portion of the South twenty (20) feet  
of the north forty (40) feet of the Southwest  
one quarter of the Southwest one quarter of  
Section twenty-five (25), Township five South,  
Range thirty-four (34) East, Boise Meridian,  
lying West of the Westerly right-of-way line of  
Interstate Highway 15 North, Project Number  
I-15-2(1) 72.

COPY

MICROFILMED

This indenture further grants a temporary easement lying twenty (20) feet on each side of the above described permanent easement for construction purposes only; said easement shall expire immediately upon completion of construction of the aforementioned transmission line.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said GRANTEE, and GRANTEE'S assigns, forever. And the said GRANTORS do hereby covenant to and with the said GRANTEE, that GRANTORS are the owners in fee simple of said premises; that said premises are free from all incumbrances and the GRANTORS will warrant and defend the same from all lawful claims whatsoever.

WHITEWATER, a co-partnership

BY: *Ronald K. Miller* *by Ronald K. Miller* *Attorney in fact*  
DR. RONALD MILLER  
*Brent Goff*  
BRENT GOFF

COPY

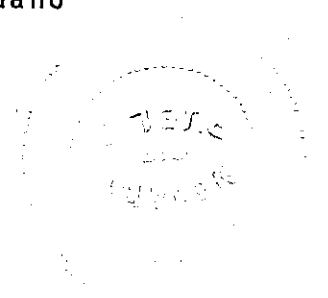
STATE OF IDAHO       )  
County of Bannock    ) ss.

On this 26th day of June, in the year of 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared Ronald George, known to me to be the person who subscribed the name of Ronald K. Miller, as Attorney in Fact, and acknowledged to me that he executed the same.

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

Julia A. Heberlein  
NOTARY PUBLIC FOR IDAHO

Residing at Pocatello, Idaho

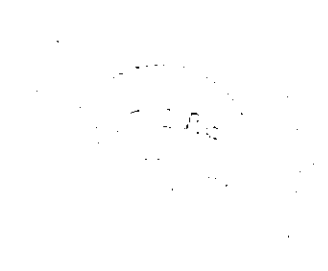


STATE OF IDAHO       )  
County of Bannock    ) ss.

On this 26th day of June, in the year of 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared Brent Goff, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Julia A. Heberlein  
NOTARY PUBLIC FOR IDAHO  
Residing at Pocatello, Idaho



14-2109 10-72

APPLICATION AND PERMIT TO USE RIGHT OF WAY

Exhibit - B8  
Applicant - City of Pocatello  
DISTRICT No. One  
2  
PERMIT No. 1-78-2  
RDC 6-26-78 Pocatello



SEE: S & P MANUAL 2-445 AND 2-615 PARAGRAPH SERIES AND  
P & T MANUAL 1-12-450 AND 1-12-600 SERIES.

THE UNDERSIGNED REQUESTS PERMISSION TO CONSTRUCT THE FOLLOWING ITEM(S) ON STATE HIGHWAY RIGHT OF WAY:

☐ APPROACH

| QUANTITY                                                               | WIDTH | TYPE - RESIDENCE, BUSINESS, FIELD, ETC. | TYPE OF BUSINESS |
|------------------------------------------------------------------------|-------|-----------------------------------------|------------------|
| <input checked="" type="checkbox"/> UNDERGROUND UTILITY                |       |                                         |                  |
| <u>Water Line</u><br>KIND - GAS LINE, TELEPHONE LINE, WATER LINE, ETC. |       |                                         |                  |
| <input type="checkbox"/> OVERHEAD UTILITY                              |       |                                         |                  |
| KIND - POWER LINE, TELEPHONE LINE, ETC.                                |       |                                         |                  |
| <input type="checkbox"/> OTHER: EXPLAIN                                |       |                                         |                  |
| DISTANCE FROM:                                                         |       | 90° to Hwy                              |                  |
| CENTER LINE                                                            |       |                                         |                  |
| RIGHT OF WAY LINE                                                      |       |                                         |                  |
| BURIED PIPE OR CABLE:                                                  |       | Min. 4'                                 |                  |
| DEPTH                                                                  |       |                                         |                  |
| SIZE                                                                   |       | Min. 27" <u>steel casing</u>            |                  |
| POTENTIAL OR PRESSURE                                                  |       | 175 p.s.i.                              |                  |
| POLE LINE:                                                             |       |                                         |                  |
| POTENTIAL                                                              |       |                                         |                  |
| VERTICAL CLEARANCE                                                     |       |                                         |                  |

A SKETCH OF PROPOSED WORK MUST BE ATTACHED.

SPECIAL PROVISIONS: See attached sheets for construction signing and specifications.

Fill in the attached CERTIFICATE OF COMPLETION and return it to the Division of Highways when work has been completed.

Contact Maintenance Foreman D. D. Whitaker at Pocatello, phone 232-4270, if you have any questions concerning this permit.

|                                                                                                                      |                          |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|
| 295+60<br>STATION TO STATION                                                                                         | FAP-78<br>PROJECT NUMBER |
| 91<br>HIGHWAY ROUTE NO.                                                                                              | Bannock<br>COUNTY        |
| 82.57<br>MILEPOST TO MILEPOST                                                                                        |                          |
| 2 miles north of Chubbuck, intersection with Tyhee Road<br>DISTANCE AND DIRECTION FROM NEAREST CITY, TOWN OR VILLAGE |                          |

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED FACILITY OR PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE AND THE IDAHO DEPARTMENT OF HIGHWAYS STANDARD APPROACH POLICY OR UTILITY ACCOMMODATION POLICY, WHICHEVER IS APPLICABLE.

DATE 3 January 1978

City of Pocatello

APPLICANT - PLEASE TYPE OR PRINT

John E. Foster  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

City Hall Pocatello, Idaho 83201

APPLICANT'S POST OFFICE ADDRESS

SUBJECT TO ALL TERMS, CONDITIONS AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

DATE 2-17-78

STATE HIGHWAY ENGINEER  
[Signature]  
DISTRICT ENGINEER

MICROFILMED

## GENERAL PROVISIONS

1. If required by the Department's District Engineer, the Permittee shall give at least \_\_\_\_\_ hours advance notice prior to commencing initial work or any future work which would restrict the flow of traffic.
2. During the progress of the work such barricades, lights and other traffic control devices shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public. Said barricades, lights and other traffic control devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices for Streets and Highways.
3. In accepting this permit, the Permittee, its successors and assigns, agrees to hold the State of Idaho harmless from any and all liability on account of the erection, installation, construction, maintenance or operation of the facilities located under this permit.
4. Except as herein authorized, no excavation shall be made or obstacle placed within the right of way of the State highway in such a manner as to interfere with the travel over said highway.
5. If the work done under this permit in any manner involves the disturbance of the traveled surface of the road and/or traffic control devices, said items shall be restored to the satisfaction of the State Highway Engineer at the completion of the authorized work either by the Permittee or by the Highway Department at the Permittee's expense.
6. If the work done under this permit interferes in any way with the drainage of the State highway, the Permittee shall wholly and at his own expense make such provision as the State Highway Engineer may direct to take care of said drainage.
7. On completion of said work herein contemplated all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and to the satisfaction of the State Highway Engineer.
8. All of the work herein contemplated shall be done to conform with current government and industry standards under the supervision and to the satisfaction of the State Highway Engineer, and the entire expense of said supervision shall be borne by the Permittee.
9. The State Highway Engineer hereby reserves the right to order the change of location or the removal of any structure(s) or facility(ies) authorized by this permit, said change or removal to be made at the sole expense of the Permittee, or its successors and assigns, unless such structure(s) or facility(ies) have been located pursuant to the Special Provisions of form DH-2111.
10. All such changes, reconstruction or relocation by the Permittee shall be done in such manner as will cause the least interference with any of the State's work.
11. This permit or privilege granted under form DH-2109 shall not be deemed or held to be an exclusive one and shall not prohibit the State from granting other permits or franchise rights of like or other nature to other public or private utilities, nor shall it prevent the State from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.
12. The State Highway Engineer may revoke, annul, change, amend, amplify, or terminate this permit or any of the conditions herein enumerated if Permittee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the utility herein granted is not installed or operated and maintained in conformity herewith.
13. The Permittee shall maintain at his or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the State Highway Engineer.
14. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the Permittee of any rights given it by the Constitution or laws of the State of Idaho or of the United States.
15. Adequate drawings or sketches shall be included showing the existing and/or proposed location of the facility with respect to the existing and/or planned location of the highway improvement, the traveled way, the rights of way lines, and where applicable, the control of access lines and approved access points.
16. If trench or pavement settlement should occur within one year from the date of installation, repairs shall be made by the Permittee as directed by the State Highway Engineer and at no cost to the Highway Department.
17. No work shall be started until an authorized representative of the Department of Highways has given notice to the Permittee to proceed.
18. A bond in the amount of \$ \_\_\_\_\_ is required for the protection of the State as set forth in the terms of the bond.
19. This permit shall be void unless the work herein contemplated shall have been completed  
before \_\_\_\_\_  
date

SPECIFICATIONS FOR EXCAVATION ON STATE HIGHWAYS

- When trenching across or parallel to roadways or across approaches is necessary for the installation of the utility, the following provisions for backfilling and patching shall apply:

Backfill materials shall consist of suitable materials uniformly placed in approximate 8-inch layers and compacted to 95 percent density with approved mechanical tampers or other approved methods. No material shall be placed which is too wet to obtain the required compaction.

When cutting of asphalt paving and base gravel is required, the paving and base shall be cut in a neat, uniform line. After the utility has been installed and the backfilling as described above has been accomplished, the full depth of base gravel shall be replaced with acceptable crushed gravel. Prior to placing the asphalt patch, the sides of the existing asphalt paving shall be painted with liquid asphalt to assure an adequate bond for the full depth of the patch which shall be equal to or greater than the existing asphalt surface. In no case shall the depth be less than two inches. Care shall be taken to provide a well compacted, smooth, and uniform joint between the patch and existing surface.

Installation by jacking, driving or boring shall be in accordance with the following provisions:

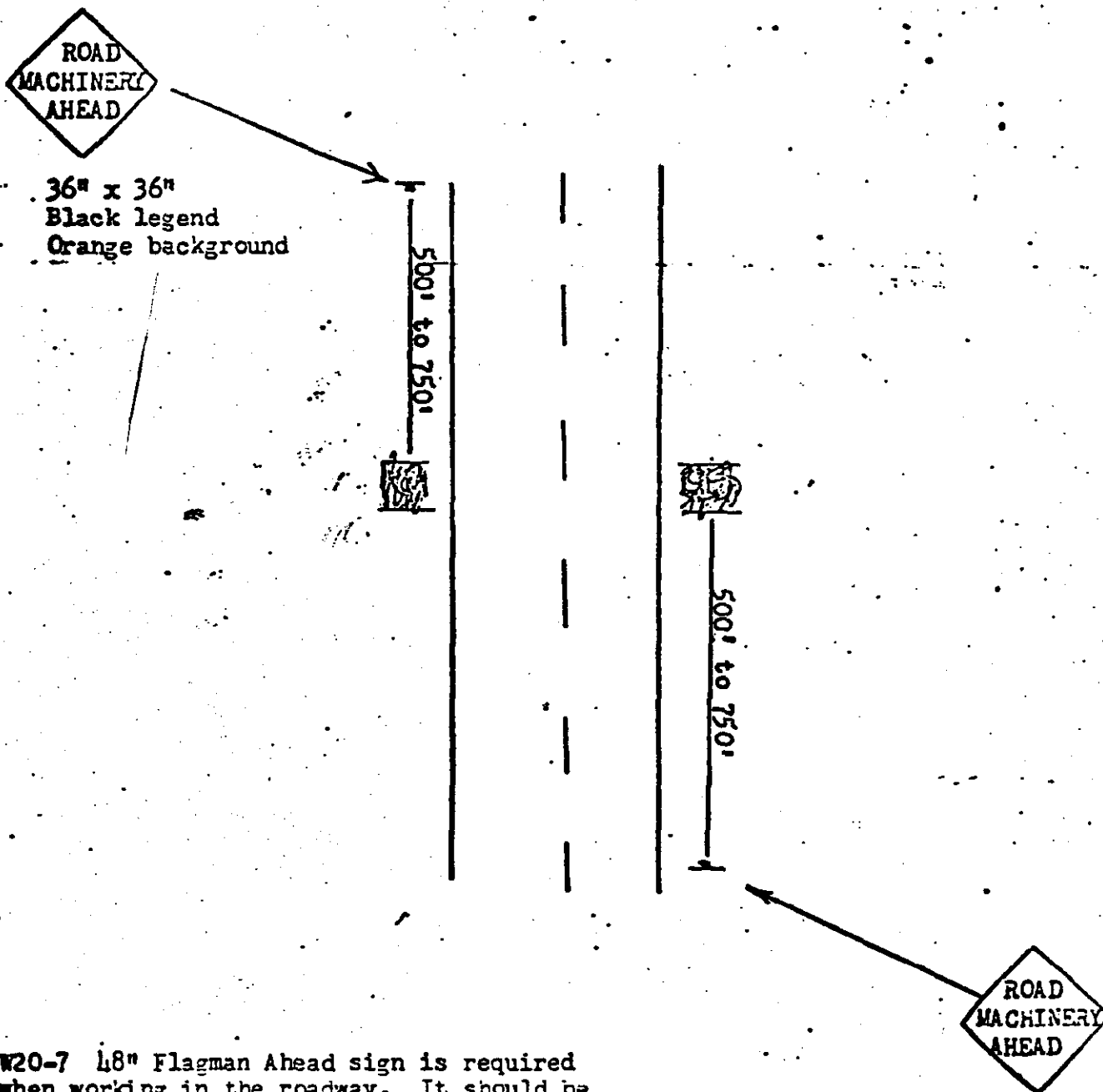
Trenching in connection with any of these methods shall be conducted no nearer than 5 feet from the subgrade edge if bulkheaded; and not less than the vertical difference in elevation between the subgrade edge and the pipeline if not bulkheaded.

Jacking, driving or boring shall be by approved means which will hold disturbances of surrounding material to a minimum. Slucing or jetting will not be allowed. Sand or cement grout packed in place shall be required where the hold is greater than 5 percent oversize in diameter on pipelines larger than 12 inches in diameter.

PERMIT TO USE R/W  
TRAFFIC CONTROL

PERMIT # 1-78-250

Signing required to work with equipment along the shoulder of the highway.



W20-7 48" Flagman Ahead sign is required when working in the roadway. It should be installed 500' in advance of the Road Machinery Ahead Sign.

SECTION 1-B DESCRIPTION OF PROJECT

- 1-1 This project consists of installing approximately seven (7) miles of pressure sewer line including trenching and backfilling, from the City of Pocatello Sewage Treatment Plant to a point approximately one (1) mile above the Hilina Canal on the East Bench. The line will travel North from the Treatment Plant along the East side of Rio Vista Road, then turn East and follow the South side of Tyhee Road crossing the U.P.R.R. tracks, the Hilina Canal, and Interstate 15 to a point of termination on the East Bench.
- 1-2 The Contractor will note that along with the canal and the railroad tracks, several bridges and existing pipelines will have to be crossed. The Contractor may choose between boring and open excavation at the bridge and pipeline crossings, however, the railroad tracks, I-15 and Hilina canal crossings will require boring and will be paid as separate items.
- 1-3 Along with the installation of the pipe the Contractor shall install ten (10) 6" service connections. These service connections will require tapping the mainline with a compatible pipe and installing enough 6" pipe to allow for the construction of a 5' diameter precast concrete manhole outside the traveled way. The 5' diameter manhole will house a pressure rated 6" gate valve installed by the Contractor along with a flow meter installed by City forces.
- 1-4 Two (2) mainline Series 300 Butterfly Valves will be installed and two (2) will be delivered for future use. These valves will be compatible with the size, type of pipe, and pressure rating chosen for the project.
- 1-5 Sand bedding will be required in areas where rocky soil is encountered and will be paid for as a separate item.
- 1-6 In order to make an economic comparison of project costs several alternatives are being considered. Four different types of pipes are being considered including, ductile iron, transite, pretensioned concrete (shot cote), or plastic (Drisco). Also, other types of pipe may be bid if the bidder receives written approval from the City Engineer prior to bid opening. The bidder may bid any of the above mentioned pipes but must bid each of the four sizes, 27", 24", 12", or 10". The 27" and 24" pipes are large enough to handle the total effluent flows from both Simplot and the City of Pocatello Treatment Plant. A comparison will be made to determine if the initial savings obtained by the installation of the smaller diameter pipe will outweigh the eventual long run pumping cost savings for the 27" pipe line. If the bid on the large diameter pipes exceeds the monies allocated for this project by the City of Pocatello then Simplot will construct either the 12" or 10" line to handle only their effluent. Once again pumping and pipe costs will be compared to determine the most economical system. If a manufacturer does not supply one of the specified sizes the bidder may substitute the next largest standard size. Besides the different diameters and types of pipe, the bidder must also consider the different working pressures that the various parts of the system will be carrying. The lower portion of the line will require a working pressure of 250 p.s.i. while the middle of the line will operate at 200 p.s.i. and the end of the line at 150 p.s.i. These pressure differences may require the Contractor to bid three (3) different classes for each type and size of pipe. The length of each pressure classification are shown in the proposal.

8 US-91

## SECTION V UNDERGROUND BORING WITH CASING COMPLETE AND IN PLACE

**DESCRIPTION:** This specification deals with requirements for underground boring complete with casing in those areas shown on the plans.

**CONSTRUCTION METHODS AND MATERIALS:** The boring operations should be preformed first so that alignment and grade may be adjusted if needed. They shall be under the supervision of the Engineer.

The horizontal alignment tolerance may be as much as 2 feet per one end or maximum of 3 feet per combination of ends (See accompanying sketch).

The maximum vertical grade tolerance shall be 6 inches per either end per 40 linear feet of bore, or a direct ratio thereof per however many feet are bored. (See accompanying sketch.)

Excessive water may not be used in the boring operation. This will be directly governed by the Engineer.

The creating of cavities etc. will require that the Contractor discontinue his boring and/or relieve and repair such cavities by approved methods.

The bored hole receiving the casing shall have a maximum of  $1\frac{1}{2}$  inches tolerance as measured outwardly from the outside diameter of the pipe to the hole's circumference wall at any one particular location.

Upon completion of boring operations, the Contractor shall supply and install the required casing for the particular size of pipe that is to be placed through the casing. The casing pipe and joints may be of any approved conduit construction and the inside diameter shall be at least 2 inches greater than the largest outside diameter of the carrier pipe, joints or couplings. The casing shall be capable of withstanding the load placed above it, in this case the railroad traffic or the bearing pressure from I-15 or the canal. Casing shall be installed with even bearing throughout its length and shall slope to one end with the ends sealed to protect against the entrance of foreign materials, which might prevent ready removal of the carrier pipe. (See Plans.)

**METHOD OF MEASUREMENT:** Underground boring with casing complete and in place shall be measured per linear foot along the centerline of the casing installed.

**BASIS OF PAYMENT:** The accepted quantities of this item complete and in place will be paid for at the Contract Unit Price per linear foot as called for on the Proposal and Bid Sheets, which price shall be full compensation for furnishing all materials, labor, boring, casing, together with disposal, as directed, of all excavated materials or any other labor, materials, tools, or equipment necessary to complete the item.



# REPORT ON APPLICATION FOR PERMIT TO USE RIGHT OF WAY

LOCATION OF WORK

District No. One

Application No. 1-78-2  
82.57

FAP-78

295+60

Project No.

Station

Milepost

Intersection of Yellowstone Park Highway and Tyhee Road

3 January 1978

Other Description; Section, Township, Range if Station is Not Available

Date

## TYPE OF ACCESS CONTROL

Full \_\_\_\_\_ Partial \_\_\_\_\_ Standard Approach Policy XX

## APPROACH

1. \_\_\_\_\_ If the approach is located within the limits of a city, town or village, has approval been granted by the city, town or village?
2. \_\_\_\_\_ What is the approach angle (in degree) as shown on attached sketch?
3. \_\_\_\_\_ At this location, what is the sight distance? Posted speed? \_\_\_\_\_
4. \_\_\_\_\_ Will the approach adversely affect the operation of the highway?  
If yes, explain: \_\_\_\_\_
5. \_\_\_\_\_ Is any future highway construction being planned for this area at this time?
6. \_\_\_\_\_ What is the estimated daily volume of traffic that will use this approach?  
How many of these are trucks? N.A.
7. \_\_\_\_\_ Have you checked to see that the proposed approach conforms to our "Approach Policy"?
8. \_\_\_\_\_ In the event of adjoining approaches in an urban area is the minimum distance of 10 feet provided between approaches for pedestrian protection?
9. \_\_\_\_\_ In the event of adjoining approaches, can the space between approaches be divided into adequate parking spaces approximately 20-23 feet long?
10. \_\_\_\_\_ Is a distance of 5 feet or more provided between the approach and the adjoining property line?
11. \_\_\_\_\_ In the event the proposed approach is located near an intersection, will the approach avoid encroachment on the corner radius?
12. \_\_\_\_\_ If the proposed approach is within 200 feet of an intersection, what is the distance from the centerline of the approach to the centerline of the intersection, measured along the highway shoulder?
13. \_\_\_\_\_ If the approach grade is steeper than 5%, is a flat stopping zone provided at the highway shoulder?
14. \_\_\_\_\_ If a drainage pipe is needed, what kind of pipe will be required?  
Size \_\_\_\_\_; Length \_\_\_\_\_
15. \_\_\_\_\_ Will the approach drain away from the traveled-way?

*If Any of the Above is Not Applicable, Indicate N.A.  
For Additional Remarks Attach a Separate Sheet if Necessary*

CONTINUED ON REVERSE SIDE

# UTILITIES

1. Boring What will be the method of installation? (Boring, Jacking, etc.)
2. 4' What will be the minimum cover over the utility?
3. No Will freezing conditions affect this facility?
4. No Is any future highway construction being planned for this area at this time?
5. No During installation, will normal traffic movements be interrupted?
6. Yes Have adequate provisions been made for flagging, slowing, or detouring, etc. of traffic? Attach traffic control plan.
7. No Will this facility interfere with normal maintenance operations, cleaning ditches, backslopes, drainage or irrigation facilities, etc?
8. Yes Does the proposed utility and installation conform to Department policies?  
See Administrative Directive
9. N.A. What will be the minimum vertical clearance?
10. N.A. What will be the distance from the highway shoulder to the nearest support or anchor?
11. N.A. What will be the maximum span length?
12. N.A. If in urban area has City Officials' approval been obtained?

*If Any of the Above is Not Applicable, Indicate N.A.*

*For Other Encroachments-Attach Additional Sheets to Describe if Necessary*

       District Representative's  
(YES) (NO) Recommendation for Approval

*R. D. Christensen*  
SIGNATURE

( ) Forward to Boise Office \_\_\_\_\_ District Engineer

| DISTRICT STAFF REVIEW |   |                     |             |      |
|-----------------------|---|---------------------|-------------|------|
| To be reviewed by:    | ✓ | Reviewer's Initials | Recommended |      |
|                       |   |                     | Yes         | * No |
| Traffic Engineer      |   | <i>[Signature]</i>  | ✓           |      |
| Maintenance Engr.     |   |                     |             |      |
| Design Engineer       |   |                     |             |      |
| Construction          |   |                     |             |      |
| Right of Way          |   |                     |             |      |
|                       |   |                     |             |      |
|                       |   |                     |             |      |

| ** BOISE STAFF REVIEW |   |                     |             |      |
|-----------------------|---|---------------------|-------------|------|
| To be reviewed by:    | ✓ | Reviewer's Initials | Recommended |      |
|                       |   |                     | Yes         | * No |
| Planning & Traffic    |   |                     |             |      |
| Survey & Plans        |   |                     |             |      |
| Maintenance           |   |                     |             |      |
| Right of Way          |   |                     |             |      |
| Construction          |   |                     |             |      |
|                       |   |                     |             |      |
|                       |   |                     |             |      |

\* Explain reason for recommendation.

\*\* Only required for special situations and when a revision to access control is proposed.

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT  
10 SOUTH MAIN STREET  
SALT LAKE CITY, UTAH 84101  
(801) 363-1434

STEVEN A. GOODSSELL  
GENERAL SOLICITOR

NORMAN W. KETTNER  
ASST. GEN. SOLICITOR



March 27, 1978

J. CLARE WILLIAMS  
GENERAL ATTORNEY

RONALD W. EUBANKS  
JANE R. SEYMOUR  
ATTORNEYS

Mr. John C. Postlewait  
Public Works Director  
City of Pocatello  
Pocatello, ID 83201

Dear Mr. Postlewait:

Re: Agreement LD No. 24144  
CITY OF POCATELLO  
Wastewater Pipe Line - Consent  
Near Tyhee, Idaho (MP 140.8)

Pursuant to your recent request, I have had prepared and attach hereto for execution the counterpart originals of the above proposed agreement.

Each copy of the agreement should be signed by the Mayor, or some other authorized officer of the City, and attested by the Clerk.

PLEASE DATE THE AGREEMENT THE DAY IT IS EXECUTED, BEARING IN MIND THAT THIS DATE BECOMES THE EFFECTIVE DATE. Please return all copies in the enclosed self-addressed envelope to arrange for execution on behalf of the Railroad Company, after which your fully executed counterpart will be returned to you.

Before commencing the above work, the person to whom notice is to be given in accordance with the agreement is: Mr. G. F. Hite, UPRR Division Engineer, P. O. Box 790, Pocatello, Idaho 83201, phone: (208) 232-4450, Ext. 314.

These documents should be promptly executed and returned. Please note that, if they are lost or misplaced, there will be a \$10.00 charge for replacement of the originals.

Any questions concerning this instrument should be directed to me at the following telephone number: (801) 363-1544, Ext. 268.

Very truly yours,

*Dee Wadsworth*  
Mrs. Dee Wadsworth  
General Contract Clerk

Encls. (2)

CC: Mr. D. J. Austin (RE 77-346)  
Mr. G. F. Hite

*Exhibit B-9*  
*Applicant - City*  
*Admitted*  
*at 2-26-78*  
*Pocatello*

*3/27/78*  
*rec'd*  
*for*

# UNION PACIFIC RAILROAD COMPANY

REAL ESTATE DEPARTMENT  
(801) 363-2451

DISTRICT REAL ESTATE MANAGER

REAL ESTATE AGENT

UNION PACIFIC BUILDING  
10 SOUTH MAIN STREET  
ROOM 604

SALT LAKE CITY, UTAH 84101

March 16, 1978

File: 77-346

City of Pocatello, Idaho  
Municipal Building  
P. O. Box 4169  
Pocatello, Idaho 83201

Attention: Mr. John C. Postlewait

Gentlemen:

Please refer to application which you submitted to this office requesting permission to cross under Oregon Short Line Railroad Company tracks with an underground waterline crossing at M.P. 140.80 near Tyhee, Idaho.

We have reviewed your application, but cannot further process this application until the following stipulation as requested by our Chief Engineer is complied with:

"That portion of the crossing not under our roadbed will have to maintain a minimum depth of 3 ft. below groundline."

If you will agree to keep the pipe the minimum of 3.0 feet below natural ground, across the entire railroad right of way and will acknowledge so by signing the attached copy of this letter and return it to this office, we will further process your application and submit to Management for approval.

If we can be of further assistance in this matter, please advise.

Very truly yours,

*Walt Clement*

I hereby agree to comply with the above stipulation to keep the pipe the minimum of 3.0 feet below natural ground across the entire railroad right of way.

Date: 3/20/78

*John C. Postlewait*



## EXHIBIT B

### Section 2. CONSTRUCTION, MAINTENANCE AND OPERATION.

The Pipe Line shall be constructed, operated, maintained, repaired, renewed, modified and/or reconstructed by the Licensee in strict conformity with Union Pacific Railroad Co. Common Standard Specification 1029 adopted November 1949, as subsequently amended, except as may be modified and approved by the Licensor's Chief Engineer. In the event such Specification conflicts in any respect with the requirements of any federal, state or municipal law or regulation, such requirements shall govern on all points of conflict, but in all other respects the Specification shall apply.

All work performed in connection with the construction, maintenance, repair, renewal, modification or reconstruction of the Pipe Line shall be done to the satisfaction of the Licensor.

Prior to the commencement of any work in connection with the construction, maintenance, repair, renewal, modification, relocation, reconstruction or removal of the Pipe Line where it passes underneath the roadbed and track or tracks of the Licensor, the Licensee shall submit to the Licensor plans setting out the method and manner of handling the work, including the shoring and cribbing, if any, required to protect the Licensor's operations, and shall not proceed with the work until such plans have been approved by the Chief Engineer of the Licensor. The Licensor shall have the right, if it so elects, to provide such support as it may deem necessary for the safety of its track or tracks during the time of construction, maintenance, repair, renewal, modification, relocation, reconstruction or removal of the Pipe Line, and, in the event the Licensor provides such support, the Licensee shall pay to the Licensor, within fifteen (15) days after bills shall have been rendered therefor, all expense incurred by the Licensor in connection therewith, which expense shall include all assignable costs plus ten percent (10%) to cover elements of expense not capable of exact ascertainment.

The Licensee shall keep and maintain the soil over the Pipe Line thoroughly compacted and the grade even with the adjacent surface of the ground.

### Section 3. NOTICE OF COMMENCEMENT OF WORK.

The Licensee shall notify the Licensor at least forty-eight (48) hours in advance of the commencement of any work in connection with the construction, maintenance, repair, renewal, modification, reconstruction, relocation or removal of the Pipe Line. All such work shall be prosecuted diligently to completion.

### Section 4. LICENSEE TO BEAR ENTIRE EXPENSE.

The Licensee shall bear the entire cost and expense incurred in connection with the construction, maintenance, repair and renewal and any and all modification, revision, relocation, removal or reconstruction of the Pipe Line, including any and all expense which may be incurred by the Licensor in connection therewith for supervision or inspection, or otherwise.

### Section 5. NO INTERFERENCE WITH LICENSOR'S OPERATION.

The Pipe Line and all parts thereof shall be constructed and, at all times, maintained, repaired, renewed and operated in such manner as to cause no interference whatsoever with the constant, continuous and uninterrupted use of the tracks, and facilities of the Licensor, and nothing shall be done or suffered to be done by the Licensee at any time that would in any manner impair the safety thereof.

### Section 6. CLAIMS AND LIENS FOR LABOR AND MATERIAL; TAXES.

The Licensee shall fully pay for all materials and labor performed in connection with the construction, maintenance, repair, renewal, modification or reconstruction of the Pipe Line, and shall not permit or suffer any mechanic's or materialman's lien of any kind or nature to be enforced against the Licensor's property for any work done or materials furnished at the instance or request or on behalf of the Licensee. The Licensee shall indemnify and hold harmless the Licensor against and from any and all liens, claims, demands, costs and expenses of whatsoever nature in any way connected with or growing out of such work done, labor performed, or materials furnished.

### Section 7. LIABILITY.

The Licensee shall indemnify and hold harmless the Licensor and other companies which use the property of the Licensor, their officers, agents and employees, against and from any and all liability, loss, damage, claims, demands, costs and expenses of whatsoever nature, including court costs and attorneys' fees, which may result from injury to or death of persons whomsoever, or against and from damage to or loss or destruction of property whatsoever (including damage to the roadbed, tracks, equipment or other property of the Licensor and such other companies or property in their care or custody), when such injury, death, loss, destruction or damage is due to or arises from the bursting of or leaks in the Pipe Line,

or in any other way whatsoever is due to, or arises because of, the existence of the Pipe Line or the construction, operation, maintenance, repair, renewal, modification, reconstruction, relocation or removal of the Pipe Line or any part thereof, or to the contents therein or therefrom (except when caused directly and solely by the negligence of the Licensor and such other companies, their officers, agents or employees). The Licensee does hereby release the Licensor and such other companies, their officers, agents and employees, from all liability for damages on account of injury to the Pipe Line from any cause whatsoever.

**Section 8. TERMINATION ON NONUSER OR DEFAULT.**

If the Licensee does not use the Pipe Line for one (1) year, or if the Licensee continues in default in the performance of any covenant or agreement herein contained for a period of thirty (30) days after written notice from the Licensor to the Licensee specifying such default, the Licensor may, at its option, forthwith terminate this Agreement. Notice of default and notice of termination may be served upon the Licensee by mailing to the last known address of the Licensee.

**Section 9. WAIVER OF BREACH.**

The waiver by the Licensor of the breach of any condition, covenant or agreement herein contained to be kept, observed and performed by the Licensee shall in no way impair the right of the Licensor to avail itself of any subsequent breach thereof.

**Section 10. AGREEMENT NOT TO BE ASSIGNED.**

The Licensee shall not assign this Agreement, in whole or in part, or the consent herein given, without the written consent of the Licensor, and it is agreed that any transfer or assignment or attempted transfer or assignment of this Agreement or of the consent herein given, whether voluntary, by operation of law, or otherwise, without such consent in writing, shall be absolutely void and, at the option of the Licensor, shall terminate this Agreement.

**Section 11. SUCCESSORS AND ASSIGNS.**

Subject to the provisions of Section 10 hereof, this Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, executors, administrators, successors and assigns.

APPLICATION AND PERMIT TO USE RIGHT OF WAY

PERMIT No. One

PERMIT No. 1-78-3

THE UNDERSIGNED REQUESTS PERMISSION TO CONSTRUCT THE FOLLOWING ITEM(S) ON STATE HIGHWAY RIGHT OF WAY:

☐ APPROACH

| QUANTITY                            | WIDTH | TYPE - RESIDENCE, BUSINESS, FIELD, ETC.           | TYPE OF BUSINESS |
|-------------------------------------|-------|---------------------------------------------------|------------------|
| <input checked="" type="checkbox"/> |       | UNDERGROUND UTILITY                               |                  |
|                                     |       | Waterline                                         |                  |
|                                     |       | KIND - GAS LINE, TELEPHONE LINE, WATER LINE, ETC. |                  |
| <input type="checkbox"/>            |       | OVERHEAD UTILITY                                  |                  |
|                                     |       | KIND - POWER LINE, TELEPHONE LINE, ETC.           |                  |
| <input type="checkbox"/>            |       | OTHER: EXPLAIN                                    |                  |
|                                     |       | DISTANCE FROM:                                    |                  |
|                                     |       | CENTER LINE                                       |                  |
|                                     |       | RIGHT OF WAY LINE                                 |                  |
|                                     |       | BURIED PIPE OR CABLE:                             |                  |
|                                     |       | DEPTH                                             | 3 ft.            |
|                                     |       | SIZE                                              | 24 in.           |
|                                     |       | POTENTIAL OR PRESSURE                             | 100 psig         |
|                                     |       | POLE LINE:                                        |                  |
|                                     |       | POTENTIAL                                         |                  |
|                                     |       | VERTICAL CLEARANCE                                |                  |

SKETCH OF PROPOSED WORK MUST BE ATTACHED.

SPECIAL PROVISIONS: See attached sheets for construction signing and specifications.

Fill in the attached CERTIFICATE OF COMPLETION and return it to the Division of Highways when work has been completed.

Contact Maintenance Foreman D. D. Whitaker at Pocatello, phone 232-4270, if you have any questions concerning this permit.

No access will be allowed from the Interstate or crossing the Interstate with construction equipment.

284+80

STATION TO STATION

I-15 - 2 (1) 72

PROJECT NUMBER

I-15

74.84

MILEPOST TO MILEPOST

Bannock

COUNTY

6 miles NE of Chubbuck

DISTANCE AND DIRECTION FROM NEAREST CITY, TOWN OR VILLAGE

CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED FACILITY OR PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL PROVISIONS PRINTED ON THE REVERSE SIDE AND THE IDAHO DEPARTMENT OF HIGHWAYS STANDARD APPROACH POLICY OR UTILITY ACCOMMODATION POLICY, WHICHEVER IS APPLICABLE.

May 19, 1978

City of Pocatello, Idaho

APPLICANT - PLEASE TYPE OR PRINT

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

City of Pocatello

P.O. Box 4169

Pocatello, Idaho

83201

APPLICANT'S POST OFFICE ADDRESS

SUBJECT TO ALL TERMS, CONDITIONS AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

STATE HIGHWAY ENGINEER

DISTRICT ENGINEER

MICROFILMED

3/79

IDENT. NO. 29-7437

I D A H O   D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

# WATER RIGHT DATA ENTRY LOG

[illegible]

A ~~1~~

**Description and location of place of use:**

Total number of acres irrigated \_\_\_\_\_

**Total number of acres irrigated**

October 20, 1978

Re: Permit No.'s 29-7431 - City of Pocatello  
29-7437 - J. R. Simplot Company

Dwight E. Baker  
P.O. Box 8  
Blackfoot, ID 83221

Dear Mr. Baker:

Enclosed is a copy of the Order which denies your petition for a rehearing for the above referenced permits.

Any person that does not agree with the decision of the Director may appeal directly to the District Court within 60 days from the date of this Order.

Sincerely,

L. GLEN SXTON  
Chief, Operations Bureau

LGS:jg  
Enclosure

cc: City of Pocatello  
J. R. Simplot Company  
Paul E. Smith  
Dan Meyer  
Bob Hart  
Sam McNabb  
Ronald Graves

S. Albert Johnson  
John Spanbauer  
Veda Rupp  
Robert Brown  
L. T. Gucker  
Gerald W. Olson  
Stephen A. Beebe

NOT RECORDED

DWIGHT E. BAKER  
ATTORNEY AT LAW  
P. O. BOX 8  
BLACKFOOT, IDAHO 83221  
TELEPHONE: 208/785-6101  
ATTORNEY FOR: Protestants

RECEIVED

OCT 2 1978

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 29-7437 IN THE )  
NAME OF J. R. SIMPLOT COMPANY ) PETITION FOR REHEARING  
AND FOR APPLICATION FOR PERMIT )  
NO. 29-7431 IN THE NAME OF THE )  
CITY OF POCA TELLO )  
\_\_\_\_\_ )

COME NOW PROTESTANTS Bob Hart, Sam McNabb, S. Albert Johnson,  
John Spanbauer, Veda Rupp, Robert Brown, and L. T. Gucker and petition the  
Director for a rehearing of the above cause.

This petition is based upon the following grounds:

1. Condition number 5 is vague and ambiguous, in that said condition allows  
a diversion rate of up to 0.02 cubic feet per second per acre of effluent. This  
condition does not limit the diversion to an annual maximum, but implies that up  
to 0.02 cubic feet per second may be diverted on a calendar year basis. Conversely,  
the irrigation season is only six to seven months long, and the order is unclear as  
to any limitation during the remaining five-month period, or alternatively, to an  
annual maximum.

Said condition further makes no reference as to any maximum concentrations  
of the Simplot effluent, notwithstanding that the beneficial application of the  
Simplot effluent to land for irrigation purposes is certainly subject to some limitation.  
Unless some limitation is imposed with respect to concentration, the applicant,  
J. R. Simplot Company can divert pure effluent at the rate of 0.02 cubic feet per  
second and be in complete conformity with the permit. As a result, no person could  
object, even though such a diversion would be inconsistent with an irrigation or  
agricultural use.

RECEIVED

2. The Director erred in not making a finding, conclusion or condition regarding the actual land to be irrigated. While protestants acknowledge that the Director takes the position that he will not rule on the validity or the invalidity of the water user agreements, protestants assert that the Director's order should make more clear the relationship between the water to be diverted and the actual land to be utilized for the project. Without such clarification, the order is vague and unclear and incapable of proper enforcement. Additionally, the evidence adduced clearly establishes that portions of the land described in the application clearly are unavailable for applicant's intended use, and it is error to rule that the applicant can proceed with respect to said property.

3. The Director erred in refusing to consider evidence which bears upon the local public interest as defined by Idaho Code 42-203.

Protestants would submit the following evidence.

(a) In support of objection 1, protestants would submit evidence that 0.02 c.f.s. is the maximum amount of water which may be effectively used for irrigation purposes, and that this use is limited to the irrigation season. Protestants would submit evidence that the concentration of the effluent in the irrigation water has limits in order to be used for irrigation purposes. These two limitations would indicate the total diversion of effluent from the J. R. Simplot Company per irrigation season which could be beneficially disposed of, and thereby prevent a non-beneficial use or nuisance from occurring from the storage of diverted effluent.

(b) In support of objection 2, protestants would offer additional evidence that the Fort Hall Planning and Zoning Committee has in the past week refused to permit effluent from the J. R. Simplot Company to be disposed of on the Fort Hall reservation. Without sufficient guidelines with respect to the land to be utilized, the monitoring can not be effectively completed, and the conditions will be incapable of enforcement, as a result of which there will be insufficient protection for the rights of the protestants and others similarly situated.

(c) Protestants would resubmit the offer of proof made during the initial hearing as to the issue of local public interest, for the reason that protestants

continue to object to the refusal to consider this evidence as a rule of law, which objection must be preserved on appeal.

DATED this \_\_\_\_\_ day of September, 1978.



Dwight E. Baker  
ATTORNEY FOR PROTESTANTS

CERTIFICATE OF SERVICE BY MAIL

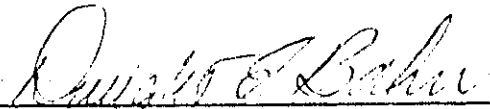
I, DWIGHT E. BAKER, do hereby certify that on this 27 day of September, 1978, I caused a full, true and correct copy of the foregoing PETITION FOR REHEARING to be mailed in an envelope, postage prepaid, addressed to:

G. Stephen Allred, Director (By Certified Mail)  
Department of Water Resources  
State of Idaho  
Statehouse  
Boise, Idaho 83720.

Stephen A. Beebe, Esq.  
Attorney at Law  
P. O. Box 2777  
Boise, Idaho 83701

Gerald W. Olson, Esq.  
Attorney at Law  
P. O. Box 1725  
Pocatello, Idaho 83201

Garth Pincock  
Bannock County Prosecuting Attorney  
P. O. Box 4986  
Pocatello, Idaho 83201



Dwight E. Baker

INTER-DEPARTMENT MEMO — 1

FROM

DATE 9/12/78

TO file #29-7437

SUBJECT maps

See the maps of this project  
in the vertical map case at  
Western District.

**MICROFILMED**

SIGNATURE

September 12, 1978

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

Gentlemen:

RE: Permit No. 29-7437

Enclosed is a copy of the fourth page of the Memorandum Decision and Order issued on the above referenced permit on September 8, 1978. Please note that an addition to the Order part under item 5 has been made.

Please substitute this page for the one previously sent to you.

Sincerely,

KAY WALKER  
Senior Clerk

KW:k  
Enclosure: 1

NOT RECORDED

September 11, 1978

Re: Permit No. 29-7437 - J. R. Simplot Company

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

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 29-7437 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person that does not agree with the decision of the Director may request a re-hearing before the Director within 20 days, or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:jg  
Enclosures

cc: See attached sheet  
Enclosures

*[Handwritten signature/initials]*

Copies of Memorandum Decision & Order & Approved Permit Sent To:

PROTESTANTS

John Spanbauer  
Route #1, Box 82  
Pocatello, ID 83201

Veda Rupp  
Route #2, Box 19  
Pocatello

Roy F. Miller  
Professional Management Consultant  
475 Yellowstone, Suite 6  
Pocatello

Robert L. Brown  
Route #2 North, Box 124  
Pocatello

S. Albert Johnson  
Route #2 North, Box 219  
Pocatello

Robert Hart  
929 E. Chubbuck Rd.  
Pocatello

L. T. Gucker  
Route #1 North, Box 88  
Pocatello

Sam McNabb  
Route #1, Box 62  
Pocatello

Paula G. Crandall  
Route #2, Box 21-X  
Pocatello

ATTORNEYS

Dwight E. Baker, Attorney  
P.O. Box 8, 515 W. Bridge  
Blackfoot, ID 83221

Gerald W. Olson, City of Pocatello  
Legal Department  
P.O. Box 1725, Spaulding Bldg.  
Pocatello

Attorneys cont.

Ronald Graves, Attorney  
J. R. Simplot Co.  
P.O. Box 27  
Boise, ID 83707

Stephen A. Beebe  
General Counsel  
J. R. Simplot Co.  
P.O. Box 27  
Boise, ID 83707

APPLICANTS

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

City of Pocatello  
P.O. Box 4169  
Pocatello, ID 83201

PRESENT AT HEARING

Harry Hart  
Route #2 North  
Pocatello

Robert A. Ryden  
657 Howard St.  
San Francisco, CA 94105

John Cochran  
Route #5, Parks Rd.  
Pocatello

Jay H. Smith  
Route #1, Box 186  
Kimberly, ID 83341

John C. Postlewad  
Box 4169  
Pocatello

James A. Higgins  
625 University Drive  
Pocatello

RECORDED

29-7437 - J. R. Simplot Company

29-7431 - City of Pocatello

June 26, 1978 - 10:00 a.m.

State Highway Building, South of Town, Pocatello, Idaho

ROSTER OF ATTENDANCE

| Name                   | Address                                      | Representing                                                                                                            |
|------------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| DWIGHT E. BAKER ✓      | PO Box 8<br>BLACKFOOT IDA 83221              | HARRY HART<br>BOB HART<br>SAM McNABB<br>S. ALBERT JOHNSON<br>JOHN SPANBAUER<br>VEDA Rupp<br>ROBERT BROWN<br>L.T. GUCKER |
| Bob Hart ✓             | 929 E. Chubbuck Rd<br>Pocatello, Idaho 83201 | Self.                                                                                                                   |
| John Spanbauer ✓       | Rt 1 Box 82 Pocatello                        | Self.                                                                                                                   |
| Veda Rupp ✓            | Rt 2 Box 19 Pocatello                        | Self                                                                                                                    |
| A. Albert Johnson ✓    | Box 219 Pocatello                            | Idaho                                                                                                                   |
| Sam McNabb ✓           | Box 62 Pocatello                             | Idaho                                                                                                                   |
| Robert Brown ✓         | Rt 1 Box 62 Pocatello, Idaho                 |                                                                                                                         |
| Harry Hart ✓           | P. # 2 N Pocatello                           | Idaho                                                                                                                   |
| Bob Harrison ✓         | PO Box 4800                                  | Idaho Transportation Dept.                                                                                              |
| Condon Hopson ✓        | 636 Pershing Ave                             | Health & Welfare D.O.E.                                                                                                 |
| Henry J. Moran ✓       | 636 Pershing                                 | Health & Welfare Div of Environment.                                                                                    |
| R. B. GIMLIN ✓         | 330 W. CHUBBUCK RD # 3                       | POCATELLO                                                                                                               |
| C.M. BULL ✓            | 1451 SO-5TH AV.                              | POCATELLO                                                                                                               |
| Ralph R. Wilson ✓      | 632 South Tenth Ave                          | Pocatello, Idaho                                                                                                        |
| Paul E. Smith          | 4000 1st                                     | PR.                                                                                                                     |
| * Eugene J. Peterbrock | 277 Adventure Circle<br>Clayton Calif.       | IECO, Simplot.                                                                                                          |
| Robert M. Shupen       | 40 Oakwood St Pocatello                      | R. Simplot Co.                                                                                                          |
| * Jack J. Smith        | 12 Tulane Ave, Pocatello                     | JR Simplot Co.                                                                                                          |
| * Robert A. Ryden      | 657 Howard St., San Francisco, Ca.           | IECO<br>JR Simplot Co.                                                                                                  |

|                   |                                                   |                                          |
|-------------------|---------------------------------------------------|------------------------------------------|
| John Cochran      | Rt 5 Parks Rd, Pocatello                          | J. R. Simplot Co                         |
| Jay H. Smith      | Kimberly, Idaho - (Rt 1 Box 186)                  | USDA - Federal Research                  |
| * John Postlewait | Box 4169 Pocatello                                | WPW - City                               |
| JAMES A. HIGGINS  | 625 UNIV. DR.                                     | J. R. SIMPLOT CO                         |
| * Fred Y. M. Chen | 220 Montgomery St.<br>San Francisco, Ca.<br>94104 | International<br>Engineering Co.<br>Inc. |
| Nan Magnatta      | 1509 Eastridge Dr #27                             | KWIK radio                               |
| Robert L. Brown   | Box # north Box 134                               | Pocatello                                |
| J. D. Weiner      | 222 FAIRMONT                                      | KIFI-TV (Pocatello)                      |
| Jane Harris       | 123 E. Center                                     | KPVI-TV - #6                             |
| Sharon Harris     | Rt 4 heavily rd                                   | Self                                     |
| Tracy Barry       | 425 E. Center                                     | KPVI-TV                                  |
| M. A. Finney      | 425 E. Center                                     | KPVI-TV                                  |

## STATE OF IDAHO

NOTICE OF CONFERENCE  
AND/OR HEARING

# PROTOCOL MED

# DEPARTMENT OF WATER RESOURCES

Name and Address of Sender

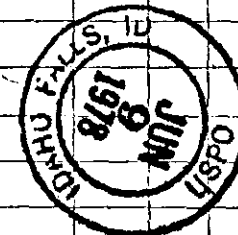
EASTERN DISTRICT OFFICE  
1515 LINCOLN ROAD  
IDAHO FALLS, IDAHO 83401

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| 6 1236            | Robert L. Brown, Rt. 2 North Box 124, Pocatello, Id |         |     |          |                |              |                 |                           |
| 7 1237            | Ray J. Miller, 475 Williams St. Pocatello, Id       |         |     |          |                |              |                 |                           |
| 8 1238            | City of Pocatello, Box 4189 Pocatello, Id           |         |     |          |                |              |                 |                           |
| 9 1239            | John H. Kipp, Rt. 1 Box 62, Pocatello, Id           |         |     |          |                |              |                 | Cent by Certified 6-09-78 |
| 10 1240           | Byron J. Randall, Rt. 2 Box 218, Pocatello, Id      |         |     |          |                |              |                 |                           |
| 11 1241           | T. J. Luckin, Rt. 1 Box 88, Pocatello, Id           |         |     |          |                |              |                 |                           |
| 12 1040           | Robert L. Clark, 929 East Chubbuck, Id              |         |     |          |                |              |                 |                           |
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P.O. BOX 27 / BOISE, IDAHO 83707 / (208) 336-2110 / TELEX 368432

GENERAL OFFICE

HAND DELIVERED

July 18, 1978

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JUL 18 1978

Department of Water Resources

C. Stephen Allred, Director  
Department of Water Resources  
State of Idaho  
373 West Franklin Street  
Boise, Idaho 83720

RE: J. R. Simplot Company  
Application for Diversion as Amended

Dear Mr. Allred:

Enclosed please find the Argument of the J. R. Simplot Company in the above captioned matter. Copies of this Argument have also been sent to Gerald W. Olson, Esq. and Dwight Baker, Esq. this date.

Sincerely,

STEPHEN A. BEEBE  
General Counsel

/ch  
Enclosure

cc: Gerald W. Olson, Esq./W. Enc.  
Certified No. 384132

Dwight Baker, Esq./W. Enc.  
Certified No. 384133

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

In the matter of                    )  
J. R. Simplot Company,            )  
a corporation,                    )  
                                      )  
          Applicant.                )  
\_\_\_\_\_                              )

WRITTEN ARGUMENT

Applicant, J. R. Simplot Company (Applicant) applied to the Idaho Department of Water Resources to appropriate certain public waters of the State of Idaho for beneficial agricultural use.

The Applicant essentially has applied to appropriate all of the effluent from its Don, Idaho fertilizer manufacturing plant, which presently flows into the Portneuf River, and proposes through a series of pumps, pipelines, ponds and reservoirs to transport and apply the waters, under the terms of a written agreement, to farms located up to six miles from its fertilizer plant.

In addition, Applicant will combine its waters with the waters from the City of Pocatello's sewage treatment plant during the irrigation season. During the nonirrigation season, the Applicant's water will be stored in an impoundment area for use in the following spring and summer for fertilization and irrigation purposes. During nonirrigation months the City of Pocatello will return its effluent to the Portneuf River.

The application was noticed pursuant to Idaho Code 42-203 and protestants herein all filed objections to the application on various grounds. On May 23, 1978, a prehearing conference was held before the Department and at the conclusion of this informal conference, the Department ruled that the following issues were appropriate for a formal evidentiary hearing:

MICROFILMED

(1) Whether the Applicant had the financial capability to carry out the proposed project;

(2) Whether Applicant's proposed impoundment area was of sufficient capacity to store the appropriated waters through the nonirrigation season;

(3) Whether the Applicant's proposed impoundment area has been designed to avoid surface runoff and ground water contamination;

(4) Whether the process of irrigation of the appropriated water would cause ground water contamination;

(5) Whether the process of irrigation of the appropriated waters would cause surface runoffs; and

(6) Whether Applicant had sufficient farmland acreage for the proposed project.

On June 26, 1978, a formal evidentiary hearing was held on the above issues.

1. Applicant's Financial Capability to Construct the Project

Applicant's Vice President of Planning and Development, J. L. Smith, testified that Applicant had entered into a joint agreement for the construction of the project with the City of Pocatello, Idaho. Terms of the agreement call for the Applicant to let construction contracts for certain portions of the project and for the City of Pocatello to let construction contracts for other portions. Applicant is to provide all front monies for construction and will recover certain of the construction costs from the City in the form of user fees. Mr. Smith further testified that the J. R. Simplot Company had budgeted and set aside in excess of four million dollars for construction of the proposed project.

Mr. Smith's testimony is not controverted by protestants and, therefore, the record compels the finding that Applicant has adequate financial capability to construct the proposed appropriation project.

2. Is Applicant's Proposed Impoundment Area of Sufficient Size to Store the Appropriated Waters During Nonirrigation Months

As an integral part of the project, Applicant proposes to construct an impoundment at the end of its pipeline of sufficient size to store all of the appropriated waters during the nonirrigation season. During the irrigation season, these stored waters will be pumped either directly from the impoundment area or drained back down the pipeline to contracting farmers and will be emptied in time to store waters for the next nonirrigation season.

Applicant's testimony on the issue of sufficient size of the impoundment area is again not rebutted by protestants. Applicant's expert witness was Mr. Fred Chen of the International Engineering Company, who has many years of experience designing and constructing dams and impoundments.

Mr. Chen testified that only the Simplot effluent would be stored in the impoundment area and that the storage capacity of the area was of sufficient size to store that amount of effluent for the entire nonirrigation season, plus there was a considerable amount of excess storage built in for a safety margin. In determining what the nonirrigation season was, Mr. Chen testified that a very conservative period of time was used (in other words, he over estimated the period of nonirrigation) and that the reservoir was designed to accomodate an average flow in excess of what Applicant was actually experiencing from its fertilizer plant. In addition, in determining the size of the impoundment, no deductions were made for percolation or evaporation losses, thus providing still further excess capacity.

Since protestants have offered no evidence on the question of the sufficiency of the size of the impoundment area a finding is compelled in favor of Applicant on this issue.

3. Is Applicant's Impoundment Area Designed to Avoid Surface Runoff Problems

Applicant's expert witness, Mr. Fred Chen, further testified that Applicant's impoundment area had been carefully designed to avoid surface runoff from the impoundment. Applicant had several available sites to locate the impoundment but chose a hillside site instead of two nearby steep walled natural drainage draws in order to avoid the impact of a one hundred year storm. The impoundment embankments will be constructed of earthen materials excavated from within the reservoir area, thereby increasing stability and decreasing embankment height. A ditch or berm will be constructed on the uphill side of the impoundment which will divert directly into the natural drainage draws any water from severe storms which would normally flow into the impoundment. Mr. Chen testified that the only water from any storm which could get into the impoundment would be that falling directly into the reservoir in the form of precipitation. If the reservoir level was down, these waters would be contained. If the reservoir level was full, the excess water would flow out through a spillway designed to protect the integrity of the embankment and into the natural drainage draws. Mr. Chen testified that in no instance would the reservoir waters increase the severity of a hundred year storm and, in fact, the existence of the impoundment could lessen the severity of such a storm by containing a portion of the waters which would ordinarily flow into the natural draws.

On this issue, Applicant's testimony is completely un rebutted by protestants and the record compels the finding that the impoundment area will not cause surface runoff problems.

4. Will the Applicant's Proposed Impoundment Area  
Adversely Affect the Ground Water

On this issue, Applicant offered the testimony of Mr. Gene Piekenbrock, a geological engineer with International Engineering Company. Mr. Piekenbrock testified that he had done all of the initial field work to identify the subsurface geology of the reservoir site. The field work consisted of drilling several bore holes and analyzing core samples, studying geological maps and reviewing logs of wells which had been drilled in the area. Samples of the drillings were sent for laboratory tests to determine the permeability of the soil.

Mr. Piekenbrock testified that as a result of his field work he had concluded that the soil in the area of the impoundment was a loess material with a permeability factor of ten to the minus four and that the loess soil was approximately 100 feet deep. At the one-quarter inch design percolation rate it would be between 100 and 1,000 years before any percolation would reach the Tyhee flat ground water system. It would take 100 years if the water found a continuous gravel layer underlying the loess leading to the Tyhee flats, however, Piekenbrock stated that he felt any gravel layers so underlying were not continuous but that he didn't know for sure, hence his inclusion of the 100 year estimate. Without a gravel layer to the Tyhee flats area the percolation from the reservoir bottom would take approximately 1,000 years to reach the flats!

Applicant also offered the expert testimony of Mr. Robert Ryder, a sanitary engineer and a man with extensive experience in the design and operation of wastewater irrigation systems. Mr. Ryder testified that he had been hired by Applicant to determine what the overall effect of percolation from the impoundment area might be on the ground water. Mr. Ryder agreed with Mr. Piekenbrock that it would

take between 100 to 1,000 years for the percolation to reach the ground water. Mr. Ryder identified the elements in the Applicant's effluent which might have some impact on ground water as nitrates, chlorides, fluorides, sodium and potassium, and identified flouride as the most critical in terms of water change because less of the fluoride would be lost to the soils. Mr. Ryder stated that at the one-quarter inch per day percolation rate from the impoundment approximately 190 acre feet per year would eventually (100 to 1,000 years) reach the Tyhee flats ground water and be diluted by the approximately 800,000 acre feet of ground water flowing through the area. In a one-half mile radius from the impoundment Mr. Ryder estimated an add mixture of 2 percent which at the Fort Hall canal would decrease to about 1 percent. Mr. Ryder also stated that beyond three-quarters of a mile from the impoundment area, it probably would never be possible to measure any change in the ground water quality. Mr. Ryder termed the effect of the percolation from the reservoir as "minimal", and measured in very small fractions. He stated that as a result of the percolation, the fluoride in the ground water might rise from 1.3 to 1.5 parts per million.

Mr. John Cochran, Applicant's environmental engineer, testified that Mr. Ryder's calculations were based on fluoride concentrations in the Simplot effluent over a long term period, but that these concentrations were significantly above what Simplot was now experiencing because of the completion of several projects which had substantially reduced the fluoride concentration in the Applicant's effluent. In addition, the Applicant will soon complete another project which will further significantly reduce the fluoride concentrations in the effluent and Mr. Ryder then testified that the substantially lower concentrations will even further lessen the expected impact of fluoride on the Tyhee ground water.

which the total amount of nitrogen contained in the appropriated waters can be applied without overloading the soil with nitrogen. However, protestants failed to present any credible evidence on this point. Applicant, on the other hand, through John Cochrane, testified that there were many options available to properly manage and utilize the nutrients contained in the appropriated waters and that currently a plan was under consideration which could use up to 360,000 pounds of nitrogen per year if applied within recommended fertilization rates. Mr. Cochrane testified that only 340,000 pounds of nitrogen per year is available from the appropriated waters so that really Applicant could utilize another 20,000 pounds of nitrogen. Mr. Cochrane also testified that if need be, the appropriated waters could be used solely on Applicant and City owned lands, utilizing good farming practices. Mr. Cochrane outlined the application rates as basically 125 to 150 units of nitrogen for row crops on the Tyhee flats and 400 to 500 units on grasslands. Dr. J. Smith, in his testimony, verified that these application rates are well within accepted farming practices. In addition, this plan would utilize 95 days of City sewage treatment plant water for irrigation.

Protestants attempted to show that some of the acreage which Applicant intends to use may not be available in years to come, however, the user agreements which were entered into the record, speak for themselves on this point and conclusively show that as far as sufficient acreage is concerned, the project is not speculative.

The evidence compels the finding that Applicant has sufficient acreage available to it to utilize the nitrogen contained in the appropriated waters within accepted farming practices.

Protestants, in their written objections to the application and at the informal conference, made many

allegations concerning the potential damage to the environment from the proposed appropriation project. When the time came to present evidence at the formal hearing, however, the protestants utterly failed to produce any creditable evidence to support their allegations. The record conclusively establishes that the appropriation project is extremely well designed and engineered. Potential problems have been identified and delt with. The safety of the surrounding community was extensively considered and the project was engineered to provide more than adequate margins of safety. Applicant submits that the Department should grant applicant a permit to appropriate public waters as set forth in the application.

Respectfully submitted,



---

STEPHEN A. BEEBE  
General Counsel  
J. R. Simplot Company

DWIGHT E. BAKER  
ATTORNEY AT LAW  
P. O. BOX 8  
515 WEST BRIDGE  
BLACKFOOT, IDAHO 83221

208/785-6101

July 17, 1978

RECEIVED

JUL 19 1978

Department of Water Resources

Steve Allred, Director  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Re: J. R. Simplot Company Application No. 29-7437

Dear Mr. Allred:

Dwight E. Baker has authorized me to sign and directed me to mail the enclosed MEMORANDUM, together with Certificate of Service By Mail to Stephen Beebe and Gerald W. Olson.

Very truly yours,

*Margaret Shorpe*  
Dwight E. Baker *Secretary*

DEB/mrt

Encls.

cc: Stephen A. Beebe  
Gerald W. Olson

MICROFILMED

DWIGHT E. BAKER  
ATTORNEY AT LAW  
P. O. BOX 8  
BLACKFOOT, IDAHO 83221  
TELEPHONE: 208/785-6101  
ATTORNEY FOR: Protestants

RECEIVED

JUL 19 1978

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

In the Matter of the J. R. Simplot  
Company, a corporation, Application  
No. 29-7437,

Applicant.

MEMORANDUM

.....

This written Memorandum is submitted on behalf of protestants to the application of the J. R. Simplot Company for a permit to divert waters of the State of Idaho, which has been identified as Application No. 29-7437. To the extent that the application is identical with or similar to the application of the City of Pocatello, protest was also made.

The statutory charge of Idaho Code § 42-203 requires the director make findings as to five issues, whether or not protests exist.

"Such hearing shall be conducted before the director of the department of water resources under rules and regulations to be promulgated by the department of water resources under the provisions of chapter 52, title 67, Idaho Code. The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (1) that it will reduce the quantity of water under existing water rights, or (2) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (3) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (4) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (5) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use. The director of the department of water resources may reject such application and refuse issuance of permit therefor, or may partially approve and grant permit for a less quantity of water than applied for, or may grant permit upon conditions. . . . "

(emphasis added)

Idaho Code § 42-203

MEMORANDUM

The Department has adopted Rules and Regulations for its Practice and Procedure, and protestants have been furnished with a copy of the same dated April 12, 1978. It is assumed those are in existence this date. Any reference to Rules and Regulations made hereinafter will be to those rules unless otherwise stated. Protestants appeared without counsel at a conference held during May, 1978, apparently pursuant to Rule 8, et. seq.

At the conclusion of that conference the Director determined that the "issues" to be resolved at a hearing would be limited, and that the issue added by the 1978 amendment to Idaho Code § 42-203, " . . . that it will conflict with the local public interest, when the local public interest is defined as the affairs of the people in the area directly affected by the proposed use," would not be considered.

It is respectfully submitted that the protestants did not stipulate away that issue at the conference. Nevertheless, and in spite of any stipulation, it is the statutory duty of the Director to find that the provisions of Idaho Code § 42-203(5) referred to above are satisfied.

It would appear that the "finding" that Idaho Code § 42-203(5) does not prevent the issuance of a permit is based upon something outside of protestants' knowledge. The petition, marked P-2, but not admitted or made a part of the record, over protestants' objection, is attached hereto as a further indication that no sufficient evidence to support such a finding exists. Protestants submit that the Director has abused his discretion in refusing to consider this evidence, the offer of proof and in "finding" that issue does not exist. Protestants hereby move the Director to re-open the hearing for the purpose of taking and considering evidence on this issue, as was intended by the legislature.

With respect to the first four issues of Idaho Code § 52-203, protestants concede the proof of § 42-203(1), (2) and (4).

It is also conceded that protestants offered no proof, and and also failed to rebut, the applicants' proof of no contamination of ground water. However, it has since come to the attention of the protestants' counsel that a hot water well exists just below the west of the so-called "feed lot" well referred to by Mr. Pinkenbrodt. This fact would be inconsistent with the evidence submitted by Mr. Pinkenbrodt to the effect that only

"perched" water existed within 200 to 300 feet of the surface.

However, there are two additional issues which are involved. First, is the application made in good faith? Second, is the application for speculation?

First, the evidence submitted by applicants indicated that the contractual users would accept delivery of waste water pursuant to a contract. That contract indicates the following tables. See Water Users' Agreement:

| <u>Crop</u> | <u>Nitrogen</u> | <u>Phosphate</u> |
|-------------|-----------------|------------------|
| Potatoes    | 200 lbs.        | 150 lbs.         |
| Wheat       | 100 lbs.        | 0 lbs.           |
| Alfalfa     | 40 lbs.         | 150 lbs.         |
| Sugar Beets | 150 lbs.        | 100 lbs.         |
| Pasture     | 20 lbs.         | ---              |

Nevertheless, the testimony offered was to the effect that a forage crop could survive using 1200 lbs. of nitrogen per acre per year, which would be the necessary application to make the project feasible. So, for what purpose is the project to be used? If it is for irrigation of agricultural crops, there is obviously insufficient agricultural land committed. If the water is to be used primarily as a carrier for maximum effluent application, a whole different criteria exists. See, for example, EPA-430/9-75-001, Technical Bulletin, Evaluation of Land Application Systems, at pp. 43-44. It is submitted that the easiest way for the applicants or the Department to make a mistake that will adversely affect the protestants is to be less than honest and accurate in assessing its program and its needs. An application rate of 120 lbs. of nitrogen per acre on 3,000 acres is substantially different than 1200 lbs. of nitrogen per acre on 300 acres. While the first may be susceptible of an agricultural application, the second clearly is primarily an industrial application which utilizes specific types of forage for several months of the year as a dominant tool.

It is my understanding that the land rate on substantial portions of the project will be in the neighborhood of 1200 lbs. per acre per year. The evidence to support a finding of an absence of runoff at this application rate was absent. Taking Dr. Smith's testimony at its best, any application in excess of 1200 lbs. per acre would not work, and apparently the grass or forage would either die or continue to utilize on a less efficient

basis a portion of the water and nitrogen applied. It is submitted that, at the least, stringent conditions limiting the volume of effluent to be stored annually be imposed to be determined by the number of acres the type and nature of "crops" to be irrigated. What happens if the volume stored is in excess of the amount to be utilized? Is the pond merely enlarged? Does it flow back into the Portneuf River? Is application to the point of objectional runoff the alternative?

Protestants' final objection is that the application is speculative. The application describes approximately 300 acres at the site of the Simplot plant. Cross examination established that no more than 100 acres could actually be utilized for crops. The City of Pocatello property near the airport on the reservation has not yet been developed into "agricultural land," and will realistically be an area of maximum utilization of effluent application.

The 360 acres owned by the Pocatello West Stake is only 260 acres in fact, and no commitment for that property in excess of one year exists.

The land located in Sections 2 and 3, Township 6 South, Range 34 East, B.M. and that in the East Half of Section 34, Township 5 South, Range 34 East, B.M., were clearly not committed by their owners to this project. At best, outstanding leases of the property for one or two years are involved, according to Glenn Marshall, Franklin Briscoe, and the chairman of School District #52.

In short, the record establishes that the only property which can actually be irrigated are 100 acres at the Simplot plant, 100 acres below the Simplot plant, about 200 acres of the DeKay property, and 550 acres of the Whitewater property. At best, only the 400 acres of City of Pocatello property can be added on any plan of a length more than two years.

The Supreme Court has addressed this problem in Lemmon v. Hardy, 95 Idaho 778, 519 P.2d 1168 (1974). It concluded, "Lack of a possessory interest in the property designated as the place of use is speculation. Persons may not file an application for a water right and then seek a place for use thereof." See Lemmon, supra, p. 781.

The evidence adduced established that the plan to divert industrial waste water was just that, and little more. Based on the reliable evidence adduced, no more than a mere fraction of the industrial waste and municipal effluent will be applied to an actual irrigation practice for the economical and commercial production of crops. The application is for the right to construct 1,000 or 1,200 acres of industrial and municipal effluent spray fields. It is submitted that such applications need strict monitoring and controls, both of surface runoff as well as ground water contamination. Protestants assert that the best evidence of a lack of good faith in making the applications and the best evidence of a substantial need for close monitoring and control, is the evidence adduced at the hearing that the applicant could apply up to 1200 lbs. of nitrogen on 1,000 or 1,200 acres, rather than that it would apply up to 200 lbs. on 3,124 acres, as contained in the application.

There was also a failure to show the necessary right-of-way across the Southeast Quarter of Section 26, Township 5 South, Range 34 East, B.M., the Sunset Crest Subdivision. The absence of this right-of-way further establishes the speculative nature of the proposed use.

In conclusion, the Director should find that the application is speculative, and he should either deny the application totally, or he should limit the volume of waste water to be "diverted" to an amount consistent with the long-term acreage available to the applicant.

DATED this 17th day of July, 1978.

  
Dwight E. Baker  
ATTORNEY FOR PROTESTANTS

CERTIFICATE OF SERVICE BY MAIL

I, Dwight E. Baker, do hereby certify that on this 17th day of July, 1978, I caused a full, true and correct copy of the foregoing MEMORANDUM to be mailed in envelopes, postage prepaid, addressed, respectively, to: Stephen A. Beebe, General Counsel, J. R. Simplot Company, P. O. Box 2777, Boise, Idaho 83701; and Gerald W. Olson, Attorney at Law, P. O. Box 1725, Pocatello, Idaho 83201.

Dwight E. Baker  
Dwight E. Baker

THIS IS TO INFORM THE BANNOCK COUNTY COMMISSIONERS THAT WE, THE UNDERSIGNED, BEING PROPERTY-OWNERS WITHIN ONE MILE OF THE PROPOSED SIMPLOT EFFLUENT PIPELINE, ARE UNITED AND DETERMINED TO REPEL THIS INVASION OF OUR COMMUNITY, CITING BOTH HEALTH AND ECONOMIC REASONS AS THE BASIS FOR OUR ACTIONS:

May 2, 1978

| NAME                     | ADDRESS             | CITY                   |
|--------------------------|---------------------|------------------------|
| Mr + Mrs David G. Galt   | Rt 1 Box 115 Saturn | Pocatello, Idaho 83201 |
| Mr + Mrs W. B. Myers     | Rt 1 Box Saturn     | Pocatello, Idaho       |
| Mr + Mrs Don Howard      | Rt 1 Box 135 Saturn | Pocatello, Idaho       |
| Mr + Mrs Don J. Johnson  | Rt 1 Box 100 Saturn | Pocatello, Idaho       |
| Mr + Mrs Gay McElroy     | Saturn Rd           | Pocatello, Idaho 83201 |
| Mr + Mrs Steve Whitehead | Rt 1 Neptune        | Pocatello, Idaho 83201 |
| Mr + Mrs Gene & Blanche  | Rt 1 Neptune        | Pocatello, Idaho 83201 |
| Delfina Keaton           | Rt 1 Box Vista      | Pocatello, Idaho 83201 |
| Anders                   | Rt 1 Lacy Rd        | Pocatello 83201        |
| Intabale                 | Lacy Rd.            | Pocatello              |
| Charles Hob              | Lacy Road           | Pocatello              |
| Gant Triple              | Lacy Rd             | Pocatello              |
| R. Cannon                | Lacy RD             | Pocatello              |
| Garry L. Kohutop         | Lacy RD             | Pocatello              |
| Carolyn J. Kohutop       | Lacy Rd             | Pocatello              |
| Garry L. Thomas          | Lacy Rd             | Pocatello              |
| Rosemary Thomas          | Lacy Rd             | Pocatello              |
| Nancy Lacy               | Lacy Rd             | Pocatello              |
| Mr + Mrs Bill Cannon     | Lacy Rd             | Pocatello              |
| Gary L. Robb             | Lacy Rd             | Pocatello              |
| Kay Robb                 | Lacy Rd             | Pocatello              |
| M. Falkenburg            | Lacy Rd             | Pocatello              |
| Mr + Mrs Ron Martin      | Lacy Rd             | Pocatello              |
| Dr. + Mrs. W. H. Larson  | Lacy Rd             | Pocatello              |
| Mr + Mrs Blaine Lunde    | Lacy Rd             | Pocatello              |

STATE OF IDAHO, } ss  
County of Bannock }

I hereby certify that the foregoing is a full, true, and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

4 day of Apr A.D., 1978

WIKSEN, CLERK OF THE DISTRICT COURT  
CLERK AUDITOR AND RECORDER

Deputy

*John E. Eubank*

Mr. & Mrs. N. M. Jones. Rt. 1 E. Lacey Rd.  
 Mr. & Mrs. W. H. Weeners Rt. 1 W. Lacey Rd.  
 Mr. & Mrs. Andrew J. Parmley Rt. 1 W. Lacey Rd.  
 Mr. & Mrs. Emory Rt. 1 W. Lacey Rd.  
 Mrs. Lila Emory Rt. 1 W. Lacey Rd.  
 Mr. & Mrs. Phillip R. Holbrook  
 Mr. & Mrs. James W. Merrill  
 Adelle Russell Rt. 1 W. Lacey Rd.  
 Richard Kelly Rt. 1 W. Lacey Rd.  
 Karen Koch Rt. 1 W. Lacey Rd.  
 John E. Koch Rt. 1 West Lacey Road  
 Bernice Shum Rt. 1 Rt. 1 P. Venus  
 Stanley Vogt Rt. 1 North Venus  
 William Hendrick Rt. 1 RIO VISTA  
 John & Marie Spambauer Rt. 1 Box 2 Pado  
 Julia J. Gernd Rt. 1 Box 84 Pocatello Idaho  
 Ephar Crumpton Rt. 1 Box 314 West Chubbuck  
 Nyle Lambert Rt. # No. Rivista Rd. Pocatello, Idaho  
 Virginia L. Lambert Rt. # 1 N. Rivista Rd. - Pocatello, Idaho  
 Herlo T. Jackson Rt. 1 Box 11A - Pocatello, Idaho

STATE OF IDAHO. } ss  
 County of Bannock

I hereby certify that the foregoing is a full,  
 true, and correct copy of an instrument as the same  
 now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

This 4 day of Apr. A.D., 1978  
 ERIKSEN, CLERK OF THE DISTRICT COURT  
 OFFICE AUDITOR AND RECORDER.

By Deputy

*Tim Ert*

THIS IS TO INFORM THE BANNOCK COUNTY COMMISSIONERS THAT WE, THE UNDERSIGNED, BEING PROPERTY-OWNERS WITHIN ONE (1) MILE OF THE PROPOSED SIMPLOT EFFLUENT PIPELINE, ARE UNITED AND DETERMINED TO REPEL THIS INVASION OF OUR COMMUNITY, CITING BOTH HEALTH AND ECONOMIC REASONS AS THE BASIS FOR OUR ACTIONS:

| NAME              | ADDRESS           | CITY             |
|-------------------|-------------------|------------------|
| Edward & Holt     | Rt 2 N. Box 141B  | Pocatello        |
| Maureen Holt      | Rt 2 N. Box 141B  | Pocatello        |
| John R. McMin     | Rt 2 N. Box 144   | Pocatello        |
| Deen A. McMin     | Rt. 2 N. Box 144  | Pocatello        |
| Alvin H. Tolman   | Rt 2 N. Box 146   | Pocatello        |
| Norma H. Tolman   | Rt 2 N. Box 146   | Pocatello        |
| Eliza L. Bischoff | Rt 2 N. Box 105   | Pocatello        |
| Beverlie Whitaker | Rt 2 N. Box 106-A | Pocatello        |
| John H. Whitaker  | Rt 2 N. Box 106-A | Pocatello, Idaho |
| Bill Cook         | R 2 Box 24A       | Pocatello        |
| John Cook         | " " "             | " "              |

STATE OF IDAHO, } ss  
County of Bannock }

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same appears and remains on file and of record in my office.

4 Apr 1974

Tim E. [Signature]

Mrs. Mrs. S. E. Johnson R2N. Box 119 Portville  
 Mrs. Lulu E. Johnson R. 2nd Box 196 Portville  
 Mrs. J. E. Johnson R2 - Box 197 Portville  
 Mrs. J. E. Johnson R2. Box 199 Portville  
 Mrs. J. E. Johnson R2. Box 201 Portville  
 Mrs. J. E. Johnson R2. Box 220 Portville  
 Mrs. J. E. Johnson R2. Box 190 Portville  
 Mrs. J. E. Johnson R6 1 Box 76 Portville  
 E. O. Bentel R6-1 Box 59 Portville  
 Allen Wildon R2N Box 207 "  
 Mr. Mrs. Paul Whittenberg R. 1st Box 47 Portville  
 Mr. Peter Horgard R1N Box 68 Portville  
 Mrs. Mrs. Tracy Watson R1 17th Box 68 Portville  
 Mrs. Mrs. George Jones R. 2 Box 87 Portville  
 Mrs. Mrs. Rose Davis R2 B 227 "  
 Mr. & Mrs. Harold Rupp R2 Box 19 Portville, Id.  
 Robert Brown R2 B 124 Portville  
 L. T. Auck R2D41 North Box 88 Portville Id.  
 Roy F. Cooper R21 North Box 74 " Ida  
 Sam Shopp R22 Portville Ida  
 Norm Harris R21 Laington Portville  
 Dean Miller R2, Box 111C Portville  
 John Bentel R21 Box 2 Portville  
 Richard Spoker R21 North "

STATE OF IDAHO, } ss  
County of Bannock }

I hereby certify that the foregoing is a full and correct copy of an instrument as the same appears on file and of record in my office.

WITNESS my hand and official seal this 4th day of April, A.D., 1928

JOHN E. ERIKSEN, CLERK OF THE DISTRICT COURT  
OFFICE AUDITOR AND RECORDER

By Deputy

*T. E. Eriksen*

Mr & Mrs Ernest Spraker B. 1 N Box 61  
 Nora J. McNally B. 1 N Box 61 Pocatello  
 Mr & Mrs. Wm. R. Spraker Rt #19. Box 60  
 Mr & Mrs Wendell D. Benson Rt. Box 200 &  
 Mrs. Mrs. Wm. J. Penning Rt. 1 No. Pocatello  
 Mrs. Mrs. Wm. J. Penning Rt. 2, Box 144 Pocatello  
 Mr & Mrs. Charles H. Hull  
 Rt. 2 N. Box 199E, Pocatello, Idaho  
 Train Hart - Route # 2 N Box 83 - Pocatello  
 Robert Hart - 924 East Chubbuck Rd Pocatello  
 Mr. & Mrs. Wm. J. Penning Rt 2 Box 202 Pocatello  
 Mary & Mary J. Penning Box 205 Pocatello  
 Mrs. J. J. Penning Box 210 north  
 Fred P. Wilson Rt #2 Box 287  
 Mr & Mrs. John C. Horbach  
 Mr & Mrs. Harry Beck Rt 2 N Pocatello  
 Mrs & Melville W. Jensen Rt #2 Pocatello  
 Mr & Mrs. Haggard Rt 2 Box 227  
 Floyd Johnson Rt. 2 Pocatello, Ida.  
 Norman & Rogers Rt 2 Pocatello, Idaho  
 Sam Hatch Rt 2 north Box 194  
 Mr & Mrs. Bernard Hearty Rt 2 No. Box 190A Pocatello  
 Mr & Mrs. Jane Berry Rt. 2 No. Box 110A Pocatello  
 Mr & Mrs. Paul Kelly Rt. 2 No. Box 222 Pocatello  
 Jackson Rogers Rt. 2 Box 231 Pocatello  
 Bill & Nussbaum Rt 1 N Box 64 Pocatello, Idaho

IDAHO, ss  
 J. J. Hancock

I hereby certify that the foregoing is a full  
 and correct copy of an instrument on file and  
 of record in my office.

4 day of Apr. A.D. 1977  
 J. J. Hancock  
 CLERK OF THE DISTRICT COURT  
 AUDITOR AND RECORDER

Deputy

T. E.

Mrs. Mrs. Paul G. Johnson  
Mrs. Mrs. Don Kohler  
Volant Davis  
Rod Davis  
Sant Richardson

Rt 2 Box 17 Pocatello Ida  
Rt 2 Box 229 Pocatello Ida  
Rt 2 N Pocatello OR  
Rt 2 N Pocatello  
Rt 2 N Pocatello

STATE OF IDAHO, } ss  
County of Bannock }

I hereby certify that the foregoing is a full,  
and correct copy of an instrument as the same  
exists on file and of record in my office,  
and in my hand and official seal hereunto affixed

4 day of Apr - A.D. 1926  
J. J. CLERK OF THE DISTRICT COURT  
CLERK AUDITOR AND RECORDER

By Deputy

T. E. E. E.

Call Clark R27. 134123 Pocatello Id 8:  
 Ray T. Anderson Rt 1 Rio Vista Pocatello Id. 8.  
 Alfred L. Rhodes Rt. 1 Box 86 Pocatello Id. 8.  
 Charles H. Davis Rt 2 North Box 90 Pocatello Idaho  
 Lurue D. Rhodes Rt. 1 Box 50 Pocatello Idaho  
 Lloyd Ellis Route 1 Pocatello IDAHO  
 Susan L. Davis Box 90 Rt 2N Pocatello,  
 Elmer Kornvill Rt 2 Box 120 Pocatello  
 Lorraine Kornvill Rt 2 Box 122 Pocatello  
 Clara L. McLean Rt 2 Box 125 Pocatello  
 Mary Ellen McLean Rt 2 Box 125 Pocatello  
 Nancy L. Anderson Rt 1 Rio Vista Rd. Pocatello  
 Ventura Schaefer RT 2 - Box 954 Pocatello  
 Marcel E. Seaton Rt 2 Box 99 Pocatello  
 W. R. Seaton " " "  
 Guy & Margaret W. W. Rt 2 no Box 125  
 Dorothy Farley Rt 2 N Box 119A  
 Mrs. Funn Rt 2 Westone

COUNTY OF IDAHO. } ss  
 I, J. Bannock }  
 do hereby certify that the foregoing is a full,  
 and correct copy of an instrument as the same  
 remains on file and of record in my office.  
 WITNESS my hand and official seal hereto affixed

this 4 day of Apr. A.D., 1976  
 JIM ERIKSEN, CLERK OF THE DISTRICT COURT  
 EX OFFICIO AUDITOR AND RECORDER.

By Deputy

*[Signature]*

Feb 14

THIS IS TO INFORM THE BANNOCK COUNTY COMMISSIONERS THAT WE, THE UNDERSIGNED, BEING PROPERTY-OWNERS WITHIN ONE (1) MILE OF THE PROPOSED SIMPLOT EFFLUENT PIPELINE, ARE UNITED AND DETERMINED TO REPEL THIS INVASION OF OUR COMMUNITY, CITING BOTH HEALTH AND ECONOMIC REASONS AS THE BASIS FOR OUR ACTIONS:

| NAME                      | ADDRESS              | CITY           |
|---------------------------|----------------------|----------------|
| Steve Davis               | Rt #1 N Box 83       | Pocatello      |
| R. L. Mann                | Rt #2 No. Box 146    | Pocatello      |
| Bertie Brown              | Rt #2 No. Box 124    | Poc.           |
| Tom Brown                 | Rt #2 No. Box 124    | Poc            |
| Phyllis Paulsen           | Rt 2 N Box 141       | Poc.           |
| Chas. Johnson             | Rt #2 N Box 141      | Poc.           |
| Ray Johnson               | Rt 2 N               | Poc.           |
| Paula and Fred Crandall   | Rt 2 Box 21-X        | Pocatello      |
| Wanda + Ray T. Carhead    | Rt 2 N Box 21-C      | Pocatello      |
| William J. J. J.          | Box 21-T Rt #2       | Pocatello      |
| Kathy J. J.               | Rt 2 Box 21-T        | Pocatello, Id. |
| Raymond & Sandy Helton    | Rt #2 North          | Pocatello      |
| George Brown              | Rt #2 North Box 21-G | Poc            |
| Joye Brown                | Rt 2 North Box 21-G  | pu             |
| Lloyd Peterson            | Rt 2 North           | Pocatello Id   |
| Eiva Peterson             | Rt 2 North           | Pocatello Id   |
| Laurence A. Schickelhuber | Rt 2 N Box 21-H      |                |
| William Johnson           | Rt 2 N Box 21        |                |
| Ron & Gwendolyn Cook      | Rt 2 N Box 21-D      | Poc. Id        |
| Laurel & Della Eyr        | Rt 2 North Box 22    |                |
| H. H. & Chas Cook         | Rt 2 Box 24-B        |                |
| Gerry & Barbara Williams  | Rt #2 Reservoir Rd   | Pocatello      |
| Gerry & Margene Hillitt   | Rt 2 Box 146         |                |
| William & Rose Linton     | Rt 2 Box 117         | Pocatello      |

STATE OF IDAHO, ss  
County of Bannock

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same appears on file and of record in my office.

WESS my hand and official seal here to affixed

4 day of Apr. A.D., 1974  
SEN, CLERK OF THE DISTRICT COURT  
AND AUDITOR AND RECORDS

by Deputy Tim Eubank

DWIGHT E. BAKER  
ATTORNEY AT LAW  
P. O. BOX 8  
515 WEST BRIDGE  
BLACKFOOT, IDAHO 83221



Steve Allred, Director  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

MICROFILMED

# City of Pocatello

POCATELLO, IDAHO 83201

LEGAL DEPARTMENT

July 14, 1978

GERALD W. OLSON  
CITY ATTORNEY  
208-232-7926  
SPAULDING BUILDING  
P. O. BOX 1725

*Eastern*  
JUL 19 1978  
Department of Water Resources  
Eastern District Office  
WILLIAM L. HERRINGTON  
DEPUTY CITY ATTORNEY  
208-232-4311  
CITY HALL  
P. O. BOX 4169

RECEIVED

JUL 17 1978

Department of Water Resources

Mr. C. Stephen Allred  
Director  
Department of Water Resources  
State of Idaho  
373 West Franklin Street  
Boise, Idaho 83720

Re: City of Pocatello  
Application for Diversion as Amended

Dear Mr. Allred:

Enclosed you will find the Argument of the City of Pocatello on the above referenced. Copies have gone forward to counsel of record.

Respectfully submitted,

*Gerald W. Olson*  
Gerald W. Olson

GWO:cr  
Enc.

c: Stephen Beebe, General Counsel  
J. R. Simplot Co.

Dwight Baker, Esquire

*Send copy to Ron Carlson*

MICROFILMED

RECEIVED

JUN 17 1978

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

In the Matter of the City of )  
Pocatello, a municipal )  
corporation of Idaho, ) WRITTEN ARGUMENT  
Applicant. )

Formal hearing before the Director of the Water Resources Board was held in Pocatello, Bannock County, Idaho, June 26 and June 27 on the applications, as amended, of the City of Pocatello, a municipal corporation of Idaho and J. R. Simplot Co. for the diversion of water. Written arguments were requested by the Director, as hearing officer, from the principal parties represented by counsel in support of or opposed to the applications.

There were technically and procedurally no issues framed by protestants to the application of the City of Pocatello, as amended, as no protests were filed against the municipal applications. Such issues that are recognized were established by the hearing officer at the informal conference exclusively for the determination of the granting or denial of the application. The issues framed by the hearing officer will be responded to in the arguments filed by J. R. Simplot Co. No protests having been properly filed or lodged against the application of the

WRITTEN ARGUMENT -1-

MICROFILMED

City, the City moves for a determination by the hearing officer to grant the application. Protestants to the J. R. Simplot Co. applications present at the consolidated hearing requested authority to intervene in the City's application which request was objected to by City's counsel. Rules of Administrative Procedure adopted by the Water Resources Board permits intervention only by written petition served on the parties at least five (5) days prior to the hearing date. (Rule 6.3)

It is the position of the municipal corporation as applicant for the diversion of water for irrigation purposes, as supported by agreements entered into by the tenants and/or owners of land for the use of such water for agricultural purposes, that sufficient and substantial evidence was introduced and uncontroverted to find that the use of the water sought to be diverted is intended to be applied to the land for agricultural purposes and the growing of crops; the source of water being from the waste water system of the City of Pocatello will not reduce the quantity of water existing under any established water rights. The testimony of the Director of Public Works, John Postlewait, was not rebutted that the water supply is sufficient and adequate for the purposes for which it is sought to be diverted and the application is made in good faith and not for speculative purposes. The applicant city has sufficient financial resources with which to complete the project; all in accordance with I.C. 42-203.

Agricultural productivity of the State of Idaho and the economic well being of the State is highly dependent upon irrigation. Nearly seventy (70%) percent of the harvested crop lands of the State are irrigated. Therefore an orderly process for the appropriation, diversion, and distribution of

water is a vital necessity. The testimony of representatives on behalf of the Idaho Department of Health and Welfare and United States Department of Agriculture support substantially the nature and purpose of the project and its beneficial application for agricultural uses.

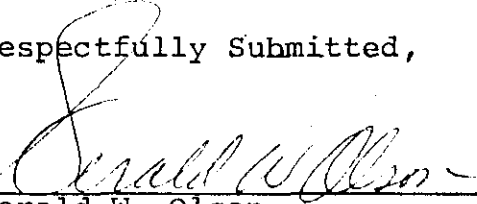
The Idaho Supreme Court has declared that it is the policy of the laws of Idaho to require the highest and greatest possible duty from the waters of the State in the interest of agricultural and other useful and beneficial purposes. Farmers Co-op Ditch Co. v. Riverside Irrigation District, 16 Idaho 525, 535, 102 Pac 481. It is the policy of the law to prevent the wasting of water. Stickney v. Hanrahn, 7 Idaho 424, 433, 63 Pac 189. It is the policy of the law to encourage rather than discourage measures to prevent wastes of water or to increase its effective use. Reynolds Irrigation District v. Sproat, 69 Idaho 315, 334, 206 Pac 2d 774. It is the policy of the law to encourage the most efficient, and least wasteful, use of the waters of the State. Simonson v. Moon, 72 Idaho 39, 47, 237 Pac 2d 93.

Wastewaters from the municipal wastewater treatment system which is now being discharged into the Portneuf River may be diverted back to useful and beneficial application to the land for agricultural purposes. A project, which has been meticulously studied, prepared, and examined by established experts in the fields, supported by federal and state agencies, and purposefully designed to maximize the use of the waters of the State to the greatest potential and beneficial application, should be granted the rights of diversion to those users contracting for that right. To deny would be to diametrically

oppose the intent of the Water Resources Act and the established water laws of the State of Idaho.

DATED this 14th day of July, 1978.

Respectfully Submitted,

  
\_\_\_\_\_  
Gerald W. Olson  
City Attorney  
Attorney for Applicant  
City of Pocatello, Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

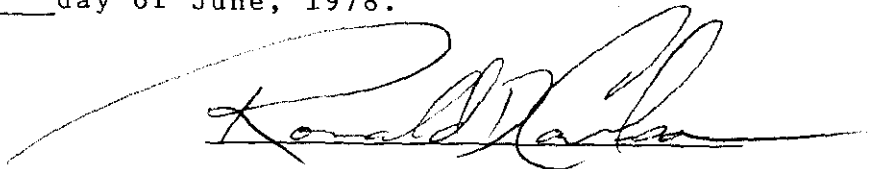
In the Matter of Protest Against )  
Approval of Application for Permit )  
No. 29-7437 in the Name of J.R. )  
SIMPLLOT (as amended) )  
\_\_\_\_\_ )

NOTICE OF CONFERENCE  
AND/OR HEARING

Notice is hereby given that the Department of Water Resources has rescheduled a conference and/or hearing concerning the above referenced application, as amended, for Monday, June 26, 1978, at 10:00 a.m., in the Idaho State Highway Department Building, South of City, Pocatello, Idaho.

Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the conference and/or hearing notice dated May 3, 1978.

Dated this 9<sup>th</sup> day of June, 1978.



RONALD D. CARLSON  
Supervisor, Eastern Region

MICROFILMED

June 8, 1978

Mr. John Bright  
Office Manager  
Department of Highways  
P.O. Box 4700  
Pocatello, Idaho 83201

Dear Mr. Bright:

This is to confirm the use of the conference room in the Highway Building for conference and/or hearing to be held by this Department of Friday, June 30, 1978, at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY  
Senior Secretary

RECEIVED

June 2, 1978

RE: Application for Permit No. 29-7437  
" " " No. 29-7437 AMENDED J.R. SIMPLOTS

Mr. Robert Hart  
929 East Chubbuck Road  
Pocatello, Idaho 83201

Dear Mr. Hart:

Pursuant to your telephone request, please find enclosed a copy of the above referenced applications and a copy of the protest you submitted against approval of said applications.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

COLLEEN WRAY  
Senior Secretary

Enclosures

RECEIVED

June 2, 1978

RE: Amended Application for Permit No. 29-7437 J. R. SIMPLOT

Mr. Ronald N. Graves  
Corporate Counsel  
P.O. Box 27  
Boise, Idaho 83707

Dear Mr. Graves:

Attached herewith is departmental receipt No. 9996 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Attachment

**MICROFILMED**



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

GENERAL OFFICE

May 30, 1978

Ronald D. Carlson  
Supervisor, Eastern Region  
Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, ID 83401

RE: Application for Permit No. 29-7437

Dear Mr. Carlson:

Enclosed please find an amended application for water permit which is being resubmitted to your office for purposes of amending the previous filing made by the J. R. Simplot Company.

The amendment has been prepared for purposes of omitting lands belonging to the following persons or entities:

1. Albert M. Johnson
2. North Pocatello Stake, L.D.S.
3. Horrock Ready Mix Corp.
4. City of American Falls

The amendment also includes additional lands belonging to the J. R. Simplot Company and the City of Pocatello.

As a result of these changes, the irrigated acreage is reduced from 4,335 acres to 3,124 acres, a net reduction of 1,211 acres.

A copy of the amendment together with a copy of this letter has been sent to the protestors listed on the attached sheet.

Sincerely,

  
RONALD N. GRAVES  
Corporate Counsel

RNG/ac

Enclosures: Amended Application  
\$10.00 Amendment fee

**MICROFILMED**

I hereby certify that a copy of the foregoing  
letter was sent to the following individuals:

Sam McNabb  
Paula G. Crandall  
John Spanbauer  
L. T. Gucker  
Robert Hart  
Robert L. Brown  
S. Albert Johnson  
Mrs. Veda Rupp  
Roy F. Miller

J. R. SIMPLOT COMPANY

By

  
Its Corporate Counsel

MICROFILMED

May 23, 1978 -2:00 p.m.

State Highway Building, South of Town, Pocatello, Idaho

## ROSTER OF ATTENDANCE

| Name              | Address                              | Representing                       |
|-------------------|--------------------------------------|------------------------------------|
| Roy S. Miceen     | 91 Foothill Blvd Pocatello Idaho     |                                    |
| Sam McHale        | Tyler Rd. Farmer R. 1 Box 62         |                                    |
| Margaret McHale   | R#1 Lk 62 Pocatello                  |                                    |
| Vida Rupp         | Rt 2 Box 19 Pocatello, Id. Farmer    |                                    |
| S. A. Kirkman     | Bk 2 Box 219 Pocatello Id            |                                    |
| Robert Brown      | Box #2 Box 124 Pocatello             |                                    |
| Robert Hart       | 929 East Chubbuck Rd Pocatello Idaho |                                    |
| Harry Hart        | Tyler Idaho                          |                                    |
| John Hanbauer     | Rt 1 Box 82                          | Pocatello.                         |
| L. T. Gucker      | Rt #1 NORTH BOX 85                   | Pocatello Idaho                    |
| J. J. Smith       | P.O. Box 912                         | Pocat. 110, Id                     |
| Stephen A. Baker  | P.O. Box 27                          | Boise, Idaho                       |
| JAMES A. HIGGINS  | P.O. BOX 912                         | POCATELLO, IDA.                    |
| RUSS GIMLIN       | P.O. BOX 912                         | POCATELLO, ID,                     |
| John Cochran      |                                      |                                    |
| ALAN OLIVER       | Rt 1 Syphon Road                     | Fort Hall Irrigation Project       |
| JOHN B. PACKER    | " " "                                | " " " "                            |
| Robert L. Wheeler | DOE 636 Pershing Ave                 | State of Idaho Div. of Environment |
| Goosby J. Hopson  | " " " "                              | " " " "                            |
| and E. Smith      |                                      |                                    |
| ANDREW D. NIELSEN | Box 4700<br>POCATELLO, IDA           | IDAHO TRANS. DIST                  |
| John Postlewait   | Box 4169                             | City of Pocatello                  |
| Donald W. Olson   | Box 1725                             | City of Pocatello                  |
| Klaus A. Trogen   | 755 N MAIN                           | Forsgren Perkins<br>Engineering    |

MICROFILMED



MINERALS & CHEMICAL DIVISION

# INTER-OFFICE COMMUNICATION

## RECEIVED

TO: See Distribution List

MAY 17 1978

DATE: May 16, 1978

FROM: John Cochrane

Department of Water Resources  
Eastern District Office

SUBJECT: Simplot Wastewater Fertilization, 1977, Results on Pasture Grass Plots.

As most of you know, Dr. McDole from the University of Idaho, Aberdeen Experiment Station has conducted tests on pasture grass for two years using canal water, canal water plus wastewater and canal water plus commercial fertilizer. Your copy is attached.

Our conclusion from the two years of testing is that beneficial use of the wastewater can be made as a source of plant nutrients for agricultural crops.

*John*  
John

JFC:11

### Attachments

DISTRIBUTION LIST: George Gardner, Bannock County Extension Agent  
Forsgren, Perkins & Asso, Klane Forsgren  
SICOG, Al Hancock  
City of Pocatello, John Postelwait  
USDA, Kimberly, Jay Smith  
DOE, Pocatello, Henry Moran  
EPA, Boise  
✓ Water Resources, Idaho Falls, Ron Carlson  
DOE, Boise, Dr. Stokes

RECEIVED

April 13, 1978

SECOND YEAR EVALUATION OF SOIL APPLICATION OF WASTE  
WATER FROM SIMPLOT FERTILIZER PLANT

Robert E. McDole<sup>1/</sup>

RECEIVED

MAY 17 1978

Department of Water Resources  
Eastern District Office

Introduction

In accordance with an agreement between the University of Idaho, Department of Plant and Soil Sciences and the J. R. Simplot Company, Minerals and Chemical Division, Pocatello, Idaho, research was conducted to test the feasibility of soil applications of waste water from the Pocatello fertilizer plant as a source of plant nutrients for agricultural crops.

A set of research plots was established on a grass pasture in the spring of 1976. A report on the results of the first year of the trials was submitted to the J. R. Simplot Company following the 1976 growing season.

The research plots were continued during the 1977 growing season with two applications of waste water to treated plots. This report covers the results obtained in this second year of the study.

Methods and Materials

Plot treatments remained the same as those established in 1976.

---

<sup>1/</sup> Extension Soil Specialist, University of Idaho, Department of Plant and Soil Sciences, Moscow, Idaho 83843.

RECEIVED

This included (1) check plot (no waste water or fertilizer applied); (2) waste water treated plots; and (3) commercial fertilizer treated plots.

Rates of waste water applied to the plots were several times higher than would be recommended for a properly designed land disposal system as described in a later section of this report. These rates of waste water application were intentionally set at these excessive levels to accentuate any problems which might arise in a land disposal system.

Waste water treated plots received 2 separate applications of waste water applied with the aid of a large tank truck. The first application (June 1) consisted of 4376 gallons (5.2 inches) of waste water per plot (30 feet X 45 feet). The second application (July 30) consisted of 4000 gallons (4.8 inches) per plot. The check plots and commercial fertilizer treated plots each received a similar volume of canal water to compensate for the extra water received in the waste water treatments (this was not done in 1976). Water samples were taken from each truck load for analysis of nutrient levels. The variability of N and P in waste water from load to load resulted in variable rates of N and P applied to the plots (Table 1).

The commercial fertilizer nutrients (Treatment 3) were not applied at as high a rate as waste water applied nutrients. The  $\text{PO}_4\text{-P}$  and N applications of commercial fertilizer equivalent to the second waste water application were not added until after the second forage harvest. This was due to an oversight. This does not cause serious problems for the study.

Forage samples were taken from the plots at two different dates. The first sampling was taken July 6. Following the first sampling the entire plot area was mowed and the forage removed. Thus, the second

forage sample (August 30) represents regrowth following the July 6 sampling.

Soil samples were taken from the plots on August 19. Sampling depths were 0 to 10 inches, 10 to 18 inches, and 18 to 24 inches. All soil and forage samples were analyzed by the Analytical Services Laboratory, Department of Plant and Soil Sciences, University of Idaho, Moscow.

### Results and Discussion

Analysis of waste water applied to the plots at both dates (Table 2) showed high amounts of ammonium ( $\text{NH}_4^+$ ) cations and sulfate ( $\text{SO}_4^-$ ) anions. There were also moderate amounts of phosphate ( $\text{PO}_4^{=}$ ) anions and sodium ( $\text{Na}^+$ ) cations (Table 3). The sodium adsorption ratio (SAR, a ratio of sodium to calcium and magnesium) and electrical conductivity (EC, a measure of soluble salts) reflect high sodium and high soluble salt content of the waste water (Tables 3 and 4). Cadmium and chromium are higher in the waste water than in canal water (Table 5).

Nitrogen again appears to be the limiting factor in determining the amount of waste water to be applied to a growing crop each year. Over an extended period of application the sodium and soluble salts may be the limiting factors in the land disposal of the waste water at the levels of sodium and soluble salts present when the trials were conducted. The EC of the waste water, ranging from 800 to 2200 micromhos per sq cm, was 3 to 7 times higher than the EC of irrigation water (300 micromhos per sq cm). The SAR values of 4.1 to 16.6 are 10 to 40 times higher than irrigation water (0.4 to 0.5).

### Proper Design of Land Disposal System

A properly designed land disposal system would not use the waste water as a sole source of irrigation water for a crop.

The waste water could be used to supply the entire fertilizer need of a crop, although on high producing crops such as potatoes and sugarbeets, it is quite probable that the waste water would be used for only part of the fertilizer needed with the balance coming from commercial fertilizers. At most the waste water would supply only 2 to 4 inches of water in a season. This is a small fraction of the 24 to 36 inches of irrigation water necessary to supply the crop's needs for a growing season. This would greatly reduce the sodium and soluble salt problems.

Soil and crop types should also be considered in designing the disposal system. Sandy soils are not favorable for land disposal systems as they do not effectively retain the dissolved nutrients, allowing the nutrients to enter the water table, which defeats the purpose of the system. Heavy textured or clayey soils are not desirable because of low infiltration and low permeabilities. The heavier soils are more susceptible to sodium and soluble salt problems due to their low permeabilities. The most desirable soils for a land disposal system would be deep (over 36 inches), loam or silt loam textured soils.

The possibility of reducing the sodium in the waste water should be investigated. Some of the sodium is added to the waste water to neutralize low or acid pH. The acid pH would be less harmful to the soil than the sodium salt added to the waste water to raise the pH.

#### Data from Research Plots

The striking visual differences, which were apparent in the plots in 1976, were again evident in 1977. The vegetation in treated plots was taller and darker green than untreated check plots. This response was primarily due to nitrogen applied to the treated plots.

### Analysis of Soil Samples

Analysis of soil samples taken from the plots on August 19, 1977 (Table 6) shows no change in pH or soil organic matter due to waste water treatments. The soil pH appears to be slightly higher in 1977 than in 1976. This cannot be due to treatments since the untreated check plots show the same increase in pH shown by the treated plots. The soluble salts (EC) appears to be slightly higher in the waste water treated plot than in the check plots or commercial fertilizer treated plots. Although this is not a big difference, it does suggest that soluble salts in the waste water could be a factor in a land disposal system.

Nitrate-nitrogen in the waste water treated plots (Table 7) was higher than in the check plots or commercial fertilizer treated plots. At the time the soil samples were taken the commercial fertilizer treated plots had received less N and P than the waste water treated plots (Table 1). Waste water (Treatment 2) and commercial fertilizer (Treatment 3) plots show only a slightly higher  $\text{PO}_4\text{-P}$  level than untreated check plots. There is no apparent difference in potassium (K) levels.

As previously suggested the sodium content of waste water may be a factor in prolonged use of the waste water in a land disposal system. When the cation exchange capacity (CEC) of a soil reaches or exceeds 15 percent sodium (Na), soil particles become highly dispersed, resulting in poor soil structure and reduced infiltration and permeability. Although the analysis of soil samples (Table 8) shows the waste water treated plots to have higher soluble salts and higher exchangeable sodium than untreated check plots and commercial fertilizer treated plots, the percent exchangeable sodium is still very low (less than 2

percent). This does, however, suggest that sodium is a factor to be considered in prolonged use of the waste water in a land disposal system.

Although analysis of soil samples (Table 9) show slightly higher fluoride levels in plots treated with waste water and commercial fertilizer than in check plots, these differences are not considered to be a result of treatments. Because of the high levels of fluoride present in the soil and the variability between plots due to sampling and analytical procedures used to obtain fluoride content of the soil, these apparent differences in fluorides are not large enough to be real. As was evident in 1976, analysis of soil samples in 1977 show the treated plots to be higher in sulfate-sulfur ( $\text{SO}_4^{--}\text{S}$ ) than untreated check plots. There is no apparent effect on soil pH (Table 5). There is no change in chloride (Cl) content or soil levels of micronutrients (Table 10) due to treatments, with the exception of chromium. There appears to be a slight increase in the soil level of chromium. Analysis of tissue samples, however, showed no measurable chromium in the forage harvested from treated or untreated plots.

#### Yield and Analysis of Forage Samples

Forage samples obtained from the plots on both the July 6 and August 30 sampling dates show a dramatic increase in total yield for treated plots when compared to untreated check plots (Table 11). There are also dramatic increases in levels of crude protein in the treated plots for both sampling dates (Tables 12 and 13). Using the percent crude protein and total yield we can arrive at a yield (pounds per acre) of protein for each of the plots. This shows an even more dramatic increase due to treatments (Table 11) with treated plots producing three to four times as much protein as untreated check plots. The commercial fertilizer treated plots show a slightly lower total production and

protein production than waste water treated plots, especially at the August 30 sampling date. This is probably due to the lower nitrogen level in the plots due to delayed application of commercial fertilizers.

At the July 6 sampling date, levels of zinc (Zn), copper (Cu), and potassium (K) appear to be slightly higher in the treated plots than in the untreated check plots (Table 12). At the later sampling date (August 30) only the Cu and K levels in the treated plots appear to be higher (Table 13). At both sampling dates the waste water treated plots show a higher level of sodium in the plant tissue than either the commercial fertilizer treated plots or untreated check plots. There is not significant differences in fluoride or cadmium levels due to treatments at either of the sampling dates. Chromium was not detected in tissue samples from either treated or untreated plots.

#### Conclusions

The major limiting factor in determining annual application rates of waste water from the fertilizer plant is the nitrogen content of the waste water. Supplying the entire nitrogen needs of a crop with waste water would apply high amounts of S, moderate to high amounts of P and small amounts of other plant nutrients. When used to supply only a portion of the crop's nitrogen needs, the amounts of P, S and other nutrients would be correspondingly reduced, with many becoming insignificant in amount.

Based on results of this study, adverse soil conditions will not appear with short term use (5 to 15 years) even when the waste water is used to supply all the nitrogen needs of a crop. Long term use of the waste water (15 to 30 years) could result in an undesirable buildup of

sodium and soluble salts which would result in adverse affects on soils and crops. It would, therefore, be advisable to investigate means of reducing these paramaters, especially the sodium. There is not apparent change in fluoride content of soils or plant tissue due to treatments.

Table 1. Nitrogen and phosphorus applied on research plots with waste water (treatment no. 2) and commercial fertilizer (treatment no. 3) in 1976 and 1977.

| Treatment                                                    | June 25, 1976 |                                     | June 1, 1977 |                                     | July 26, 1977 |                                     | August 30, 1977 |                                     | Total to Date |                                     |
|--------------------------------------------------------------|---------------|-------------------------------------|--------------|-------------------------------------|---------------|-------------------------------------|-----------------|-------------------------------------|---------------|-------------------------------------|
|                                                              | 1b N/A        | 1b P <sub>2</sub> O <sub>5</sub> /A | 1b N/A       | 1b P <sub>2</sub> O <sub>5</sub> /A | 1b N/A        | 1b P <sub>2</sub> O <sub>5</sub> /A | 1b N/A          | 1b P <sub>2</sub> O <sub>5</sub> /A | 1b N/A        | 1b P <sub>2</sub> O <sub>5</sub> /A |
| <u>Waste water treated plots (treatment no. 2)</u>           |               |                                     |              |                                     |               |                                     |                 |                                     |               |                                     |
| I-2                                                          | 361           | 68                                  | 154          | 37                                  | 179           | 44                                  | -               | -                                   | 694           | 149                                 |
| II-2                                                         | 292           | 51                                  | 123          | 263                                 | 140           | 39                                  | -               | -                                   | 555           | 353                                 |
| III-2                                                        | 287           | 76                                  | 118          | 502                                 | 125           | 34                                  | -               | -                                   | 530           | 612                                 |
| Average                                                      | 313           | 65                                  | 132          | 267                                 | 148           | 39                                  | -               | -                                   | 593           | 371                                 |
| <u>Commercial fertilizer treated plots (treatment no. 3)</u> |               |                                     |              |                                     |               |                                     |                 |                                     |               |                                     |
| 3                                                            | 300           | 129                                 | 114          | -                                   | -             | -                                   | 141             | 130                                 | 555           | 259                                 |

Table 2. Pounds per acre of nutrients in waste water applied to treated plots

| Plot<br>No.    | Gallons | NITROGEN                              |                                       | PHOSPHATE                             | SULFATE                               |
|----------------|---------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
|                |         | $\text{NH}_4\text{-N}^{1/}$<br>(lb/A) | $\text{NO}_3\text{-N}^{2/}$<br>(lb/A) | $\text{PO}_4\text{-P}^{1/}$<br>(lb/A) | $\text{SO}_4\text{-S}^{1/}$<br>(lb/A) |
| <u>6/1/77</u>  |         |                                       |                                       |                                       |                                       |
| I-2            | 2190    | 60                                    | 0.2                                   | 8                                     | 221                                   |
| I-2            | 2190    | 92                                    | 1.6                                   | 8                                     | 680                                   |
| Total          |         | 152                                   | 1.8                                   | 16                                    | 901                                   |
| II-2           | 2190    | 52                                    | 1.3                                   | 21                                    | 239                                   |
| II-2           | 2190    | 55                                    | 14.6                                  | 94                                    | 230                                   |
| Total          |         | 107                                   | 15.9                                  | 115                                   | 469                                   |
| III-2          | 2190    | 53                                    | 6.8                                   | 110                                   | 221                                   |
| III-2          | 2190    | 51                                    | 7.1                                   | 109                                   | 359                                   |
| Total          |         | 104                                   | 13.9                                  | 219                                   | 580                                   |
| Canal water    |         | T                                     | 0.2                                   | 0                                     | 38                                    |
| <hr/>          |         |                                       |                                       |                                       |                                       |
| <u>7/26/77</u> |         |                                       |                                       |                                       |                                       |
| I-2            | 4000    | 177                                   | 2.2                                   | 19                                    | 619                                   |
| II-2           | 4000    | 138                                   | 1.9                                   | 17                                    | 506                                   |
| III-2          | 4000    | 123                                   | 2.3                                   | 15                                    | 506                                   |
| Canal water    |         | 2                                     | 0.1                                   | 0                                     | 20                                    |

<sup>1/</sup> Analysis by J. R. Simplot laboratory

<sup>2/</sup> Analysis by University of Idaho laboratory

Table 3. Quality of waste water applied to plots on June 1, 1977

| Truck Load  | Plot No. | pH  | EC <sup>1/</sup> | SAR <sup>2/</sup> | Cl (ppm) | SO <sub>4</sub> -S (ppm) | F (ppm) |
|-------------|----------|-----|------------------|-------------------|----------|--------------------------|---------|
| 1           | I-2      | 7.8 | 800              | 4.3               | 124      | 375                      | 8.5     |
| 2           | I-2      | 7.9 | 2200             | 8.7               | 124      | 1155                     | 8.5     |
| 3           | II-2     | 8.4 | 1300             | 6.1               | 89       | 405                      | 4.3     |
| 4           | II-2     | 7.2 | 1300             | 10.9              | 89       | 390                      | 21.1    |
| 5           | III-2    | 7.1 | 1550             | 15.6              | 89       | 375                      | 16.6    |
| 6           | III-2    | 7.3 | 2100             | 16.6              | 89       | 610                      | 9.4     |
| Canal water |          | 7.9 | 300              | 0.5               | 36       | 33                       | 0.3     |

<sup>1/</sup> Electrical Conductivity in micromhos per cm<sup>2</sup>

<sup>2/</sup> Sodium Adsorption Ratio - SAR = 
$$\frac{\text{Na}}{\sqrt{\frac{\text{Ca} + \text{Mg}}{2}}}$$

Table 4. Quality of waste water applied to plots on July 30, 1977

| Truck Load  | Plot No. | pH  | EC <sup>1/</sup> | SAR <sup>2/</sup> | Cl (ppm) | SO <sub>4</sub> -S (ppm) | F (ppm) |
|-------------|----------|-----|------------------|-------------------|----------|--------------------------|---------|
| 1           | I-2      | 7.9 | 1800             | 4.7               | 124      | 575                      | 19.8    |
| 2           | II-2     | 8.1 | 1500             | 6.5               | 124      | 470                      | 18.9    |
| 3           | III-2    | 8.2 | 1500             | 4.1               | 107      | 470                      | 17.3    |
| Canal water |          | 8.1 | 300              | 0.4               | 26       | 19                       | 0.3     |

<sup>1/</sup>Electrical Conductivity in micromhos per cm<sup>2</sup>

<sup>2/</sup>Sodium Adsorption Ratio - SAR = 
$$\sqrt{\frac{\text{Na}^{++}}{\frac{\text{Ca}^{++} + \text{Mg}^{++}}{2}}}$$

Table 5. Cadmium (Cd) and Chromium (Cr) in waste water applied to plots at the June 1 and July 30 treatments

| Truck Load  | Plot No. | June 1                    |                           | July 30                   |                           |
|-------------|----------|---------------------------|---------------------------|---------------------------|---------------------------|
|             |          | Cd <sup>1/</sup><br>(ppb) | Cr <sup>2/</sup><br>(ppb) | Cd <sup>1/</sup><br>(ppb) | Cr <sup>2/</sup><br>(ppb) |
| 1           | I-2      | 20                        | 1100                      | 10                        | 875                       |
| 2           | I-2      | 15                        | 220                       | --                        | --                        |
| 1           | II-2     | 10                        | 1100                      | 10                        | 830                       |
| 2           | II-2     | 60                        | 1000                      | --                        | --                        |
| 1           | III-2    | 40                        | 780                       | 20                        | 810                       |
| 2           | III-2    | 45                        | 730                       | --                        | --                        |
| Canal water |          | 10                        | 10                        | 10                        | 5                         |

<sup>1/</sup> This calculates to be 0.2 to 0.8 ounces of cadmium per acre per year from waste water compared to 0.2 ounces from an equivalent amount of irrigation water.

<sup>2/</sup> This calculates to be 0.8 to 1.2 pounds of chromium per acre per year from waste water compared to 0.006 pounds from an equivalent amount of irrigation water.

Table 6. Soil pH, soluble salts (EC or electrical conductivity of saturation extract) and organic matter content of soil samples taken from plot area, August 19, 1977

| Treatment No. | Depth (in.) | pH  | EC <sup>1/</sup> (mmho/cm) | Organic Matter (%) |
|---------------|-------------|-----|----------------------------|--------------------|
| 1             | 0-10        | 8.2 | 0.7                        | 3.1                |
|               | 10-18       | 8.1 | 0.8                        | 1.9                |
|               | 18-24       | 8.1 | 0.4                        | 0.9                |
| 2             | 0-10        | 8.0 | 1.3                        | 2.9                |
|               | 10-18       | 8.2 | 0.9                        | 2.1                |
|               | 18-24       | 8.4 | 0.8                        | 1.0                |
| 3             | 0-10        | 8.2 | 0.7                        | 2.9                |
|               | 10-18       | 8.1 | 0.6                        | 1.8                |
|               | 18-24       | 8.3 | 0.6                        | 0.9                |

<sup>1/</sup> Millimhos per cm<sup>2</sup>

Table 7. Nitrogen, phosphate, and potassium levels in soil samples taken from plots on August 19, 1977

| Treatment No. | Depth (in.) | Nitrogen                 |                          |                    | PO <sub>4</sub> -P (ppm) | K (ppm) |
|---------------|-------------|--------------------------|--------------------------|--------------------|--------------------------|---------|
|               |             | NH <sub>4</sub> -N (ppm) | NO <sub>3</sub> -N (ppm) | Available N (lb/A) |                          |         |
| 1             | 0-10        | 1.4                      | 2.7                      | 13.7               | 13                       | 387     |
|               | 10-18       | 0.3                      | 0.7                      | 2.7                | 8                        | 182     |
|               | 18-24       | 0                        | 0.3                      | 0.6                | 4                        | 143     |
| 2             | 0-10        | 1.2                      | 15.5                     | 55.7               | 17                       | 283     |
|               | 10-18       | 0.6                      | 8.0                      | 17.2               | 8                        | 151     |
|               | 18-24       | 1.2                      | 6.3                      | 15.0               | 3                        | 125     |
| 3             | 0-10        | 1.4                      | 2.4                      | 12.7               | 15                       | 286     |
|               | 10-18       | 0.4                      | 0.8                      | 3.2                | 6                        | 138     |
|               | 18-24       | 0                        | 0.4                      | 0.8                | 3                        | 120     |

Table 8. Cation exchange capacity (CEC) and soluble and exchangeable sodium (Na) in soil samples taken from plots on August 19, 1977

| Treatment No. | Depth (in.) | CEC (meq/100 g) | Soluble Na (meq/100 g) | Exchangeable Na |                |
|---------------|-------------|-----------------|------------------------|-----------------|----------------|
|               |             |                 |                        | (meq/100 g)     | Percent of CEC |
| 1             | 0-10        | 19.2            | 0.07                   | <del>0.18</del> | 0.9            |
|               | 10-18       | 12.7            | 0.09                   | 0.16            | 1.3            |
|               | 18-24       | 13.4            | 0.05                   | 0.15            | 1.1            |
| 2             | 0-10        | 16.5            | 0.21                   | 0.30            | 1.8            |
|               | 10-18       | 16.9            | 0.14                   | 0.27            | 1.6            |
|               | 18-24       | 19.6            | 0.10                   | 0.24            | 1.2            |
| 3             | 0-10        | 19.0            | 0.05                   | 0.12            | 0.5            |
|               | 10-18       | 16.0            | 0.07                   | 0.15            | 0.9            |
|               | 18-24       | 14.4            | 0.05                   | 0.15            | 1.0            |

Table 9. Sulfate-sulfur, chloride, and fluoride levels in soil samples taken from plots on August 19, 1977

| Treatment<br>No. | Depth<br>(in.) | SO <sub>4</sub> -S<br>(ppm) | Cl<br>(meq/1000 g) | F<br>(ppm) |
|------------------|----------------|-----------------------------|--------------------|------------|
| 1                | 0-10           | 115                         | 0.9                | 513        |
|                  | 10-18          | 89                          | 0.7                | -          |
|                  | 18-24          | 51                          | 0.6                | -          |
| 2                | 0-10           | 220                         | 0.8                | 553        |
|                  | 10-18          | 176                         | 0.6                | -          |
|                  | 18-24          | 110                         | 0.6                | -          |
| 3                | 0-10           | 137                         | 0.2                | 540        |
|                  | 10-18          | 69                          | 0.4                | -          |
|                  | 18-24          | 81                          | 0.5                | -          |

Table 10. Micronutrient levels in soil samples taken from plots  
on August 19, 1977

| Treatment<br>No. | Depth<br>(in.) | Zn<br>(ppm) | Mn<br>(ppm) | Cu<br>(ppm) | Fe<br>(ppm) | Cd<br>(ppm) | Cr<br>(ppm) |
|------------------|----------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 1                | 0-10           | 1.3         | 17          | 0.8         | 19          | 0.20        | 0.07        |
|                  | 10-18          | 0.5         | 8           | 0.9         | 18          | --          | --          |
|                  | 18-24          | 0.2         | 12          | 0.5         | 26          | --          | --          |
| 2                | 0-10           | 1.3         | 22          | 0.9         | 33          | 0.21        | 0.15        |
|                  | 10-18          | 0.4         | 11          | 1.0         | 21          | --          | --          |
|                  | 18-24          | 0.3         | 10          | 0.7         | 24          | --          | --          |
| 3                | 0-10           | 1.2         | 18          | 0.8         | 28          | 0.20        | 0.07        |
|                  | 10-18          | 0.4         | 12          | 0.8         | 21          | --          | --          |
|                  | 18-24          | 0.2         | 6           | 0.7         | 17          | --          | --          |

Table 11. Total yield of forage and protein at two harvest dates in 1977

| Treatment | FORAGE AND PROTEIN VALUES <sup>1/</sup> |                   |                   |                   |                     |                   |
|-----------|-----------------------------------------|-------------------|-------------------|-------------------|---------------------|-------------------|
|           | July 6                                  |                   | August 30         |                   | Total <sup>2/</sup> |                   |
|           | Forage<br>(ton/A)                       | Protein<br>(lb/A) | Forage<br>(ton/A) | Protein<br>(lb/A) | Forage<br>(ton/A)   | Protein<br>(lb/A) |
| 1         | 1.1                                     | 216               | 1.0               | 245               | 2.1                 | 461               |
| 2         | 2.4                                     | 778               | 2.0               | 908               | 4.4                 | 1686              |
| 3         | 2.3                                     | 704               | 1.8               | 668               | 4.1                 | 1372              |

<sup>1/</sup> August 30 samples represent regrowth as entire plot area was mowed with all forage removed from plots following July 6 sampling.

<sup>2/</sup> Total represents the sum of the two sampling dates.

Table 12. Summary of analysis of forage samples taken from plots on July 6, 1977

| Trt No. | Zn (ppm) | Mn (ppm) | Cu (ppm) | Fe (ppm) | Ca (ppm) | Mg (ppm) | Na (ppm) | K (%) | P (ppm) |
|---------|----------|----------|----------|----------|----------|----------|----------|-------|---------|
| 1       | 18.7     | 65       | 3.8      | 89       | 5667     | 2058     | 144      | 1.7   | 2600    |
| 2       | 28.1     | 60       | 7.5      | 96       | 4625     | 2100     | 431      | 2.6   | 2600    |
| 3       | 34.9     | 63       | 7.9      | 93       | 4427     | 2008     | 211      | 2.7   | 2400    |

| Trt No. | F (ppm) | Cd (ppm) | Fat (%) | Ash (%) | Crude Fiber (%) | Crude Protein (%) | NO <sub>3</sub> -N (ppm) | Total N (%) |
|---------|---------|----------|---------|---------|-----------------|-------------------|--------------------------|-------------|
| 1       | 16.7    | 0.7      | 3.0     | 13.2    | 25.3            | 9.3               | 25                       | 1.6         |
| 2       | 18.7    | 0.9      | 3.0     | 12.2    | 26.5            | 16.2              | 1617                     | 2.6         |
| 3       | 12.7    | 1.0      | 3.2     | 11.8    | 27.0            | 15.3              | 1208                     | 2.4         |

Table 13. Summary of analysis of forage samples taken from plots on August 30, 1977

| Trt No. | Zn (ppm) | Mn (ppm) | Cu (ppm) | Fe (ppm) | Ca (ppm) | Mg (ppm) | Na (ppm) | K (%) | P (ppm) |
|---------|----------|----------|----------|----------|----------|----------|----------|-------|---------|
| 1       | 25.2     | 83       | 3.4      | 118      | 6208     | 2833     | 220      | 2.0   | 4200    |
| 2       | 25.8     | 72       | 6.3      | 131      | 6083     | 2553     | 517      | 2.9   | 3200    |
| 3       | 20.0     | 70       | 4.2      | 104      | 5583     | 2025     | 249      | 2.4   | 3100    |

| Trt No. | F (ppm) | Cd (ppm) | Fat (%) | Ash (%) | Crude Fiber (%) | Crude Protein (%) | NO <sub>3</sub> -N (ppm) | Total N (%) |
|---------|---------|----------|---------|---------|-----------------|-------------------|--------------------------|-------------|
| 1       | 24      | 1.5      | 3.8     | 13.8    | 23.5            | 11.1              | 25                       | 1.8         |
| 2       | 23      | 1.3      | 3.7     | 13.5    | 25.1            | 18.7              | 2175                     | 3.0         |
| 3       | 19      | 1.0      | 3.6     | 13.5    | 26.1            | 14.4              | 258                      | 2.3         |

Dept. of Water Resources.  
1515 Lincoln Rd.  
Idaho Falls, Id.

POCATELLO, IDAHO  
RECEIVED

May 18, 1978

MAY 19 1978

Department of Water Resources  
Eastern District Office

Dear Sir

In the matter of application for permit, No. 29-7437, in the name of J.R. Simplot Co, I am asking that the oral proceedings be taken in the form of stenographic notes, as I wish a copy for myself.

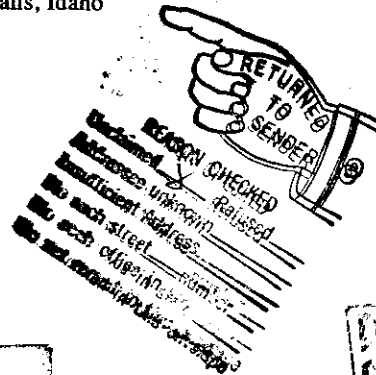
Many thanks

John Spanbauer

Rt 1, Box 82

Pocatello, Id 83201

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern District Office  
1515 Lincoln Road • Idaho Falls, Idaho  
83401

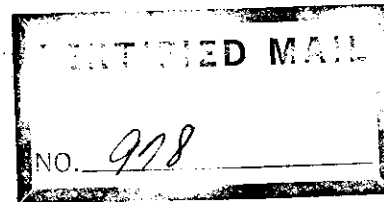


Mr. L. T. Gucker  
Rt. #1 North, Box 88  
Pocatello, Idaho 83201

RECEIVED

MAY 25 1978

Department of Water Resources  
Eastern District Office



CLAIM CHECK NO.  
509108

☐ HOLD

DATE  
05-05-78  
BY NOTICE

510  
BY NOTICE  
5720  
RETURN

MICROFILMED

Derived from  
PS Form 3842-A  
July 1977

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                    |   |                      |
|------------------------------------|---|----------------------|
| In the Matter of Protests Against  | ) |                      |
|                                    | ) |                      |
| Approval of Application for Permit | ) |                      |
|                                    | ) |                      |
| No. 29-7437 in the Name of J. R.   | ) |                      |
|                                    | ) | NOTICE OF CONFERENCE |
| SIMPLOT COMPANY                    | ) |                      |
|                                    | ) | AND/OR HEARING       |

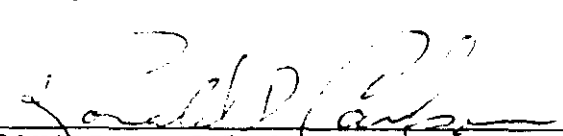
On January 27, 1978, the J. R. Simplot Company filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 23, 1978, the Department received a protest against approval of said application from Roy F. Miller. On March 31, 1978, an additional protest was received from Mrs. Veda Rupp. Additional protests were also received on April 4, 1978, from Robert L. Brown and S. Albert Johnson; and on April 6, 1978, from Robert Hart; on April 7, 1978, from L. T. Gucker; on April 10, 1978, from John Spanbauer, Sam McNabb, and Paula G. Crandall.

The Department has set the matter of protests for conference and/or hearing for Tuesday, May 23, 1978, at 2:00 p.m., in the Idaho State Highway Department Building, south of the city in Pocatello, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 3<sup>rd</sup> day of May, 1978.

  
RONALD D. CARLSON  
Supervisor, Eastern Region

**MICROFILMED**

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MAY 4 1978

Department of Water Resources  
Eastern District Office

Pocatello, Id

May 2, 1978

Mr. Ron Carlson

Idaho Water Resources Board

Dear Sir:

Regarding application permit no. 29-7437 - Simplot, Mrs. Veda Rupp, Mr. Robert Hart, and myself, met with Mr. J. L. Smith, Mr. Jim Higgins & Mr. John Cochran at my house on May 1. Our differences were not resolved, therefore, we are looking forward to a formal hearing at your earliest convenience. Also, has the city of Pocatello applied for a permit? If so, I did not get a notice.

Many thanks

John Spanbauer

Rt 1, Box 82

Pocatello, Id

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

May 4, 1978

Mr. John Bright  
Office Manager  
Department of Highways  
P.O. Box 4700  
Pocatello, Idaho 83201

Dear Mr. Bright:

This is to confirm the use of the Conference Room in the Highway Building for conference and/or hearing to be held by this Department on Tuesday, May 23, 1978, beginning at 2:00 p.m.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY  
Secretary

RECEIVED

# DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

Name and Address of Sender

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED C.O.D. ☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT

| NUMBER OF ARTICLE | NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS         | POSTAGE | FEE | R.R. FEE | REST. DEL. FEE | ACTUAL VALUE        | HANDLING CHARGE | REMARKS* |
|-------------------|-----------------------------------------------------------|---------|-----|----------|----------------|---------------------|-----------------|----------|
| 1 1003            | Roger & Nelsa Sprague, Rt 4, Idaho Falls, Id.             | 13      | 60  |          |                |                     |                 | 25-1103  |
| 1004              | Waxford, Bloomington Id.                                  |         |     |          |                |                     |                 | 11-1058  |
| 1005              | Grant Voths, Paris Id.                                    |         |     |          |                |                     |                 | "        |
| 1006              | Law & Keller, 852 Washington, Montpelier                  |         |     |          |                |                     |                 | "        |
| 1007              | Blythe Nelson, Box 197, Mtn. Spr. Id.                     |         |     |          |                |                     | 11-7097         | "        |
| 1008              | James Coyle, Bloomington Id.                              |         |     |          |                |                     |                 | "        |
| 1009              | Arthur C. Miller, M. Okla. Id.                            |         |     |          |                |                     |                 | "        |
| 1010              | Leonard Zinghoff, C. P. Box 915, Soda Spg.                |         |     |          |                |                     |                 | "        |
| 1011              | Ways & Lague, Bloomington Id.                             |         |     |          |                |                     |                 | "        |
| 1012              | Orville Kline, 484 Washington, Montpelier Id.             |         |     |          |                |                     | 11-7097         | "        |
| 1013              | Wynne Allen, Charles & Ward, 526 W. 1st, Portland, Oregon |         |     |          |                |                     |                 | 11-7097  |
| 1014              | Madella Pittman, 177-27, Kichford, Utah                   |         |     |          |                |                     | 11-1058         | "        |
| 13                | Sent by Certified Mail 5.04.78 C.W.                       |         |     |          |                |                     |                 |          |
| 1.                | Not Certified: Russell Steyer, 299 E 3rd N, Soda          |         |     |          |                | 11-0549             | 13-1227 11-0554 | 11-1058  |
| 15                | Mr. Everett Smith, Box 62, Thaco, Id.                     |         |     |          |                | 11-0548, 0549, 0554 | 13-1227         |          |
| 16                | Albert M. Johnson, Health Dept. City of Pocatello, Idaho  |         |     |          |                |                     |                 | 29-1137  |
| 17                |                                                           |         |     |          |                |                     |                 |          |
| 18                |                                                           |         |     |          |                |                     |                 |          |
| 19                |                                                           |         |     |          |                |                     |                 |          |
| 20                |                                                           |         |     |          |                |                     |                 |          |

TOTAL NO. OF PIECES LISTED BY SENDER

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TOTAL NO. OF PIECES REC'D AT P.O.

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POSTMASTER (Name of receiving employee)

*[Signature]*

\*Show under "Remarks" class postage paid if other than first or if international

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

\* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-159-788

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

# DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

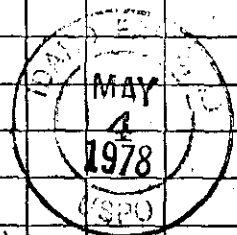
Name and  
Address  
of Sender

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|----------------------|--------------------------------------------------------|---------|-----|-------------|----------------------|-----------------|--------------------|-------------|
| 1                    | 963 Kenneth W. Smith, Rt. 1, Box 41, American Falls    | 13      | 60  |             |                      |                 |                    | 35-1766     |
| 2                    | 964 Gary L. Linder & Jim Evans Rt. #1, Box 46, H.M.    |         |     |             |                      |                 |                    | "           |
| 3                    | 965 Ben Cravens P.O. Box 70, Am. Falls, Id.            |         |     |             |                      |                 |                    | "           |
| 4                    | 966 Stuart Crane, Pocatello, Id.                       |         |     |             |                      |                 |                    | 11-0253     |
| 5                    | 967 Don W. Millett, Shoshone, Id. East Green Creek     |         |     |             |                      |                 | 11-0548            | "           |
| 6                    | 968 Randall C. Budge, P.O. Box 833, Soda Springs, Id.  |         |     |             |                      |                 | 11-0548            | "           |
| 7                    | 969 Howard Knapp, P.O. Box 915, Soda Springs           |         |     |             |                      |                 |                    | "           |
| 8                    | 970 J. H. Apple, P.O. Box 27, Boise, Id.               |         |     |             |                      |                 |                    | 29-7437     |
| 9                    | 971 J. H. Apple, P.O. Box 912, Pocatello, Id.          |         |     |             |                      |                 |                    | "           |
| 10                   | 972 Carl J. Miller, 475 Yellowstone, Pocatello, Id.    |         |     |             |                      |                 |                    | "           |
| 11                   | 973 Mike Vetter, Pocatello, Id.                        |         |     |             |                      |                 |                    | "           |
| 12                   | 974 J. Albert Johnson, Rt. #2, Box 319, Pocatello, Id. |         |     |             |                      |                 |                    | "           |
| 13                   | 975 Mr. J. H. Spaulding, Rt. #1, Box 82, Pocatello     |         |     |             |                      |                 |                    | "           |
| 14                   | 976 Robert L. Carson, Rt. #2, Box 134, Pocatello, Id.  |         |     |             |                      |                 |                    | "           |
| 15                   | 977 Robert J. Hart, 9236 Chubbuck Rd, Pocatello, Id.   |         |     |             |                      |                 |                    | "           |
| 16                   | 978 L. J. Muckey, Rt. #1, Box 88, Pocatello, Id.       |         |     |             |                      |                 |                    | "           |
| 17                   | 979 Paula L. Grandall, Rt. #2, Box 21, Pocatello, Id.  |         |     |             |                      |                 |                    | "           |
| 18                   | 980 Don Mc Nabb, Rt. #1, Box 62, Pocatello, Id.        |         |     |             |                      |                 |                    | "           |
| 19                   | 981 Merlin R. Smith, Rt. #1, Box 118, Shaci            |         |     |             |                      |                 |                    | 11-0548 etc |
| 20                   | 982 Don W. & Richard W. Millett, Shoshone, Id.         |         |     |             |                      |                 |                    | 11-0549     |



Int. by Certified  
mail 5-04-78  
Cal

TOTAL NO. OF PIECES  
LISTED BY SENDER

20

TOTAL NO. OF  
PIECES REC'D AT P.O.

20

POSTAGE PER (Name of receiving employee)

J. H. Apple

\*Show under "Remarks" class postage paid if other than first or  
if international

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                    |   |                      |
|------------------------------------|---|----------------------|
| In the Matter of Protests Against  | ) |                      |
|                                    | ) |                      |
| Approval of Application for Permit | ) |                      |
|                                    | ) |                      |
| No. 29-7437 in the Name of J. R.   | ) |                      |
|                                    | ) | NOTICE OF CONFERENCE |
| SIMPLOT COMPANY                    | ) |                      |
|                                    | ) | AND/OR HEARING       |

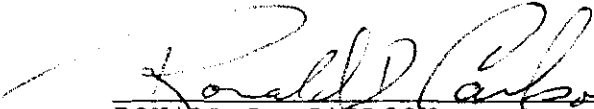
On January 27, 1978, the J. R. Simplot Company filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On March 23, 1978, the Department received a protest against approval of said application from Roy F. Miller. On March 31, 1978, an additional protest was received from Mrs. Veda Rupp. Additional protests were also received on April 4, 1978, from Robert L. Brown and S. Albert Johnson; and on April 6, 1978, from Robert Hart; on April 7, 1978, from L. T. Gucker; on April 10, 1978, from John Spanbauer, Sam McNabb, and Paula G. Crandall.

The Department has set the matter of protests for conference and/or hearing for Tuesday, May 23, 1978, at 2:00 p.m., in the Idaho State Highway Department Building, south of the city in Pocatello, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 3<sup>rd</sup> day of May, 1978.

  
RONALD D. CARLSON  
Supervisor, Eastern Region

MINERALS & CHEMICAL DIVISION

April 27, 1978

RECEIVED

APR 28 1978

Department of Water Resources  
Eastern District Office

Mr. Roy F. Miller  
475 Yellowstone, Suite G  
Pocatello, Idaho 83201

Dear Mr. Miller:

As you know, we have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We hope that, in meeting with you and with the Project Engineer for the Fort Hall Project, we have satisfactorily answered your questions and concerns in this matter.

If you have further concerns that you wish to discuss, please call me at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

*Jack L. Smith*  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

MICROFILMED

MINERALS & CHEMICAL DIVISION

April 26, 1978

RECEIVED

APR 27 1978

Department of Water Resources  
Eastern District Office

Mr. Sam McNabb  
Route 1, Box 62  
Pocatello, Idaho 83201

Dear Mr. McNabb:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

*Jack L. Smith*  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

REPROFILMED

MINERALS & CHEMICAL DIVISION

April 26, 1978

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APR 27 1978

Department of Water Resources  
Eastern District Office

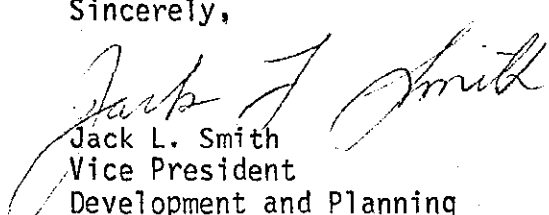
Mr. Robert L. Brown  
Route 2 North  
Pocatello, Idaho 83201

Dear Mr. Brown:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

RECEIVED

MINERALS & CHEMICAL DIVISION

April 26, 1978

**RECEIVED**

APR 27 1978

Department of Water Resources  
Eastern District Office

Mrs. Paula G. Crandall  
Route 2, Box 21-X  
Pocatello, Idaho 83201

Dear Mrs. Crandall:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

*Jack L. Smith*  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

**MICROFILMED**

MINERALS & CHEMICAL DIVISION

April 26, 1978

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APR 27 1978

Department of Water Resources  
Eastern District Office

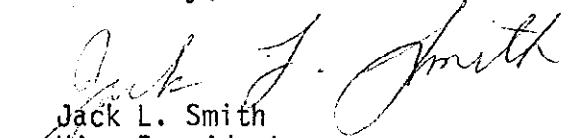
Mr. John Spanbauer  
Route 1, Box 82  
Pocatello, Idaho 83201

Dear Mr. Spanbauer:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

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MINERALS & CHEMICAL DIVISION

April 26, 1978

**RECEIVED**

APR 27 1978

Department of Water Resources  
Eastern District Office

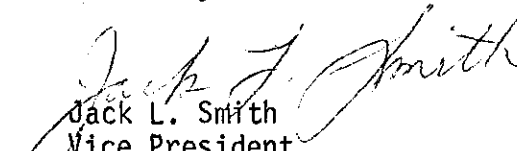
Mr. L. T. Gucker  
Route 1 North, Box 88  
Pocatello, Idaho 83201

Dear Mr. Gucker:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

**RECEIVED**



MINERALS & CHEMICAL DIVISION

April 26, 1978

RECEIVED

APR 27 1978

Department of Water Resources  
Eastern District Office

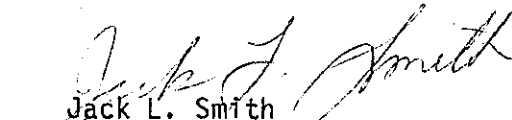
Mr. Robert Hart  
929 East Chubbuck Road  
Pocatello, Idaho 83201

Dear Mr. Hart:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

RECEIVED



MINERALS & CHEMICAL DIVISION

April 26, 1978

**RECEIVED**

**APR 27 1978**

Department of Water Resources  
Eastern District Office

Mr. S. Albert Johnson  
Route 2 North, Box 219  
Pocatello, Idaho 83201

Dear Mr. Johnson:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

**INDEXED**

MINERALS & CHEMICAL DIVISION

April 26, 1978

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APR 27 1978

Department of  
Eastern District

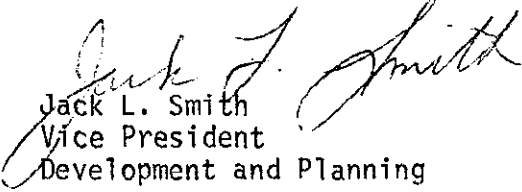
Mrs. Veda Rupp  
Route 2, Box 19  
Pocatello, Idaho 83201

Dear Mrs. Rupp:

We have been advised by Mr. Ronald Carlson of the Idaho Department of Water Resources that you have filed a protest with that agency concerning our proposed transport of wastewater by pipeline to a Tyhee impoundment site for use in a joint irrigation/fertilization project with the City of Pocatello. We believe that we can satisfactorily answer your questions and concerns in this matter and would welcome the opportunity of doing so.

If you are interested in discussing your concerns and having your questions answered, please call me in Pocatello, at 233-7500, so that we can arrange a meeting time and place.

Sincerely,

  
Jack L. Smith  
Vice President  
Development and Planning

elm

cc: Mr. Ronald Carlson  
Idaho Department of Water Resources

ENCLOSURE



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

April 25, 1978

RE: Application for Permit No. 29-7437

Mr. Bob Hart  
929 Chubbuck Road  
Pocatello, ID 83201

Dear Mr. Hart:

Pursuant to our telephone conversation today, enclosed please find a copy of the above referenced application for permit.

Very truly yours,

MARLENE EMPEY  
Secretary

Enclosure

RECEIVED



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

April 14, 1978

RE: Application for Permit No. 29-7437 J.R. SIMPLOT (correction)

Power County Press  
174 Idaho Street  
American Falls, Idaho 83211

Gentlemen:

We are resubmitting a legal notice to be published on April 20 and April 27, 1978. This notice was originally published in your newspaper on March 23 and March 30, 1978; but unfortunately, it was advertised incorrectly. As we did not receive a galley proof, we had no way of checking the accuracy of this legal notice before it went to print.

We, therefore, request that this be advertised again at your expense. Please submit a galley proof before the first date of publication for your review.

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 date of publication. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this Department. Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Enc: Legal Notice (1)

RECEIVED  
MAY 1 1978

NOTICE OF CORRECTION

Notice is hereby given that application No. 29-7437 in the name of J. R. Simplot was advertised incorrectly on March 23 and March 30, 1978. The place of use was advertised as being within the  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ , Sec. 29,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 27,  $SW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 26,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ , Sec. 31,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ , Sec. 32,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ , Sec. 33,  $E\frac{1}{2}$ , Sec. 34, Sec. 25,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ , Sec. 30,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ , Sec. 36, T. 5S, R. 34E;  $S\frac{1}{2}SE\frac{1}{4}$ , Sec. 1,  $NE\frac{1}{4}$ , Sec. 11.  $NE\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ , Sec. 12, T. 6S, R. 33E;  $S\frac{1}{2}S\frac{1}{2}$ , Sec. 7,  $SW\frac{1}{4}$ , Sec. 8,  $NE\frac{1}{4}NW\frac{1}{4}$ , Sec. 17,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ , Sec. 18,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 2,  $NE\frac{1}{4}$ , Sec. 3,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 5,  $N\frac{1}{2}N\frac{1}{2}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ , Sec. 6, T. 6S, R. 34E, B.M.

WHEREAS, the actual place of use is within the  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ , Sec. 29,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 27,  $SW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ , Sec. 26,  $SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ , Sec. 31,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}$ , Sec. 32,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ , Sec. 33,  $E\frac{1}{2}$ , Sec. 34, Sec. 25,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ , Sec. 30,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ , Sec. 36, T. 5S, R. 34E;  $S\frac{1}{2}SE\frac{1}{4}$ , Sec. 1,  $NE\frac{1}{4}$ , Sec. 11,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ , Sec. 12, T. 6S, R. 33E;  $S\frac{1}{2}S\frac{1}{2}$ , Sec. 7,  $SW\frac{1}{4}$ , Sec. 8,  $NE\frac{1}{4}NW\frac{1}{4}$ , Sec. 17,  $N\frac{1}{2}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ , Sec. 18,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 2,  $NE\frac{1}{4}$ , Sec. 3,  $W\frac{1}{2}NW\frac{1}{4}$ , Sec. 5,  $N\frac{1}{2}N\frac{1}{2}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ , Sec. 6, T. 6S, R. 34E, B.M.

Any protests against the granting of this permit as a result of this correction must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May <sup>-8-</sup> 1978.

C. STEPHEN ALLRED

Director

Published in the Power County Press, American Falls, Idaho, on April 20 and 27 1978.

*Handwritten:* filed. Power County Press  
**MISPLACED**  
*Handwritten:* J. R.



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

April 11, 1978

RE: Application for Permit No. 29-7437

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

ATTN: Ronald N. Graves, Attorney

Dear Mr. Graves:

Enclosed are copies of three additional protests filed against the issuance of a permit pursuant to your Application No. 29-7437 in behalf of J. R. Simplot Company.

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

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CS

Enclosures (3)

cc: Jack Smith, Pocatello

**MICROFILMED**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

April 11, 1978

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: Application for Permit No. 29-7437 SIMPLOT

Mr. Sam McNabb  
Rt. #1, Box 62  
Pocatello, ID 83201

Dear Mr. McNabb:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CS

cc: IDWR - State Office

RECORDED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

April 11, 1978

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: application for Permit No. 29-7437 SIMPLOT

Mr. John Spanbauer  
Rt. #1, Box 82  
Pocatello, ID 83201

Dear Mr. Spanbauer:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CS

cc: IDWR - State Office

APPROVED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

April 11, 1978

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: Application for Permit No. 29-7437 SIMPLOT

Paula G. Crandall  
Rt. 2, Box 21-X  
Pocatello, ID 83201

Dear Ms. Crandall:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC: CS

cc: IDWR - State Office

MICROFILMED

April 7, 1978

RE: Application for Permit No. 29-7437 SIMPLOT

L. T. Gucker  
Rt. #1 North, Box 88  
Pocatello, ID 83201

Dear Mr. Gucker:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CS

cc: IDWR - State Office

**MICROFILMED**

Route #1 North, Box 88  
Pocatello, Idaho 83201  
April 4, 1978

3DF  
**RECEIVED**

APR 7 1978  
Department of Water Resources  
Eastern District Office

Ronald D. Carlson, Supervisor  
Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Dear Sir:

In regard to your letter to Mr. John Spanbauer, I have a few questions that have not been answered sufficiently.

In contacting the farmers around here, where are the acres claimed?

What will the pond do to the land value and quality of life surrounding it?

Why haven't we been contacted about a right of way easement through our property?

How will Simplot be able to control the amount of nitrogen, phosphate, and nutrients through the pipeline? Also, how can any farmer put the fertilizer on if given water only once a week, and how can he anticipate his needs when he has to order his water or fertilizer 60 days in advance?

If the ground above Bureau of Reclamation water way gets the sewage effluent and the Tyhee flats gets Simplot effluent only, how can the needs of everyone be satisfied through one 24 inch pipeline?

Even if this was competent and useful waste, this area is building so fast that the pond would be useful for a very limited time only.

There are still many more questions and if at all possible, could you schedule a meeting so some of these questions could be aired and answered.

Yours truly,

  
L. T. Gucker

**MICROFILMED**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

April 7, 1978

RE: Application for Permit No. 29-7437

Mr. Ronald N. Graves  
Attorney  
J. R. Simplot Co.  
P.O. Box 27  
Boise, ID 83707

Dear Mr. Graves:

Enclosed is a copy of an additional protest filed against the issuance of a permit pursuant to your Application No. 29-7437 in behalf of J. R. Simplot Co.

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

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CS

Enclosure

cc: Jack Smith, Pocatello

MICROFILMED

April 6, 1978

RE: Application for Permit No. 29-7437

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

ATTN: Ronald N. Graves

Dear Mr. Graves:

Enclosed is a copy of an additional protest filed against the issuance of a permit pursuant to your Application No. 29-7437.

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

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD

Enclosure

cc: Jack Smith, Pocatello

**MICROFILMED**

John V. Evans  
Governor

April 6, 1978

Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: Application for Permit No. 29-7437 SIMPLOT

Mr. Robert Hart  
929 East Chubbuck Road  
Pocatello, ID 93201

Dear Mr. Hart:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD

cc: IDWR - State Office

ENCLOSURE



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
*EASTERN REGION*

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

April 4, 1978

RE: Application for Permit No. 29-7437

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

ATTN: Ronald Graves

Dear Mr. Graves:

Enclosed is a copy of two additional protests filed against the issuance of a permit pursuant to your Application No. 29-7437. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

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

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD

Enclosures: 2

cc: Jack Smith

**MAIL**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

April 4, 1978

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: Application for Permit No. 29-7437 J. R. Simplot

Mr. Robert L. Brown  
Rt. #2 No., Box 124  
Pocatello, ID 83201

Dear Mr. Brown:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD

cc: IDWR - State Office

MAINTAINED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

April 4, 1978

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: Application for Permit No. 29-7437 J.R. SIMPLOT CO.

S. Albert Johnson  
Rt. #2 North, Box 219  
Pocatello, ID 83201

Dear Mr. Johnson:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD

cc: IDWR - State Office

Microfilm

April 4, 1978

RE: Application for Permit No. 29-7437 J. R. SIMPLOT

Mr. Albert M. Johnson  
Rt. #2, Box 212  
Pocatello, Idaho 83201

Dear Mr. Johnson:

Thank you for your letter dated April 3, 1978. Please be advised that the Department is currently processing the above referenced application and the last date of protest is April 10, 1978.

If we can be of any further assistance, please feel free to contact this office.

Respectfully submitted,

ERNEST M. CARLSEN  
Water Resource Agent

EMC:cw

MICROFILMED

APRIL 3, 1978

Albert M. Johnson

ROUTE 2 NORTH, BOX 212  
POCATELLO, IDAHO

RECEIVED

APR 4 1978

Department of Water Resources  
Eastern District Office

Ernest M. Carlsen  
Dept. of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Dear Mr. Carlsen:

It has come to my attention that the City of Pocatello and J. R. Simplot, in applying for a water use permit with you, may have included my land in those who might use the affluent. This is not the case, and I can see no way that it can be of benefit to our use. Therefore I am not entering into the agreement with them.

Would you please let me know the status of this situation?

Sincerely,

Albert M. Johnson  
Route 2 No. Box 212  
Pocatello, Idaho 83201



RECEIVED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

March 31, 1978

RE: Application for Permit No. 29-7437

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

ATTN: Ronald N. Graves, Associate General Counsel

Dear Mr. Graves:

Enclosed is a copy of an additional protest filed against the issuance of a permit pursuant to your Application No. 29-7437.

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD

Enclosure

cc: Jack Smith

**RECEIVED**



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

March 31, 1978

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: Application for Permit No. 29-7437 SIMPLOT

Mrs. Veda Rupp  
Rt. 2, Box 19  
Pocatello, ID 83201

Dear Mrs. Rupp:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC: CD

cc: IDWR - State Office

FILED

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

GENERAL OFFICE

March 29, 1978

RECEIVED

MAR 31 1978

Department of Water Resources  
Eastern District Office

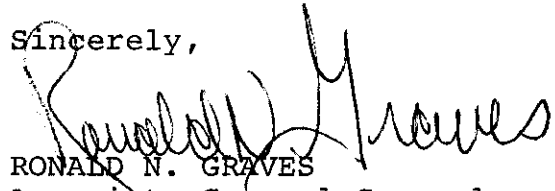
Mr. Ron Carlsen  
State of Idaho  
Department of Water Resources  
Eastern Idaho District  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

RE: Water Permit Application No. 29-7437

Dear Mr. Carlsen:

In connection with the above referenced application for water permit, I am furnishing you with letters executed by various individuals named in the preliminary title report on whose property the water will be used. I have a couple more signatures to get, and will forward them to you directly. This should answer the question you raised regarding the right of the J. R. Simplot Company to include the land of others in the application.

Sincerely,

  
RONALD N. GRAVES  
Associate General Counsel

RNG/jw

Enclosures

MICROFILMED

Date 27 March 1978

TO WHOM IT MAY CONCERN:

The undersigned has a possessory interest in following described property located in Power County Idaho.

RECEIVED

MAR 31 1978

Department of Water Resources  
Eastern District Office

East 1/2 of Section 12, T.6 S., R.33 E., B.M.  
and south 300 feet of SE 1/4 of Section 1,  
T.6 S., R.33 E., B.M., Power County, Idaho

I am negotiating with the City of Pocatello to obtain wastewater from the proposed City-Simplot land irrigation system for use on the above described land. I certify to you that I have requested Simplot to include the above lands in its application for a water permit.

Constance A. Moss

City Manager  
City of Pocatello

CITY OF POCA TELLO

TO WHOM IT MAY CONCERN:

The undersigned has a possessory interest in the following described property located in Bannock County, Idaho:

RECEIVED

MAR 31 1978

Department of Water Resources  
Eastern District Office

SE 1/4, of Section 30, T.5 S., R.34 E., B.M.,  
Bannock County, Idaho

I am negotiating with the City of Pocatello to obtain wastewater from the proposed City-Simplot land irrigation system for use on the above described land. I certify to you that I have requested Simplot to include the above lands in its application for a water permit.

Boyd H. Henderson, President  
Pocatello West Stake

WEST

POCATELLO

STAKE

Date: March 29, 1978

TO WHOM IT MAY CONCERN:

The undersigned has a possessory interest **MAR 31 1978**  
in the following described property located in  
Bannock County, Idaho: Department of Water Resources  
Eastern District Office

W 1/2, SW 1/4 of Section 26, T.5 S., R. 34 E.,  
B.M., Bannock County, Idaho; and that portion of  
the E 1/2, SW 1/4, lying west of Hiline Road in  
said Section 26, T.5 S., R.34 E., B.M.; and that  
portion of the E 1/2, SE 1/4, lying east of Union  
Pacific R.R. tracks in Section 27, T.5 S., R.34 E.,  
B.M., Bannock County, Idaho.

I am negotiating with the City of Pocatello to  
obtain wastewater from the proposed City-Simplot land  
irrigation system for use on the above described land.  
I certify to you that I have requested Simplot to include  
the above lands in its application for a water permit.

George Shiozawa

GEORGE

SHIOZAWA

Date: MAR 29 1978

TO WHOM IT MAY CONCERN:

The undersigned has a possessory interest  
in the following described property located in  
Bannock County, Idaho:

RECEIVED

MAR 31 1978

Department of Water Resources  
Eastern District Office

E 1/2 of Section 34, T.5 S., R.34 E., B.M.  
Bannock County, Idaho; and the NE 1/4, Section 3  
T.6 S., R.34 E., B.M., Bannock County, Idaho; and  
that portion of the W 1/2, NW 1/4, lying west of  
Hiline Road in Section 2, T.6 S., R. 34 E., B.M.,  
Bannock County, Idaho.

I am negotiating with the City of Pocatello to  
obtain wastewater from the proposed City-Simplot land  
irrigation system for use on the above described land.  
I certify to you that I have requested Simplot to include  
the above lands in its application for a water permit.

George Shiozawa

GEORGE

SHIOZAWA

Date: 23 March 1978

TO WHOM IT MAY CONCERN:

RECEIVED

The undersigned has a possessory interest  
in the following described property located in  
Bannock County, Idaho:

MAR 31 1978

Department of Water  
Eastern District Office

W 1/2, NE 1/4; SE 1/4, NE 1/4; NE 1/4, SE 1/4  
of Section 29, T.5 S., R.34 E., B.M., Bannock  
County, Idaho

I am negotiating with the City of Pocatello to  
obtain wastewater from the proposed City-Simplot land  
irrigation system for use on the above described land.  
I certify to you that I have requested Simplot to include  
the above lands in its application for a water permit.

Royd F. Henderson  
President Pocatello West Stake

WEST

POCATELLO

STAKE

Date: March 29, 1978

TO WHOM IT MAY CONCERN:

RECEIVED

The undersigned has a possessory interest **MAR 31 1978**  
in the following described property located in  
Bannock County, Idaho:

Department of Agriculture  
Eastern District Office

That ~~portion of the E 1/2~~<sup>71K</sup>, SW 1/4, lying south  
of ~~2 1/2 Mile Road~~, and east of the Fort Hall  
~~irrigation canal~~, in Section 26, T.5 S., R.34 E.,  
B.M., Bannock County, Idaho.

I am negotiating with the City of Pocatello to  
obtain wastewater from the proposed City-Simplot land  
irrigation system for use on the above described land.  
I certify to you that I have requested Simplot to include  
the above lands in its application for a water permit.

Edwin R. DeKay

EDWIN

DEKAY

Date: March 24, 1978

RECEIVED

TO WHOM IT MAY CONCERN:

The undersigned has a possessory interest in the following described property located in Bannock County, Idaho:

MAR 31 1978

Department of Lands  
Eastern District Office

E 1/2, SE 1/4 of Section 26, T.5 S., R.34 E., B.M.  
Bannock County, Idaho.

I am negotiating with the City of Pocatello to obtain wastewater from the proposed City-Simplot land irrigation system for use on the above described land. I certify to you that I have requested Simplot to include the above lands in its application for a water permit.

Edwin R. DeKay

EDWIN

DEKAY

te: 7668 27 1978

TO WHOM IT MAY CONCERN:

The undersigned has a possessory interest in the following described property located in Bannock County, Idaho:

RECEIVED

MAR 31 1978

Department of Interior Resources  
Eastern District Office

That portion of Section 25, T.5 S., R.34 E., B.M. Bannock County, Idaho, lying east of Interstate 15; and that portion of Section 25, T.5 S., R.34 E., B.M., Bannock County, Idaho, lying west of Interstate 15; and the NE 1/4 Section 36, T.5 S., R.34 E., B.M., Bannock County, Idaho; and the N 1/2, NW 1/4 of Section 36, T.5 S., R.34 E., B.M., Bannock County, Idaho.

I am negotiating with the City of Pocatello to obtain wastewater from the proposed City-Simplot land irrigation system for use on the above described land. I certify to you that I have requested Simplot to include the above lands in its application for a water permit.

*Brent Giff* Pres.  
*White Water Corp.*

WHITE WATER

CORP.



BDF

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

April 11, 1978

RE: Application for Permit No. 29-7437

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

ATTN: Ronald N. Graves, Attorney

Dear Mr. Graves:

Enclosed are copies of three additional protests filed against the issuance of a permit pursuant to your Application No. 29-7437 in behalf of J. R. Simplot Company.

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

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CS

Enclosures (3)

cc: Jack Smith, Pocatello

BDD

MICROFILMED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

March 29, 1978

Mr. Ronald N. Graves  
Attorney  
J. R. Simplot Company  
P.O. Box 27  
Boise, Idaho 83707

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 29-7437. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC: CW

Enc

cc: Jack Smith, J.R. Simplot, P.O. Box 912, Pocatello, ID 83201

Microfilmed



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

March 29, 1978

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

C. Stephen Allred  
Director

RE: Application for Permit No. 29-7437 SIMPLOT'S

Mr. Roy F. Miller  
Professional Management Consultant  
475 Yellowstone, Suite G  
Pocatello, Idaho 83201

Dear Mr. Miller:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC: CW

cc: IDWR - State Office

MICROFILMED

On 10/10/68  
The following  
has been received from  
4 individuals, all of whom  
are active in the  
movement for a  
peaceful resolution  
of the Vietnam  
situation.  
10/10/68

J.R. Simplot Co.

P.O. Box 912

Pocatello, Id.

83201

Att. Jack Smith

Send copy of Protest  
to above - also.

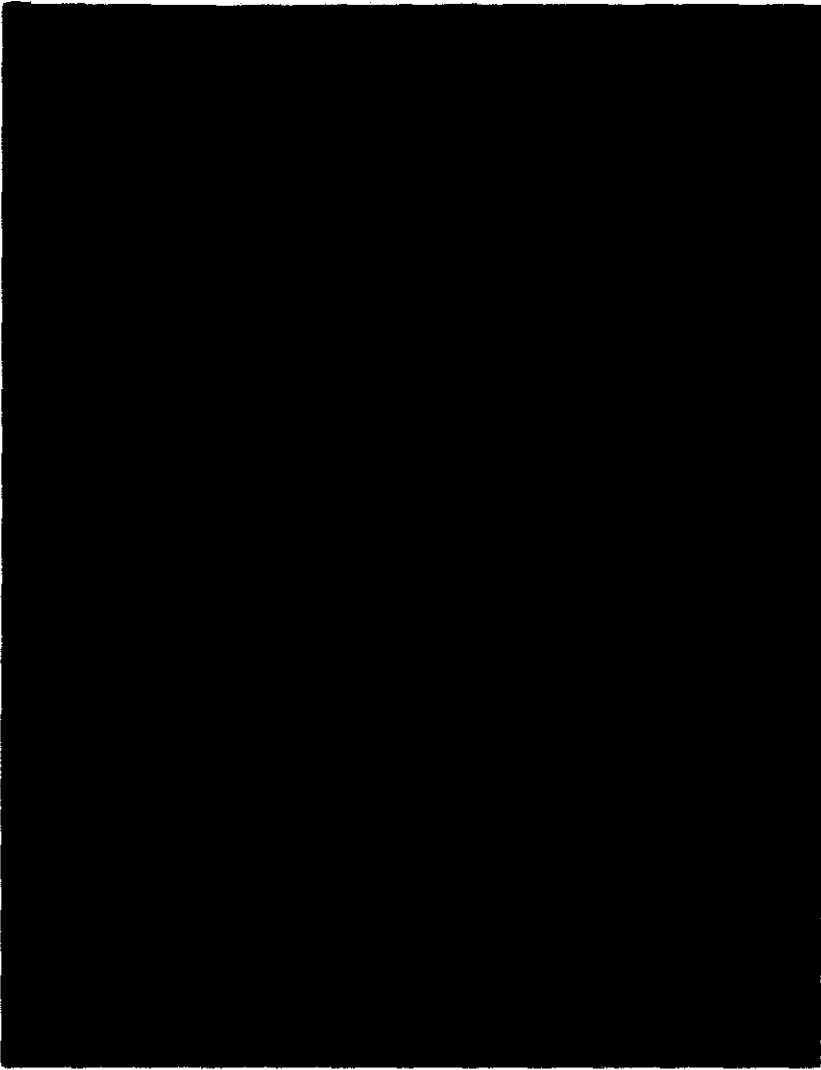
**MICROFILMED**

Colleen,

Though this protest  
does not relate to the  
4 criteria the department  
can consider, we must still  
accept it as a protest;  
process it as such.

EMC

Ron Thacker won't appreciate this.





# STATE OF IDAHO

**RECEIVED**  
MAR 24 1978

Department of Water Resources  
Eastern District Office

## DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT  
636 Pershing  
Pocatello, Idaho  
83201

23 March 1978

Ronald Carlson, Supervisor  
Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

Re: Application #29-7437  
(Power County)

Dear Ron:

We have reviewed the subject application, submitted by J. R. Simplot Co., P.O. Box 27, Boise, Idaho, to appropriate the public waters of the State of Idaho (effluent from industrial plant collected in equalizing pond, pumped to surge pond and impoundment area, then piped to irrigation area).

We are familiar with the project, and have extended conceptual approval.

Yours very truly,

Henry L. Moran, P.E.  
Rgnl. Environmental Supervisor

HLM/md  
CC: Jack Smith  
J. R. Simplot Co.  
Pocatello

**RECORDED**

March 20, 1978

RE: Application for Permit No. 29-7437 SIMPLOT

Mr. John Spanbauer  
Rt. #1, Box 82  
Pocatello, Idaho 83201

Dear Mr. Spanbauer:

We are enclosing a copy of an application that may be of interest to you. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is April 10, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

ERNEST M. CARLSEN  
Water Resource Agent

EMC:CW

Enclosure

**MICROFILMED**

March 20, 1978

RE: Application for Permit No. 29-7437 SIMPLOT

Mr. S. Albert Johnson  
Rt. #2, Box 219  
Pocatello, Idaho 83201

Dear Mr. Johnson:

We are enclosing a copy of an application that may be of interest to you. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is April 10, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

ERNEST M. CARLSEN  
Water Resource Agent

EMC:CW

Enclosure

**MICROFILMED**

March 20, 1978

RE: Application for Permit No. 29-7437 SIMPLOT

Ms. Veda Rupp  
Rt. #2, Box 19  
Pocatello, Idaho 83201

Dear Ms. Rupp:

We are enclosing a copy of an application that may be of interest to you. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is April 10, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

ERNEST M. CARLSEN  
Water Resource Agent

EMC:CW

Enclosure

**MICROFILMED**

March 20, 1978

RE: Application for Permit No. 29-7437 SIMPLOT

Mr. Henry Moran  
Regional Supervisor  
Department of Health & Welfare  
636 Pershing  
Pocatello, Idaho 83201

Dear Mr. Moran:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is April 10, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Enclosure

**MICROFILMED**

March 20, 1978

RE: Application for Permit No. 29-7437 SIMPLOT

City of Pocatello  
P.O. Box 4169  
Pocatello, Idaho 83201

Gentlemen:

We are enclosing a copy of an application that may be of interest to you. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is April 10, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Enclosures

RECORDED

March 20, 1978

RE: Application for Permit No. 29-7437 SIMPLOT

Mr. John Renoux  
Project Manager  
Fort Hall Project  
Rt. #1, Siphon Road  
Pocatello, Idaho 83201

Dear Mr. Renoux:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is April 10, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Enclosure

MICROFILMED



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

GENERAL OFFICE

March 17, 1978

State of Idaho  
Department of Water Resources  
1515 Lincoln Road  
Idaho Falls, Idaho 83401

RE: Application for Permit No. 29-7437

Gentlemen:

Enclosed is J. R. Simplot Company's amended Application for Permit Number 29-7437. This amended application is submitted for purposes of correcting and amending our previously submitted application.

Sincerely,

RONALD N. GRAVES  
Associate General Counsel

RNG/jw

Enclosure

**MICROFILMED**

March 17, 1978

RE: Application for Permit No. 29-7437 SIMPLOT'S

Power County Press  
174 Idaho Street  
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

Bill submitted 4-05-78 by ew

RDC:CW

Enc: Legal Notice (1)

**MICROFILMED**

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that J. R. Simplot Company, Boise, Idaho, has on 3-17-78 submitted Application No. 29-7437 for a permit to appropriate 4.25 cubic feet per second and 860 acre feet per annum of industrial waste water to be used from Jan. 1 to Dec. 31 for storage for irrigation by means of a pond and pipeline within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 7, T. 6S, R. 34E, B.M., Power County; and for the diversion of 4.25 cubic feet per second of water to be used from Mar. 15 to Nov. 15 for the irrigation of ~~4,405~~<sup>4,335</sup> acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 29, E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 27, SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 31, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 33, E $\frac{1}{2}$ , Sec. 34, Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 30, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 36, T. 5S, R. 34E; S $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 1, NE $\frac{1}{4}$ , Sec. 11, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 12, T. 6S, R. 33E; S $\frac{1}{2}$ S $\frac{1}{2}$ , Sec. 7, SW $\frac{1}{4}$ , Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 17, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ S $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 18, W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 2, NE $\frac{1}{4}$ , Sec. 3, W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 5, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 6, T. 6S, R. 34E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 10, 1978.

C. STEPHEN ALLRED

Director

Published in the Power County Press, American Falls, Idaho, on March 23 and March 30, 1978.

*Called 3-20-78 & changed acreage amount*

*CW-A*  
**MICROFILMED**

*me-f.*



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

February 13, 1978

RE: Application for Permit No. 29-7437

Mr. Ronald Graves  
J. R. Simplot Company  
P.O. Box 27  
Boise, Idaho 83707

Dear Mr. Graves:

Enclosed please find a copy of the application for permit to appropriate industrial waste water recently filed with our Department in Boise. As you may already know, the Department receipted the original application with the understanding that additional information was required. This information concerned the volume of water to be stored for irrigation. The original application stated the total reservoir capacity is expected to be 860 A.F. This volume should have been indicated in Items 4 and 5, which has been done on the copy. For storage applications, it is also necessary to state the rate of diversion for irrigation from storage. Since the City of Pocatello also filed on the same place of use, the maximum rate of diversion for this application is 120 c.f.s. although 80 c.f.s. would provide sufficient irrigation for the proposed acreage. Having determined the desired rate please indicate it under Item 4.

There also appears to be an error in the land list. In cross referencing your land list with the one submitted by the City of Pocatello, it appears the range for the last three sections, on page 3, should be 33 East rather than 34 East.

It should be further noted that the mandatory filing fee for 860 A.F. is \$105.00. Since the Department already received \$65.00 with the original application, please submit the \$40.00 difference when the new application is filed with our office. The day the new application is receipted will be the priority date for your filing.

Should you have questions concerning the above mentioned items, please feel free to contact me at this office.

Respectfully submitted,

*Ernest M. Carlsen*  
ERNEST M. CARLSEN  
Water Resource Agent

EMC:cw

Enclosures

**MICROFILMED**



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

GENERAL OFFICE

RECEIVED

FEB 6 1978

Department of Water Resources  
Eastern District Office

January 27, 1978

State of Idaho  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720

Gentlemen:

Enclosed is J. R. Simplot Company's Application for Permit, which we are submitting for filing in your office, together with our check covering your filing fee. If you have any questions regarding the enclosed, please contact the undersigned.

Sincerely,

RONALD N. GRAVES  
Associate General Counsel

jw

Enclosures

RECEIVED

Veda Rupp  
Rt 2 Box 19  
Pocatello, Idaho. 83201

S. Albert Johnson  
Rt 2 Box 219  
Pocatello, Idaho 83201

John Spanbauer  
Rt 1 Box 82  
Pocatello, Idaho 83201

Contact the above individuals when their application is advertised.

2025 RELEASE UNDER E.O. 14176

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. J.R. Simplot Company

Industrial Waste Water Source

- ☒ Point of Diversion  
☒ County  
☒ Quantity of Water and Period of Use  
☒ Description of Diverting Works  
☒ Time required for B/U of water  
☒ Place of Use or Acres Irrigated  
☒ Map  
☒ Signature  
☒ Fee

(1) ARK 3/20/78

In form to receipt yes

(2) \_\_\_\_\_

Send Copies to:

- ☒ Idaho State Health Department  
☐ Idaho Fish and Game Department  
☐ Bureau of Land Management  
☒ Fort Hall Indian Agency - City of Pocatello  
☐ Request Special Use Permit from U.S.F.S.  
☐ Request Easement from B.L.M.  
☐ Request Information from Applicant

(3) \_\_\_\_\_

(4) \_\_\_\_\_

In form for advertising yes

(5) \_\_\_\_\_

Platted on Map No. Topo AA 38 #39

(6) \_\_\_\_\_

Located within Water District No. Basin 29

(7) \_\_\_\_\_

n/a

Critical groundwater area: yes \_\_\_\_\_ no \_\_\_\_\_

(8) \_\_\_\_\_

n/a

Groundwater levels:

\_\_\_\_\_ Declining, \_\_\_\_\_ Stable, \_\_\_\_\_ Increasing

(comment) \_\_\_\_\_

(9) \_\_\_\_\_

Other rights on the same place of use no

conflicting right

(10) \_\_\_\_\_

Comments: Pre-permit exam will be necessary

(11) AW 4-05-78

Affidavit of Publication received (date) April 5-1978

(12) AW 5-01-78

Final date for protests May 8, 1978

(12) AW 3-23-78

Protests received: yes \_\_\_\_\_ no \_\_\_\_\_

(13) \_\_\_\_\_

All requested information received from agencies or applicant: yes \_\_\_\_\_ no \_\_\_\_\_

(14) RDC 8/30/78

Action recommended:

☒ Approve

\_\_\_\_\_ Deny

1/27/78 Proposed Priority

\_\_\_\_\_ Reason for Reduction \_\_\_\_\_

\_\_\_\_\_ Measuring device required

☒ See attached sheet for other conditions of approval

\_\_\_\_\_ No special conditions for approval

(15) District E

By RDC

Date 8/30/78

MICROFILMED  
Sept  
Slut

RECEIVED  
SEP 5 1978

Department of Water Resources

MEMO DECISION